

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

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

3 SEC. 2. TABLE OF CONTENTS.

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

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

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

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

Subtitle B—Improving the Academic Achievement of the Disadvantaged

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

- Sec. 120. Participation of children enrolled in private schools.
- Sec. 121. Fiscal requirements.
- Sec. 122. Coordination requirements.
- Sec. 123. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 124. Allocations to States.
- Sec. 125. Basic grants to local educational agencies.
- Sec. 126. Targeted grants to local educational agencies.
- Sec. 127. Adequacy of funding to local educational agencies in fiscal years after fiscal year 2001.
- Sec. 128. Education finance incentive grant program.
- Sec. 129. Carryover and waiver.
- Sec. 130. Title I portability.

Subtitle C—Additional Aid to States and School Districts

- Sec. 131. Additional aid.

Subtitle D—National Assessment

- Sec. 141. National assessment of title I.

Subtitle E—Title I General Provisions

- Sec. 151. General provisions for title I.

TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

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

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

- Sec. 301. Parental engagement and local flexibility.

TITLE IV—IMPACT AID

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

TITLE V—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

- Sec. 501. The Federal Government's Trust Responsibility to American Indian, Alaska Native, and Native Hawaiian Education.

TITLE VI—GENERAL PROVISIONS FOR THE ACT

- Sec. 601. General provisions for the Act.
- Sec. 602. Repeal.
- Sec. 603. Other laws.
- Sec. 604. Amendment to IDEA.

TITLE VII—HOMELESS EDUCATION

- Sec. 701. Statement of policy.
- Sec. 702. Grants for State and local activities for the education of homeless children and youths.
- Sec. 703. Local educational agency subgrants for the education of homeless children and youths.
- Sec. 704. Secretarial responsibilities.
- Sec. 705. Definitions.
- Sec. 706. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 801. Findings; Sense of the Congress.

1 **SEC. 3. REFERENCES.**

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

8 **SEC. 4. TRANSITION.**

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

1 **SEC. 5. EFFECTIVE DATES.**

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

5 (b) NONCOMPETITIVE PROGRAMS.—With respect to
6 noncompetitive programs under which any funds are allot-
7 ted by the Secretary of Education to recipients on the
8 basis of a formula, this Act, and the amendments made
9 by this Act, shall take effect on October 1, 2015.

10 (c) COMPETITIVE PROGRAMS.—With respect to pro-
11 grams that are conducted by the Secretary on a competi-
12 tive basis, this Act, and the amendments made by this Act,
13 shall take effect with respect to appropriations for use
14 under those programs for fiscal year 2016.

15 (d) IMPACT AID.—With respect to title IV of the Act
16 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the
17 amendments made by this Act, shall take effect with re-
18 spect to appropriations for use under that title for fiscal
19 year 2016.

20 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

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

24 “(a) TITLE I.—

25 “(1) PART A.—There are authorized to be ap-
26 propriated to carry out part A of title I

1 \$16,245,163,000 for each of fiscal years 2016
2 through 2021.

3 “(2) PART B.—There are authorized to be ap-
4 propriated to carry out part B of title I \$710,000
5 for each of fiscal years 2016 through 2021.

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

9 “(c) TITLE III.—

10 “(1) PART A.—

11 “(A) SUBPART 1.—There are authorized to
12 be appropriated to carry out subpart 1 of part
13 A of title III \$300,000,000 for each of fiscal
14 years 2016 through 2021.

15 “(B) SUBPART 2.—There are authorized to
16 be appropriated to carry out subpart 2 of part
17 A of title III \$91,647,000 for each of fiscal
18 years 2016 through 2021.

19 “(C) SUBPART 3.—There are authorized to
20 be appropriated to carry out subpart 3 of part
21 A of title III \$25,000,000 for each of fiscal
22 years 2016 through 2021.

23 “(2) PART B.—There are authorized to be ap-
24 propriated to carry out part B of title III

1 \$2,302,287,000 for each of fiscal years 2016
2 through 2021.

3 “(d) TITLE IV.—

4 “(1) PAYMENTS FOR FEDERAL ACQUISITION OF
5 REAL PROPERTY.—For the purpose of making pay-
6 ments under section 4002, there are authorized to
7 be appropriated \$66,813,000 for each of fiscal years
8 2016 through 2021.

9 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-
10 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—
11 For the purpose of making payments under section
12 4003(b), there are authorized to be appropriated
13 \$1,151,233,000 for each of fiscal years 2016
14 through 2021.

15 “(3) PAYMENTS FOR CHILDREN WITH DISABIL-
16 ITIES.—For the purpose of making payments under
17 section 4003(d), there are authorized to be appro-
18 priated \$48,316,000 for each of fiscal years 2016
19 through 2021.

20 “(4) CONSTRUCTION.—For the purpose of car-
21 rying out section 4007, there are authorized to be
22 appropriated \$17,406,000 for each of fiscal years
23 2016 through 2021.

24 “(5) FACILITIES MAINTENANCE.—For the pur-
25 pose of carrying out section 4008, there are author-

1 ized to be appropriated \$4,835,000 for each of fiscal
2 years 2016 through 2021.”.

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

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

5 (1) The Elementary and Secondary Education
6 Act prohibits the Federal Government from man-
7 dating, directing, or controlling a State, local edu-
8 cational agency, or school’s curriculum, program of
9 instruction, or allocation of State and local re-
10 sources, and from mandating a State or any subdivi-
11 sion thereof to spend any funds or incur any costs
12 not paid for under such Act.

13 (2) The Elementary and Secondary Education
14 Act prohibits the Federal Government from funding
15 the development, pilot testing, field testing, imple-
16 mentation, administration, or distribution of any
17 federally sponsored national test in reading, mathe-
18 matics, or any other subject, unless specifically and
19 explicitly authorized by law.

20 (3) The Secretary of Education, through 3 sep-
21 arate initiatives, has created a system of waivers and
22 grants that influence, incentivize, and coerce State
23 educational agencies into implementing common na-
24 tional elementary and secondary standards and as-
25 sessments endorsed by the Secretary.

1 (4) The Race to the Top Fund encouraged and
2 incentivized States to adopt Common Core State
3 Standards developed by the National Governor’s As-
4 sociation Center for Best Practices and the Council
5 of Chief State School Officers.

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

15 (6) The conditional Elementary and Secondary
16 Education Act flexibility waiver authority employed
17 by the Department of Education coerced States into
18 accepting Common Core State Standards and
19 aligned assessments.

20 (b) SENSE OF THE CONGRESS.—It is the sense of
21 the Congress that States and local educational agencies
22 should maintain the rights and responsibilities of deter-
23 mining educational curriculum, programs of instruction,
24 and assessments for elementary and secondary education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(A) Section 1003.

23 “(B) Section 1004.

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

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

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

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

7 “(3) APPLICABLE FUNDING DEFINED.—

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

13 “(i) Section 1003.

14 “(ii) Section 1004.

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

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

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

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

23 “(i) to reserve, allocate, or spend for
24 required activities;

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

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

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

13 “(b) ALTERNATIVE USES OF FEDERAL FUNDS FOR
14 LOCAL EDUCATIONAL AGENCIES.—

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

21 “(A) Section 1003.

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

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

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

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

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

7 “(3) APPLICABLE FUNDING DEFINED.—

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

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

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

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

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

21 “(i) to reserve, allocate, or spend for
22 required activities;

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

1 “(iii) to use for technical assistance or
2 monitoring.

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

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

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

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

3 “(2) comparability of services;

4 “(3) equitable participation of private school
5 students and teachers;

6 “(4) applicable civil rights requirements;

7 “(5) section 1113; or

8 “(6) section 1111.”.

9 **SEC. 104. SCHOOL IMPROVEMENT.**

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

11 (1) in subsection (a)—

12 (A) by striking “2 percent” and inserting
13 “7 percent”; and

14 (B) by striking “subpart 2 of part A” and
15 all that follows through “sections 1116 and
16 1117,” and inserting “chapter B of subpart 1
17 of part A for each fiscal year to carry out sub-
18 section (b),”;

19 (2) in subsection (b)—

20 (A) in paragraph (1), by striking “for
21 schools identified for school improvement, cor-
22 rective action, and restructuring, for activities
23 under section 1116(b)” and inserting “to carry
24 out the State’s system of school improvement
25 under section 1111(b)(3)(B)(iii)”;

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

7 (3) in subsection (c)—

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

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

13 (C) by striking paragraph (3);

14 (4) in subsection (d)(1), by striking “subpart 2
15 of part A;” and inserting “chapter B of subpart 1
16 of part A;”;

17 (5) in subsection (e)—

18 (A) by striking “in any fiscal year” and in-
19 serting “in fiscal year 2016 and each subse-
20 quent fiscal year”;

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

23 (C) by striking “such subpart” and insert-
24 ing “such chapter”;

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

4 (7) by striking subsection (g).

5 **SEC. 105. DIRECT STUDENT SERVICES.**

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

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

9 “(a) STATE RESERVATION.—Each State shall reserve
10 3 percent of the amount the State receives under chapter
11 B of subpart 1 of part A for each fiscal year to carry
12 out this section. Of such reserved funds, the State edu-
13 cational agency may use up to 1 percent to administer
14 direct student services.

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

20 “(c) AWARDS.—The State educational agency shall
21 award grants to geographically diverse local educational
22 agencies including suburban, rural, and urban local edu-
23 cational agencies. If there are not enough funds to award
24 all applicants in a sufficient size and scope to run an effec-
25 tive direct student services program, the State shall

1 prioritize awards to local educational agencies with the
2 greatest number of students with disabilities, neglected,
3 delinquent, migrant students, English learners, at-risk
4 students, and Native Americans, to increase academic
5 achievement of such students.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **“Subpart 1—Improving Basic Programs Operated by**
2 **Local Educational Agencies**
3 **“CHAPTER A—BASIC PROGRAM**
4 **REQUIREMENTS”.**

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

8 **“CHAPTER B—ALLOCATIONS”.**

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

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

12 **“SEC. 1111. STATE PLANS.**

13 “(a) PLANS REQUIRED.—

14 “(1) IN GENERAL.—For any State desiring to
15 receive a grant under this subpart, the State edu-
16 cational agency shall submit to the Secretary a plan,
17 developed by the State educational agency, in con-
18 sultation with local educational agencies, teachers,
19 school leaders, public charter school representatives,
20 specialized instructional support personnel, other ap-
21 propriate school personnel, parents, private sector
22 employers, entrepreneurs, and representatives of In-
23 dian tribes located in the State, that satisfies the re-
24 quirements of this section and that is coordinated
25 with other programs under this Act, the Individuals
26 with Disabilities Education Act, the Carl D. Perkins

1 Career and Technical Education Act of 2006, the
2 Head Start Act, the Adult Education and Family
3 Literacy Act, and the McKinney-Vento Homeless
4 Assistance Act.

5 “(2) CONSOLIDATED PLAN.—A State plan sub-
6 mitted under paragraph (1) may be submitted as
7 part of a consolidated plan under section 6302.

8 “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
9 MENTS, AND STATE ACCOUNTABILITY.—

10 “(1) ACADEMIC STANDARDS.—

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

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

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

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

1 “(ii) with respect to academic achieve-
2 ment standards, include the same knowl-
3 edge, skills, and levels of achievement ex-
4 pected of all public school students in the
5 State.

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

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

17 “(ii) such standards—

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

21 “(II) promote access to the gen-
22 eral curriculum; and

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

1 “(E) ENGLISH LANGUAGE PROFICIENCY
2 STANDARDS.—Each State plan shall describe
3 how the State educational agency will establish
4 English language proficiency standards that
5 are—

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

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

12 “(2) ACADEMIC ASSESSMENTS.—

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

22 “(B) REQUIREMENTS.—Such assessments
23 shall—

24 “(i) in the case of mathematics and
25 reading or language arts, be used in deter-

1 mining the performance of each local edu-
2 cational agency and public school in the
3 State in accordance with the State’s ac-
4 countability system under paragraph (3);

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

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

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

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

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

25 “(aa) grades 3 through 5;

1 “(bb) grades 6 through 9; and

2 “(cc) grades 10 through 12; and

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

6 “(vi) measure individual student aca-
7 demic proficiency and, at the State’s dis-
8 cretion, growth;

9 “(vii) at the State’s discretion—

10 “(I) be administered through a
11 single annual summative assessment;
12 or

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

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

23 “(ix) provide for—

24 “(I) the participation in such as-
25 sessments of all students;

1 “(II) the reasonable adaptations
2 and accommodations for students with
3 disabilities necessary to measure the
4 academic achievement of such stu-
5 dents relative to the State’s academic
6 standards; and

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

20 “(x) notwithstanding clause (ix)(III),
21 provide for the assessment of reading or
22 language arts in English for English learn-
23 ers who have attended school in the United
24 States (not including Puerto Rico) for 3 or
25 more consecutive school years, except that

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

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

1 to the extent practicable, in a language
2 that parents can understand;

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

18 “(xiii) be administered to not less
19 than 95 percent of all students, and not
20 less than 95 percent of each subgroup of
21 students described in paragraph
22 (3)(B)(ii)(II); and

23 “(xiv) where practicable, be developed
24 using the principles of universal design for
25 learning as defined in section 103(24) of

1 the Higher Education Act of 1965 (20
2 U.S.C. 1003(24)).

3 “(C) ALTERNATE ASSESSMENTS.—A State
4 may provide for alternate assessments aligned
5 with the alternate academic standards adopted
6 in accordance with paragraph (1)(D), for stu-
7 dents with the most significant cognitive dis-
8 abilities, if the State—

9 “(i) establishes and monitors imple-
10 mentation of clear and appropriate guide-
11 lines for individualized education program
12 teams (as defined in section 614(d)(1)(B)
13 of the Individuals with Disabilities Edu-
14 cation Act) to apply when determining
15 when a child’s significant cognitive dis-
16 ability justifies assessment based on alter-
17 nate achievement standards;

18 “(ii) ensures that the parents of such
19 students are informed that—

20 “(I) their child’s academic
21 achievement will be measured against
22 such alternate standards; and

23 “(II) whether participation in
24 such assessments precludes the stu-
25 dent from completing the require-

1 ments for a regular high school di-
2 ploma;

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

8 “(iv) develops, disseminates informa-
9 tion about, and promotes the use of appro-
10 prium accommodations to increase the
11 number of students with disabilities who
12 are tested against academic achievement
13 standards for the grade in which a student
14 is enrolled; and

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

21 “(D) ASSESSMENTS OF ENGLISH LAN-
22 GUAGE PROFICIENCY.—

23 “(i) IN GENERAL.—Each State plan
24 shall demonstrate that local educational
25 agencies in the State will provide for an

1 annual assessment of English proficiency
2 of all English learners in the schools
3 served by the State educational agency.

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

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

23 “(F) ADAPTIVE ASSESSMENTS.—A State
24 may develop and administer computer adaptive
25 assessments as the assessments required under

1 subparagraph (A). If a State develops and ad-
2 ministers a computer adaptive assessment for
3 such purposes, the assessment shall meet the
4 requirements of this paragraph, except as fol-
5 lows:

6 “(i) Notwithstanding subparagraph
7 (B)(iii), the assessment—

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

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

21 “(ii) Subparagraph (B)(ii) shall not
22 be interpreted to require that all students
23 taking the computer adaptive assessment
24 be administered the same assessment
25 items.

1 “(3) STATE ACCOUNTABILITY SYSTEMS.—

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

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

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

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

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

7 “(II) the overall performance,
8 and achievement gaps as compared to
9 all students in the school, for eco-
10 nomically disadvantaged students, stu-
11 dents from major racial and ethnic
12 groups, students with disabilities, and
13 English learners, except that
14 disaggregation of data under this sub-
15 clause shall not be required in a case
16 in which the number of students in a
17 category is insufficient to yield statis-
18 tically reliable information or the re-
19 sults would reveal personally identifi-
20 able information about an individual
21 student; and

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

24 “(iii) include a system for school im-
25 provement for low-performing public

1 schools receiving funds under this subpart
2 that—

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

6 “(II) is implemented by local
7 educational agencies serving such
8 schools.

9 “(C) PROHIBITION.—Nothing in this sec-
10 tion shall be construed to permit the Secretary
11 to establish any criteria that specifies, defines,
12 or prescribes any aspect of a State’s account-
13 ability system developed and implemented in ac-
14 cordance with this paragraph.

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

19 “(4) REQUIREMENTS.—Each State plan shall
20 describe—

21 “(A) how the State educational agency will
22 assist each local educational agency and each
23 public school affected by the State plan to com-
24 ply with the requirements of this subpart, in-
25 cluding how the State educational agency will

1 work with local educational agencies to provide
2 technical assistance; and

3 “(B) how the State educational agency will
4 ensure that the results of the State assessments
5 described in paragraph (2), the other indicators
6 selected by the State under paragraph
7 (3)(B)(i), and the school evaluations described
8 in paragraph (3)(B)(ii), will be promptly pro-
9 vided to local educational agencies, schools,
10 teachers, and parents in a manner that is clear
11 and easy to understand, but not later than be-
12 fore the beginning of the school year following
13 the school year in which such assessments,
14 other indicators, or evaluations are taken or
15 completed.

16 “(5) TIMELINE FOR IMPLEMENTATION.—Each
17 State plan shall describe the process by which the
18 State will adopt and implement the State academic
19 standards, assessments, and accountability system
20 required under this section within 2 years of enact-
21 ment of the Student Success Act.

22 “(6) EXISTING STANDARDS.—Nothing in this
23 subpart shall prohibit a State from revising, con-
24 sistent with this section, any standard adopted

1 under this section before or after the date of enact-
2 ment of the Student Success Act.

3 “(7) EXISTING STATE LAW.—Nothing in this
4 section shall be construed to alter any State law or
5 regulation granting parents authority over schools
6 that repeatedly failed to make adequate yearly
7 progress under this section, as in effect on the day
8 before the date of the enactment of the Student Suc-
9 cess Act.

10 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
11 AND LEARNING.—Each State plan shall contain assur-
12 ances that—

13 “(1) the State will notify local educational
14 agencies, schools, teachers, parents, and the public
15 of the academic standards, academic assessments,
16 and State accountability system developed and im-
17 plemented under this section;

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

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

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

8 “(5) the State educational agency will encour-
9 age schools to consolidate funds from other Federal,
10 State, and local sources for schoolwide reform in
11 schoolwide programs under section 1114;

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

17 “(7) the State educational agency will inform
18 local educational agencies in the State of the local
19 educational agency’s authority to transfer funds
20 under section 1002 and to obtain waivers under sec-
21 tion 6401.

22 “(d) PARENTAL INVOLVEMENT.—Each State plan
23 shall describe how the State educational agency will sup-
24 port the collection and dissemination to local educational

1 agencies and schools of effective parental involvement
2 practices. Such practices shall—

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

7 “(2) be geared toward lowering barriers to
8 greater participation by parents in school planning,
9 review, and improvement; and

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

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

13 “(1) ESTABLISHMENT.—Notwithstanding sec-
14 tion 6543, the Secretary shall—

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

17 “(B) appoint individuals to the peer-review
18 process who are representative of parents,
19 teachers, State educational agencies, local edu-
20 cational agencies, and private sector employers
21 (including representatives of entrepreneurial
22 ventures), and who are familiar with edu-
23 cational standards, assessments, accountability,
24 the needs of low-performing schools, and other
25 educational needs of students, and ensure that

1 65 percent of such appointees are practitioners
2 and 10 percent are representatives of private
3 sector employers.

4 “(2) APPROVAL.—The Secretary shall—

5 “(A) approve a State plan within 120 days
6 of its submission;

7 “(B) disapprove of the State plan only if
8 the Secretary demonstrates how the State plan
9 fails to meet the requirements of this section
10 and immediately notifies the State of such de-
11 termination and the reasons for such deter-
12 mination;

13 “(C) not decline to approve a State’s plan
14 before—

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

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

20 “(iii) providing a hearing; and

21 “(D) have the authority to disapprove a
22 State plan for not meeting the requirements of
23 this subpart, but shall not have the authority to
24 require a State, as a condition of approval of
25 the State plan, to include in, or delete from,

1 such plan one or more specific elements of the
2 State’s academic standards or State account-
3 ability system, or to use specific academic as-
4 sessments or other indicators.

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

8 “(4) PUBLIC REVIEW.—All communications,
9 feedback, and notifications under this subsection
10 shall be conducted in a manner that is immediately
11 made available to the public through the website of
12 the Department, including—

13 “(A) peer review guidance;

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

15 “(C) State plans submitted or resubmitted
16 by a State, including the current approved
17 plans;

18 “(D) peer review notes;

19 “(E) State plan determinations by the Sec-
20 retary, including approvals or disapprovals, and
21 any deviations from the peer reviewers’ rec-
22 ommendations with an explanation of the devi-
23 ation; and

24 “(F) hearings.

1 “(5) PROHIBITION.—The Secretary, and the
2 Secretary’s staff, may not attempt to participate in,
3 or influence, the peer review process. No Federal
4 employee may participate in, or attempt to influence
5 the peer review process, except to respond to ques-
6 tions of a technical nature, which shall be publicly
7 reported.

8 “(f) DURATION OF THE PLAN.—

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

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

13 “(B) be periodically reviewed and revised
14 as necessary by the State educational agency to
15 reflect changes in the State’s strategies and
16 programs under this subpart.

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

24 “(g) FAILURE TO MEET REQUIREMENTS.—If a
25 State fails to meet any of the requirements of this section

1 then the Secretary shall withhold funds for State adminis-
2 tration under this subpart until the Secretary determines
3 that the State has fulfilled those requirements.

4 “(h) REPORTS.—

5 “(1) ANNUAL STATE REPORT CARD.—

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

12 “(B) IMPLEMENTATION.—The State report
13 card shall be—

14 “(i) concise; and

15 “(ii) presented in an understandable
16 and uniform format that is developed in
17 consultation with parents and, to the ex-
18 tent practicable, provided in a language
19 that parents can understand.

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

23 “(i) the performance of students, in
24 the aggregate and disaggregated by the
25 categories of students described in sub-

1 section (b)(2)(B)(xii) (except that such
2 disaggregation shall not be required in a
3 case in which the number of students in a
4 category is insufficient to yield statistically
5 reliable information or the results would
6 reveal personally identifiable information
7 about an individual student), on the State
8 academic assessments described in sub-
9 section (b)(2);

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

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

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

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

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

7 “(v) each public school’s evaluation
8 results as determined in accordance with
9 subsection (b)(3)(B)(ii);

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

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

19 “(viii) the results of the assessments
20 described in subsection (c)(2).

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

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

10 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY
11 REPORT CARDS.—

12 “(A) IN GENERAL.—A local educational
13 agency that receives assistance under this sub-
14 part shall prepare and disseminate an annual
15 local educational agency report card.

16 “(B) MINIMUM REQUIREMENTS.—The
17 State educational agency shall ensure that each
18 local educational agency collects appropriate
19 data and includes in the local educational agen-
20 cy’s annual report the information described in
21 paragraph (1)(C) as applied to the local edu-
22 cational agency and each school served by the
23 local educational agency, and—

24 “(i) in the case of a local educational
25 agency, information that shows how stu-

1 dents served by the local educational agen-
2 cy achieved on the statewide academic as-
3 sessment and other academic indicators
4 adopted in accordance with subsection
5 (b)(3)(B)(i) compared to students in the
6 State as a whole; and

7 “(ii) in the case of a school, the
8 school’s evaluation under subsection
9 (b)(3)(B)(ii).

10 “(C) OTHER INFORMATION.—A local edu-
11 cational agency may include in its annual local
12 educational agency report card any other appro-
13 priate information, whether or not such infor-
14 mation is included in the annual State report
15 card.

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

23 “(E) PUBLIC DISSEMINATION.—The local
24 educational agency shall publicly disseminate
25 the information described in this paragraph to

1 all schools served by the local educational agen-
2 cy and to all parents of students attending
3 those schools in an understandable and uniform
4 format, and, to the extent practicable, in a lan-
5 guage that parents can understand, and make
6 the information widely available through public
7 means, such as posting on the Internet, dis-
8 tribution to the media, and distribution through
9 public agencies, except that if a local edu-
10 cational agency issues a report card for all stu-
11 dents, the local educational agency may include
12 the information under this section as part of
13 such report.

14 “(3) PREEXISTING REPORT CARDS.—A State
15 educational agency or local educational agency may
16 use public report cards on the performance of stu-
17 dents, schools, local educational agencies, or the
18 State, that were in effect prior to the enactment of
19 the Student Success Act for the purpose of this sub-
20 section, so long as any such report card is modified,
21 as may be needed, to contain the information re-
22 quired by this subsection.

23 “(4) PARENTS RIGHT-TO-KNOW.—

24 “(A) ACHIEVEMENT INFORMATION.—At
25 the beginning of each school year, a school that

1 receives funds under this subpart shall provide
2 to each individual parent information on the
3 level of achievement of the parent’s child in
4 each of the State academic assessments and
5 other academic indicators adopted in accord-
6 ance with this subpart.

7 “(B) **FORMAT.**—The notice and informa-
8 tion provided to parents under this paragraph
9 shall be in an understandable and uniform for-
10 mat and, to the extent practicable, provided in
11 a language that the parents can understand.

12 “(i) **PRIVACY.**—Information collected under this sec-
13 tion shall be collected and disseminated in a manner that
14 protects the privacy of individuals consistent with section
15 444 of the General Education Provisions Act.

16 “(j) **VOLUNTARY PARTNERSHIPS.**—A State may
17 enter into a voluntary partnership with another State to
18 develop and implement the academic standards and as-
19 sessments required under this section, except that the Sec-
20 retary shall not, either directly or indirectly, attempt to
21 influence, incentivize, or coerce State—

22 “(1) adoption of the Common Core State
23 Standards developed under the Common Core State
24 Standards Initiative, any other academic standards

1 common to a significant number of States, or assess-
2 ments tied to such standards; or

3 “(2) participation in any such partnerships.

4 “(k) CONSTRUCTION.—Nothing in this part shall be
5 construed to prescribe the use of the academic assess-
6 ments described in this part for student promotion or
7 graduation purposes.

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

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

20 “(2) Each such school that is accredited by a
21 regional accrediting organization shall adopt an ap-
22 propriate assessment and other academic indicators,
23 in consultation with and with the approval of, the
24 Secretary of the Interior and consistent with assess-
25 ments and academic indicators adopted by other

1 schools in the same State or region, that meet the
2 requirements of this section.

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

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

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

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

14 “(a) PLANS REQUIRED.—

15 “(1) SUBGRANTS.—A local educational agency
16 may receive a subgrant under this subpart for any
17 fiscal year only if such agency has on file with the
18 State educational agency a plan, approved by the
19 State educational agency, that is coordinated with
20 other programs under this Act, the Individuals with
21 Disabilities Education Act, the Carl D. Perkins Ca-
22 reer and Technical Education Act of 2006, the
23 McKinney-Vento Homeless Assistance Act, and
24 other Acts, as appropriate.

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

4 “(b) PLAN PROVISIONS.—Each local educational
5 agency plan shall describe—

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

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

14 “(3) how the local educational agency will pro-
15 vide additional educational assistance to individual
16 students in need of additional help in meeting the
17 State’s academic standards;

18 “(4) how the local educational agency will im-
19 plement the school improvement system described in
20 section 1111(b)(3)(B)(iii) for any of the agency’s
21 schools identified under such section;

22 “(5) how the local educational agency will co-
23 ordinate programs under this subpart with other
24 programs under this Act and other Acts, as appro-
25 priate;

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

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

8 “(8) in general, the nature of the programs to
9 be conducted by the local educational agency’s
10 schools under sections 1114 and 1115, and, where
11 appropriate, educational services outside such
12 schools for children living in local institutions for ne-
13 glected and delinquent children, and for neglected
14 and delinquent children in community day school
15 programs;

16 “(9) how the local educational agency will en-
17 sure that migratory children who are eligible to re-
18 ceive services under this subpart are selected to re-
19 ceive such services on the same basis as other chil-
20 dren who are selected to receive services under this
21 subpart;

22 “(10) the services the local educational agency
23 will provide homeless children, including services
24 provided with funds reserved under section
25 1113(e)(3)(A);

1 “(11) the strategy the local educational agency
2 will use to implement effective parental involvement
3 under section 1118;

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

14 “(13) how the local educational agency, through
15 incentives for voluntary transfers, the provision of
16 professional development, recruitment programs, in-
17 centive pay, performance pay, or other effective
18 strategies, will address disparities in the rates of
19 low-income and minority students and other stu-
20 dents being taught by ineffective teachers;

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

24 “(A) career and technical education
25 aligned with State technical standards that pro-

1 mote skills attainment important to in-demand
2 occupations or industries in the State and the
3 State’s academic standards under section
4 1111(b)(1); and

5 “(B) work-based learning opportunities
6 that provide students in-depth interaction with
7 industry professionals; and

8 “(15) if appropriate, how the local educational
9 agency will use funds under this subpart to support
10 dual enrollment programs, early college high schools,
11 and Advanced Placement or International Baccalaureate
12 programs.

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

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

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

1 “(3) provide technical assistance to schoolwide
2 programs;

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

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

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

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

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

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

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

16 “(e) PLAN DEVELOPMENT AND DURATION.—

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

23 “(2) DURATION.—Each such plan shall be sub-
24 mitted for the first year for which this part is in ef-
25 fect following the date of enactment of this Act and

1 shall remain in effect for the duration of the agen-
2 cy's participation under this subpart.

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

6 “(f) STATE APPROVAL.—

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

10 “(2) APPROVAL.—The State educational agency
11 shall approve a local educational agency's plan only
12 if the State educational agency determines that the
13 local educational agency's plan—

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

18 “(B) meets the requirements of this sec-
19 tion.

20 “(3) REVIEW.—The State educational agency
21 shall review the local educational agency's plan to
22 determine if such agency's activities are in accord-
23 ance with section 1118.

24 “(g) PARENTAL NOTIFICATION.—

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

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

12 “(B) the child’s level of English pro-
13 ficiency, how such level was assessed, and the
14 status of the child’s academic achievement;

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

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

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

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

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

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

18 “(i) detailing—

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

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

1 program or method of instruction, if
2 available; and

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

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

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

22 “(4) PARENTAL PARTICIPATION.—Each local
23 educational agency receiving funds under this sub-
24 part shall implement an effective means of outreach
25 to parents of English learners to inform the parents

1 regarding how the parents can be involved in the
2 education of their children, and be active partici-
3 pants in assisting their children to attain English
4 proficiency, achieve at high levels in core academic
5 subjects, and meet the State’s academic standards
6 expected of all students, including holding, and send-
7 ing notice of opportunities for, regular meetings for
8 the purpose of formulating and responding to rec-
9 ommendations from parents of students assisted
10 under this subpart.

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

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

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

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

19 (2) in subsection (c)(4)—

20 (A) by striking “subpart 2” and inserting
21 “chapter B”; and

22 (B) by striking “school improvement, cor-
23 rective action, and restructuring under section
24 1116(b)” and inserting “school improvement
25 under section 1111(b)(3)(B)(iii)”.

1 **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

3 (1) in subsection (a)—

4 (A) in paragraph (1)—

5 (i) by striking “part” and inserting

6 “subpart”; and

7 (ii) by striking “in which” through

8 “such families”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A)(i), by striking

11 “part” and inserting “subpart”; and

12 (ii) in subparagraph (B)—

13 (I) by striking “children with

14 limited English proficiency” and in-

15 serting “English learners”; and

16 (II) by striking “part” and in-

17 serting “subpart”;

18 (C) in paragraph (3)(B), by striking

19 “maintenance of effort,” after “private school

20 children,”; and

21 (D) by striking paragraph (4);

22 (2) in subsection (b)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A)—

1 (I) by striking “(including” and
2 all that follows through “1309(2))”;
3 and

4 (II) by striking “content stand-
5 ards and the State student academic
6 achievement standards” and inserting
7 “standards”;

8 (ii) in subparagraph (B)—

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

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

19 (III) in clause (iii)—

20 (aa) in subclause (I)—

21 (AA) by striking “stu-
22 dent academic achievement
23 standards” and inserting
24 “academic standards”; and

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

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

4 (iv) in subparagraph (D)—

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

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

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

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

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

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

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

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

6 (bb) in subclause (II), by
7 striking “No Child Left Behind
8 Act of 2001” and inserting “Stu-
9 dent Success Act”;

10 (II) in clause (ii)—

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

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

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

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

23 (3) in subsection (c)—

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

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

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

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

6 (1) in subsection (a)—

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

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

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

14 (2) in subsection (b)—

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

18 (B) in paragraph (2)—

19 (i) in subparagraph (A)—

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

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

25 (ii) in subparagraph (B)—

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

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

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

8 (iii) in subparagraph (C)—

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

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

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

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

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

21 (3) in subsection (c)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A)—

1 (I) by striking “part” and insert-
2 ing “subpart”; and

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

6 (ii) in subparagraph (A)—

7 (I) by striking “part” and insert-
8 ing “subpart”; and

9 (II) by striking “challenging stu-
10 dent academic achievement” and in-
11 serting “academic”;

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

14 (iv) in subparagraph (C)—

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

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

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

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

4 (vii) in subparagraph (F)—

5 (I) by striking “in accordance
6 with subsection (e)(3) and section
7 1119,”;

8 (II) by striking “part” and in-
9 serting “subpart”; and

10 (III) by striking “pupil services
11 personnel” and inserting “specialized
12 instructional support personnel”; and

13 (viii) in subparagraph (H), by striking
14 “vocational” and inserting “career”; and

15 (B) in paragraph (2)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “proficient and ad-
18 vanced levels of achievement” and insert-
19 ing “academic standards”;

20 (ii) in subparagraph (A), by striking
21 “part” and inserting “subpart”; and

22 (iii) in subparagraph (B), by striking
23 “challenging student academic achieve-
24 ment” and inserting “academic”;

1 (4) in subsection (d), in the matter preceding
2 paragraph (1), by striking “part” each place it ap-
3 pears and inserting “subpart”;

4 (5) in subsection (e)—

5 (A) in paragraph (2)(B)—

6 (i) in the matter preceding clause (i),
7 by striking “part” and inserting “sub-
8 part”; and

9 (ii) in clause (iii), by striking “pupil
10 services” and inserting “specialized in-
11 structional support services”; and

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

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

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

20 **SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDU-**
21 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
22 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

23 The Act is amended by repealing sections 1116 and
24 1117 (20 U.S.C. 6316; 6317).

1 **SEC. 118. PARENTAL INVOLVEMENT.**

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

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

5 (2) in subsection (a)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (A), by striking “,
8 and” and all that follows through “1116”;
9 and

10 (ii) in subparagraph (D), by striking
11 “, such as” and all that follows through
12 “preschool programs”; and

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

16 (3) by amending subsection (c)(4)(B) to read as
17 follows:

18 “(B) a description and explanation of the
19 curriculum in use at the school and the forms
20 of academic assessment used to measure stu-
21 dent progress; and”;

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

24 (5) in subsection (e)—

25 (A) in paragraph (1), by striking “State’s
26 academic content standards and State student

1 academic achievement standards” and inserting
2 “State’s academic standards”;

3 (B) in paragraph (3)—

4 (i) by striking “pupil services per-
5 sonnel,” and inserting “specialized instruc-
6 tional support personnel,”; and

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

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

16 lows:

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

1 **SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARA-**
2 **PROFESSIONALS.**

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

5 **SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
6 **VATE SCHOOLS.**

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

9 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**
10 **PRIVATE SCHOOLS.**

11 **“(a) GENERAL REQUIREMENT.—**

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

18 **“(A)** after timely and meaningful consulta-
19 tion with appropriate private school officials or
20 representatives, provide such service, on an eq-
21 uitable basis and individually or in combination,
22 as requested by the officials or representatives
23 to best meet the needs of such children, special
24 educational services, instructional services (in-
25 cluding evaluations to determine students’
26 progress in their academic needs), counseling,

1 mentoring, one-on-one tutoring, or other bene-
2 fits under this subpart (such as dual enroll-
3 ment, educational radio and television, com-
4 puter equipment and materials, other tech-
5 nology, and mobile educational services and
6 equipment) that address their needs; and

7 “(B) ensure that teachers and families of
8 the children participate, on an equitable basis,
9 in services and activities developed pursuant to
10 this subpart.

11 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—
12 Such educational services or other benefits, including
13 materials and equipment, shall be secular, neutral,
14 and nonideological.

15 “(3) EQUITY.—

16 “(A) IN GENERAL.—Educational services
17 and other benefits for such private school chil-
18 dren shall be equitable in comparison to serv-
19 ices and other benefits for public school chil-
20 dren participating under this subpart, and shall
21 be provided in a timely manner.

22 “(B) OMBUDSMAN.—To help ensure such
23 equity for such private school children, teach-
24 ers, and other educational personnel, the State
25 educational agency involved shall designate an

1 ombudsman to monitor and enforce the require-
2 ments of this subpart.

3 “(4) EXPENDITURES.—

4 “(A) IN GENERAL.—Expenditures for edu-
5 cational services and other benefits to eligible
6 private school children shall be equal to the ex-
7 penditures for participating public school chil-
8 dren, taking into account the number, and edu-
9 cational needs, of the children to be served. The
10 share of funds shall be determined based on the
11 total allocation received by the local educational
12 agency prior to any allowable expenditures au-
13 thorized under this title.

14 “(B) OBLIGATION OF FUNDS.—Funds allo-
15 cated to a local educational agency for edu-
16 cational services and other benefits to eligible
17 private school children shall—

18 “(i) be obligated in the fiscal year for
19 which the funds are received by the agen-
20 cy; and

21 “(ii) with respect to any such funds
22 that cannot be so obligated, be used to
23 serve such children in the following fiscal
24 year.

1 “(C) NOTICE OF ALLOCATION.—Each
2 State educational agency shall—

3 “(i) determine, in a timely manner,
4 the proportion of funds to be allocated to
5 each local educational agency in the State
6 for educational services and other benefits
7 under this subpart to eligible private school
8 children; and

9 “(ii) provide notice, simultaneously, to
10 each such local educational agency and the
11 appropriate private school officials or their
12 representatives in the State of such alloca-
13 tion of funds.

14 “(5) PROVISION OF SERVICES.—The local edu-
15 cational agency or, in a case described in subsection
16 (b)(6)(C), the State educational agency involved,
17 may provide services under this section directly or
18 through contracts with public or private agencies,
19 organizations, and institutions.

20 “(b) CONSULTATION.—

21 “(1) IN GENERAL.—To ensure timely and
22 meaningful consultation, a local educational agency
23 shall consult with appropriate private school officials
24 or representatives during the design and develop-
25 ment of such agency’s programs under this subpart

1 in order to reach an agreement between the agency
2 and the officials or representatives about equitable
3 and effective programs for eligible private school
4 children, the results of which shall be transmitted to
5 the designated ombudsmen under section
6 1120(a)(3)(B). Such process shall include consulta-
7 tion on issues such as—

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

10 “(B) what services will be offered;

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

13 “(D) how the services will be academically
14 assessed and how the results of that assessment
15 will be used to improve those services;

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

24 “(F) the method or sources of data that
25 are used under subsection (e) and section

1 1113(c)(1) to determine the number of children
2 from low-income families in participating school
3 attendance areas who attend private schools;

4 “(G) how and when the agency will make
5 decisions about the delivery of services to such
6 children, including a thorough consideration
7 and analysis of the views of the private school
8 officials or representatives on the provision of
9 services through a contract with potential third-
10 party providers;

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

19 “(I) whether the agency will provide serv-
20 ices under this section directly or through con-
21 tracts with public and private agencies, organi-
22 zations, and institutions;

23 “(J) whether to provide equitable services
24 to eligible private school children—

1 “(i) by creating a pool or pools of
2 funds with all of the funds allocated under
3 subsection (a)(4) based on all the children
4 from low-income families who attend pri-
5 vate schools in a participating school at-
6 tendance area of the agency from which
7 the local educational agency will provide
8 such services to all such children; or

9 “(ii) by providing such services to eli-
10 gible children in each private school in the
11 agency’s participating school attendance
12 area with the proportion of funds allocated
13 under subsection (a)(4) based on the num-
14 ber of children from low-income families
15 who attend such school;

16 “(K) at what time and where services will
17 be provided so such students can receive such
18 services without interrupting their other school
19 or coursework; and

20 “(L) whether to consolidate and use funds
21 under this subpart to provide schoolwide pro-
22 grams for a private school.

23 “(2) DISAGREEMENT.—If a local educational
24 agency disagrees with the views of private school of-
25 ficials or representatives with respect to an issue de-

1 scribed in paragraph (1), the local educational agen-
2 cy shall provide in writing to such private school of-
3 ficials an analysis of the reasons why the local edu-
4 cational agency has chosen not to adopt the course
5 of action requested by such officials.

6 “(3) TIMING.—Such consultation shall include
7 meetings of agency and private school officials or
8 representatives and shall occur before the local edu-
9 cational agency makes any decision that affects the
10 opportunities of eligible private school children to
11 participate in programs under this subpart. Such
12 meetings shall continue throughout implementation
13 and assessment of services provided under this sec-
14 tion.

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

19 “(5) DOCUMENTATION.—Each local educational
20 agency shall maintain in the agency’s records and
21 provide to the State educational agency involved a
22 written affirmation signed by officials or representa-
23 tives of each participating private school that the
24 meaningful consultation required by this section has
25 occurred. The written affirmation shall provide the

1 option for private school officials or representatives
2 to indicate that timely and meaningful consultation
3 has not occurred or that the program design is not
4 equitable with respect to eligible private school chil-
5 dren. If such officials or representatives do not pro-
6 vide such affirmation within a reasonable period of
7 time, the local educational agency shall forward the
8 documentation that such consultation has, or at-
9 tempts at such consultation have, taken place to the
10 State educational agency.

11 “(6) COMPLIANCE.—

12 “(A) IN GENERAL.—A private school offi-
13 cial shall have the right to file a complaint with
14 the State educational agency that the local edu-
15 cational agency did not engage in consultation
16 that was meaningful and timely, did not give
17 due consideration to the views of the private
18 school official, or did not treat the private
19 school or its students equitably as required by
20 this section.

21 “(B) PROCEDURE.—If the private school
22 official wishes to file a complaint, the official
23 shall provide the basis of the noncompliance
24 with this section by the local educational agency
25 to the State educational agency, and the local

1 educational agency shall forward the appro-
2 priate documentation to the State educational
3 agency.

4 “(C) STATE EDUCATIONAL AGENCIES.—A
5 State educational agency shall provide services
6 under this section directly or through contracts
7 with public or private agencies, organizations,
8 and institutions, if—

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

11 “(I) requested that the State
12 educational agency provide such serv-
13 ices directly; and

14 “(II) demonstrated that the local
15 educational agency involved has not
16 met the requirements of this section;
17 or

18 “(ii) in a case in which—

19 “(I) a local educational agency
20 has more than 10,000 children from
21 low-income families who attend pri-
22 vate elementary schools or secondary
23 schools in a participating school at-
24 tendance area of the agency that are

1 not being served by the agency’s pro-
2 gram under this section; or

3 “(II) 90 percent of the eligible
4 private school students in a partici-
5 pating school attendance area of the
6 agency are not being served by the
7 agency’s program under this section.

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

10 “(1) CALCULATION.—A local educational agen-
11 cy shall have the final authority, consistent with this
12 section, to calculate the number of children, ages 5
13 through 17, who are from low-income families and
14 attend private schools by—

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

17 “(B) using the results of a survey that, to
18 the extent possible, protects the identity of fam-
19 ilies of private school students, and allowing
20 such survey results to be extrapolated if com-
21 plete actual data are unavailable;

22 “(C) applying the low-income percentage of
23 each participating public school attendance
24 area, determined pursuant to this section, to

1 the number of private school children who re-
2 side in that school attendance area; or

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

6 “(2) COMPLAINT PROCESS.—Any dispute re-
7 garding low-income data for private school students
8 shall be subject to the complaint process authorized
9 in section 6503.

10 “(d) PUBLIC CONTROL OF FUNDS.—

11 “(1) IN GENERAL.—The control of funds pro-
12 vided under this subpart, and title to materials,
13 equipment, and property purchased with such funds,
14 shall be in a public agency, and a public agency shall
15 administer such funds, materials, equipment, and
16 property.

17 “(2) PROVISION OF SERVICES.—

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

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

21 or

22 “(ii) through a contract by such pub-
23 lic agency with an individual, association,
24 agency, or organization.

1 “(B) REQUIREMENT.—In the provision of
2 such services, such employee, individual, asso-
3 ciation, agency, or organization shall be inde-
4 pendent of such private school and of any reli-
5 gious organization, and such employment or
6 contract shall be under the control and super-
7 vision of such public agency.

8 “(e) STANDARDS FOR A BYPASS.—If a local edu-
9 cational agency is prohibited by law from providing for
10 the participation in programs on an equitable basis of eli-
11 gible children enrolled in private elementary schools and
12 secondary schools, or if the Secretary determines that a
13 local educational agency has substantially failed or is un-
14 willing to provide for such participation, as required by
15 this section, the Secretary shall—

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

18 “(2) arrange for the provision of services to
19 such children through arrangements that shall be
20 subject to the requirements of this section and sec-
21 tions 6503 and 6504; and

22 “(3) in making the determination under this
23 subsection, consider one or more factors, including
24 the quality, size, scope, and location of the program

1 and the opportunity of eligible children to partici-
2 pate.”.

3 **SEC. 121. FISCAL REQUIREMENTS.**

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

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

7 (2) by striking subsection (a) and redesignating
8 subsections (b), (c), and (d) as subsections (a), (b),
9 and (c), respectively.

10 **SEC. 122. COORDINATION REQUIREMENTS.**

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

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

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

16 (3) in subsection (b)—

17 (A) in the matter preceding paragraph (1),
18 by striking “, such as the Early Reading First
19 program,”;

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

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

1 (D) in paragraph (5), by striking “and en-
2 tities carrying out Early Reading First pro-
3 grams”.

4 **SEC. 123. GRANTS FOR THE OUTLYING AREAS AND THE**
5 **SECRETARY OF THE INTERIOR.**

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

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

11 (2) in subsection (b)—

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

15 (B) in paragraph (3)—

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

19 (ii) in subparagraph (C)(ii), by strik-
20 ing “challenging State academic content
21 standards” and inserting “State academic
22 standards”; and

23 (iii) by striking subparagraph (D);

24 and

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

3 **SEC. 124. ALLOCATIONS TO STATES.**

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

5 (1) by amending subsection (a) to read as fol-
6 lows:

7 “(a) RESERVATION.—

8 “(1) IN GENERAL.—From the amounts appro-
9 priated under section 3(a)(1), the Secretary shall re-
10 serve 91.44 percent of such amounts to carry out
11 this chapter.

12 “(2) ALLOCATION FORMULA.—Of the amount
13 reserved under paragraph (1) for each of fiscal years
14 2016 to 2021 (referred to in this subsection as the
15 current fiscal year)—

16 “(A) an amount equal to the amount made
17 available to carry out section 1124 for fiscal
18 year 2001 shall be used to carry out section
19 1124;

20 “(B) an amount equal to the amount made
21 available to carry out section 1124A for fiscal
22 year 2001 shall be used to carry out section
23 1124A; and

24 “(C) an amount equal to 100 percent of
25 the amount, if any, by which the total amount

1 made available to carry out this chapter for the
2 fiscal year for which the determination is made
3 exceeds the total amount available to carry out
4 sections 1124 and 1124A for fiscal year 2001
5 shall be used to carry out sections 1125 and
6 1125A and such amount shall be divided equal-
7 ly between sections 1125 and 1125A.”;

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

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

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

14 **SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
15 **CIES.**

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

17 (1) in subsection (a)—

18 (A) in paragraph (3)—

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

21 (ii) in subparagraph (C)(i), by strik-
22 ing “subpart” and inserting “chapter”;

23 and

1 (B) in paragraph (4)(C), by striking “sub-
2 part” each place it appears and inserting
3 “chapter”; and

4 (2) in subsection (c)—

5 (A) in paragraph (1)(B), by striking “sub-
6 part 1 of part D” and inserting “chapter A of
7 subpart 3”; and

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

10 **SEC. 126. TARGETED GRANTS TO LOCAL EDUCATIONAL**
11 **AGENCIES.**

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

13 (1) in subsection (c)(2)—

14 (A) in subparagraph (B)—

15 (i) in clause (i), by striking “15.58”
16 and inserting “15.59”;

17 (ii) in clause (ii)—

18 (I) by striking “15.58” and in-
19 serting “15.59”; and

20 (II) by striking “22.11” and in-
21 serting “22.12”;

22 (iii) in clause (iii)—

23 (I) by striking “22.11” and in-
24 serting “22.12”; and

1 (II) by striking “30.16” and in-
2 serting “30.17”;

3 (iv) in clause (iv)—

4 (I) by striking “30.16” and in-
5 serting “30.17”; and

6 (II) by striking “38.24” and in-
7 serting “38.25”; and

8 (v) in clause (v), by striking “38.24”
9 and inserting “38.25”;

10 (B) in subparagraph (C)—

11 (i) in clause (i), by striking “691”
12 and inserting “692”;

13 (ii) in clause (ii)—

14 (I) by striking “692” and insert-
15 ing “693”; and

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

18 (iii) in clause (iii)—

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

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

23 (iv) in clause (iv)—

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

1 (II) by striking “35,514” and in-
2 sserting “35,515”; and

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

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

6 “(f) APPLICATION.—

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

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

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

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

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

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

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

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

1 sults in the highest total weighted formula student
2 count for a local educational agency is the weighting
3 system used for that agency in the final allocation
4 of Targeted and Education Finance Incentive Grant
5 funds.

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

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

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

22 “(5) When these scales are updated, Congress
23 has a further obligation to evaluate the use of per-
24 centage and number weighting to ensure the most
25 equitable distribution of Targeted and Education Fi-

1 nance Incentive Grant funds to local educational
2 agencies.”.

3 **SEC. 128. EDUCATION FINANCE INCENTIVE GRANT PRO-**
4 **GRAM.**

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

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

8 (2) in subsection (b)(1)—

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

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

17 (3) by striking subsections (a), (e), and (f) and
18 redesignating subsections (b), (c), (d), and (g) as
19 subsections (a), (b), (c), and (d), respectively;

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

23 (5) in subsection (c), as so redesignated—

24 (A) in paragraph (1)(B)—

25 (i) in clause (ii)—

- 1 (I) in subclause (I), by striking
2 “15.58” and inserting “15.59”;
- 3 (II) in subclause (II)—
4 (aa) by striking “15.58” and
5 inserting “15.59”; and
6 (bb) by striking “22.11”
7 and inserting “22.12”;
- 8 (III) in subclause (III)—
9 (aa) by striking “22.11” and
10 inserting “22.12”; and
11 (bb) by striking “30.16”
12 and inserting “30.17”;
- 13 (IV) in subclause (IV)—
14 (aa) by striking “30.16” and
15 inserting “30.17”; and
16 (bb) by striking “38.24”
17 and inserting “38.25”; and
- 18 (V) in subclause (V), by striking
19 “38.24” and inserting “38.25”; and
- 20 (ii) in clause (iii)—
21 (I) in subclause (I), by striking
22 “691” and inserting “692”;
- 23 (II) in subclause (II)—
24 (aa) by striking “692” and
25 inserting “693”; and

- 1 (bb) by striking “2,262”
2 and inserting “2,263”;
3 (III) in subclause (III)—
4 (aa) by striking “2,263” and
5 inserting “2,264”; and
6 (bb) by striking “7,851”
7 and inserting “7,852”;
8 (IV) in subclause (IV)—
9 (aa) by striking “7,852” and
10 inserting “7,853”; and
11 (bb) by striking “35,514”
12 and inserting “35,515”; and
13 (V) in subclause (V), by striking
14 “35,514” and inserting “35,515”;
15 (B) in paragraph (2)(B)—
16 (i) in clause (ii)—
17 (I) in subclause (I), by striking
18 “15.58” and inserting “15.59”;
19 (II) in subclause (II)—
20 (aa) by striking “15.58” and
21 inserting “15.59”; and
22 (bb) by striking “22.11”
23 and inserting “22.12”;
24 (III) in subclause (III)—

- 1 (aa) by striking “22.11” and
2 inserting “22.12”; and
- 3 (bb) by striking “30.16”
4 and inserting “30.17”;
- 5 (IV) in subclause (IV)—
- 6 (aa) by striking “30.16” and
7 inserting “30.17”; and
- 8 (bb) by striking “38.24”
9 and inserting “38.25”; and
- 10 (V) in subclause (V), by striking
11 “38.24” and inserting “38.25”; and
- 12 (ii) in clause (iii)—
- 13 (I) in subclause (I), by striking
14 “691” and inserting “692”;
- 15 (II) in subclause (II)—
- 16 (aa) by striking “692” and
17 inserting “693”; and
- 18 (bb) by striking “2,262”
19 and inserting “2,263”;
- 20 (III) in subclause (III)—
- 21 (aa) by striking “2,263” and
22 inserting “2,264”; and
- 23 (bb) by striking “7,851”
24 and inserting “7,852”;
- 25 (IV) in subclause (IV)—

- 1 (aa) by striking “7,852” and
2 inserting “7,853”; and
3 (bb) by striking “35,514”
4 and inserting “35,515”; and
5 (V) in subclause (V), by striking
6 “35,514” and inserting “35,515”; and
7 (C) in paragraph (3)(B)—
8 (i) in clause (ii)—
9 (I) in subclause (I), by striking
10 “15.58” and inserting “15.59”;
11 (II) in subclause (II)—
12 (aa) by striking “15.58” and
13 inserting “15.59”; and
14 (bb) by striking “22.11”
15 and inserting “22.12”;
16 (III) in subclause (III)—
17 (aa) by striking “22.11” and
18 inserting “22.12”; and
19 (bb) by striking “30.16”
20 and inserting “30.17”;
21 (IV) in subclause (IV)—
22 (aa) by striking “30.16” and
23 inserting “30.17”; and
24 (bb) by striking “38.24”
25 and inserting “38.25”; and

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

1 “(1) IN GENERAL.—The percentage and num-
2 ber ranges described in clauses (ii) and (iii) of para-
3 graph (1)(B), clauses (ii) and (iii) of paragraph
4 (2)(B), and clauses (ii) and (iii) of paragraph (3)(B)
5 shall be applied with respect to fiscal years 2016,
6 2017, 2018, 2019, 2020, and 2021 as such percent-
7 ages and numbers were in effect on the day before
8 the date of enactment of the Student Success Act.

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

21 **SEC. 129. CARRYOVER AND WAIVER.**

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

1 **SEC. 130. TITLE I PORTABILITY.**

2 Chapter B of subpart 1 of part A of title I (20 U.S.C.
3 6331 et seq.) is amended by adding at the end the fol-
4 lowing new section:

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

7 “(a) IN GENERAL.—Notwithstanding any other pro-
8 vision of law and to the extent permitted under State law,
9 a State educational agency may allocate grant funds under
10 this chapter among the local educational agencies in the
11 State based on the number of eligible children enrolled in
12 the public schools served by each local educational agency.

13 “(b) ELIGIBLE CHILD.—

14 “(1) DEFINITION.—In this section, the term
15 ‘eligible child’ means a child aged 5 to 17, inclusive,
16 from a family with an income below the poverty level
17 on the basis of the most recent satisfactory data
18 published by the Department of Commerce.

19 “(2) CRITERIA OF POVERTY.—In determining
20 the families with incomes below the poverty level for
21 the purposes of this section, a State educational
22 agency shall use the criteria of poverty used by the
23 Census Bureau in compiling the most recent decen-
24 nial census, as the criteria have been updated by in-
25 creases in the Consumer Price Index for All Urban

1 Consumers, published by the Bureau of Labor Sta-
2 tistics.

3 “(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS.—

4 “(1) IDENTIFICATION OF ELIGIBLE CHIL-
5 DREN.—On an annual basis, on a date to be deter-
6 mined by the State educational agency, each local
7 educational agency that receives grant funding in ac-
8 cordance with subsection (a) shall inform the State
9 educational agency of the number of eligible children
10 enrolled in public schools served by the local edu-
11 cational agency.

12 “(2) ALLOCATION TO LOCAL EDUCATIONAL
13 AGENCIES.—Based on the identification of eligible
14 children in paragraph (1), the State educational
15 agency shall provide to a local educational agency an
16 amount equal to the sum of the amount available for
17 each eligible child in the State multiplied by the
18 number of eligible children identified by the local
19 educational agency under paragraph (1).

20 “(3) DISTRIBUTION TO SCHOOLS.—Each local
21 educational agency that receives funds under para-
22 graph (2) shall distribute such funds to the public
23 schools served by the local educational agency—

24 “(A) based on the number of eligible chil-
25 dren enrolled in such schools; and

1 “(B) in a manner that would, in the ab-
2 sence of such Federal funds, supplement the
3 funds made available from non-Federal re-
4 sources for the education of pupils participating
5 in programs under this subpart, and not to sup-
6 plant such funds.”.

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

9 **SEC. 131. ADDITIONAL AID.**

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

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

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

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

18 **“SEC. 1131. PROGRAM PURPOSES.**

19 “The purposes of this subpart are as follows:

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

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

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

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

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

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

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

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

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

4 **“SEC. 1133. STATE ALLOCATIONS.**

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

9 “(1) the sum of—

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

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

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

24 “(b) HOLD HARMLESS.—Notwithstanding subsection
25 (a), for each of fiscal years 2016 through 2018, no State

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

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

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

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

18 “(d) RATABLE REDUCTIONS; REALLOCATIONS.—

19 “(1) IN GENERAL.—

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

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

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

9 “(2) SPECIAL RULE.—

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

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

1 “(e) CONSORTIUM ARRANGEMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(a) COMPREHENSIVE PLAN.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(b) AUTHORIZED ACTIVITIES.—

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

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

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

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

9 **“SEC. 1137. BYPASS.**

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

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

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

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

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

24 “(a) IMPROVEMENT OF COORDINATION.—

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

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

14 “(b) STUDENT RECORDS.—

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

20 “(2) INFORMATION SYSTEM.—

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

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

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

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

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

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

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

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

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

14 “(4) REPORT TO CONGRESS.—

15 “(A) IN GENERAL.—Not later than April
16 30, 2016, the Secretary shall report to the
17 Committee on Health, Education, Labor, and
18 Pensions of the Senate and the Committee on
19 Education and the Workforce of the House of
20 Representatives the Secretary’s findings and
21 recommendations regarding the maintenance
22 and transfer of health and educational informa-
23 tion for migratory students by the States.

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

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

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

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

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

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

16 **“SEC. 1139. DEFINITIONS.**

17 “As used in this subpart:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(b) PROGRAM AUTHORIZED.—From amounts ap-
23 propriated under section 3(a)(1), the Secretary shall re-
24 serve 0.31 of one percent to carry out this subpart.

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

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

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

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

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

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

21 **“SEC. 1151. ELIGIBILITY.**

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

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

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

5 “(3) in adult correctional institutions.

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

7 “(a) SUBGRANTS TO STATE AGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(a) STATE PLAN.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **“SEC. 1155. USE OF FUNDS.**

16 “(a) USES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 with personnel from the State educational agency;
2 and

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

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

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

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

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

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

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

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

6 “(A) preplacement programs that allow ad-
7 judicated or incarcerated youth to audit or at-
8 tend courses on college, university, or commu-
9 nity college campuses, or through programs
10 provided in institutional settings;

11 “(B) worksite schools, in which institutions
12 of higher education and private or public em-
13 ployers partner to create programs to help stu-
14 dents make a successful transition to postsec-
15 ondary education and employment; and

16 “(C) essential support services to ensure
17 the success of the youth, such as—

18 “(i) personal, career and technical,
19 and academic counseling;

20 “(ii) placement services designed to
21 place the youth in a university, college, or
22 junior college program;

23 “(iii) information concerning, and as-
24 sistance in obtaining, available student fi-
25 nancial aid;

1 “(iv) counseling services; and

2 “(v) job placement services.

3 “(b) CONDUCT OF PROJECTS.—A project supported
4 under this section may be conducted directly by the State
5 agency, or through a contract or other arrangement with
6 one or more local educational agencies, other public agen-
7 cies, or private organizations.

8 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed to prohibit a school that receives
10 funds under subsection (a) from serving neglected and de-
11 linquent children and youth simultaneously with students
12 with similar educational needs, in the same educational
13 settings where appropriate.

14 **“SEC. 1159. TECHNICAL ASSISTANCE.**

15 “The Secretary shall reserve not more than 1 percent
16 of the amount reserved under section 1141 to provide
17 technical assistance to and support State agency programs
18 assisted under this chapter.

19 **“CHAPTER B—LOCAL AGENCY PROGRAMS**

20 **“SEC. 1161. PURPOSE.**

21 “The purpose of this chapter is to support the oper-
22 ation of local educational agency programs that involve
23 collaboration with locally operated correctional facilities—

24 “(1) to carry out high quality education pro-
25 grams to prepare children and youth for secondary

1 school completion, training, employment, or further
2 education;

3 “(2) to provide activities to facilitate the transi-
4 tion of such children and youth from the correctional
5 program to further education or employment; and

6 “(3) to operate programs in local schools for
7 children and youth returning from correctional facili-
8 ties, and programs which may serve at-risk children
9 and youth.

10 **“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDU-
11 CATIONAL AGENCIES.**

12 “(a) LOCAL SUBGRANTS.—With funds made avail-
13 able under section 1142(b), the State educational agency
14 shall award subgrants to local educational agencies with
15 high numbers or percentages of children and youth resid-
16 ing in locally operated (including county operated) correc-
17 tional facilities for children and youth (including facilities
18 involved in community day programs).

19 “(b) SPECIAL RULE.—A local educational agency
20 that serves a school operated by a correctional facility is
21 not required to operate a program of support for children
22 and youth returning from such school to a school that is
23 not operated by a correctional agency but served by such
24 local educational agency, if more than 30 percent of the
25 children and youth attending the school operated by the

1 correctional facility will reside outside the boundaries
2 served by the local educational agency after leaving such
3 facility.

4 “(c) NOTIFICATION.—A State educational agency
5 shall notify local educational agencies within the State of
6 the eligibility of such agencies to receive a subgrant under
7 this chapter.

8 “(d) TRANSITIONAL AND ACADEMIC SERVICES.—
9 Transitional and supportive programs operated in local
10 educational agencies under this chapter shall be designed
11 primarily to meet the transitional and academic needs of
12 students returning to local educational agencies or alter-
13 native education programs from correctional facilities.
14 Services to students at-risk of dropping out of school shall
15 not have a negative impact on meeting the transitional and
16 academic needs of the students returning from correc-
17 tional facilities.

18 **“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

19 “Each local educational agency desiring assistance
20 under this chapter shall submit an application to the State
21 educational agency that contains such information as the
22 State educational agency may require. Each such applica-
23 tion shall include—

24 “(1) a description of the program to be as-
25 sisted;

1 “(2) a description of formal agreements, re-
2 garding the program to be assisted, between—

3 “(A) the local educational agency; and

4 “(B) correctional facilities and alternative
5 school programs serving children and youth in-
6 volved with the juvenile justice system;

7 “(3) as appropriate, a description of how par-
8 ticipating schools will coordinate with facilities work-
9 ing with delinquent children and youth to ensure
10 that such children and youth are participating in an
11 education program comparable to one operating in
12 the local school such youth would attend;

13 “(4) a description of the program operated by
14 participating schools for children and youth return-
15 ing from correctional facilities and, as appropriate,
16 the types of services that such schools will provide
17 such children and youth and other at-risk children
18 and youth;

19 “(5) a description of the characteristics (includ-
20 ing learning difficulties, substance abuse problems,
21 and other needs) of the children and youth who will
22 be returning from correctional facilities and, as ap-
23 propriate, other at-risk children and youth expected
24 to be served by the program, and a description of
25 how the school will coordinate existing educational

1 programs to meet the unique educational needs of
2 such children and youth;

3 “(6) as appropriate, a description of how
4 schools will coordinate with existing social, health,
5 and other services to meet the needs of students re-
6 turning from correctional facilities and at-risk chil-
7 dren or youth, including prenatal health care and
8 nutrition services related to the health of the parent
9 and the child or youth, parenting and child develop-
10 ment classes, child care, targeted reentry and out-
11 reach programs, referrals to community resources,
12 and scheduling flexibility;

13 “(7) as appropriate, a description of any part-
14 nerships with local businesses to develop training,
15 curriculum-based youth entrepreneurship education,
16 and mentoring services for participating students;

17 “(8) as appropriate, a description of how the
18 program will involve parents in efforts to improve
19 the educational achievement of their children, assist
20 in dropout prevention activities, and prevent the in-
21 volvement of their children in delinquent activities;

22 “(9) a description of how the program under
23 this chapter will be coordinated with other Federal,
24 State, and local programs, such as programs under
25 title I of Public Law 105–220 and career and tech-

1 nical education programs serving at-risk children
2 and youth;

3 “(10) a description of how the program will be
4 coordinated with programs operated under the Juve-
5 nile Justice and Delinquency Prevention Act of 1974
6 and other comparable programs, if applicable;

7 “(11) as appropriate, a description of how
8 schools will work with probation officers to assist in
9 meeting the needs of children and youth returning
10 from correctional facilities;

11 “(12) a description of the efforts participating
12 schools will make to ensure correctional facilities
13 working with children and youth are aware of a
14 child’s or youth’s existing individualized education
15 program; and

16 “(13) as appropriate, a description of the steps
17 participating schools will take to find alternative
18 placements for children and youth interested in con-
19 tinuing their education but unable to participate in
20 a traditional public school program.

21 **“SEC. 1164. USES OF FUNDS.**

22 “(a) IN GENERAL.—Funds provided to local edu-
23 cational agencies under this chapter may be used, as ap-
24 propriate, for—

1 “(1) programs that serve children and youth re-
2 turning to local schools from correctional facilities,
3 to assist in the transition of such children and youth
4 to the school environment and help them remain in
5 school in order to complete their education;

6 “(2) dropout prevention programs which serve
7 at-risk children and youth;

8 “(3) the coordination of health and social serv-
9 ices for such individuals if there is a likelihood that
10 the provision of such services, including day care,
11 drug and alcohol counseling, and mental health serv-
12 ices, will improve the likelihood such individuals will
13 complete their education;

14 “(4) special programs to meet the unique aca-
15 demic needs of participating children and youth, in-
16 cluding career and technical education, special edu-
17 cation, career counseling, curriculum-based youth
18 entrepreneurship education, and assistance in secur-
19 ing student loans or grants for postsecondary edu-
20 cation; and

21 “(5) programs providing mentoring and peer
22 mediation.

23 “(b) CONTRACTS AND GRANTS.—A local educational
24 agency may use a grant received under this chapter to
25 carry out the activities described under paragraphs (1)

1 through (5) of subsection (a) directly or through grants,
2 contracts, or cooperative agreements.

3 **“SEC. 1165. PROGRAM REQUIREMENTS FOR CORREC-**
4 **TIONAL FACILITIES RECEIVING FUNDS**
5 **UNDER THIS SECTION.**

6 “Each correctional facility entering into an agree-
7 ment with a local educational agency under section
8 1163(2) to provide services to children and youth under
9 this chapter shall—

10 “(1) where feasible, ensure that educational
11 programs in the correctional facility are coordinated
12 with the student’s home school, particularly with re-
13 spect to a student with an individualized education
14 program under part B of the Individuals with Dis-
15 abilities Education Act;

16 “(2) if the child or youth is identified as in
17 need of special education services while in the cor-
18 rectional facility, notify the local school of the child
19 or youth of such need;

20 “(3) where feasible, provide transition assist-
21 ance to help the child or youth stay in school, in-
22 cluding coordination of services for the family, coun-
23 seling, assistance in accessing drug and alcohol
24 abuse prevention programs, tutoring, and family
25 counseling;

1 “(4) provide support programs that encourage
2 children and youth who have dropped out of school
3 to re-enter school and obtain a regular high school
4 diploma once their term at the correctional facility
5 has been completed, or provide such children and
6 youth with the skills necessary to gain employment
7 or seek a regular high school diploma or its recog-
8 nized equivalent;

9 “(5) work to ensure that the correctional facil-
10 ity is staffed with effective teachers and other quali-
11 fied staff who are trained to work with children and
12 youth with disabilities taking into consideration the
13 unique needs of such children and youth;

14 “(6) ensure that educational programs in the
15 correctional facility are related to assisting students
16 to meet the States’s academic standards;

17 “(7) to the extent possible, use technology to
18 assist in coordinating educational programs between
19 the correctional facility and the community school;

20 “(8) where feasible, involve parents in efforts to
21 improve the educational achievement of their chil-
22 dren and prevent the further involvement of such
23 children in delinquent activities;

24 “(9) coordinate funds received under this chap-
25 ter with other local, State, and Federal funds avail-

1 able to provide services to participating children and
2 youth, such as funds made available under title I of
3 Public Law 105–220, and career and technical edu-
4 cation funds;

5 “(10) coordinate programs operated under this
6 chapter with activities funded under the Juvenile
7 Justice and Delinquency Prevention Act of 1974 and
8 other comparable programs, if applicable;

9 “(11) if appropriate, work with local businesses
10 to develop training, curriculum-based youth entre-
11 preneurship education, and mentoring programs for
12 children and youth; and

13 “(12) consult with the local educational agency
14 for a period jointly determined necessary by the cor-
15 rectional facility and local educational agency upon
16 discharge from that facility to coordinate educational
17 services so as to minimize disruption to the child’s
18 or youth’s achievement.

19 **“SEC. 1166. ACCOUNTABILITY.**

20 “The State educational agency—

21 “(1) may require correctional facilities or insti-
22 tutions for neglected or delinquent children and
23 youth to demonstrate, after receiving assistance
24 under this chapter for 3 years, that there has been
25 an increase in the number of children and youth re-

1 turning to school, obtaining a regular high school di-
2 ploma or its recognized equivalent, or obtaining em-
3 ployment after such children and youth are released;
4 and

5 “(2) may reduce or terminate funding for
6 projects under this chapter if a local educational
7 agency does not show progress in the number of
8 children and youth obtaining a regular high school
9 diploma or its recognized equivalent.

10 **“CHAPTER C—GENERAL PROVISIONS**

11 **“SEC. 1171. PROGRAM EVALUATIONS.**

12 “(a) SCOPE OF EVALUATION.—Each State agency or
13 local educational agency that conducts a program under
14 chapter A or B shall evaluate the program, disaggregating
15 data on participation by gender, race, ethnicity, and age,
16 not less than once every 3 years, to determine the pro-
17 gram’s impact on the ability of participants—

18 “(1) to maintain and improve educational
19 achievement;

20 “(2) to accrue school credits that meet State re-
21 quirements for grade promotion and high school
22 graduation;

23 “(3) to make the transition to a regular pro-
24 gram or other education program operated by a local
25 educational agency;

1 “(4) to complete high school (or high school
2 equivalency requirements) and obtain employment
3 after leaving the correctional facility or institution
4 for neglected or delinquent children and youth; and

5 “(5) as appropriate, to participate in postsec-
6 ondary education and job training programs.

7 “(b) EXCEPTION.—The disaggregation required
8 under subsection (a) shall not be required in a case in
9 which the number of students in a category is insufficient
10 to yield statistically reliable information or the results
11 would reveal personally identifiable information about an
12 individual student.

13 “(c) EVALUATION MEASURES.—In conducting each
14 evaluation under subsection (a), a State agency or local
15 educational agency shall use multiple and appropriate
16 measures of student progress.

17 “(d) EVALUATION RESULTS.—Each State agency
18 and local educational agency shall—

19 “(1) submit evaluation results to the State edu-
20 cational agency and the Secretary; and

21 “(2) use the results of evaluations under this
22 section to plan and improve subsequent programs
23 for participating children and youth.

24 **“SEC. 1172. DEFINITIONS.**

25 “In this subpart:

1 “(1) ADULT CORRECTIONAL INSTITUTION.—

2 The term ‘adult correctional institution’ means a fa-
3 cility in which persons (including persons under 21
4 years of age) are confined as a result of a conviction
5 for a criminal offense.

6 “(2) AT-RISK.—The term ‘at-risk’, when used
7 with respect to a child, youth, or student, means a
8 school-aged individual who—

9 “(A) is at-risk of academic failure; and

10 “(B) has a drug or alcohol problem, is
11 pregnant or is a parent, has come into contact
12 with the juvenile justice system in the past, is
13 at least 1 year behind the expected grade level
14 for the age of the individual, is an English
15 learner, is a gang member, has dropped out of
16 school in the past, or has a high absenteeism
17 rate at school.

18 “(3) COMMUNITY DAY PROGRAM.—The term
19 ‘community day program’ means a regular program
20 of instruction provided by a State agency at a com-
21 munity day school operated specifically for neglected
22 or delinquent children and youth.

23 “(4) INSTITUTION FOR NEGLECTED OR DELIN-
24 QUENT CHILDREN AND YOUTH.—The term ‘institu-

1 tion for neglected or delinquent children and youth’
2 means—

3 “(A) a public or private residential facility,
4 other than a foster home, that is operated for
5 the care of children who have been committed
6 to the institution or voluntarily placed in the in-
7 stitution under applicable State law, due to
8 abandonment, neglect, or death of their parents
9 or guardians; or

10 “(B) a public or private residential facility
11 for the care of children who have been adju-
12 dicated to be delinquent or in need of super-
13 vision.

14 **“Subpart 4—English Language Acquisition,**
15 **Language Enhancement, and Academic Achievement**

16 **“SEC. 1181. PURPOSES.**

17 “The purposes of this subpart are—

18 “(1) to help ensure that English learners, in-
19 cluding immigrant children and youth, attain
20 English proficiency and develop high levels of aca-
21 demic achievement in English;

22 “(2) to assist all English learners, including im-
23 migrant children and youth, to achieve at high levels
24 so that those children can meet the same State aca-

1 demic standards that all children are expected to
2 meet, consistent with section 1111(b)(1);

3 “(3) to assist State educational agencies, local
4 educational agencies, and schools in establishing, im-
5 plementing, and sustaining high-quality, flexible, evi-
6 dence-based language instruction educational pro-
7 grams designed to assist in teaching English learn-
8 ers, including immigrant children and youth;

9 “(4) to assist State educational agencies and
10 local educational agencies to develop and enhance
11 their capacity to provide high-quality, evidence-based
12 instructional programs designed to prepare English
13 learners, including immigrant children and youth, to
14 enter all-English instruction settings; and

15 “(5) to promote parental and community par-
16 ticipation in language instruction educational pro-
17 grams for the parents and communities of English
18 learners.

19 **“CHAPTER A—GRANTS AND SUBGRANTS**
20 **FOR ENGLISH LANGUAGE ACQUI-**
21 **TION AND LANGUAGE ENHANCEMENT**

22 **“SEC. 1191. FORMULA GRANTS TO STATES.**

23 “(a) IN GENERAL.—In the case of each State edu-
24 cational agency having a plan approved by the Secretary
25 for a fiscal year under section 1192, the Secretary shall

1 reserve 4.6 percent of funds appropriated under section
2 3(a)(1) to make a grant for the year to the agency for
3 the purposes specified in subsection (b). The grant shall
4 consist of the allotment determined for the State edu-
5 cational agency under subsection (c).

6 “(b) USE OF FUNDS.—

7 “(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The
8 Secretary may make a grant under subsection (a)
9 only if the State educational agency involved agrees
10 to expend at least 95 percent of the State edu-
11 cational agency’s allotment under subsection (c) for
12 a fiscal year—

13 “(A) to award subgrants, from allocations
14 under section 1193, to eligible entities to carry
15 out the activities described in section 1194
16 (other than subsection (e)); and

17 “(B) to award subgrants under section
18 1193(d)(1) to eligible entities that are described
19 in that section to carry out the activities de-
20 scribed in section 1194(e).

21 “(2) STATE ACTIVITIES.—Subject to paragraph
22 (3), each State educational agency receiving a grant
23 under subsection (a) may reserve not more than 5
24 percent of the agency’s allotment under subsection
25 (c) to carry out the following activities:

1 “(A) Professional development activities,
2 and other activities, which may include assisting
3 personnel in—

4 “(i) meeting State and local certifi-
5 cation and licensing requirements for
6 teaching English learners; and

7 “(ii) improving teacher skills in meet-
8 ing the diverse needs of English learners,
9 including in how to implement evidence-
10 based programs and curricula on teaching
11 English learners.

12 “(B) Planning, evaluation, administration,
13 and interagency coordination related to the sub-
14 grants referred to in paragraph (1).

15 “(C) Providing technical assistance and
16 other forms of assistance to eligible entities that
17 are receiving subgrants from a State edu-
18 cational agency under this chapter, including
19 assistance in—

20 “(i) identifying and implementing evi-
21 dence-based language instruction edu-
22 cational programs and curricula for teach-
23 ing English learners;

1 “(ii) helping English learners meet
2 the same State academic standards that all
3 children are expected to meet;

4 “(iii) identifying or developing, and
5 implementing, measures of English pro-
6 ficiency; and

7 “(iv) strengthening and increasing
8 parent, family, and community engage-
9 ment.

10 “(D) Providing recognition, which may in-
11 clude providing financial awards, to subgrantees
12 that have significantly improved the achieve-
13 ment and progress of English learners in—

14 “(i) reaching English language pro-
15 ficiency, based on the State’s English lan-
16 guage proficiency assessment under section
17 1111(b)(2)(D); and

18 “(ii) meeting the State academic
19 standards under section 1111(b)(1).

20 “(3) ADMINISTRATIVE EXPENSES.—From the
21 amount reserved under paragraph (2), a State edu-
22 cational agency may use not more than 40 percent
23 of such amount or \$175,000, whichever is greater,
24 for the planning and administrative costs of carrying
25 out paragraphs (1) and (2).

1 “(c) RESERVATIONS AND ALLOTMENTS.—

2 “(1) RESERVATIONS.—From the amount re-
3 served under section 1191(a) for each fiscal year,
4 the Secretary shall reserve—

5 “(A) 0.5 percent of such amount for pay-
6 ments to outlying areas, to be allotted in ac-
7 cordance with their respective needs for assist-
8 ance under this chapter, as determined by the
9 Secretary, for activities, approved by the Sec-
10 retary, consistent with this chapter; and

11 “(B) 6.5 percent of such amount for na-
12 tional activities under sections 1211 and 1222,
13 except that not more than \$2,000,000 of such
14 amount may be reserved for the National Clear-
15 inghouse for English Language Acquisition and
16 Language Instruction Educational Programs
17 described in section 1222.

18 “(2) STATE ALLOTMENTS.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), from the amount reserved
21 under section 1191(a) for each fiscal year that
22 remains after making the reservations under
23 paragraph (1), the Secretary shall allot to each
24 State educational agency having a plan ap-
25 proved under section 1192(c)—

1 “(i) an amount that bears the same
2 relationship to 80 percent of the remainder
3 as the number of English learners in the
4 State bears to the number of such children
5 in all States, as determined by data avail-
6 able from the American Community Survey
7 conducted by the Department of Commerce
8 or State-reported data; and

9 “(ii) an amount that bears the same
10 relationship to 20 percent of the remainder
11 as the number of immigrant children and
12 youth in the State bears to the number of
13 such children and youth in all States, as
14 determined based only on data available
15 from the American Community Survey
16 conducted by the Department of Com-
17 merce.

18 “(B) MINIMUM ALLOTMENTS.—No State
19 educational agency shall receive an allotment
20 under this paragraph that is less than
21 \$500,000.

22 “(C) REALLOTMENT.—If any State edu-
23 cational agency described in subparagraph (A)
24 does not submit a plan to the Secretary for a
25 fiscal year, or submits a plan (or any amend-

1 ment to a plan) that the Secretary, after rea-
2 sonable notice and opportunity for a hearing,
3 determines does not satisfy the requirements of
4 this chapter, the Secretary shall reallocate any por-
5 tion of such allotment to the remaining State
6 educational agencies in accordance with sub-
7 paragraph (A).

8 “(D) SPECIAL RULE FOR PUERTO RICO.—
9 The total amount allotted to Puerto Rico for
10 any fiscal year under subparagraph (A) shall
11 not exceed 0.5 percent of the total amount al-
12 lotted to all States for that fiscal year.

13 “(3) USE OF DATA FOR DETERMINATIONS.—In
14 making State allotments under paragraph (2) for
15 each fiscal year, the Secretary shall determine the
16 number of English learners in a State and in all
17 States, using the most accurate, up-to-date data,
18 which shall be—

19 “(A) data from the American Community
20 Survey conducted by the Department of Com-
21 merce, which may be multiyear estimates;

22 “(B) the number of students being as-
23 sessed for English language proficiency, based
24 on the State’s English language proficiency as-

1 assessment under section 1111(b)(2)(D), which
2 may be multiyear estimates; or

3 “(C) a combination of data available under
4 subparagraphs (A) and (B).

5 **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

6 “(a) PLAN REQUIRED.—Each State educational
7 agency desiring a grant under this chapter shall submit
8 a plan to the Secretary at such time and in such manner
9 as the Secretary may require.

10 “(b) CONTENTS.—Each plan submitted under sub-
11 section (a) shall—

12 “(1) describe the process that the agency will
13 use in awarding subgrants to eligible entities under
14 section 1193(d)(1);

15 “(2) provide an assurance that—

16 “(A) the agency will ensure that eligible
17 entities receiving a subgrant under this chapter
18 comply with the requirement in section
19 1111(b)(2)(B)(x) to annually assess in English
20 learners who have been in the United States for
21 3 or more consecutive years;

22 “(B) the agency will ensure that eligible
23 entities receiving a subgrant under this chapter
24 annually assess the English proficiency of all
25 English learners participating in a program

1 funded under this chapter, consistent with sec-
2 tion 1111(b)(2)(D);

3 “(C) in awarding subgrants under section
4 1193, the agency will address the needs of
5 school systems of all sizes and in all geographic
6 areas, including school systems with rural and
7 urban schools;

8 “(D) subgrants to eligible entities under
9 section 1193(d)(1) will be of sufficient size and
10 scope to allow such entities to carry out high-
11 quality, evidence-based language instruction
12 educational programs for English learners;

13 “(E) the agency will require an eligible en-
14 tity receiving a subgrant under this chapter to
15 use the subgrant in ways that will build such
16 recipient’s capacity to continue to offer high-
17 quality evidence-based language instruction edu-
18 cational programs that assist English learners
19 in meeting State academic standards;

20 “(F) the agency will monitor the eligible
21 entity receiving a subgrant under this chapter
22 for compliance with applicable Federal fiscal re-
23 quirements; and

24 “(G) the plan has been developed in con-
25 sultation with local educational agencies, teach-

1 ers, administrators of programs implemented
2 under this chapter, parents, and other relevant
3 stakeholders;

4 “(3) describe how the agency will coordinate its
5 programs and activities under this chapter with
6 other programs and activities under this Act and
7 other Acts, as appropriate;

8 “(4) describe how eligible entities in the State
9 will be given the flexibility to teach English learn-
10 ers—

11 “(A) using a high-quality, evidence-based
12 language instruction curriculum for teaching
13 English learners; and

14 “(B) in the manner the eligible entities de-
15 termine to be the most effective; and

16 “(5) describe how the agency will assist eligible
17 entities in increasing the number of English learners
18 who acquire English proficiency.

19 “(c) APPROVAL.—The Secretary, after using a peer
20 review process, shall approve a plan submitted under sub-
21 section (a) if the plan meets the requirements of this sec-
22 tion.

23 “(d) DURATION OF PLAN.—

1 “(1) IN GENERAL.—Each plan submitted by a
2 State educational agency and approved under sub-
3 section (c) shall—

4 “(A) remain in effect for the duration of
5 the agency’s participation under this chapter;
6 and

7 “(B) be periodically reviewed and revised
8 by the agency, as necessary, to reflect changes
9 to the agency’s strategies and programs carried
10 out under this subpart.

11 “(2) ADDITIONAL INFORMATION.—

12 “(A) AMENDMENTS.—If the State edu-
13 cational agency amends the plan, the agency
14 shall submit such amendment to the Secretary.

15 “(B) APPROVAL.—The Secretary shall ap-
16 prove such amendment to an approved plan,
17 unless the Secretary determines that the
18 amendment will result in the agency not meet-
19 ing the requirements, or fulfilling the purposes,
20 of this subpart.

21 “(e) CONSOLIDATED PLAN.—A plan submitted under
22 subsection (a) may be submitted as part of a consolidated
23 plan under section 6302.

1 “(f) SECRETARY ASSISTANCE.—The Secretary shall
2 provide technical assistance, if requested, in the develop-
3 ment of English proficiency standards and assessments.

4 **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

5 “(a) IN GENERAL.—After making the reservation re-
6 quired under subsection (d)(1), each State educational
7 agency receiving a grant under section 1191(c)(2) shall
8 award subgrants for a fiscal year by allocating in a timely
9 manner to each eligible entity in the State having a plan
10 approved under section 1195 an amount that bears the
11 same relationship to the amount received under the grant
12 and remaining after making such reservation as the popu-
13 lation of English learners in schools served by the eligible
14 entity bears to the population of English learners in
15 schools served by all eligible entities in the State.

16 “(b) LIMITATION.—A State educational agency shall
17 not award a subgrant from an allocation made under sub-
18 section (a) if the amount of such subgrant would be less
19 than \$10,000.

20 “(c) REALLOCATION.—Whenever a State educational
21 agency determines that an amount from an allocation
22 made to an eligible entity under subsection (a) for a fiscal
23 year will not be used by the entity for the purpose for
24 which the allocation was made, the agency shall, in accord-
25 ance with such rules as it determines to be appropriate,

1 reallocate such amount, consistent with such subsection,
2 to other eligible entities in the State that the agency deter-
3 mines will use the amount to carry out that purpose.

4 “(d) REQUIRED RESERVATION.—A State educational
5 agency receiving a grant under this chapter for a fiscal
6 year—

7 “(1) shall reserve not more than 15 percent of
8 the agency’s allotment under section 1191(c)(2) to
9 award subgrants to eligible entities in the State that
10 have experienced a significant increase, as compared
11 to the average of the 2 preceding fiscal years, in the
12 percentage or number of immigrant children and
13 youth, who have enrolled, during the fiscal year pre-
14 ceding the fiscal year for which the subgrant is
15 made, in public and nonpublic elementary schools
16 and secondary schools in the geographic areas under
17 the jurisdiction of, or served by, such entities; and

18 “(2) in awarding subgrants under paragraph
19 (1)—

20 “(A) shall equally consider eligible entities
21 that satisfy the requirement of such paragraph
22 but have limited or no experience in serving im-
23 migrant children and youth; and

24 “(B) shall consider the quality of each
25 local plan under section 1195 and ensure that

1 each subgrant is of sufficient size and scope to
2 meet the purposes of this subpart.

3 **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

4 “(a) PURPOSES OF SUBGRANTS.—A State edu-
5 cational agency may make a subgrant to an eligible entity
6 from funds received by the agency under this chapter only
7 if the entity agrees to expend the funds to improve the
8 education of English learners, by assisting the children to
9 learn English and meet State academic standards. In car-
10 rying out activities with such funds, the eligible entity
11 shall use evidence-based approaches and methodologies for
12 teaching English learners and immigrant children and
13 youth for the following purposes:

14 “(1) Developing and implementing new lan-
15 guage instruction educational programs and aca-
16 demic content instruction programs for English
17 learners and immigrant children and youth, includ-
18 ing programs of early childhood education, elemen-
19 tary school programs, and secondary school pro-
20 grams.

21 “(2) Carrying out highly focused, innovative, lo-
22 cally designed, evidence-based activities to expand or
23 enhance existing language instruction educational
24 programs and academic content instruction pro-

1 grams for English learners and immigrant children
2 and youth.

3 “(3) Implementing, within an individual school,
4 schoolwide programs for restructuring, reforming,
5 and upgrading all relevant programs, activities, and
6 operations relating to language instruction edu-
7 cational programs and academic content instruction
8 for English learners and immigrant children and
9 youth.

10 “(4) Implementing, within the entire jurisdic-
11 tion of a local educational agency, agencywide pro-
12 grams for restructuring, reforming, and upgrading
13 all relevant programs, activities, and operations re-
14 lating to language instruction educational programs
15 and academic content instruction for English learn-
16 ers and immigrant children and youth.

17 “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-
18 tity receiving funds under section 1193(a) for a fiscal year
19 shall use not more than 2 percent of such funds for the
20 cost of administering this chapter.

21 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
22 ble entity receiving funds under section 1193(a) shall use
23 the funds—

24 “(1) to increase the English language pro-
25 ficiency of English learners by providing high-qual-

1 ity, evidence-based language instruction educational
2 programs that meet the needs of English learners
3 and have demonstrated success in increasing—

4 “(A) English language proficiency; and

5 “(B) student academic achievement;

6 “(2) to provide high-quality, evidence-based
7 professional development to classroom teachers (in-
8 cluding teachers in classroom settings that are not
9 the settings of language instruction educational pro-
10 grams), school leaders, administrators, and other
11 school or community-based organization personnel,
12 that is—

13 “(A) designed to improve the instruction
14 and assessment of English learners;

15 “(B) designed to enhance the ability of
16 teachers and school leaders to understand and
17 implement curricula, assessment practices and
18 measures, and instruction strategies for English
19 learners;

20 “(C) evidence-based in increasing chil-
21 dren’s English language proficiency or substan-
22 tially increasing the subject matter knowledge,
23 teaching knowledge, and teaching skills of
24 teachers; and

1 “(D) of sufficient intensity and duration
2 (which shall not include activities such as one-
3 day or short-term workshops and conferences)
4 to have a positive and lasting impact on the
5 teachers’ performance in the classroom, except
6 that this subparagraph shall not apply to an ac-
7 tivity that is one component of a long-term,
8 comprehensive professional development plan
9 established by a teacher and the teacher’s su-
10 pervisor based on an assessment of the needs of
11 the teacher, the supervisor, the students of the
12 teacher, and any local educational agency em-
13 ploying the teacher, as appropriate; and

14 “(3) to provide and implement other evidence-
15 based activities and strategies that enhance or sup-
16 plement language instruction educational programs
17 for English learners, including parental and commu-
18 nity engagement activities and strategies that serve
19 to coordinate and align related programs.

20 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-
21 ject to subsection (c), an eligible entity receiving funds
22 under section 1193(a) may use the funds to achieve one
23 of the purposes described in subsection (a) by undertaking
24 one or more of the following activities:

1 “(1) Upgrading program objectives and effective instruction strategies.

2 “(2) Improving the instruction program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

3 “(3) Providing to English learners—

4 “(A) tutorials and academic or career education for English learners; and

5 “(B) intensified instruction.

6 “(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

7 “(5) Improving the English language proficiency and academic achievement of English learners.

8 “(6) Providing community participation programs, family literacy services, and parent outreach and training activities to English learners and their families—

9 “(A) to improve the English language skills of English learners; and

10 “(B) to assist parents in helping their children to improve their academic achievement

1 and becoming active participants in the edu-
2 cation of their children.

3 “(7) Improving the instruction of English learn-
4 ers by providing for—

5 “(A) the acquisition or development of
6 educational technology or instructional mate-
7 rials;

8 “(B) access to, and participation in, elec-
9 tronic networks for materials, training, and
10 communication; and

11 “(C) incorporation of the resources de-
12 scribed in subparagraphs (A) and (B) into cur-
13 ricula and programs, such as those funded
14 under this chapter.

15 “(8) Carrying out other activities that are con-
16 sistent with the purposes of this section.

17 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-
18 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND
19 YOUTH.—

20 “(1) IN GENERAL.—An eligible entity receiving
21 funds under section 1193(d)(1) shall use the funds
22 to pay for activities that provide enhanced instruc-
23 tional opportunities for immigrant children and
24 youth, which may include—

1 “(A) family literacy, parent outreach, and
2 training activities designed to assist parents to
3 become active participants in the education of
4 their children;

5 “(B) support for personnel, including para-
6 professionals who have been specifically trained,
7 or are being trained, to provide services to im-
8 migrant children and youth;

9 “(C) provision of tutorials, mentoring, and
10 academic or career counseling for immigrant
11 children and youth;

12 “(D) identification, development, and ac-
13 quisition of curricular materials, educational
14 software, and technologies to be used in the
15 program carried out with awarded funds;

16 “(E) basic instruction services that are di-
17 rectly attributable to the presence in the local
18 educational agency involved of immigrant chil-
19 dren and youth, including the payment of costs
20 of providing additional classroom supplies, costs
21 of transportation, or such other costs as are di-
22 rectly attributable to such additional basic in-
23 struction services;

24 “(F) other instruction services that are de-
25 signed to assist immigrant children and youth

1 to achieve in elementary schools and secondary
2 schools in the United States, such as programs
3 of introduction to the educational system and
4 civics education; and

5 “(G) activities, coordinated with commu-
6 nity-based organizations, institutions of higher
7 education, private sector entities, or other enti-
8 ties with expertise in working with immigrants,
9 to assist parents of immigrant children and
10 youth by offering comprehensive community
11 services.

12 “(2) DURATION OF SUBGRANTS.—The duration
13 of a subgrant made by a State educational agency
14 under section 1193(d)(1) shall be determined by the
15 agency in its discretion.

16 “(f) SELECTION OF METHOD OF INSTRUCTION.—

17 “(1) IN GENERAL.—To receive a subgrant from
18 a State educational agency under this chapter, an el-
19 igible entity shall select one or more methods or
20 forms of instruction to be used in the programs and
21 activities undertaken by the entity to assist English
22 learners to attain English language proficiency and
23 meet State academic standards.

24 “(2) CONSISTENCY.—Such selection shall be
25 consistent with sections 1204 through 1206.

1 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds
2 made available under this chapter shall be used so as to
3 supplement the level of Federal, State, and local public
4 funds that, in the absence of such availability, would have
5 been expended for programs for English learners and im-
6 migrant children and youth and in no case to supplant
7 such Federal, State, and local public funds.

8 **“SEC. 1195. LOCAL PLANS.**

9 “(a) PLAN REQUIRED.—Each eligible entity desiring
10 a subgrant from the State educational agency under sec-
11 tion 1193 shall submit a plan to the State educational
12 agency at such time, in such manner, and containing such
13 information as the State educational agency may require.

14 “(b) CONTENTS.—Each plan submitted under sub-
15 section (a) shall—

16 “(1) describe the evidence-based programs and
17 activities proposed to be developed, implemented,
18 and administered under the subgrant that will help
19 English learners increase their English language
20 proficiency and meet the State academic standards;

21 “(2) describe how the eligible entity will hold el-
22 elementary schools and secondary schools receiving
23 funds under this chapter accountable for annually
24 assessing the English language proficiency of all

1 children participating under this subpart, consistent
2 with section 1111(b);

3 “(3) describe how the eligible entity will pro-
4 mote parent and community engagement in the edu-
5 cation of English learners;

6 “(4) contain an assurance that the eligible enti-
7 ty consulted with teachers, researchers, school ad-
8 ministrators, parents and community members, pub-
9 lic or private organizations, and institutions of high-
10 er education, in developing and implementing such
11 plan;

12 “(5) describe how language instruction edu-
13 cational programs carried out under the subgrant
14 will ensure that English learners being served by the
15 programs develop English language proficiency; and

16 “(6) contain assurances that—

17 “(A) each local educational agency that is
18 included in the eligible entity is complying with
19 section 1112(g) prior to, and throughout, each
20 school year; and

21 “(B) the eligible entity is not in violation
22 of any State law, including State constitutional
23 law, regarding the education of English learn-
24 ers, consistent with sections 1205 and 1206.

1 “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible
2 entity receiving a subgrant under section 1193 shall in-
3 clude in its plan a certification that all teachers in any
4 language instruction educational program for English
5 learners that is, or will be, funded under this subpart are
6 fluent in English and any other language used for instruc-
7 tion, including having written and oral communications
8 skills.

9 **“CHAPTER B—ADMINISTRATION**

10 **“SEC. 1201. REPORTING.**

11 “(a) **IN GENERAL.**—Each eligible entity that receives
12 a subgrant from a State educational agency under chapter
13 A shall provide such agency, at the conclusion of every
14 second fiscal year during which the subgrant is received,
15 with a report, in a form prescribed by the agency, on the
16 activities conducted and students served under this sub-
17 part that includes—

18 “(1) a description of the programs and activi-
19 ties conducted by the entity with funds received
20 under chapter A during the two immediately pre-
21 ceding fiscal years, including how such programs
22 and activities supplemented programs funded pri-
23 marily with State or local funds;

1 “(2) a description of the progress made by
2 English learners in learning the English language
3 and in meeting State academic standards;

4 “(3) the number and percentage of English
5 learners in the programs and activities attaining
6 English language proficiency based on the State
7 English language proficiency standards established
8 under section 1111(b)(1)(E) by the end of each
9 school year, as determined by the State’s English
10 language proficiency assessment under section
11 1111(b)(2)(D);

12 “(4) the number of English learners who exit
13 the language instruction educational programs based
14 on their attainment of English language proficiency
15 and transitioned to classrooms not tailored for
16 English learners;

17 “(5) a description of the progress made by
18 English learners in meeting the State academic
19 standards for each of the 2 years after such children
20 are no longer receiving services under this subpart;

21 “(6) the number and percentage of English
22 learners who have not attained English language
23 proficiency within five years of initial classification
24 as an English learner and first enrollment in the
25 local educational agency; and

1 “(7) any such other information as the State
2 educational agency may require.

3 “(b) USE OF REPORT.—A report provided by an eli-
4 gible entity under subsection (a) shall be used by the enti-
5 ty and the State educational agency—

6 “(1) to determine the effectiveness of programs
7 and activities in assisting children who are English
8 learners—

9 “(A) to attain English language pro-
10 ficiency; and

11 “(B) to make progress in meeting State
12 academic standards under section 1111(b)(1);
13 and

14 “(2) upon determining the effectiveness of pro-
15 grams and activities based on the criteria in para-
16 graph (1), to decide how to improve programs.

17 **“SEC. 1202. ANNUAL REPORT.**

18 “(a) STATES.—Based upon the reports provided to
19 a State educational agency under section 1201, each such
20 agency that receives a grant under this subpart shall pre-
21 pare and submit annually to the Secretary a report on pro-
22 grams and activities carried out by the State educational
23 agency under this subpart and the effectiveness of such
24 programs and activities in improving the education pro-
25 vided to English learners.

1 “(b) SECRETARY.—Annually, the Secretary shall pre-
2 pare and submit to the Committee on Education and the
3 Workforce of the House of Representatives and the Com-
4 mittee on Health, Education, Labor, and Pensions of the
5 Senate a report—

6 “(1) on programs and activities carried out to
7 serve English learners under this subpart, and the
8 effectiveness of such programs and activities in im-
9 proving the academic achievement and English lan-
10 guage proficiency of English learners;

11 “(2) on the types of language instruction edu-
12 cational programs used by local educational agencies
13 or eligible entities receiving funding under this sub-
14 part to teach English learners;

15 “(3) containing a critical synthesis of data re-
16 ported by eligible entities to States under section
17 1201(a);

18 “(4) containing a description of technical assist-
19 ance and other assistance provided by State edu-
20 cational agencies under section 1191(b)(2)(C);

21 “(5) containing an estimate of the number of
22 effective teachers working in language instruction
23 educational programs and educating English learn-
24 ers, and an estimate of the number of such teachers
25 that will be needed for the succeeding 5 fiscal years;

1 “(6) containing the number of programs or ac-
2 tivities, if any, that were terminated because the en-
3 tities carrying out the programs or activities were
4 not able to reach program goals;

5 “(7) containing the number of English learners
6 served by eligible entities receiving funding under
7 this subpart who were transitioned out of language
8 instruction educational programs funded under this
9 subpart into classrooms where instruction is not tai-
10 lored for English learners; and

11 “(8) containing other information gathered
12 from other reports submitted to the Secretary under
13 this subpart when applicable.

14 **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

15 “In order to maximize Federal efforts aimed at serv-
16 ing the educational needs of English learners, the Sec-
17 retary shall coordinate and ensure close cooperation with
18 other entities carrying out programs serving language-mi-
19 nority and English learners that are administered by the
20 Department and other agencies.

21 **“SEC. 1204. RULES OF CONSTRUCTION.**

22 “Nothing in this subpart shall be construed—

23 “(1) to prohibit a local educational agency from
24 serving English learners simultaneously with chil-

1 dren with similar educational needs, in the same
2 educational settings where appropriate;

3 “(2) to require a State or a local educational
4 agency to establish, continue, or eliminate any par-
5 ticular type of instructional program for English
6 learners; or

7 “(3) to limit the preservation or use of Native
8 American languages.

9 **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

10 “Nothing in this subpart shall be construed to negate
11 or supersede State law, or the legal authority under State
12 law of any State agency, State entity, or State public offi-
13 cial, over programs that are under the jurisdiction of the
14 State agency, entity, or official.

15 **“SEC. 1206. CIVIL RIGHTS.**

16 “Nothing in this subpart shall be construed in a man-
17 ner inconsistent with any Federal law guaranteeing a civil
18 right.

19 **“SEC. 1207. PROHIBITION.**

20 “In carrying out this subpart, the Secretary shall nei-
21 ther mandate nor preclude the use of a particular cur-
22 ricular or pedagogical approach to educating English
23 learners.

1 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND**
2 **PUERTO RICO.**

3 “Notwithstanding any other provision of this subpart,
4 programs authorized under this subpart that serve Native
5 American (including Native American Pacific Islander)
6 children and children in the Commonwealth of Puerto Rico
7 may include programs of instruction, teacher training,
8 curriculum development, evaluation, and assessment de-
9 signed for Native American children learning and studying
10 Native American languages and children of limited Span-
11 ish proficiency, except that an outcome of programs serv-
12 ing such children shall be increased English proficiency
13 among such children.

14 **“CHAPTER C—NATIONAL ACTIVITIES**

15 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**
16 **PROJECT.**

17 “The Secretary shall use funds made available under
18 section 1191(e)(1)(B) to award grants on a competitive
19 basis, for a period of not more than 5 years, to institutions
20 of higher education or public or private organizations with
21 relevant experience and capacity (in consortia with State
22 educational agencies or local educational agencies) to pro-
23 vide for professional development activities that will im-
24 prove classroom instruction for English learners and assist
25 educational personnel working with such children to meet
26 high professional standards, including standards for cer-

1 tification and licensure as teachers who work in language
2 instruction educational programs or serve English learn-
3 ers. Grants awarded under this subsection may be used—

4 “(1) for preservice, evidence-based professional
5 development programs that will assist local schools
6 and institutions of higher education to upgrade the
7 qualifications and skills of educational personnel who
8 are not certified or licensed, especially educational
9 paraprofessionals;

10 “(2) for the development of curricula or other
11 instructional strategies appropriate to the needs of
12 the consortia participants involved;

13 “(3) to support strategies that strengthen and
14 increase parent and community member engagement
15 in the education of English learners; and

16 “(4) to share and disseminate evidence-based
17 practices in the instruction of English learners and
18 in increasing their student achievement.

19 **“CHAPTER D—GENERAL PROVISIONS**

20 **“SEC. 1221. DEFINITIONS.**

21 “Except as otherwise provided, in this subpart:

22 “(1) CHILD.—The term ‘child’ means any indi-
23 vidual aged 3 through 21.

24 “(2) COMMUNITY-BASED ORGANIZATION.—The
25 term ‘community-based organization’ means a pri-

1 vate nonprofit organization of demonstrated effec-
2 tiveness, Indian tribe, or tribally sanctioned edu-
3 cational authority, that is representative of a com-
4 munity or significant segments of a community and
5 that provides educational or related services to indi-
6 viduals in the community. Such term includes a Na-
7 tive Hawaiian or Native American Pacific Islander
8 native language educational organization.

9 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
10 tity’ means—

11 “(A) one or more local educational agen-
12 cies; or

13 “(B) one or more local educational agen-
14 cies, in consortia (or collaboration) with an in-
15 stitution of higher education, community-based
16 organization, or State educational agency.

17 “(4) IMMIGRANT CHILDREN AND YOUTH.—The
18 term ‘immigrant children and youth’ means individ-
19 uals who—

20 “(A) are age 3 through 21;

21 “(B) were not born in any State; and

22 “(C) have not been attending one or more
23 schools in any one or more States for more
24 than 3 full academic years.

1 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
2 means any Indian tribe, band, nation, or other orga-
3 nized group or community, including any Native vil-
4 lage or Regional Corporation or Village Corporation
5 as defined in or established pursuant to the Alaska
6 Native Claims Settlement Act, that is recognized as
7 eligible for the special programs and services pro-
8 vided by the United States to Indians because of
9 their status as Indians.

10 “(6) LANGUAGE INSTRUCTION EDUCATIONAL
11 PROGRAM.—The term ‘language instruction edu-
12 cational program’ means an instruction course—

13 “(A) in which an English learner is placed
14 for the purpose of developing and attaining
15 English language proficiency, while meeting
16 State academic standards, as required by sec-
17 tion 1111(b)(1); and

18 “(B) that may make instructional use of
19 both English and a child’s native language to
20 enable the child to develop and attain English
21 language proficiency, and may include the par-
22 ticipation of English language proficient chil-
23 dren if such course is designed to enable all
24 participating children to become proficient in
25 English and a second language.

1 “(7) NATIVE LANGUAGE.—The term ‘native
2 language’, when used with reference to English
3 learner, means—

4 “(A) the language normally used by such
5 individual; or

6 “(B) in the case of a child or youth, the
7 language normally used by the parents of the
8 child or youth.

9 “(8) PARAPROFESSIONAL.—The term ‘para-
10 professional’ means an individual who is employed in
11 a preschool, elementary school, or secondary school
12 under the supervision of a certified or licensed teach-
13 er, including individuals employed in language in-
14 struction educational programs, special education,
15 and migratory education.

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

19 **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

20 “The Secretary shall establish and support the oper-
21 ation of a National Clearinghouse for English Language
22 Acquisition and Language Instruction Educational Pro-
23 grams, which shall collect, analyze, synthesise, and dis-
24 seminate information about language instruction edu-

1 cational programs for English learners, and related pro-
2 grams. The National Clearinghouse shall—

3 “(1) be administered as an adjunct clearing-
4 house of the Educational Resources Information
5 Center Clearinghouses system supported by the In-
6 stitute of Education Sciences;

7 “(2) coordinate activities with Federal data and
8 information clearinghouses and entities operating
9 Federal dissemination networks and systems;

10 “(3) develop a system for improving the oper-
11 ation and effectiveness of federally funded language
12 instruction educational programs;

13 “(4) collect and disseminate information on—

14 “(A) educational research and processes
15 related to the education of English learners;
16 and

17 “(B) accountability systems that monitor
18 the academic progress of English learners in
19 language instruction educational programs, in-
20 cluding information on academic content and
21 English language proficiency assessments for
22 language instruction educational programs; and

23 “(5) publish, on an annual basis, a list of grant
24 recipients under this subpart.

1 **“SEC. 1223. REGULATIONS.**

2 “In developing regulations under this subpart, the
3 Secretary shall consult with State educational agencies
4 and local educational agencies, organizations representing
5 English learners, and organizations representing teachers
6 and other personnel involved in the education of English
7 learners.

8 **“Subpart 5—Rural Education Achievement Program**

9 **“SEC. 1230. PURPOSE.**

10 “It is the purpose of this subpart to address the
11 unique needs of rural school districts that frequently—

12 “(1) lack the personnel and resources needed to
13 compete effectively for Federal competitive grants;
14 and

15 “(2) receive formula grant allocations in
16 amounts too small to be effective in meeting their in-
17 tended purposes.

18 **“CHAPTER A—SMALL, RURAL SCHOOL**
19 **ACHIEVEMENT PROGRAM**

20 **“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

21 “(a) IN GENERAL.—From amounts appropriated
22 under section 3(a)(1) for a fiscal year, the Secretary shall
23 reserve 0.6 of one percent to award grants to eligible local
24 educational agencies to enable the local educational agen-
25 cies to carry out activities authorized under any of the
26 following provisions:

1 “(1) Part A of title I.

2 “(2) Title II.

3 “(3) Title III.

4 “(b) ALLOCATION.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (3), the Secretary shall award a grant under
7 subsection (a) to a local educational agency eligible
8 under subsection (d) for a fiscal year in an amount
9 equal to the initial amount determined under para-
10 graph (2) for the fiscal year minus the total amount
11 received by the agency in subpart 2 of part A of title
12 II for the preceding fiscal year.

13 “(2) DETERMINATION OF INITIAL AMOUNT.—

14 The initial amount referred to in paragraph (1) is
15 equal to \$100 multiplied by the total number of stu-
16 dents in excess of 50 students, in average daily at-
17 tendance at the schools served by the local edu-
18 cational agency, plus \$20,000, except that the initial
19 amount may not exceed \$60,000.

20 “(3) RATABLE ADJUSTMENT.—

21 “(A) IN GENERAL.—If the amount made
22 available to carry out this section for any fiscal
23 year is not sufficient to pay in full the amounts
24 that local educational agencies are eligible to re-
25 ceive under paragraph (1) for such year, the

1 Secretary shall ratably reduce such amounts for
2 such year.

3 “(B) ADDITIONAL AMOUNTS.—If addi-
4 tional funds become available for making pay-
5 ments under paragraph (1) for such fiscal year,
6 payments that were reduced under subpara-
7 graph (A) shall be increased on the same basis
8 as such payments were reduced.

9 “(c) DISBURSEMENT.—The Secretary shall disburse
10 the funds awarded to a local educational agency under this
11 section for a fiscal year not later than July 1 of that fiscal
12 year.

13 “(d) ELIGIBILITY.—

14 “(1) IN GENERAL.—A local educational agency
15 shall be eligible to use the applicable funding in ac-
16 cordance with subsection (a) if—

17 “(A)(i)(I) the total number of students in
18 average daily attendance at all of the schools
19 served by the local educational agency is fewer
20 than 600; or

21 “(II) each county in which a school served
22 by the local educational agency is located has a
23 total population density of fewer than 10 per-
24 sons per square mile; and

1 “(ii) all of the schools served by the local
2 educational agency are designated with a school
3 locale code of 41, 42, or 43, as determined by
4 the Secretary; or

5 “(B) the agency meets the criteria estab-
6 lished in subparagraph (A)(i) and the Sec-
7 retary, in accordance with paragraph (2),
8 grants the local educational agency’s request to
9 waive the criteria described in subparagraph
10 (A)(ii).

11 “(2) CERTIFICATION.—The Secretary shall de-
12 termine whether to waive the criteria described in
13 paragraph (1)(A)(ii) based on a demonstration by
14 the local educational agency, and concurrence by the
15 State educational agency, that the local educational
16 agency is located in an area defined as rural by a
17 governmental agency of the State.

18 “(3) HOLD HARMLESS.—For a local edu-
19 cational agency that is not eligible under this chap-
20 ter but met the eligibility requirements under this
21 subsection as it was in effect prior to the date of the
22 enactment of the Student Success Act, the agency
23 shall receive—

1 “(A) for fiscal year 2016, 75 percent of
2 the amount such agency received for fiscal year
3 2013;

4 “(B) for fiscal year 2017, 50 percent of
5 the amount such agency received for fiscal year
6 2013; and

7 “(C) for fiscal year 2018, 25 percent of
8 the amount such agency received for fiscal year
9 2013.

10 “(e) SPECIAL ELIGIBILITY RULE.—A local edu-
11 cational agency that receives a grant under this chapter
12 for a fiscal year is not eligible to receive funds for such
13 fiscal year under chapter B.

14 **“CHAPTER B—RURAL AND LOW-INCOME**
15 **SCHOOL PROGRAM**

16 **“SEC. 1235. PROGRAM AUTHORIZED.**

17 “(a) GRANTS TO STATES.—

18 “(1) IN GENERAL.—From amounts appro-
19 priated under section 3(a)(1) for a fiscal year, the
20 Secretary shall reserve 0.6 of one percent for this
21 chapter for a fiscal year that are not reserved under
22 subsection (c) to award grants (from allotments
23 made under paragraph (2)) for the fiscal year to
24 State educational agencies that have applications
25 submitted under section 1237 approved to enable the

1 State educational agencies to award grants to eligi-
2 ble local educational agencies for local authorized ac-
3 tivities described in section 1236(a).

4 “(2) ALLOTMENT.—From amounts described in
5 paragraph (1) for a fiscal year, the Secretary shall
6 allot to each State educational agency for that fiscal
7 year an amount that bears the same ratio to those
8 amounts as the number of students in average daily
9 attendance served by eligible local educational agen-
10 cies in the State for that fiscal year bears to the
11 number of all such students served by eligible local
12 educational agencies in all States for that fiscal
13 year.

14 “(3) SPECIALLY QUALIFIED AGENCIES.—

15 “(A) ELIGIBILITY AND APPLICATION.—If a
16 State educational agency elects not to partici-
17 pate in the program under this subpart or does
18 not have an application submitted under section
19 1237 approved, a specially qualified agency in
20 such State desiring a grant under this subpart
21 may submit an application under such section
22 directly to the Secretary to receive an award
23 under this subpart.

24 “(B) DIRECT AWARDS.—The Secretary
25 may award, on a competitive basis or by for-

1 mula, the amount the State educational agency
2 is eligible to receive under paragraph (2) di-
3 rectly to a specially qualified agency in the
4 State that has submitted an application in ac-
5 cordance with subparagraph (A) and obtained
6 approval of the application.

7 “(C) SPECIALLY QUALIFIED AGENCY DE-
8 FINED.—In this subpart, the term ‘specially
9 qualified agency’ means an eligible local edu-
10 cational agency served by a State educational
11 agency that does not participate in a program
12 under this subpart in a fiscal year, that may
13 apply directly to the Secretary for a grant in
14 such year under this subsection.

15 “(b) LOCAL AWARDS.—

16 “(1) ELIGIBILITY.—A local educational agency
17 shall be eligible to receive a grant under this subpart
18 if—

19 “(A) 20 percent or more of the children
20 ages 5 through 17 years served by the local
21 educational agency are from families with in-
22 comes below the poverty line; and

23 “(B) all of the schools served by the agen-
24 cy are designated with a school locale code of

1 32, 33, 41, 42, 43, as determined by the Sec-
2 retary.

3 “(2) AWARD BASIS.—A State educational agen-
4 cy shall award grants to eligible local educational
5 agencies—

6 “(A) on a competitive basis;

7 “(B) according to a formula based on the
8 number of students in average daily attendance
9 served by the eligible local educational agencies
10 or schools in the State; or

11 “(C) according to an alternative formula,
12 if, prior to awarding the grants, the State edu-
13 cational agency demonstrates, to the satisfac-
14 tion of the Secretary, that the alternative for-
15 mula enables the State educational agency to
16 allot the grant funds in a manner that serves
17 equal or greater concentrations of children from
18 families with incomes below the poverty line,
19 relative to the concentrations that would be
20 served if the State educational agency used the
21 formula described in subparagraph (B).

22 “(c) RESERVATIONS.—From amounts reserved under
23 section 1235(a)(1) for this chapter for a fiscal year, the
24 Secretary shall reserve—

1 “(1) one-half of 1 percent to make awards to el-
2 ementary schools or secondary schools operated or
3 supported by the Bureau of Indian Education, to
4 carry out the activities authorized under this chap-
5 ter; and

6 “(2) one-half of 1 percent to make awards to
7 the outlying areas in accordance with their respec-
8 tive needs, to carry out the activities authorized
9 under this chapter.

10 **“SEC. 1236. USES OF FUNDS.**

11 “(a) LOCAL AWARDS.—Grant funds awarded to local
12 educational agencies under this chapter shall be used for
13 activities authorized under any of the following:

14 “(1) Part A of title I.

15 “(2) Title II.

16 “(3) Title III.

17 “(b) ADMINISTRATIVE COSTS.—A State educational
18 agency receiving a grant under this chapter may not use
19 more than 5 percent of the amount of the grant for State
20 administrative costs and to provide technical assistance to
21 eligible local educational agencies.

22 **“SEC. 1237. APPLICATIONS.**

23 “(a) IN GENERAL.—Each State educational agency
24 or specially qualified agency desiring to receive a grant
25 under this chapter shall submit an application to the Sec-

1 retary at such time and in such manner as the Secretary
2 may require.

3 “(b) CONTENTS.—Each application submitted under
4 subsection (a) shall include—

5 “(1) a description of how the State educational
6 agency or specially qualified agency will ensure eligi-
7 ble local educational agencies receiving a grant
8 under this chapter will use such funds to help stu-
9 dents meet the State academic standards under sec-
10 tion 1111(b)(1);

11 “(2) if the State educational agency or specially
12 qualified agency will competitively award grants to
13 eligible local educational agencies, as described in
14 section 1235(b)(2)(A), the application under the sec-
15 tion shall include—

16 “(A) the methods and criteria the State
17 educational agency or specially qualified agency
18 will use for reviewing applications and awarding
19 funds to local educational agencies on a com-
20 petitive basis; and

21 “(B) how the State educational agency or
22 specially qualified agency will notify eligible
23 local educational agencies of the grant competi-
24 tion; and

1 “(3) a description of how the State educational
2 agency or specially qualified agency will provide
3 technical assistance to eligible local educational
4 agencies to help such agencies implement the activi-
5 ties described in section 1236(a).

6 **“SEC. 1238. ACCOUNTABILITY.**

7 “Each State educational agency or specially qualified
8 agency that receives a grant under this chapter shall pre-
9 pare and submit an annual report to the Secretary. The
10 report shall describe—

11 “(1) the methods and criteria the State edu-
12 cational agency or specially qualified agency used to
13 award grants to eligible local educational agencies,
14 and to provide assistance to schools, under this
15 chapter;

16 “(2) how local educational agencies and schools
17 used funds provided under this chapter; and

18 “(3) the degree to which progress has been
19 made toward having all students meet the State aca-
20 demic standards under section 1111(b)(1).

21 **“SEC. 1239. CHOICE OF PARTICIPATION.**

22 “(a) IN GENERAL.—If a local educational agency is
23 eligible for funding under chapters A and B of this sub-
24 part, such local educational agency may receive funds

1 under either chapter A or chapter B for a fiscal year, but
2 may not receive funds under both chapters.

3 “(b) NOTIFICATION.—A local educational agency eli-
4 gible for both chapters A and B of this subpart shall notify
5 the Secretary and the State educational agency under
6 which of such chapters such local educational agency in-
7 tends to receive funds for a fiscal year by a date that is
8 established by the Secretary for the notification.

9 **“CHAPTER C—GENERAL PROVISIONS**

10 **“SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETER-** 11 **MINATION.**

12 “(a) CENSUS DETERMINATION.—Each local edu-
13 cational agency desiring a grant under section 1231 and
14 each local educational agency or specially qualified agency
15 desiring a grant under chapter B shall—

16 “(1) not later than December 1 of each year,
17 conduct a census to determine the number of stu-
18 dents in average daily attendance in kindergarten
19 through grade 12 at the schools served by the agen-
20 cy; and

21 “(2) not later than March 1 of each year, sub-
22 mit the number described in paragraph (1) to the
23 Secretary (and to the State educational agency, in
24 the case of a local educational agency seeking a
25 grant under subpart 2).

1 “(b) PENALTY.—If the Secretary determines that a
2 local educational agency or specially qualified agency has
3 knowingly submitted false information under subsection
4 (a) for the purpose of gaining additional funds under sec-
5 tion 1231 or chapter B, then the agency shall be fined
6 an amount equal to twice the difference between the
7 amount the agency received under this section and the cor-
8 rect amount the agency would have received under section
9 1231 or chapter B if the agency had submitted accurate
10 information under subsection (a).

11 **“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

12 “Funds made available under chapter A or chapter
13 B shall be used to supplement, and not supplant, any
14 other Federal, State, or local education funds.

15 **“SEC. 1243. RULE OF CONSTRUCTION.**

16 “Nothing in this subpart shall be construed to pro-
17 hibit a local educational agency that enters into coopera-
18 tive arrangements with other local educational agencies for
19 the provision of special, compensatory, or other education
20 services, pursuant to State law or a written agreement,
21 from entering into similar arrangements for the use, or
22 the coordination of the use, of the funds made available
23 under this subpart.”.

24 (b) STRIKE.—The Act is amended by striking title
25 VII (20 U.S.C. 7401 et seq.).

1 **Subtitle D—National Assessment**

2 **SEC. 141. NATIONAL ASSESSMENT OF TITLE I.**

3 (a) IN GENERAL.—Part E of title I (20 U.S.C. 6491
4 et seq.) is redesignated as part B of title I.

5 (b) REPEALS.—Sections 1502 and 1504 (20 U.S.C.
6 6492; 6494) are repealed.

7 (c) REDESIGNATIONS.—Sections 1501 and 1503 (20
8 U.S.C. 6491; 6493) are redesignated as sections 1301 and
9 1302, respectively.

10 (d) AMENDMENTS TO SECTION 1301.—Section 1301
11 (20 U.S.C. 6491), as so redesignated, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by inserting “, act-
14 ing through the Director of the Institute of
15 Education Sciences (in this section and section
16 1302 referred to as the ‘Director’),” after “The
17 Secretary”;

18 (B) in paragraph (2)—

19 (i) by striking “Secretary” and insert-
20 ing “Director”;

21 (ii) in subparagraph (A), by striking
22 “reaching the proficient level” and all that
23 follows and inserting “graduating high
24 school prepared for postsecondary edu-
25 cation or the workforce.”;

1 (iii) in subparagraph (B), by striking
2 “reach the proficient” and all that follows
3 and inserting “meet State academic stand-
4 ards.”;

5 (iv) by striking subparagraphs (D)
6 and (G) and redesignating subparagraphs
7 (E), (F), and (H) through (O) as subpara-
8 graphs (D) through (M), respectively;

9 (v) in subparagraph (D)(v) (as so re-
10 designated), by striking “help schools in
11 which” and all that follows and inserting
12 “address disparities in the percentages of
13 effective teachers teaching in low-income
14 schools.”;

15 (vi) in subparagraph (G) (as so redesi-
16 gnated)—

17 (I) by striking “section 1116”
18 and inserting “section
19 1111(b)(3)(B)(iii)”;

20 (II) by striking “, including the
21 following” and all that follows and in-
22 serting a period;

23 (vii) in subparagraph (I) (as so redesi-
24 gnated), by striking “qualifications” and
25 inserting “effectiveness”;

1 (viii) in subparagraph (J) (as so re-
2 designated), by striking “, including funds
3 under section 1002,”;

4 (ix) in subparagraph (L) (as so reded-
5 igned), by striking “section
6 1111(b)(2)(C)(v)(II)” and inserting “sec-
7 tion 1111(b)(3)(B)(ii)(II)”;

8 (x) in subparagraph (M) (as so reded-
9 igned), by striking “Secretary” and in-
10 sserting “Director”;

11 (C) in paragraph (3), by striking “Sec-
12 retary” and inserting “Director”;

13 (D) in paragraph (4), by striking “Sec-
14 retary” and inserting “Director”;

15 (E) in paragraph (5), by striking “Sec-
16 retary” and inserting “Director”; and

17 (F) in paragraph (6)—

18 (i) by striking “No Child Left Behind
19 Act of 2001” each place it appears and in-
20 sserting “Student Success Act”; and

21 (ii) by striking “Secretary” each place
22 it appears and inserting “Director”;

23 (2) in subsection (b), by striking “Secretary”
24 each place it appears and inserting “Director”;

25 (3) in subsection (c)—

- 1 (A) in paragraph (1)—
- 2 (i) by striking “Secretary” and insert-
- 3 ing “Director”; and
- 4 (ii) by striking “part A” and inserting
- 5 “subpart 1 of part A”;
- 6 (B) in paragraph (2)—
- 7 (i) by striking “Secretary” and insert-
- 8 ing “Director”;
- 9 (ii) in subparagraph (B), by striking
- 10 “challenging academic achievement stand-
- 11 ards” and inserting “State academic
- 12 standards”;
- 13 (iii) in subparagraph (E), by striking
- 14 “effects of the availability” and all that
- 15 follows and inserting “extent to which ac-
- 16 tions authorized under section
- 17 1111(b)(3)(B)(iii) improve the academic
- 18 achievement of disadvantaged students and
- 19 low-performing schools.”; and
- 20 (iv) in subparagraph (F), by striking
- 21 “Secretary” and inserting “Director”; and
- 22 (C) in paragraph (3)—
- 23 (i) by striking “Secretary” and insert-
- 24 ing “Director”; and

1 (ii) by striking subparagraph (C) and
2 inserting the following:

3 “(C) analyzes varying models or strategies
4 for delivering school services, including
5 schoolwide and targeted services.”; and

6 (4) in subsection (d), by striking “Secretary”
7 each place it appears and inserting “Director”.

8 (e) AMENDMENTS TO SECTION 1302.—Section 1302
9 (20 U.S.C. 6493), as so redesignated, is amended—

10 (1) in subsection (a)—

11 (A) by striking “Secretary” and inserting
12 “Director”; and

13 (B) by striking “and for making decisions
14 about the promotion and graduation of stu-
15 dents”;

16 (2) in subsection (b)—

17 (A) by striking “Secretary” the first place
18 it appears and inserting “Director”;

19 (B) by striking “process,” and inserting
20 “process consistent with section 1111(e)(1),”;
21 and

22 (C) by striking “Assistant Secretary of
23 Educational Research and Improvement” and
24 inserting “Director”;

25 (3) in subsection (d)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by striking
3 “to the State-defined level of proficiency”
4 and inserting “toward meeting the State
5 academic standards”; and

6 (ii) in subparagraph (C), by striking
7 “pupil-services” and inserting “specialized
8 instructional support services”;

9 (B) in paragraph (3), by striking “limited
10 and nonlimited English proficient students”
11 and inserting “English learners and non-
12 English learners”; and

13 (C) in paragraph (6), by striking “Sec-
14 retary” and inserting “Director”; and

15 (4) in subsection (f)—

16 (A) by striking “Secretary” and inserting
17 “Director”; and

18 (B) by striking “authorized to be appro-
19 priated for this part” and inserting “appro-
20 priated under section 3(a)(2)”.

21 **Subtitle E—Title I General** 22 **Provisions**

23 **SEC. 151. GENERAL PROVISIONS FOR TITLE I.**

24 Part I of title I (20 U.S.C. 6571 et seq.)—

1 (1) is transferred to appear after part B (as re-
2 designated); and

3 (2) is amended to read as follows:

4 **“PART C—GENERAL PROVISIONS**

5 **“SEC. 1401. FEDERAL REGULATIONS.**

6 “(a) IN GENERAL.—The Secretary may, in accord-
7 ance with subsections (b) through (d), issue such regula-
8 tions as are necessary to reasonably ensure there is com-
9 pliance with this title.

10 “(b) NEGOTIATED RULEMAKING PROCESS.—

11 “(1) IN GENERAL.—Before publishing in the
12 Federal Register proposed regulations to carry out
13 this title, the Secretary shall obtain the advice and
14 recommendations of representatives of Federal,
15 State, and local administrators, parents, teachers,
16 and members of local school boards and other orga-
17 nizations involved with the implementation and oper-
18 ation of programs under this title, including those
19 representatives and members nominated by local and
20 national stakeholder representatives.

21 “(2) MEETINGS AND ELECTRONIC EX-
22 CHANGE.—Such advice and recommendations may
23 be obtained through such mechanisms as regional
24 meetings and electronic exchanges of information.
25 Such regional meetings and electronic exchanges of

1 information shall be public and notice of such meet-
2 ings and exchanges shall be provided to interested
3 stakeholders.

4 “(3) PROPOSED REGULATIONS.—After obtain-
5 ing such advice and recommendations, and before
6 publishing proposed regulations, the Secretary
7 shall—

8 “(A) establish a negotiated rulemaking
9 process;

10 “(B) select individuals to participate in
11 such process from among individuals or groups
12 that provided advice and recommendations, in-
13 cluding representation from all geographic re-
14 gions of the United States, in such numbers as
15 will provide an equitable balance between rep-
16 resentatives of parents and students and rep-
17 resentatives of educators and education offi-
18 cials; and

19 “(C) prepare a draft of proposed policy op-
20 tions that shall be provided to the individuals
21 selected by the Secretary under subparagraph
22 (B) not less than 15 days before the first meet-
23 ing under such process.

24 “(c) PROPOSED RULEMAKING.—If the Secretary de-
25 termines that a negotiated rulemaking process is unneces-

1 sary or the individuals selected to participate in the proc-
2 ess under paragraph (3)(B) fail to reach unanimous agree-
3 ment, the Secretary may propose regulations under the
4 following procedure:

5 “(1) Not less than 30 days prior to beginning
6 a rulemaking process, the Secretary shall provide to
7 Congress, including the Committee on Education
8 and the Workforce of the House of Representatives
9 and the Committee on Health, Education, Labor,
10 and Pensions of the Senate, notice that shall in-
11 clude—

12 “(A) a copy of the proposed regulations;

13 “(B) the need to issue regulations;

14 “(C) the anticipated burden, including the
15 time, cost, and paperwork burden, the regula-
16 tions will have on State educational agencies,
17 local educational agencies, schools, and other
18 entities that may be impacted by the regula-
19 tions; and

20 “(D) any regulations that will be repealed
21 when the new regulations are issued.

22 “(2) 30 days after giving notice of the proposed
23 rule to Congress, the Secretary may proceed with
24 the rulemaking process after all comments received
25 from the Congress have been addressed and pub-

1 lishing how such comments are addressed with the
2 proposed rule.

3 “(3) The comment and review period for any
4 proposed regulation shall be 90 days unless an emer-
5 gency requires a shorter period, in which case such
6 period shall be not less than 45 days and the Sec-
7 retary shall—

8 “(A) designate the proposed regulation as
9 an emergency with an explanation of the emer-
10 gency in the notice and report to Congress
11 under paragraph (1); and

12 “(B) publish the length of the comment
13 and review period in such notice and in the
14 Federal Register.

15 “(4) No regulation shall be made final after the
16 comment and review period until the Secretary has
17 published in the Federal Register an independent as-
18 sessment (which shall include a representative sam-
19 pling of local educational agencies based on local
20 educational agency enrollment, urban, suburban, or
21 rural character, and other factors impacted by the
22 proposed regulation) of—

23 “(A) the burden, including the time, cost,
24 and paperwork burden, the regulation will im-
25 pose on State educational agencies, local edu-

1 cational agencies, schools and other entities
2 that may be impacted by the regulation;

3 “(B) an explanation of how the entities de-
4 scribed in subparagraph (A) may cover the cost
5 of the burden assessed under subparagraph (A);
6 and

7 “(C) the proposed regulation, which thor-
8 oughly addresses, based on the comments re-
9 ceived during the comment and review period
10 under paragraph (3), whether the rule is finan-
11 cially, operationally, and educationally viable at
12 the local level.

13 “(d) LIMITATION.—Regulations to carry out this title
14 may not require local programs to follow a particular in-
15 structional model, such as the provision of services outside
16 the regular classroom or school program.

17 **“SEC. 1402. AGREEMENTS AND RECORDS.**

18 “(a) AGREEMENTS.—In the case in which a nego-
19 tiated rule making process is established under subsection
20 (b) of section 1401, all published proposed regulations
21 shall conform to agreements that result from the rule-
22 making described in section 1401 unless the Secretary re-
23 opens the negotiated rulemaking process.

1 “(b) RECORDS.—The Secretary shall ensure that an
2 accurate and reliable record of agreements reached during
3 the negotiations process is maintained.

4 **“SEC. 1403. STATE ADMINISTRATION.**

5 “(a) RULEMAKING.—

6 “(1) IN GENERAL.—Each State that receives
7 funds under this title shall—

8 “(A) ensure that any State rules, regula-
9 tions, and policies relating to this title conform
10 to the purposes of this title and provide any
11 such proposed rules, regulations, and policies to
12 the committee of practitioners created under
13 subsection (b) for review and comment;

14 “(B) minimize such rules, regulations, and
15 policies to which the State’s local educational
16 agencies and schools are subject;

17 “(C) eliminate or modify State and local
18 fiscal accounting requirements in order to facili-
19 tate the ability of schools to consolidate funds
20 under schoolwide programs;

21 “(D) identify any such rule, regulation, or
22 policy as a State-imposed requirement; and

23 “(E)(i) identify any duplicative or con-
24 trasting requirements between the State and
25 Federal rules or regulations;

1 “(ii) eliminate the rules and regulations
2 that are duplicative of Federal requirements;
3 and

4 “(iii) report any conflicting requirements
5 to the Secretary and determine which Federal
6 or State rule or regulation shall be followed.

7 “(2) SUPPORT AND FACILITATION.—State
8 rules, regulations, and policies under this title shall
9 support and facilitate local educational agency and
10 school-level systemic reform designed to enable all
11 children to meet the State academic standards.

12 “(b) COMMITTEE OF PRACTITIONERS.—

13 “(1) IN GENERAL.—Each State educational
14 agency that receives funds under this title shall cre-
15 ate a State committee of practitioners to advise the
16 State in carrying out its responsibilities under this
17 title.

18 “(2) MEMBERSHIP.—Each such committee
19 shall include—

20 “(A) as a majority of its members, rep-
21 resentatives from local educational agencies;

22 “(B) administrators, including the admin-
23 istrators of programs described in other parts
24 of this title;

1 “(C) teachers from public charter schools,
2 traditional public schools, and career and tech-
3 nical educators;

4 “(D) parents;

5 “(E) members of local school boards;

6 “(F) representatives of public charter
7 school authorizers;

8 “(G) public charter school leaders;

9 “(H) representatives of private school chil-
10 dren; and

11 “(I) specialized instructional support per-
12 sonnel.

13 “(3) DUTIES.—The duties of such committee
14 shall include a review, before publication, of any pro-
15 posed or final State rule or regulation pursuant to
16 this title. In an emergency situation where such rule
17 or regulation must be issued within a very limited
18 time to assist local educational agencies with the op-
19 eration of the program under this title, the State
20 educational agency may issue a regulation without
21 prior consultation, but shall immediately thereafter
22 convene the State committee of practitioners to re-
23 view the emergency regulation before issuance in
24 final form.

1 **“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED**
2 **SPENDING.**

3 “Nothing in this title shall be construed to mandate
4 equalized spending per pupil for a State, local educational
5 agency, or school.”.

6 **TITLE II—TEACHER PREPARA-**
7 **TION AND EFFECTIVENESS**

8 **SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.**

9 (a) **HEADING.**—The title heading for title II (20
10 U.S.C. 6601 et seq.) is amended to read as follows:

11 **“TITLE II—TEACHER PREPARA-**
12 **TION AND EFFECTIVENESS”.**

13 (b) **PART A.**—Part A of title II (20 U.S.C. 6601 et
14 seq.) is amended to read as follows:

15 **“PART A—SUPPORTING EFFECTIVE**
16 **INSTRUCTION**

17 **“SEC. 2101. PURPOSE.**

18 “The purpose of this part is to provide grants to
19 State educational agencies and subgrants to local edu-
20 cational agencies to—

21 “(1) increase student achievement consistent
22 with State academic standards under section
23 1111(b)(1);

24 “(2) improve teacher and school leader effec-
25 tiveness in classrooms and schools, respectively;

1 “(3) provide evidence-based, job-embedded, con-
2 tinuous professional development; and

3 “(4) if a State educational agency or local edu-
4 cational agency so chooses, develop and implement
5 teacher evaluation systems that use, in part, student
6 achievement data to determine teacher effectiveness.

7 **“Subpart 1—Grants to States**

8 **“SEC. 2111. ALLOTMENTS TO STATES.**

9 “(a) IN GENERAL.—Of the amounts appropriated
10 under section 3(b), the Secretary shall reserve 75 percent
11 to make grants to States with applications approved under
12 section 2112 to pay for the Federal share of the cost of
13 carrying out the activities specified in section 2113. Each
14 grant shall consist of the allotment determined for a State
15 under subsection (b).

16 “(b) DETERMINATION OF ALLOTMENTS.—

17 “(1) RESERVATION OF FUNDS.—Of the amount
18 reserved under subsection (a) for a fiscal year, the
19 Secretary shall reserve—

20 “(A) not more than 1 percent to carry out
21 national activities under section 2132;

22 “(B) one-half of 1 percent for allotments
23 to outlying areas on the basis of their relative
24 need, as determined by the Secretary, in ac-
25 cordance with the purpose of this part; and

1 “(C) one-half of 1 percent for the Sec-
2 retary of the Interior for programs under this
3 part in schools operated or funded by the Bu-
4 reau of Indian Education.

5 “(2) STATE ALLOTMENTS.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), from the funds reserved under sub-
8 section (a) for any fiscal year and not reserved
9 under paragraph (1), the Secretary shall allot
10 to each State the sum of—

11 “(i) an amount that bears the same
12 relationship to 50 percent of the funds as
13 the number of individuals age 5 through
14 17 in the State, as determined by the Sec-
15 retary on the basis of the most recent sat-
16 isfactory data, bears to the number of
17 those individuals in all such States, as so
18 determined; and

19 “(ii) an amount that bears the same
20 relationship to 50 percent of the funds as
21 the number of individuals age 5 through
22 17 from families with incomes below the
23 poverty line in the State, as determined by
24 the Secretary on the basis of the most re-
25 cent satisfactory data, bears to the number

1 of those individuals in all such States, as
2 so determined.

3 “(B) SMALL STATE MINIMUM.—No State
4 receiving an allotment under subparagraph (A)
5 may receive less than one-half of 1 percent of
6 the total amount of funds allotted under such
7 subparagraph for a fiscal year.

8 “(C) APPLICABILITY.—

9 “(i) IN GENERAL.—Subparagraph (A)
10 shall not apply with respect to a fiscal year
11 unless the Secretary certifies in writing to
12 Congress for that fiscal year that the
13 amount of funds allotted under subpara-
14 graph (A) to local educational agencies
15 that serve a high percentage of students
16 from families with incomes below the pov-
17 erty line is not less than the amount allot-
18 ted to such local educational agencies for
19 fiscal year 2015.

20 “(ii) SPECIAL RULE.—For a fiscal
21 year for which subparagraph (A) does not
22 apply, the Secretary shall allocate to each
23 State the funds described in subparagraph
24 (A) according to the formula set forth in
25 subsection (b)(2)(B)(i) of this section as in

1 effect on the day before the date of enact-
2 ment of the Student Success Act.

3 “(c) REALLOTMENT.—If a State does not apply for
4 an allotment under this section for any fiscal year or only
5 a portion of the State’s allotment is allotted under sub-
6 section (b)(2), the Secretary shall reallocate the State’s entire
7 allotment or the remaining portion of its allotment, as the
8 case may be, to the remaining States in accordance with
9 subsection (b).

10 **“SEC. 2112. STATE APPLICATION.**

11 “(a) IN GENERAL.—For a State to be eligible to re-
12 ceive a grant under this subpart, the State educational
13 agency shall submit an application to the Secretary at
14 such time and in such a manner as the Secretary may
15 reasonably require, which shall include the following:

16 “(1) A description of how the State educational
17 agency will meet the requirements of this subpart.

18 “(2) A description of how the State educational
19 agency will use a grant received under section 2111,
20 including the grant funds the State will reserve for
21 State-level activities under section 2113(a)(2).

22 “(3) A description of how the State educational
23 agency will facilitate the sharing of evidence-based
24 and other effective strategies among local edu-
25 cational agencies.

1 “(4) A description of how, and under what
2 timeline, the State educational agency will allocate
3 subgrants under subpart 2 to local educational agen-
4 cies.

5 “(5) If applicable, a description of how the
6 State educational agency will work with local edu-
7 cational agencies in the State to develop or imple-
8 ment a teacher or school leader evaluation system.

9 “(6) An assurance that the State educational
10 agency will comply with section 6501 (regarding par-
11 ticipation by private school children and teachers).

12 “(b) DEEMED APPROVAL.—An application submitted
13 by a State educational agency under subsection (a) shall
14 be deemed to be approved by the Secretary unless the Sec-
15 retary makes a written determination, prior to the expira-
16 tion of the 120-day period beginning on the date on which
17 the Secretary received the application, that the application
18 is not in compliance with this subpart.

19 “(c) DISAPPROVAL.—The Secretary shall not finally
20 disapprove an application, except after giving the State
21 educational agency notice and an opportunity for a hear-
22 ing.

23 “(d) NOTIFICATION.—If the Secretary finds that an
24 application is not in compliance, in whole or in part, with
25 this subpart, the Secretary shall—

1 “(1) give the State educational agency notice
2 and an opportunity for a hearing; and

3 “(2) notify the State educational agency of the
4 finding of noncompliance and, in such notification,
5 shall—

6 “(A) cite the specific provisions in the ap-
7 plication that are not in compliance; and

8 “(B) request additional information, only
9 as to the noncompliant provisions, needed to
10 make the application compliant.

11 “(e) RESPONSE.—If a State educational agency re-
12 sponds to a notification from the Secretary under sub-
13 section (d)(2) during the 45-day period beginning on the
14 date on which the agency received the notification, and
15 resubmits the application with the requested information
16 described in subsection (d)(2)(B), the Secretary shall ap-
17 prove or disapprove such application prior to the later of—

18 “(1) the expiration of the 45-day period begin-
19 ning on the date on which the application is resub-
20 mitted; or

21 “(2) the expiration of the 120-day period de-
22 scribed in subsection (b).

23 “(f) FAILURE TO RESPOND.—If a State educational
24 agency does not respond to a notification from the Sec-
25 retary under subsection (d)(2) during the 45-day period

1 beginning on the date on which the agency received the
2 notification, such application shall be deemed to be dis-
3 approved.

4 **“SEC. 2113. STATE USE OF FUNDS.**

5 “(a) IN GENERAL.—A State educational agency that
6 receives a grant under section 2111 shall—

7 “(1) reserve 95 percent of the grant funds to
8 make subgrants to local educational agencies under
9 subpart 2; and

10 “(2) use the remainder of the funds, after re-
11 serving funds under paragraph (1), for the State ac-
12 tivities described in subsection (b), except that the
13 State may reserve not more than 1 percent of the
14 grant funds for planning and administration related
15 to carrying out activities described in subsection (b).

16 “(b) STATE-LEVEL ACTIVITIES.—A State edu-
17 cational agency that receives a grant under section 2111—

18 “(1) shall use the amount described in sub-
19 section (a)(2) to fulfill the State educational agen-
20 cy’s responsibilities with respect to the proper and
21 efficient administration of the subgrant program
22 carried out under this part; and

23 “(2) may use the amount described in sub-
24 section (a)(2) to—

1 “(A) provide training and technical assist-
2 ance to local educational agencies on—

3 “(i) in the case of a State educational
4 agency not implementing a statewide
5 teacher evaluation system—

6 “(I) the development and imple-
7 mentation of a teacher evaluation sys-
8 tem; and

9 “(II) training school leaders in
10 using such evaluation system; or

11 “(ii) in the case of a State educational
12 agency implementing a statewide teacher
13 evaluation system, implementing such eval-
14 uation system;

15 “(B) disseminate and share evidence-based
16 and other effective practices, including practices
17 consistent with the principles of effectiveness
18 described in section 2222(b), related to teacher
19 and school leader effectiveness and professional
20 development;

21 “(C) provide professional development for
22 teachers and school leaders in the State con-
23 sistent with section 2123(6);

24 “(D) provide training and technical assist-
25 ance to local educational agencies on—

1 “(i) in the case of a State educational
2 agency not implementing a statewide
3 school leader evaluation system, the devel-
4 opment and implementation of a school
5 leader evaluation system; and

6 “(ii) in the case of a State educational
7 agency implementing a statewide school
8 leader evaluation system, implementing
9 such evaluation system; and

10 “(E) develop and implement policies in the
11 State to address any teacher workforce short-
12 ages in high-need subjects, including in science,
13 technology, engineering, math, computer
14 science, and foreign languages.

15 **“Subpart 2—Subgrants to Local Educational**
16 **Agencies**

17 **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
18 **CIES.**

19 “(a) IN GENERAL.—Each State receiving a grant
20 under section 2111 shall use the funds reserved under sec-
21 tion 2113(a)(1) to award subgrants to local educational
22 agencies under this section.

23 “(b) ALLOCATION OF FUNDS.—From the funds re-
24 served by a State under section 2113(a)(1), the State edu-

1 cational agency shall allocate to each local educational
2 agency in the State the sum of—

3 “(1) an amount that bears the same relation-
4 ship to 50 percent of the funds as the number of in-
5 dividuals age 5 through 17 in the geographic area
6 served by the local educational agency, as deter-
7 mined by the State on the basis of the most recent
8 satisfactory data, bears to the number of those indi-
9 viduals in the geographic areas served by all the
10 local educational agencies in the State, as so deter-
11 mined; and

12 “(2) an amount that bears the same relation-
13 ship to 50 percent of the funds as the number of in-
14 dividuals age 5 through 17 from families with in-
15 comes below the poverty line in the geographic area
16 served by the local educational agency, as deter-
17 mined by the State on the basis of the most recent
18 satisfactory data, bears to the number of those indi-
19 viduals in the geographic areas served by all the
20 local educational agencies in the State, as so deter-
21 mined.

22 **“SEC. 2122. LOCAL APPLICATIONS.**

23 “To be eligible to receive a subgrant under this sub-
24 part, a local educational agency shall submit an applica-
25 tion to the State educational agency involved at such time,

1 in such a manner, and containing such information as the
2 State educational agency may reasonably require that, at
3 a minimum, shall include the following:

4 “(1) A description of—

5 “(A) how the local educational agency will
6 meet the requirements of this subpart;

7 “(B) how the activities to be carried out by
8 the local educational agency under this subpart
9 will be evidence-based, improve student aca-
10 demic achievement, and improve teacher and
11 school leader effectiveness; and

12 “(C) if applicable, how, the local edu-
13 cational agency will work with parents, teach-
14 ers, school leaders, and other staff of the
15 schools served by the local educational agency
16 in developing and implementing a teacher eval-
17 uation system.

18 “(2) If applicable, a description of how the local
19 educational agency will develop and implement a
20 teacher or school leader evaluation system.

21 “(3) An assurance that the local educational
22 agency will comply with section 6501 (regarding par-
23 ticipation by private school children and teachers).

1 **“SEC. 2123. LOCAL USE OF FUNDS.**

2 “A local educational agency receiving a subgrant
3 under this subpart may use such funds for—

4 “(1) the development and implementation of a
5 teacher evaluation system that may—

6 “(A) use student achievement data derived
7 from a variety of sources as a significant factor
8 in determining a teacher’s evaluation, with the
9 weight given to such data defined by the local
10 educational agency;

11 “(B) use multiple measures of evaluation
12 for evaluating teachers;

13 “(C) have more than 2 categories for rat-
14 ing the performance of teachers;

15 “(D) be used to make personnel decisions,
16 as determined by the local educational agency;
17 and

18 “(E) be based on input from parents,
19 school leaders, teachers, and other staff of
20 schools served by the local educational agency;

21 “(2) in the case of a local educational agency
22 located in a State implementing a statewide teacher
23 evaluation system, implementing such evaluation
24 system;

25 “(3) the training of school leaders or other indi-
26 viduals for the purpose of evaluating teachers or

1 school leaders under a teacher or school leader eval-
2 uation system, as appropriate;

3 “(4) in the case of a local educational agency
4 located in a State implementing a statewide school
5 leader evaluation system, to implement such evalua-
6 tion system;

7 “(5) in the case of a local educational agency
8 located in a State not implementing a statewide
9 school leader evaluation system, the development
10 and implementation of a school leader evaluation
11 system;

12 “(6) professional development for teachers and
13 school leaders that is evidence-based, job-embedded,
14 and continuous, such as—

15 “(A) subject-based professional develop-
16 ment for teachers, including for teachers of
17 civic education, arts education, and computer
18 science and other science, technology, engineer-
19 ing, and mathematics subjects;

20 “(B) professional development aligned with
21 the State’s academic standards;

22 “(C) professional development to assist
23 teachers in meeting the needs of students with
24 different learning styles, particularly students

1 with disabilities, English learners, and gifted
2 and talented students;

3 “(D) professional development for teachers
4 or school leaders identified as in need of addi-
5 tional support through data provided by a
6 teacher or school leader evaluation system, as
7 appropriate;

8 “(E) professional development based on
9 the current science of learning, which includes
10 research on positive brain change and cognitive
11 skill development;

12 “(F) professional development for school
13 leaders, including evidence-based mentorship
14 programs for such leaders;

15 “(G) professional development on inte-
16 grated, interdisciplinary, and project-based
17 teaching strategies, including for career and
18 technical education teachers and teachers of
19 computer science and other science, technology,
20 engineering, and mathematics subjects; or

21 “(H) professional development on teaching
22 dual credit, dual enrollment, Advanced Place-
23 ment, or International Baccalaureate postsec-
24 ondary-level courses to secondary school stu-
25 dents;

1 “(7) partnering with a public or private organi-
2 zation or a consortium of such organizations to de-
3 velop and implement a teacher evaluation system de-
4 scribed in subparagraph (A) or (B) of paragraph
5 (1), or to administer professional development, as
6 appropriate;

7 “(8) any activities authorized under section
8 2222(a); or

9 “(9) class size reduction, except that the local
10 educational agency may use not more than 10 per-
11 cent of such funds for this purpose.

12 **“Subpart 3—General Provisions**

13 **“SEC. 2131. REPORTING REQUIREMENTS.**

14 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
15 educational agency receiving a subgrant under subpart 2
16 shall submit to the State educational agency involved, on
17 an annual basis until the last year in which the local edu-
18 cational agency receives such subgrant funds, a report
19 on—

20 “(1) how the local educational agency is meet-
21 ing the purposes of this part described in section
22 2101;

23 “(2) how the local educational agency is using
24 such subgrant funds;

1 “(3) in the case of a local educational agency
2 implementing a teacher or school leader evaluation
3 system, the results of such evaluation system, except
4 that such report shall not reveal personally identifi-
5 able information about an individual teacher or
6 school leader; and

7 “(4) any such other information as the State
8 educational agency may require.

9 “(b) STATE EDUCATIONAL AGENCIES.—Each State
10 educational agency receiving a grant under subpart 1 shall
11 submit to the Secretary a report, on an annual basis until
12 the last year in which the State educational agency re-
13 ceives such grant funds, on—

14 “(1) how the State educational agency is meet-
15 ing the purposes of this part described in section
16 2101; and

17 “(2) how the State educational agency is using
18 such grant funds.

19 **“SEC. 2132. NATIONAL ACTIVITIES.**

20 “From the funds reserved by the Secretary under sec-
21 tion 2111(b)(1)(A), the Secretary shall, directly or
22 through grants and contracts—

23 “(1) provide technical assistance to States and
24 local educational agencies in carrying out activities
25 under this part; and

1 “(2) acting through the Institute of Education
 2 Sciences, conduct national evaluations of activities
 3 carried out by State educational agencies and local
 4 educational agencies under this part.

5 **“SEC. 2133. STATE DEFINED.**

6 “‘In this part, the term ‘State’ means each of the 50
 7 States, the District of Columbia, and the Commonwealth
 8 of Puerto Rico.’”.

9 (c) **PART B.**—Part B of title II (20 U.S.C. 6661 et
 10 seq.) is amended to read as follows:

11 **“PART B—TEACHER AND SCHOOL LEADER**
 12 **FLEXIBLE GRANT**

13 **“SEC. 2201. PURPOSE.**

14 “‘The purpose of this part is to improve student aca-
 15 demic achievement by—

16 “(1) supporting all State educational agencies,
 17 local educational agencies, schools, teachers, and
 18 school leaders to pursue innovative and evidence-
 19 based practices to help all students meet the State’s
 20 academic standards; and

21 “(2) increasing the number of teachers and
 22 school leaders who are effective in increasing student
 23 academic achievement.

1 **“Subpart 1—Formula Grants to States**

2 **“SEC. 2211. STATE ALLOTMENTS.**

3 “(a) RESERVATIONS.—From the amount appro-
4 priated under section 3(b) for any fiscal year, the Sec-
5 retary—

6 “(1) shall reserve 25 percent to award grants to
7 States under this subpart; and

8 “(2) of the amount reserved under paragraph
9 (1), shall reserve—

10 “(A) not more than 1 percent for national
11 activities described in section 2233;

12 “(B) one-half of 1 percent for allotments
13 to outlying areas on the basis of their relative
14 need, as determined by the Secretary, in ac-
15 cordance with the purpose of this part; and

16 “(C) one-half of 1 percent for the Sec-
17 retary of the Interior for programs under this
18 part in schools operated or funded by the Bu-
19 reau of Indian Education.

20 “(b) STATE ALLOTMENTS.—

21 “(1) IN GENERAL.—From the total amount re-
22 served under subsection (a)(1) for each fiscal year
23 and not reserved under subparagraphs (A) through
24 (C) of subsection (a)(2), the Secretary shall allot,
25 and make available in accordance with this section,
26 to each State an amount that bears the same ratio

1 to such sums as the school-age population of the
2 State bears to the school-age population of all
3 States.

4 “(2) SMALL STATE MINIMUM.—No State receiv-
5 ing an allotment under paragraph (1) may receive
6 less than one-half of 1 percent of the total amount
7 allotted under such paragraph.

8 “(3) REALLOTMENT.—If a State does not re-
9 ceive an allotment under this subpart for a fiscal
10 year, the Secretary shall reallocate the amount of the
11 State’s allotment to the remaining States in accord-
12 ance with this section.

13 “(c) STATE APPLICATION.—In order to receive an al-
14 lotment under this section for any fiscal year, a State shall
15 submit an application to the Secretary, at such time and
16 in such manner as the Secretary may reasonably require.
17 Such application shall—

18 “(1) designate the State educational agency as
19 the agency responsible for the administration and
20 supervision of programs assisted under this part;

21 “(2) describe how the State educational agency
22 will use funds received under this section for State
23 level activities described in subsection (d)(3);

24 “(3) describe the procedures and criteria the
25 State educational agency will use for reviewing appli-

1 cations and awarding subgrants in a timely manner
2 to eligible entities under section 2221 on a competi-
3 tive basis;

4 “(4) describe how the State educational agency
5 will ensure that subgrants made under section 2221
6 are of sufficient size and scope to support effective
7 programs that will help increase academic achieve-
8 ment in the classroom and are consistent with the
9 purposes of this part;

10 “(5) describe the steps the State educational
11 agency will take to ensure that eligible entities use
12 subgrants received under section 2221 to carry out
13 programs that implement effective strategies, includ-
14 ing by providing ongoing technical assistance and
15 training, and disseminating evidence-based and other
16 effective strategies to such eligible entities;

17 “(6) describe how programs under this part will
18 be coordinated with other programs under this Act;
19 and

20 “(7) include an assurance that, other than pro-
21 viding technical and advisory assistance and moni-
22 toring compliance with this part, the State edu-
23 cational agency has not exercised, and will not exer-
24 cise, any influence in the decisionmaking processes
25 of eligible entities as to the expenditure of funds

1 made pursuant to an application submitted under
2 section 2221(b).

3 “(d) STATE USE OF FUNDS.—

4 “(1) IN GENERAL.—Each State that receives an
5 allotment under this section shall reserve not less
6 than 92 percent of the amount allotted to such State
7 under subsection (b), for each fiscal year, for sub-
8 grants to eligible entities under subpart 2.

9 “(2) STATE ADMINISTRATION.—A State edu-
10 cational agency may reserve not more than 1 percent
11 of the amount made available to the State under
12 subsection (b) for the administrative costs of car-
13 rying out such State educational agency’s respon-
14 sibilities under this subpart.

15 “(3) STATE-LEVEL ACTIVITIES.—

16 “(A) INNOVATIVE TEACHER AND SCHOOL
17 LEADER ACTIVITIES.—A State educational
18 agency shall reserve not more than 4 percent of
19 the amount made available to the State under
20 subsection (b) to carry out, solely, or in part-
21 nership with State agencies of higher education,
22 1 or more of the following activities:

23 “(i) Reforming teacher and school
24 leader certification, recertification, licens-

1 ing, and tenure systems to ensure that
2 such systems are rigorous and that—

3 “(I) each teacher has the subject
4 matter knowledge and teaching skills
5 necessary to help students meet the
6 State’s academic standards; and

7 “(II) school leaders have the in-
8 structional leadership skills to help
9 teachers instruct and students learn.

10 “(ii) Improving the quality of teacher
11 preparation programs within the State, in-
12 cluding through the use of appropriate stu-
13 dent achievement data and other factors to
14 evaluate the quality of teacher preparation
15 programs within the State.

16 “(iii) Carrying out programs that es-
17 tablish, expand, or improve alternative
18 routes for State certification or licensure of
19 teachers and school leaders, including such
20 programs for—

21 “(I) mid-career professionals
22 from other occupations, including
23 computer science and other science,
24 technology, engineering, and math
25 fields;

1 “(II) former military personnel;

2 and

3 “(III) recent graduates of an in-
4 stitution of higher education, with a
5 record of academic distinction, who
6 demonstrate the potential to become
7 effective teachers or school leaders.

8 “(iv) Developing, or assisting eligible
9 entities in developing—

10 “(I) performance-based pay sys-
11 tems for teachers and school leaders;

12 “(II) strategies that provide dif-
13 ferential, incentive, or bonus pay for
14 teachers and school leaders; or

15 “(III) teacher and school leader
16 advancement initiatives that promote
17 professional growth and emphasize
18 multiple career paths and pay dif-
19 ferentiation.

20 “(v) Developing, or assisting eligible
21 entities in developing, new, evidence-based
22 teacher and school leader induction and
23 mentoring programs that are designed
24 to—

1 “(I) improve instruction and stu-
2 dent academic achievement; and

3 “(II) increase the retention of ef-
4 fective teachers and school leaders.

5 “(vi) Providing professional develop-
6 ment for teachers and school leaders that
7 is focused on improving teaching and stu-
8 dent academic achievement, including for
9 students with different learning styles, par-
10 ticularly students with disabilities, English
11 learners, gifted and talented students, and
12 other special populations.

13 “(vii) Providing training and technical
14 assistance to eligible entities that receive a
15 subgrant under section 2221.

16 “(viii) Other activities identified by
17 the State educational agency that meet the
18 purposes of this part, including those ac-
19 tivities authorized under subparagraph
20 (B).

21 “(B) TEACHER OR SCHOOL LEADER PREP-
22 ARATION ACADEMIES.—

23 “(i) IN GENERAL.—In the case of a
24 State in which teacher or school leader
25 preparation academies are allowable under

1 State law, a State educational agency may
2 reserve not more than 3 percent of the
3 amount made available to the State under
4 subsection (b) to support the establishment
5 or expansion of one or more teacher or
6 school leader preparation academies and,
7 subject to the limitation under clause (iii),
8 to support State authorizers for such acad-
9 emies.

10 “(ii) MATCHING REQUIREMENT.—A
11 State educational agency shall not provide
12 funds under this subparagraph to support
13 the establishment or expansion of a teach-
14 er or school leader preparation academy
15 unless the academy agrees to provide, ei-
16 ther directly or through private contribu-
17 tions, non-Federal matching funds equal to
18 not less than 10 percent of the amount of
19 the funds the academy will receive under
20 this subparagraph.

21 “(iii) FUNDING FOR STATE AUTHOR-
22 IZERS.—Not more than 5 percent of funds
23 provided to a teacher or school leader prep-
24 aration academy under this subparagraph

1 may be used to support activities of State
2 authorizers for such academy.

3 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
4 **CATIONS.**

5 “(a) DEEMED APPROVAL.—An application submitted
6 by a State pursuant to section 2211(c) shall be deemed
7 to be approved by the Secretary unless the Secretary
8 makes a written determination, prior to the expiration of
9 the 120-day period beginning on the date on which the
10 Secretary received the application, that the application is
11 not in compliance with section 2211(c).

12 “(b) DISAPPROVAL PROCESS.—

13 “(1) IN GENERAL.—The Secretary shall not fi-
14 nally disapprove an application submitted under sec-
15 tion 2211(c), except after giving the State edu-
16 cational agency notice and an opportunity for a
17 hearing.

18 “(2) NOTIFICATION.—If the Secretary finds
19 that an application is not in compliance, in whole or
20 in part, with section 2211(c) the Secretary shall—

21 “(A) give the State educational agency no-
22 tice and an opportunity for a hearing; and

23 “(B) notify the State educational agency of
24 the finding of noncompliance and, in such noti-
25 fication, shall—

1 “(i) cite the specific provisions in the
2 application that are not in compliance; and

3 “(ii) request additional information,
4 only as to the noncompliant provisions,
5 needed to make the application compliant.

6 “(3) RESPONSE.—If a State educational agency
7 responds to a notification from the Secretary under
8 paragraph (2)(B) during the 45-day period begin-
9 ning on the date on which the State educational
10 agency received the notification, and resubmits the
11 application with the requested information described
12 in paragraph (2)(B)(ii), the Secretary shall approve
13 or disapprove such application prior to the later of—

14 “(A) the expiration of the 45-day period
15 beginning on the date on which the application
16 is resubmitted; or

17 “(B) the expiration of the 120-day period
18 described in subsection (a).

19 “(4) FAILURE TO RESPOND.—If the State edu-
20 cational agency does not respond to a notification
21 from the Secretary under paragraph (2)(B) during
22 the 45-day period beginning on the date on which
23 the State educational agency received the notifica-
24 tion, such application shall be deemed to be dis-
25 approved.

1 **“Subpart 2—Local Competitive Grant Program**

2 **“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

3 “(a) IN GENERAL.—A State that receives an allot-
4 ment under section 2211(b) for a fiscal year shall use the
5 amount reserved under section 2211(d)(1) to award sub-
6 grants, on a competitive basis, to eligible entities in ac-
7 cordance with this section to enable such entities to carry
8 out the programs and activities described in section 2222.

9 “(b) APPLICATION.—

10 “(1) IN GENERAL.—To be eligible to receive a
11 subgrant under this section, an eligible entity shall
12 submit an application to the State educational agen-
13 cy at such time, in such manner, and including such
14 information as the State educational agency may
15 reasonably require.

16 “(2) CONTENTS.—Each application submitted
17 under paragraph (1) shall include—

18 “(A) a description of the programs and ac-
19 tivities to be funded and how they are con-
20 sistent with the purposes of this part; and

21 “(B) an assurance that the eligible entity
22 will comply with section 6501 (regarding par-
23 ticipation by private school children and teach-
24 ers).

25 “(c) PEER REVIEW.—In reviewing applications under
26 this section, a State educational agency shall use a peer

1 review process or other methods of assuring the quality
2 of such applications but the review shall only judge the
3 likelihood of the activity to increase student academic
4 achievement. The reviewers shall not make a determina-
5 tion based on the policy of the proposed activity.

6 “(d) GEOGRAPHIC DIVERSITY.—A State educational
7 agency shall distribute funds under this section equitably
8 among geographic areas within the State, including rural,
9 suburban, and urban communities.

10 “(e) DURATION OF AWARDS.—A State educational
11 agency may award subgrants under this section for a pe-
12 riod of not more than 5 years.

13 “(f) MATCHING.—An eligible entity receiving a
14 subgrant under this section shall provide, either directly
15 or through private contributions, non-Federal matching
16 funds equal to not less than 10 percent of the amount
17 of the subgrant.

18 **“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

19 “(a) IN GENERAL.—Each eligible entity receiving a
20 subgrant under section 2221 shall use such subgrant
21 funds to develop, implement, and evaluate comprehensive
22 programs and activities, that are in accordance with the
23 purpose of this part and—

24 “(1) are consistent with the principles of effec-
25 tiveness described in subsection (b); and

1 “(2) may include, among other programs and
2 activities—

3 “(A) developing and implementing initia-
4 tives to assist in recruiting, hiring, and retain-
5 ing highly effective teachers and school leaders,
6 including initiatives that provide—

7 “(i) differential, incentive, or bonus
8 pay for teachers and school leaders;

9 “(ii) performance-based pay systems
10 for teachers and school leaders;

11 “(iii) teacher and school leader ad-
12 vancement initiatives that promote profes-
13 sional growth and emphasize multiple ca-
14 reer paths and pay differentiation;

15 “(iv) new teacher and school leader
16 induction and mentoring programs that
17 are designed to improve instruction, stu-
18 dent academic achievement, and to in-
19 crease teacher and school leader retention;
20 and

21 “(v) teacher residency programs, and
22 school leader residency programs, designed
23 to develop and support new teachers or
24 new school leaders, respectively;

1 “(B) supporting the establishment or ex-
2 pansion of teacher or school leader preparation
3 academies under section 2211(d)(3)(B);

4 “(C) recruiting qualified individuals from
5 other fields, including individuals from com-
6 puter science and other science, technology, en-
7 gineering, and math fields, mid-career profes-
8 sionals from other occupations, and former mili-
9 tary personnel;

10 “(D) establishing, improving, or expanding
11 model instructional programs to ensure that all
12 children meet the State’s academic standards;

13 “(E) providing evidence-based, job embed-
14 ded, continuous professional development for
15 teachers and school leaders focused on improv-
16 ing teaching and student academic achievement;

17 “(F) implementing programs based on the
18 current science of learning, which includes re-
19 search on positive brain change and cognitive
20 skill development;

21 “(G) recruiting and training teachers to
22 teach dual credit, dual enrollment, Advanced
23 Placement, or International Baccalaureate post-
24 secondary-level courses to secondary school stu-
25 dents; and

1 “(H) other activities and programs identi-
2 fied as necessary by the local educational agen-
3 cy that meet the purpose of this part.

4 “(b) PRINCIPLES OF EFFECTIVENESS.—For a pro-
5 gram or activity developed pursuant to this section to meet
6 the principles of effectiveness, such program or activity
7 shall—

8 “(1) be based upon an assessment of objective
9 data regarding the need for programs and activities
10 in the elementary schools and secondary schools
11 served to increase the number of teachers and school
12 leaders who are effective in improving student aca-
13 demic achievement;

14 “(2) reflect evidence-based research, or in the
15 absence of a strong research base, reflect effective
16 strategies in the field, that provide evidence that the
17 program or activity will improve student academic
18 achievement; and

19 “(3) include meaningful and ongoing consulta-
20 tion with, and input from, teachers, school leaders,
21 and parents, in the development of the application
22 and administration of the program or activity.

1 **“Subpart 3—General Provisions**

2 **“SEC. 2231. PERIODIC EVALUATION.**

3 “(a) IN GENERAL.—Each eligible entity and each
4 teacher or school leader preparation academy that receives
5 funds under this part shall undergo a periodic evaluation
6 by the State educational agency involved to assess such
7 entity’s or such academy’s progress toward achieving the
8 purposes of this part.

9 “(b) USE OF RESULTS.—The results of an evaluation
10 described in subsection (a) of an eligible entity or academy
11 shall be—

12 “(1) used to refine, improve, and strengthen
13 such eligible entity or such academy, respectively;
14 and

15 “(2) made available to the public upon request,
16 with public notice of such availability provided.

17 **“SEC. 2232. REPORTING REQUIREMENTS.**

18 “(a) ELIGIBLE ENTITIES AND ACADEMIES.—Each
19 eligible entity and each teacher or school leader prepara-
20 tion academy that receives funds from a State educational
21 agency under this part shall prepare and submit annually
22 to such State educational agency a report that includes—

23 “(1) a description of the progress of the eligible
24 entity or teacher or school leader preparation acad-
25 emy, respectively, in meeting the purposes of this
26 part;

1 “(2) a description of the programs and activi-
2 ties conducted by the eligible entity or teacher or
3 school leader preparation academy, respectively, with
4 funds received under this part;

5 “(3) how the eligible entity or teacher or school
6 leader preparation academy, respectively, is using
7 such funds; and

8 “(4) any such other information as the State
9 educational agency may reasonably require.

10 “(b) STATE EDUCATIONAL AGENCIES.—Each State
11 educational agency that receives a grant under this part
12 shall prepare and submit, annually, to the Secretary a re-
13 port that includes—

14 “(1) a description of the programs and activi-
15 ties conducted by the State educational agency with
16 grant funds received under this part;

17 “(2) a description of the progress of the State
18 educational agency in meeting the purposes of this
19 part described in section 2201;

20 “(3) how the State educational agency is using
21 grant funds received under this part;

22 “(4) the methods and criteria the State edu-
23 cational agency used to award subgrants in a timely
24 manner to eligible entities under section 2221 and,
25 if applicable, funds in a timely manner to teacher or

1 school leader academies under section
2 2211(d)(3)(B); and

3 “(5) the results of the periodic evaluations con-
4 ducted under section 2231.

5 **“SEC. 2233. NATIONAL ACTIVITIES.**

6 “From the funds reserved by the Secretary under sec-
7 tion 2211(a)(2)(A), the Secretary shall, directly or
8 through grants and contracts—

9 “(1) provide technical assistance to States and
10 eligible entities in carrying out activities under this
11 part; and

12 “(2) acting through the Institute of Education
13 Sciences, conduct national evaluations of activities
14 carried out by States and eligible entities under this
15 part.

16 **“SEC. 2234. DEFINITIONS.**

17 “In this part:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) a local educational agency or consor-
21 tium of local educational agencies;

22 “(B) an institution of higher education or
23 consortium of such institutions in partnership
24 with a local educational agency or consortium
25 of local educational agencies;

1 “(C) a for-profit organization, a nonprofit
2 organization, or a consortium of for-profit or
3 nonprofit organizations in partnership with a
4 local educational agency or consortium of local
5 educational agencies; or

6 “(D) a consortium of the entities described
7 in subparagraphs (B) and (C).

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

11 “(3) STATE AUTHORIZER.—The term ‘State au-
12 thorizer’ means an entity designated by the Gov-
13 ernor of a State to authorize teacher or school leader
14 preparation academies within the State that—

15 “(A) enters into an agreement with a
16 teacher or school leader preparation academy
17 that—

18 “(i) specifies the goals expected of the
19 academy, which, at a minimum, include the
20 goals described in paragraph (4); and

21 “(ii) does not reauthorize the academy
22 if such goals are not met; and

23 “(B) may be a nonprofit organization, a
24 State educational agency, or other public entity,

1 or consortium of such entities (including a con-
2 sortium of State educational agencies).

3 “(4) TEACHER OR SCHOOL LEADER PREPARA-
4 TION ACADEMY.—The term ‘teacher or school leader
5 preparation academy’ means a public or private enti-
6 ty, or a nonprofit or for-profit organization, which
7 may be an institution of higher education or an or-
8 ganization affiliated with an institution of higher
9 education, that will prepare teachers or school lead-
10 ers to serve in schools, and that—

11 “(A) enters into an agreement with a State
12 authorizer that specifies the goals expected of
13 the academy, including—

14 “(i) a requirement that prospective
15 teachers or school leaders who are enrolled
16 in a teacher or school leader preparation
17 academy receive a significant part of their
18 training through clinical preparation that
19 partners the prospective candidate with an
20 effective teacher or school leader, respec-
21 tively, with a demonstrated record of in-
22 creasing or producing high student
23 achievement, while also receiving concur-
24 rent instruction from the academy in the
25 content area (or areas) in which the pro-

1 spective teacher or school leader will be-
2 come certified or licensed;

3 “(ii) the number of effective teachers
4 or school leaders, respectively, who will
5 demonstrate success in increasing or pro-
6 ducing high student achievement that the
7 academy will produce; and

8 “(iii) a requirement that a teacher or
9 school leader preparation academy will only
10 award a certificate of completion after the
11 graduate demonstrates that the graduate is
12 an effective teacher or school leader, re-
13 spectively, with a demonstrated record of
14 increasing or producing high student
15 achievement, except that an academy may
16 award a provisional certificate for the pe-
17 riod necessary to allow the graduate to
18 demonstrate such effectiveness;

19 “(B) does not have restrictions on the
20 methods the academy will use to train prospec-
21 tive teacher or school leader candidates, includ-
22 ing—

23 “(i) obligating (or prohibiting) the
24 academy’s faculty to hold advanced degrees
25 or conduct academic research;

1 “(ii) restrictions related to the acad-
2 emy’s physical infrastructure;

3 “(iii) restrictions related to the num-
4 ber of course credits required as part of
5 the program of study;

6 “(iv) restrictions related to the under-
7 graduate coursework completed by teachers
8 teaching or working on alternative certifi-
9 cates, licenses, or credentials, as long as
10 such teachers have successfully passed all
11 relevant State-approved content area ex-
12 aminations; or

13 “(v) restrictions related to obtaining
14 accreditation from an accrediting body for
15 purposes of becoming an academy;

16 “(C) limits admission to its program to
17 prospective teacher or school leader candidates
18 who demonstrate strong potential to improve
19 student achievement, based on a rigorous selec-
20 tion process that reviews a candidate’s prior
21 academic achievement or record of professional
22 accomplishment; and

23 “(D) results in a certificate of completion
24 that the State may recognize as at least the
25 equivalent of a master’s degree in education for

1 the purposes of hiring, retention, compensation,
2 and promotion in the State.

3 “(5) **TEACHER RESIDENCY PROGRAM.**—The
4 term ‘teacher residency program’ means a school-
5 based teacher preparation program in which a pro-
6 spective teacher—

7 “(A) for one academic year, teaches along-
8 side an effective teacher, as determined by a
9 teacher evaluation system implemented under
10 part A, who is the teacher of record;

11 “(B) receives concurrent instruction during
12 the year described in subparagraph (A) from
13 the partner institution (as defined in section
14 200 of the Higher Education Act of 1965 (20
15 U.S.C. 1021)), which courses may be taught by
16 local educational agency personnel or residency
17 program faculty, in the teaching of the content
18 area in which the teacher will become certified
19 or licensed; and

20 “(C) acquires effective teaching skills.”.

21 (d) **PART C.**—Part C of title II (20 U.S.C. 6671 et
22 seq.) is amended—

23 (1) by striking subparts 1 through 4;

24 (2) by striking the heading relating to subpart

25 5;

1 (3) by striking sections 2361 and 2368;

2 (4) in section 2362, by striking “principals”
3 and inserting “school leaders”;

4 (5) in section 2363(6)(A), by striking “prin-
5 cipal” and inserting “school leader”;

6 (6) in section 2366(b), by striking “ate law”
7 and inserting “(3) A State law”;

8 (7) by redesignating section 2362 as section
9 2361;

10 (8) by redesignating sections 2364 through
11 2367 as sections 2362 through 2365, respectively;
12 and

13 (9) by redesignating section 2363 as section
14 2366 and transferring such section to appear after
15 section 2365 (as so redesignated).

16 (e) PART D.—Part D of title II (20 U.S.C. 6751 et
17 seq.) is amended to read as follows:

18 **“PART D—GENERAL PROVISIONS**

19 **“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

20 “In this title, the term ‘local educational agency’ in-
21 cludes a charter school (as defined in section 6101) that,
22 in the absence of this section, would not have received
23 funds under this title.

1 **“SEC. 2402. PARENTS’ RIGHT TO KNOW.**

2 “At the beginning of each school year, a local edu-
3 cational agency that receives funds under this title shall
4 notify the parents of each student attending any school
5 receiving funds under this title that the parents may re-
6 quest, and the agency will provide the parents on request
7 (and in a timely manner), information regarding the pro-
8 fessional qualifications of the student’s classroom teach-
9 ers.

10 **“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

11 “Funds received under this title shall be used to sup-
12 plement, and not supplant, non-Federal funds that would
13 otherwise be used for activities authorized under this
14 title.”.

15 **SEC. 202. CONFORMING REPEALS.**

16 (a) **CONFORMING REPEALS.**—Title II of the Higher
17 Education Act of 1965 (20 U.S.C. 1021 et seq.) is amend-
18 ed by repealing sections 201 through 204.

19 (b) **EFFECTIVE DATE.**—The repeals made by sub-
20 section (a) shall take effect October 1, 2015.

1 **TITLE III—PARENTAL ENGAGE-**
2 **MENT AND LOCAL FLEXI-**
3 **BILITY**

4 **SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
5 **BILITY.**

6 Title III (20 U.S.C. 6801 et seq.) is amended to read
7 as follows:

1 **“TITLE III—PARENTAL ENGAGE-**
2 **MENT AND LOCAL FLEXI-**
3 **BILITY**

4 **“PART A—PARENTAL ENGAGEMENT**

5 **“Subpart 1—Charter School Program**

6 **“SEC. 3101. PURPOSE.**

7 “It is the purpose of this subpart to—

8 “(1) improve the United States education sys-
9 tem and education opportunities for all Americans
10 by supporting innovation in public education in pub-
11 lic school settings that prepare students to compete
12 and contribute to the global economy;

13 “(2) provide financial assistance for the plan-
14 ning, program design, and initial implementation of
15 charter schools;

16 “(3) expand the number of high-quality charter
17 schools available to students across the Nation;

18 “(4) evaluate the impact of such schools on stu-
19 dent achievement, families, and communities, and
20 share best practices between charter schools and
21 other public schools;

22 “(5) encourage States to provide support to
23 charter schools for facilities financing in an amount
24 more nearly commensurate to the amount the States
25 have typically provided for traditional public schools;

1 “(6) improve student services to increase oppor-
2 tunities for students with disabilities, English learn-
3 ers, and other traditionally underserved students to
4 attend charter schools and meet challenging State
5 academic achievement standards;

6 “(7) support efforts to strengthen the charter
7 school authorizing process to improve performance
8 management, including transparency, oversight,
9 monitoring, and evaluation of such schools; and

10 “(8) support quality accountability and trans-
11 parency in the operational performance of all au-
12 thorized public chartering agencies, which include
13 State educational agencies, local educational agen-
14 cies, and other authorizing entities.

15 **“SEC. 3102. PROGRAM AUTHORIZED.**

16 “(a) IN GENERAL.—This subpart authorizes the Sec-
17 retary to carry out a charter school program that supports
18 charter schools that serve elementary school and sec-
19 ondary school students by—

20 “(1) supporting the startup of charter schools,
21 and the replication and expansion of high-quality
22 charter schools;

23 “(2) assisting charter schools in accessing cred-
24 it to acquire and renovate facilities for school use;
25 and

1 “(3) carrying out national activities to sup-
2 port—

3 “(A) charter school development;

4 “(B) the dissemination of best practices of
5 charter schools for all schools;

6 “(C) the evaluation of the impact of the
7 program on schools participating in the pro-
8 gram; and

9 “(D) stronger charter school authorizing.

10 “(b) FUNDING ALLOTMENT.—From the amount
11 made available under section 3(c)(1)(A) for a fiscal year,
12 the Secretary shall—

13 “(1) reserve 12.5 percent to support charter
14 school facilities assistance under section 3104;

15 “(2) reserve not more than 10 percent to carry
16 out national activities under section 3105; and

17 “(3) use the remaining amount after the Sec-
18 retary reserves funds under paragraphs (1) and (2)
19 to carry out section 3103.

20 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
21 ent of a grant or subgrant under this subpart or subpart
22 2, as such subpart was in effect on the day before the
23 date of enactment of the Student Success Act, shall con-
24 tinue to receive funds in accordance with the terms and
25 conditions of such grant or subgrant.

1 “(d) GAO REPORT.—Not later than 3 years after the
2 date of enactment of the Student Success Act, the Comp-
3 troller General of the United States shall submit a report
4 to the Secretary and Congress that—

5 “(1) examines whether the funds authorized to
6 be reserved by State entities for administrative costs
7 under section 3103(b)(1)(C) is appropriate; and

8 “(2) if such reservation of funds is determined
9 not to be appropriate, makes recommendations on
10 the appropriate reservation of funding for such ad-
11 ministrative costs.

12 **“SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
13 **SCHOOLS.**

14 “(a) IN GENERAL.—From the amount reserved
15 under section 3102(b)(3), the Secretary shall award
16 grants to State entities having applications approved pur-
17 suant to subsection (f) to enable such entities to—

18 “(1) award subgrants to eligible applicants for
19 opening and preparing to operate—

20 “(A) new charter schools;

21 “(B) replicated, high-quality charter school
22 models; or

23 “(C) expanded, high-quality charter
24 schools; and

1 “(2) provide technical assistance to eligible ap-
2 plicants and authorized public chartering agencies in
3 carrying out the activities described in paragraph (1)
4 and work with authorized public chartering agencies
5 in the State to improve authorizing quality.

6 “(b) STATE USES OF FUNDS.—

7 “(1) IN GENERAL.—A State entity receiving a
8 grant under this section shall—

9 “(A) use not less than 90 percent of the
10 grant funds to award subgrants to eligible ap-
11 plicants, in accordance with the quality charter
12 school program described in the State entity’s
13 application approved pursuant to subsection (f),
14 for the purposes described in subparagraphs
15 (A) through (C) of subsection (a)(1);

16 “(B) reserve not less than 7 percent of
17 such funds to carry out the activities described
18 in subsection (a)(2); and

19 “(C) reserve not more than 3 percent of
20 such funds for administrative costs which may
21 include technical assistance.

22 “(2) CONTRACTS AND GRANTS.—A State entity
23 may use a grant received under this section to carry
24 out the activities described in subparagraphs (A)

1 and (B) of paragraph (1) directly or through grants,
2 contracts, or cooperative agreements.

3 “(3) RULE OF CONSTRUCTION.—Nothing in
4 this Act shall prohibit the Secretary from awarding
5 grants to States that use a weighted lottery to give
6 slightly better chances for admission to all, or a sub-
7 set of, educationally disadvantaged students if—

8 “(A) the use of weighted lotteries in favor
9 of such students is not prohibited by State law,
10 and such State law is consistent with laws de-
11 scribed in section 6101(3)(G); and

12 “(B) such weighted lotteries are not used
13 for the purpose of creating schools exclusively
14 to serve a particular subset of students.

15 “(c) PROGRAM PERIODS; PEER REVIEW; GRANT
16 NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIV-
17 ERS.—

18 “(1) PROGRAM PERIODS.—

19 “(A) GRANTS.—A grant awarded by the
20 Secretary to a State entity under this section
21 shall be for a period of not more than 5 years.

22 “(B) SUBGRANTS.—A subgrant awarded
23 by a State entity under this section shall be for
24 a period of not more than 5 years, of which an

1 eligible applicant may use not more than 18
2 months for planning and program design.

3 “(2) PEER REVIEW.—The Secretary, and each
4 State entity receiving a grant under this section,
5 shall use a peer review process to review applications
6 for assistance under this section.

7 “(3) GRANT AWARDS.—The Secretary shall—

8 “(A) for each fiscal year for which funds
9 are appropriated under section 3(c)(1)(A)—

10 “(i) award not less than 3 grants
11 under this section;

12 “(ii) wholly fund each grant awarded
13 under this section, without making con-
14 tinuation awards; and

15 “(iii) fully obligate the funds appro-
16 priated for the purpose of awarding grants
17 under this section in the fiscal year for
18 which such grants are awarded; and

19 “(B) prior to the start of the final year of
20 the grant period of each grant awarded under
21 this section to a State entity, review whether
22 the State entity is using the grant funds for the
23 agreed upon uses of funds and whether the full
24 amount of the grant will be needed for the re-
25 mainder of the grant period and may, as deter-

1 mined necessary based on that review, termi-
2 nate or reduce the amount of the grant and re-
3 allocate the remaining grant funds to other
4 State entities during the succeeding grant com-
5 petition under this section.

6 “(4) DIVERSITY OF PROJECTS.—Each State en-
7 tity receiving a grant under this section shall award
8 subgrants under this section in a manner that, to
9 the extent possible, ensures that such subgrants—

10 “(A) are distributed throughout different
11 areas, including urban, suburban, and rural
12 areas; and

13 “(B) will assist charter schools rep-
14 resenting a variety of educational approaches.

15 “(5) WAIVERS.—The Secretary may waive any
16 statutory or regulatory requirement over which the
17 Secretary exercises administrative authority, except
18 for any such requirement relating to the elements of
19 a charter school described in section 6101(3), if—

20 “(A) the waiver is requested in an ap-
21 proved application under this section; and

22 “(B) the Secretary determines that grant-
23 ing such a waiver will promote the purposes of
24 this subpart.

25 “(d) LIMITATIONS.—

1 “(1) GRANTS.—The Secretary shall not award
2 a grant to a State entity under this section in a case
3 in which such award would result in more than 1
4 grant awarded under this section being carried out
5 in a State at the same time.

6 “(2) SUBGRANTS.—An eligible applicant may
7 not receive more than 1 subgrant under this section
8 per individual charter school for a 5-year period, un-
9 less the eligible applicant demonstrates to the State
10 entity not less than 3 years of improved educational
11 results in the areas described in subparagraphs (A)
12 and (D) of section 3110(7) for students enrolled in
13 such charter school.

14 “(e) APPLICATIONS.—A State entity desiring to re-
15 ceive a grant under this section shall submit an application
16 to the Secretary at such time and in such manner as the
17 Secretary may require. The application shall include the
18 following:

19 “(1) DESCRIPTION OF PROGRAM.—A descrip-
20 tion of the State entity’s objectives under this sec-
21 tion and how the objectives of the State entity’s
22 quality charter school program will be carried out,
23 including a description—

24 “(A) of how the State entity—

1 “(i) will support the opening of new
2 charter schools, replicated, high-quality
3 charter school models, or expanded, high-
4 quality charter schools, and a description
5 of the proposed number of each type of
6 charter school or model, if applicable, to be
7 opened under the State entity’s program;

8 “(ii) will inform eligible charter
9 schools, developers, and authorized public
10 chartering agencies of the availability of
11 funds under the program;

12 “(iii) will work with eligible applicants
13 to ensure that the eligible applicants access
14 all Federal funds that they are eligible to
15 receive, and help the charter schools sup-
16 ported by the applicants and the students
17 attending the charter schools—

18 “(I) participate in the Federal
19 programs in which the schools and
20 students are eligible to participate;

21 “(II) receive the commensurate
22 share of Federal funds the schools
23 and students are eligible to receive
24 under such programs; and

1 “(III) meet the needs of students
2 served under such programs, including
3 students with disabilities and English
4 learners;

5 “(iv) will have clear plans and proce-
6 dures to assist students enrolled in a char-
7 ter school that closes or loses its charter to
8 attend other high-quality schools;

9 “(v) in the case in which the State en-
10 tity is not a State educational agency—

11 “(I) will work with the State edu-
12 cational agency and the charter
13 schools in the State to maximize char-
14 ter school participation in Federal and
15 State programs for charter schools;
16 and

17 “(II) will work with the State
18 educational agency to adequately op-
19 erate the State entity’s program
20 under this section, where applicable;

21 “(vi) will ensure each eligible appli-
22 cant that receives a subgrant under the
23 State entity’s program to open and prepare
24 to operate a new charter school, a rep-
25 licated, high-quality charter school model,

1 or an expanded, high-quality charter
2 school—

3 “(I) will ensure such school or
4 model meets the requirements under
5 section 6101(3); and

6 “(II) is prepared to continue to
7 operate such school or model, in a
8 manner consistent with the eligible
9 applicant’s application, after the
10 subgrant funds have expired;

11 “(vii) will support charter schools in
12 local educational agencies with large num-
13 bers of schools identified by the State for
14 improvement, including supporting the use
15 of charter schools to improve, or in turning
16 around, struggling schools;

17 “(viii) will work with charter schools
18 to promote inclusion of all students, in-
19 cluding eliminating any barriers to enroll-
20 ment for foster youth or unaccompanied
21 homeless youth, and support all students
22 once they are enrolled to promote retention
23 including through the use of fair discipli-
24 nary practice;

1 “(ix) will work with charter schools on
2 recruitment practices, including efforts to
3 engage groups that may otherwise have
4 limited opportunities to participate in char-
5 ter schools, and to ensure such schools do
6 not have in effect policies or procedures
7 that may create barriers to enrollment of
8 students, including educationally disadvan-
9 tagged students, and are in compliance with
10 all Federal and State laws on enrollment
11 practices;

12 “(x) will share best and promising
13 practices between charter schools and
14 other public schools, including, where ap-
15 propriate, instruction and professional de-
16 velopment in science, technology, engineer-
17 ing, and math education, including com-
18 puter science, and other subjects;

19 “(xi) will ensure the charter schools
20 receiving funds under the State entity’s
21 program meet the educational needs of
22 their students, including students with dis-
23 abilities and English learners;

24 “(xii) will support efforts to increase
25 quality initiatives, including meeting the

1 quality authorizing elements described in
2 paragraph (2)(E);

3 “(xiii) in the case of a State entity
4 not described in clause (xiv), will provide
5 oversight of authorizing activity, including
6 how the State will help ensure better au-
7 thorizing, such as by establishing author-
8 izing standards that may include approv-
9 ing, actively monitoring, and re-approving
10 or revoking the authority of an authorized
11 public chartering agency based on the per-
12 formance of the charter schools authorized
13 by such agency in the areas of student
14 achievement, student safety, financial and
15 operational management, and compliance
16 with all applicable statutes and regula-
17 tions;

18 “(xiv) in the case of a State entity de-
19 fined in subsection (i)(4), will work with
20 the State to support the State’s system of
21 assistance and oversight of authorized pub-
22 lic chartering agencies for authorizing ac-
23 tivity described in clause (xiii); and

24 “(xv) will work with eligible applicants
25 receiving a subgrant under the State enti-

1 ty’s program to support the opening of
2 charter schools or charter school models
3 described in clause (i) that are secondary
4 schools;

5 “(B) of the extent to which the State enti-
6 ty—

7 “(i) is able to meet and carry out the
8 priorities listed in subsection (f)(2); and

9 “(ii) is working to develop or
10 strengthen a cohesive statewide system to
11 support the opening of new charter
12 schools, replicated, high-quality charter
13 school models, or expanded, high-quality
14 charter schools;

15 “(C) of how the State entity will carry out
16 the subgrant competition, including—

17 “(i) a description of the application
18 each eligible applicant desiring to receive a
19 subgrant will submit, including—

20 “(I) a description of the roles
21 and responsibilities of the eligible ap-
22 plicant, partner organizations, and
23 management organizations, including
24 the administrative and contractual
25 roles and responsibilities;

1 “(II) a description of the quality
2 controls agreed to between the eligible
3 applicant and the authorized public
4 chartering agency involved, such as a
5 contract or performance agreement,
6 how a school’s performance in the
7 State’s academic accountability sys-
8 tem will be one of the most important
9 factors for renewal or revocation of
10 the school’s charter, and how the
11 State entity and the authorized public
12 chartering agency involved will reserve
13 the right to revoke or not renew a
14 school’s charter based on financial,
15 structural, or operational factors in-
16 volving the management of the school;

17 “(III) a description of how the el-
18 igible applicant will solicit and con-
19 sider input from parents and other
20 members of the community on the im-
21 plementation and operation of each
22 charter school that will receive funds
23 under the State entity’s program; and

24 “(IV) a description of the
25 planned activities and expenditures

1 for the subgrant funds for purposes of
2 opening and preparing to operate a
3 new charter school, a replicated, high-
4 quality charter school model, or an ex-
5 panded, high-quality charter school,
6 and how the school or model will
7 maintain financial sustainability after
8 the end of the subgrant period; and

9 “(ii) a description of how the State
10 entity will review applications;

11 “(D) in the case of a State entity that
12 partners with an outside organization to carry
13 out the State entity’s quality charter school
14 program, in whole or in part, of the roles and
15 responsibilities of this partner;

16 “(E) of how the State entity will help the
17 charter schools receiving funds under the State
18 entity’s program consider the transportation
19 needs of the schools’ students; and

20 “(F) of how the State entity will support
21 diverse charter school models, including models
22 that serve rural communities.

23 “(2) ASSURANCES.—Assurances, including a
24 description of how the assurances will be met,
25 that—

1 “(A) each charter school receiving funds
2 under the State entity’s program will have a
3 high degree of autonomy over budget and oper-
4 ations;

5 “(B) the State entity will support charter
6 schools in meeting the educational needs of
7 their students as described in paragraph
8 (1)(A)(xi);

9 “(C) the State entity will ensure that the
10 authorized public chartering agency of any
11 charter school that receives funds under the
12 State entity’s program—

13 “(i) adequately monitors each such
14 charter school in recruiting, enrolling, and
15 meeting the needs of all students, includ-
16 ing students with disabilities and English
17 learners; and

18 “(ii) ensures that each such charter
19 school solicits and considers input from
20 parents and other members of the commu-
21 nity on the implementation and operation
22 of the school;

23 “(D) the State entity will provide adequate
24 technical assistance to eligible applicants to—

1 “(i) meet the objectives described in
2 clauses (viii) and (ix) of paragraph (1)(A)
3 and subparagraph (B) of this paragraph;
4 and

5 “(ii) recruit, enroll, and retain tradi-
6 tionally underserved students, including
7 students with disabilities and English
8 learners, at rates similar to traditional
9 public schools;

10 “(E) the State entity will promote quality
11 authorizing, such as through providing technical
12 assistance and supporting all authorized public
13 chartering agencies in the State to improve the
14 oversight of their charter schools, including
15 by—

16 “(i) assessing annual performance
17 data of the schools, including, as appro-
18 priate, graduation rates, student academic
19 growth, and rates of student attrition;

20 “(ii) reviewing the schools’ inde-
21 pendent, annual audits of financial state-
22 ments conducted in accordance with gen-
23 erally accepted accounting principles, and
24 ensuring any such audits are publically re-
25 ported; and

1 “(iii) holding charter schools account-
2 able to the academic, financial, and oper-
3 ational quality controls agreed to between
4 the charter school and the authorized pub-
5 lic chartering agency involved, such as
6 through renewal, non-renewal, or revoca-
7 tion of the school’s charter;

8 “(F) the State entity will work to ensure
9 that charter schools are included with the tradi-
10 tional public schools in decisionmaking about
11 the public school system in the State; and

12 “(G) The State entity will ensure that each
13 charter school receiving funds under the State
14 entity’s program makes publicly available, con-
15 sistent with the dissemination requirements of
16 the annual State report card, information to
17 help parents make informed decisions about the
18 education options available to their children, in-
19 cluding information for each school on—

20 “(i) the educational program;

21 “(ii) student support services;

22 “(iii) annual performance and enroll-
23 ment data, disaggregated by the groups of
24 students described in section
25 1111(b)(3)(B)(ii)(II), except that such

1 disaggregation shall not be required in a
2 case in which the number of students in a
3 group is insufficient to yield statistically
4 reliable information or the results would
5 reveal personally identifiable information
6 about an individual student; and

7 “(iv) any other information the State
8 requires all other public schools to report
9 for purposes of section 1111(h)(1)(D).

10 “(3) REQUESTS FOR WAIVERS.—A request and
11 justification for waivers of any Federal statutory or
12 regulatory provisions that the State entity believes
13 are necessary for the successful operation of the
14 charter schools that will receive funds under the
15 State entity’s program under this section or, in the
16 case of a State entity defined in subsection (i)(4), a
17 description of how the State entity will work with
18 the State to request such necessary waivers, where
19 applicable, and a description of any State or local
20 rules, generally applicable to public schools, that will
21 be waived, or otherwise not apply to such schools.

22 “(f) SELECTION CRITERIA; PRIORITY.—

23 “(1) SELECTION CRITERIA.—The Secretary
24 shall award grants to State entities under this sec-
25 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 State entity will work to maximize the flexi-
6 bility provided to charter schools under the law;

7 “(B) the ambitiousness of the State enti-
8 ty’s objectives for the quality charter school
9 program 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 State entity’s plan to—

17 “(i) adequately monitor the eligible
18 applicants receiving subgrants under the
19 State entity’s program;

20 “(ii) work with the authorized public
21 chartering agencies involved to avoid dupli-
22 cation of work for the charter schools and
23 authorized public chartering agencies; and

24 “(iii) provide adequate technical as-
25 sistance and support for—

1 “(I) the charter schools receiving
2 funds under the State entity’s pro-
3 gram; and

4 “(II) quality authorizing efforts
5 in the State; and

6 “(F) the State entity’s plan to solicit and
7 consider input from parents and other members
8 of the community on the implementation and
9 operation of the charter schools in the State.

10 “(2) PRIORITY.—In awarding grants under this
11 section, the Secretary shall give priority to State en-
12 tities to the extent that they meet the following cri-
13 teria:

14 “(A) The State entity is located in a
15 State—

16 “(i) that allows at least one entity
17 that is not a local educational agency to be
18 an authorized public chartering agency for
19 developers seeking to open a charter school
20 in the State; or

21 “(ii) in which local educational agen-
22 cies are the only authorized public char-
23 tering agencies and that has an appeals
24 process for the denial of an application for
25 a charter school;

1 “(B) The State entity is located in a State
2 that does not impose any limitation on the
3 number or percentage of charter schools that
4 may exist or the number or percentage of stu-
5 dents that may attend charter schools in the
6 State.

7 “(C) The State entity is located in a State
8 that ensures equitable financing, as compared
9 to traditional public schools, for charter schools
10 and students in a prompt manner.

11 “(D) The State entity is located in a State
12 that uses best practices from charter schools to
13 help improve struggling schools and local edu-
14 cational agencies.

15 “(E) The State entity partners with an or-
16 ganization that has a demonstrated record of
17 success in developing management organiza-
18 tions to support the development of charter
19 schools in the State.

20 “(F) The State entity supports charter
21 schools that support at-risk students through
22 activities such as dropout prevention, dropout
23 recovery, or comprehensive career counseling
24 practices.

1 “(G) The State entity authorizes all char-
2 ter schools in the State to serve as school food
3 authorities.

4 “(H) The State entity has taken steps to
5 ensure that all authorizing public chartering
6 agencies implement best practices for charter
7 school authorizing.

8 “(I) The State entity is able to dem-
9 onstrate that its State provides charter schools
10 one or more of the following:

11 “(i) Funding for facilities.

12 “(ii) Assistance with the acquisition of
13 facilities.

14 “(iii) Access to public facilities.

15 “(iv) The right of first refusal to pur-
16 chase public school buildings.

17 “(v) Low or no cost leasing privileges.

18 “(g) LOCAL USES OF FUNDS.—An eligible applicant
19 receiving a subgrant under this section shall use such
20 funds to carry out activities related to opening and pre-
21 paring to operate a new charter school, a replicated, high-
22 quality charter school model, or an expanded, high-quality
23 charter school, such as—

24 “(1) preparing teachers and school leaders, in-
25 cluding through professional development;

1 “(2) acquiring equipment, educational mate-
2 rials, and supplies; and

3 “(3) carrying out necessary renovations and
4 minor facilities repairs (excluding construction).

5 “(h) REPORTING REQUIREMENTS.—Each State enti-
6 ty receiving a grant under this section shall submit to the
7 Secretary, at the end of the third year of the 5-year grant
8 period and at the end of such grant period, a report on—

9 “(1) the number of students served by each
10 subgrant awarded under this section and, if applica-
11 ble, how many new students were served during each
12 year of the subgrant period;

13 “(2) the progress the State entity made toward
14 meeting the priorities described in subsection (f)(2),
15 as applicable;

16 “(3) how the State entity met the objectives of
17 the quality charter school program described in the
18 State entity’s application under subsection (e), in-
19 cluding how the State entity met the objective of
20 sharing best and promising practices described in
21 subsection (e)(1)(A)(x) in areas such as instruction,
22 professional development, curricula development, and
23 operations between charter schools and other public
24 schools, and the extent to which, if known, such

1 practices were adopted and implemented by such
2 other public schools;

3 “(4) how the State entity complied with, and
4 ensured that eligible applicants complied with, the
5 assurances described in the State entity’s applica-
6 tion;

7 “(5) how the State entity worked with author-
8 ized public chartering agencies, including how the
9 agencies worked with the management company or
10 leadership of the schools that received subgrants
11 under this section;

12 “(6) the number of subgrants awarded under
13 this section to carry out each of the following:

14 “(A) the opening of new charter schools;

15 “(B) the opening of replicated, high-quality
16 charter school models; and

17 “(C) the opening of expanded, high-quality
18 charter schools; and

19 “(7) how the State entity has worked with char-
20 ter schools receiving funds under the State entity’s
21 program to foster community involvement in the
22 planning for and opening of such schools.

23 “(i) STATE ENTITY DEFINED.—For purposes of this
24 section, the term ‘State entity’ means—

25 “(1) a State educational agency;

1 “(2) a State charter school board;

2 “(3) a Governor of a State; or

3 “(4) a charter school support organization.

4 **“SEC. 3104. FACILITIES FINANCING ASSISTANCE.**

5 “(a) GRANTS TO ELIGIBLE ENTITIES.—

6 “(1) IN GENERAL.—From the amount reserved
7 under section 3102(b)(1), the Secretary shall not
8 use less than 50 percent to award grants to eligible
9 entities that have the highest-quality applications
10 approved under subsection (d), after considering the
11 diversity of such applications, to demonstrate inno-
12 vative methods of assisting charter schools to ad-
13 dress the cost of acquiring, constructing, and ren-
14 ovating facilities by enhancing the availability of
15 loans or bond financing.

16 “(2) ELIGIBLE ENTITY DEFINED.—For pur-
17 poses of this section, the term ‘eligible entity’
18 means—

19 “(A) a public entity, such as a State or
20 local governmental entity;

21 “(B) a private nonprofit entity; or

22 “(C) a consortium of entities described in
23 subparagraphs (A) and (B).

24 “(b) GRANTEE SELECTION.—The Secretary shall
25 evaluate each application submitted under subsection (d),

1 and shall determine whether the application is sufficient
2 to merit approval.

3 “(c) GRANT CHARACTERISTICS.—Grants under sub-
4 section (a) shall be of a sufficient size, scope, and quality
5 so as to ensure an effective demonstration of an innovative
6 means of enhancing credit for the financing of charter
7 school acquisition, construction, or renovation.

8 “(d) APPLICATIONS.—

9 “(1) IN GENERAL.—To receive a grant under
10 subsection (a), an eligible entity shall submit to the
11 Secretary an application in such form as the Sec-
12 retary may reasonably require.

13 “(2) CONTENTS.—An application submitted
14 under paragraph (1) shall contain—

15 “(A) a statement identifying the activities
16 proposed to be undertaken with funds received
17 under subsection (a), including how the eligible
18 entity will determine which charter schools will
19 receive assistance, and how much and what
20 types of assistance charter schools will receive;

21 “(B) a description of the involvement of
22 charter schools in the application’s development
23 and the design of the proposed activities;

24 “(C) a description of the eligible entity’s
25 expertise in capital market financing;

1 “(D) a description of how the proposed ac-
2 tivities will leverage the maximum amount of
3 private-sector financing capital relative to the
4 amount of public funding used and otherwise
5 enhance credit available to charter schools, in-
6 cluding how the eligible entity will offer a com-
7 bination of rates and terms more favorable than
8 the rates and terms that a charter school could
9 receive without assistance from the eligible enti-
10 ty under subsection (a);

11 “(E) a description of how the eligible enti-
12 ty possesses sufficient expertise in education to
13 evaluate the likelihood of success of a charter
14 school program for which facilities financing is
15 sought; and

16 “(F) in the case of an application sub-
17 mitted by a State governmental entity, a de-
18 scription of the actions that the entity has
19 taken, or will take, to ensure that charter
20 schools within the State receive the funding the
21 charter schools need to have adequate facilities.

22 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
23 entity receiving a grant under subsection (a) shall use the
24 funds deposited in the reserve account established under
25 subsection (f) to assist one or more charter schools to ac-

1 cess private sector capital to accomplish one or more of
2 the following objectives:

3 “(1) The acquisition (by purchase, lease, dona-
4 tion, or otherwise) of an interest (including an inter-
5 est held by a third party for the benefit of a charter
6 school) in improved or unimproved real property
7 that is necessary to commence or continue the oper-
8 ation of a charter school.

9 “(2) The construction of new facilities, or the
10 renovation, repair, or alteration of existing facilities,
11 necessary to commence or continue the operation of
12 a charter school.

13 “(3) The predevelopment costs required to as-
14 sess sites for purposes of paragraph (1) or (2) and
15 which are necessary to commence or continue the
16 operation of a charter school.

17 “(f) RESERVE ACCOUNT.—

18 “(1) USE OF FUNDS.—To assist charter schools
19 to accomplish the objectives described in subsection
20 (e), an eligible entity receiving a grant under sub-
21 section (a) shall, in accordance with State and local
22 law, directly or indirectly, alone or in collaboration
23 with others, deposit the funds received under sub-
24 section (a) (other than funds used for administrative
25 costs in accordance with subsection (g)) in a reserve

1 account established and maintained by the eligible
2 entity for this purpose. Amounts deposited in such
3 account shall be used by the eligible entity for one
4 or more of the following purposes:

5 “(A) Guaranteeing, insuring, and rein-
6 suring bonds, notes, evidences of debt, loans,
7 and interests therein, the proceeds of which are
8 used for an objective described in subsection
9 (e).

10 “(B) Guaranteeing and insuring leases of
11 personal and real property for an objective de-
12 scribed in subsection (e).

13 “(C) Facilitating financing by identifying
14 potential lending sources, encouraging private
15 lending, and other similar activities that di-
16 rectly promote lending to, or for the benefit of,
17 charter schools.

18 “(D) Facilitating the issuance of bonds by
19 charter schools, or by other public entities for
20 the benefit of charter schools, by providing
21 technical, administrative, and other appropriate
22 assistance (including the recruitment of bond
23 counsel, underwriters, and potential investors
24 and the consolidation of multiple charter school
25 projects within a single bond issue).

1 “(2) INVESTMENT.—Funds received under sub-
2 section (a) and deposited in the reserve account es-
3 tablished under paragraph (1) shall be invested in
4 obligations issued or guaranteed by the United
5 States or a State, or in other similarly low-risk secu-
6 rities.

7 “(3) REINVESTMENT OF EARNINGS.—Any earn-
8 ings on funds received under subsection (a) shall be
9 deposited in the reserve account established under
10 paragraph (1) and used in accordance with such
11 paragraph.

12 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
13 eligible entity may use not more than 2.5 percent of the
14 funds received under subsection (a) for the administrative
15 costs of carrying out its responsibilities under this section
16 (excluding subsection (k)).

17 “(h) AUDITS AND REPORTS.—

18 “(1) FINANCIAL RECORD MAINTENANCE AND
19 AUDIT.—The financial records of each eligible entity
20 receiving a grant under subsection (a) shall be main-
21 tained in accordance with generally accepted ac-
22 counting principles and shall be subject to an annual
23 audit by an independent public accountant.

24 “(2) REPORTS.—

1 “(A) GRANTEE ANNUAL REPORTS.—Each
2 eligible entity receiving a grant under sub-
3 section (a) annually shall submit to the Sec-
4 retary a report of its operations and activities
5 under this section (excluding subsection (k)).

6 “(B) CONTENTS.—Each annual report
7 submitted under subparagraph (A) shall in-
8 clude—

9 “(i) a copy of the most recent finan-
10 cial statements, and any accompanying
11 opinion on such statements, prepared by
12 the independent public accountant review-
13 ing the financial records of the eligible en-
14 tity;

15 “(ii) a copy of any report made on an
16 audit of the financial records of the eligible
17 entity that was conducted under paragraph
18 (1) during the reporting period;

19 “(iii) an evaluation by the eligible en-
20 tity of the effectiveness of its use of the
21 Federal funds provided under subsection
22 (a) in leveraging private funds;

23 “(iv) a listing and description of the
24 charter schools served during the reporting
25 period, including the amount of funds used

1 by each school, the type of project facili-
2 tated by the grant, and the type of assist-
3 ance provided to the charter schools;

4 “(v) a description of the activities car-
5 ried out by the eligible entity to assist
6 charter schools in meeting the objectives
7 set forth in subsection (e); and

8 “(vi) a description of the characteris-
9 ties of lenders and other financial institu-
10 tions participating in the activities under-
11 taken by the eligible entity under this sec-
12 tion (excluding subsection (k)) during the
13 reporting period.

14 “(C) SECRETARIAL REPORT.—The Sec-
15 retary shall review the reports submitted under
16 subparagraph (A) and shall provide a com-
17 prehensive annual report to Congress on the ac-
18 tivities conducted under this section (excluding
19 subsection (k)).

20 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
21 OBLIGATION.—No financial obligation of an eligible entity
22 entered into pursuant to this section (such as an obliga-
23 tion under a guarantee, bond, note, evidence of debt, or
24 loan) shall be an obligation of, or guaranteed in any re-
25 spect by, the United States. The full faith and credit of

1 the United States is not pledged to the payment of funds
2 which may be required to be paid under any obligation
3 made by an eligible entity pursuant to any provision of
4 this section.

5 “(j) RECOVERY OF FUNDS.—

6 “(1) IN GENERAL.—The Secretary, in accord-
7 ance with chapter 37 of title 31, United States
8 Code, shall collect—

9 “(A) all of the funds in a reserve account
10 established by an eligible entity under sub-
11 section (f)(1) if the Secretary determines, not
12 earlier than 2 years after the date on which the
13 eligible entity first received funds under sub-
14 section (a), that the eligible entity has failed to
15 make substantial progress in carrying out the
16 purposes described in subsection (f)(1); or

17 “(B) all or a portion of the funds in a re-
18 serve account established by an eligible entity
19 under subsection (f)(1) if the Secretary deter-
20 mines that the eligible entity has permanently
21 ceased to use all or a portion of the funds in
22 such account to accomplish any purpose de-
23 scribed in subsection (f)(1).

24 “(2) EXERCISE OF AUTHORITY.—The Secretary
25 shall not exercise the authority provided in para-

1 graph (1) to collect from any eligible entity any
2 funds that are being properly used to achieve one or
3 more of the purposes described in subsection (f)(1).

4 “(3) PROCEDURES.—The provisions of sections
5 451, 452, and 458 of the General Education Provi-
6 sions Act (20 U.S.C. 124, 1234a, 1234g) shall apply
7 to the recovery of funds under paragraph (1).

8 “(4) CONSTRUCTION.—This subsection shall
9 not be construed to impair or affect the authority of
10 the Secretary to recover funds under part D of the
11 General Education Provisions Act (20 U.S.C. 1234
12 et seq.).

13 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

14 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
15 PROGRAM.—In this subsection, the term ‘per-pupil
16 facilities aid program’ means a program in which a
17 State makes payments, on a per-pupil basis, to char-
18 ter schools to provide the schools with financing—

19 “(A) that is dedicated solely for funding
20 charter school facilities; or

21 “(B) a portion of which is dedicated for
22 funding charter school facilities.

23 “(2) GRANTS.—

24 “(A) IN GENERAL.—From the amount
25 under section 3102(b)(1) remaining after the

1 Secretary makes grants under subsection (a),
2 the Secretary shall make grants, on a competi-
3 tive basis, to States to pay for the Federal
4 share of the cost of establishing or enhancing,
5 and administering per-pupil facilities aid pro-
6 grams.

7 “(B) PERIOD.—The Secretary shall award
8 grants under this subsection for periods of not
9 more than 5 years.

10 “(C) FEDERAL SHARE.—The Federal
11 share of the cost described in subparagraph (A)
12 for a per-pupil facilities aid program shall be
13 not more than—

14 “(i) 90 percent of the cost, for the
15 first fiscal year for which the program re-
16 ceives assistance under this subsection;

17 “(ii) 80 percent in the second such
18 year;

19 “(iii) 60 percent in the third such
20 year;

21 “(iv) 40 percent in the fourth such
22 year; and

23 “(v) 20 percent in the fifth such year.

24 “(D) STATE SHARE.—A State receiving a
25 grant under this subsection may partner with 1

1 or more organizations to provide up to 50 per-
2 cent of the State share of the cost of estab-
3 lishing or enhancing, and administering the per-
4 pupil facilities aid program.

5 “(E) MULTIPLE GRANTS.—A State may
6 receive more than 1 grant under this sub-
7 section, so long as the amount of such funds
8 provided to charter schools increases with each
9 successive grant.

10 “(3) USE OF FUNDS.—

11 “(A) IN GENERAL.—A State that receives
12 a grant under this subsection shall use the
13 funds made available through the grant to es-
14 tablish or enhance, and administer, a per-pupil
15 facilities aid program for charter schools in the
16 State of the applicant.

17 “(B) EVALUATIONS; TECHNICAL ASSIST-
18 ANCE; DISSEMINATION.—From the amount
19 made available to a State through a grant
20 under this subsection for a fiscal year, the State
21 may reserve not more than 5 percent to carry
22 out evaluations, to provide technical assistance,
23 and to disseminate information.

24 “(C) SUPPLEMENT, NOT SUPPLANT.—
25 Funds made available under this subsection

1 shall be used to supplement, and not supplant,
2 State and local public funds expended to pro-
3 vide per pupil facilities aid programs, oper-
4 ations financing programs, or other programs,
5 for charter schools.

6 “(4) REQUIREMENTS.—

7 “(A) VOLUNTARY PARTICIPATION.—No
8 State may be required to participate in a pro-
9 gram carried out under this subsection.

10 “(B) STATE LAW.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in clause (ii), to be eligible to receive
13 a grant under this subsection, a State shall
14 establish or enhance, and administer, a
15 per-pupil facilities aid program for charter
16 schools in the State, that—

17 “(I) is specified in State law; and

18 “(II) provides annual financing,
19 on a per-pupil basis, for charter
20 school facilities.

21 “(ii) SPECIAL RULE.—Notwith-
22 standing clause (i), a State that is required
23 under State law to provide its charter
24 schools with access to adequate facility
25 space, but which does not have a per-pupil

1 facilities aid program for charter schools
2 specified in State law, may be eligible to
3 receive a grant under this subsection if the
4 State agrees to use the funds to develop a
5 per-pupil facilities aid program consistent
6 with the requirements of this subsection.

7 “(5) APPLICATIONS.—To be eligible to receive a
8 grant under this subsection, a State shall submit an
9 application to the Secretary at such time, in such
10 manner, and containing such information as the Sec-
11 retary may require.

12 **“SEC. 3105. NATIONAL ACTIVITIES.**

13 “(a) IN GENERAL.—Of the amount reserved under
14 section 3102(b)(2), the Secretary shall—

15 “(1) use not less than 75 percent of such
16 amount to award grants in accordance with sub-
17 section (b); and

18 “(2) use not more than 25 percent of such
19 amount to—

20 “(A) provide technical assistance to State
21 entities in awarding subgrants under section
22 3103, and eligible entities and States receiving
23 grants under section 3104;

24 “(B) disseminate best practices; and

1 “(C) evaluate the impact of the charter
2 school program, including the impact on stu-
3 dent achievement, carried out under this sub-
4 part.

5 “(b) GRANTS.—

6 “(1) IN GENERAL.—The Secretary shall make
7 grants, on a competitive basis, to eligible applicants
8 for the purpose of carrying out the activities de-
9 scribed in section 3102(a)(1), subparagraphs (A)
10 through (C) of section 3103(a)(1), and section
11 3103(g).

12 “(2) TERMS AND CONDITIONS.—Except as oth-
13 erwise provided in this subsection, grants awarded
14 under this subsection shall have the same terms and
15 conditions as grants awarded to State entities under
16 section 3103.

17 “(3) CHARTER MANAGEMENT ORGANIZA-
18 TIONS.—The Secretary shall—

19 “(A) of the amount described in subsection
20 (a)(1), use not less than 75 percent to make
21 grants, on a competitive basis, to eligible appli-
22 cants described in paragraph (4)(B); and

23 “(B) notwithstanding paragraphs (1)(A)
24 and (2) of section 3103(f)—

1 “(i) award grants to eligible appli-
2 cants on the basis of the quality of the ap-
3 plications submitted under this subsection;
4 and

5 “(ii) in awarding grants to eligible ap-
6 plicants described in paragraph (4)(B) of
7 this subsection, take into consideration
8 whether such an eligible applicant—

9 “(I) demonstrates a high propor-
10 tion of high-quality charter schools
11 within the network of the eligible ap-
12 plicant;

13 “(II) demonstrates success in
14 serving students who are educationally
15 disadvantaged;

16 “(III) does not have a significant
17 proportion of charter schools that
18 have been closed, had their charter re-
19 voked for compliance issues, or had
20 their affiliation with such eligible ap-
21 plicant revoked;

22 “(IV) has sufficient procedures in
23 effect to ensure timely closure of low-
24 performing or financially mismanaged
25 charter schools and clear plans and

1 procedures in effect for the students
2 in such schools to attend other high-
3 quality schools; and

4 “(V) demonstrates success in
5 working with schools identified for im-
6 provement by the State.

7 “(4) ELIGIBLE APPLICANT DEFINED.—For pur-
8 poses of this subsection, the term ‘eligible applicant’
9 means an eligible applicant (as defined in section
10 3110) that—

11 “(A) desires to open a charter school in—

12 “(i) a State that did not apply for a
13 grant under section 3103; or

14 “(ii) a State that did not receive a
15 grant under section 3103; or

16 “(B) is a charter management organiza-
17 tion.

18 “(c) CONTRACTS AND GRANTS.—The Secretary may
19 carry out any of the activities described in this section di-
20 rectly or through grants, contracts, or cooperative agree-
21 ments.

1 **“SEC. 3106. FEDERAL FORMULA ALLOCATION DURING**
2 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
3 **MENT EXPANSIONS.**

4 “(a) IN GENERAL.—For purposes of the allocation
5 to schools by the States or their agencies of funds under
6 part A of title I, and any other Federal funds which the
7 Secretary allocates to States on a formula basis, the Sec-
8 retary and each State educational agency shall take such
9 measures as are necessary to ensure that every charter
10 school receives the Federal funding for which the charter
11 school is eligible not later than 5 months after the charter
12 school first opens, notwithstanding the fact that the iden-
13 tity and characteristics of the students enrolling in that
14 charter school are not fully and completely determined
15 until that charter school actually opens. The measures
16 similarly shall ensure that every charter school expanding
17 its enrollment in any subsequent year of operation receives
18 the Federal funding for which the charter school is eligible
19 not later than 5 months after such expansion.

20 “(b) ADJUSTMENT AND LATE OPENINGS.—

21 “(1) IN GENERAL.—The measures described in
22 subsection (a) shall include provision for appropriate
23 adjustments, through recovery of funds or reduction
24 of payments for the succeeding year, in cases where
25 payments made to a charter school on the basis of
26 estimated or projected enrollment data exceed the

1 amounts that the school is eligible to receive on the
2 basis of actual or final enrollment data.

3 “(2) RULE.—For charter schools that first
4 open after November 1 of any academic year, the
5 State, in accordance with guidance provided by the
6 Secretary and applicable Federal statutes and regu-
7 lations, shall ensure that such charter schools that
8 are eligible for the funds described in subsection (a)
9 for such academic year have a full and fair oppor-
10 tunity to receive those funds during the charter
11 schools’ first year of operation.

12 **“SEC. 3107. SOLICITATION OF INPUT FROM CHARTER**
13 **SCHOOL OPERATORS.**

14 “To the extent practicable, the Secretary shall ensure
15 that administrators, teachers, and other individuals di-
16 rectly involved in the operation of charter schools are con-
17 sulted in the development of any rules or regulations re-
18 quired to implement this subpart, as well as in the devel-
19 opment of any rules or regulations relevant to charter
20 schools that are required to implement part A of title I,
21 the Individuals with Disabilities Education Act, or any
22 other program administered by the Secretary that provides
23 education funds to charter schools or regulates the activi-
24 ties of charter schools.

1 **“SEC. 3108. RECORDS TRANSFER.**

2 “State educational agencies and local educational
3 agencies, as quickly as possible and to the extent prac-
4 ticable, shall ensure that a student’s records and, if appli-
5 cable, a student’s individualized education program as de-
6 fined in section 602(14) of the Individuals with Disabil-
7 ities Education Act, are transferred to a charter school
8 upon the transfer of the student to the charter school, and
9 to another public school upon the transfer of the student
10 from a charter school to another public school, in accord-
11 ance with applicable State law.

12 **“SEC. 3109. PAPERWORK REDUCTION.**

13 “To the extent practicable, the Secretary and each
14 authorized public chartering agency shall ensure that im-
15 plementation of this subpart results in a minimum of pa-
16 perwork for any eligible applicant or charter school.

17 **“SEC. 3110. DEFINITIONS.**

18 “In this subpart:

19 “(1) CHARTER MANAGEMENT ORGANIZATION.—

20 The term ‘charter management organization’ means
21 a nonprofit organization that manages a network of
22 charter schools linked by centralized support, oper-
23 ations, and oversight.

24 “(2) CHARTER SCHOOL SUPPORT ORGANIZA-

25 TION.—The term ‘charter school support organiza-
26 tion’ means a nonprofit, nongovernmental entity that

1 is not an authorized public chartering agency, which
2 provides on a statewide basis—

3 “(A) assistance to developers during the
4 planning, program design, and initial implemen-
5 tation of a charter school; and

6 “(B) technical assistance to charter schools
7 to operate such schools.

8 “(3) DEVELOPER.—The term ‘developer’ means
9 an individual or group of individuals (including a
10 public or private nonprofit organization), which may
11 include teachers, administrators and other school
12 staff, parents, or other members of the local commu-
13 nity in which a charter school project will be carried
14 out.

15 “(4) ELIGIBLE APPLICANT.—The term ‘eligible
16 applicant’ means a developer that has—

17 “(A) applied to an authorized public char-
18 tering authority to operate a charter school;
19 and

20 “(B) provided adequate and timely notice
21 to that authority.

22 “(5) AUTHORIZED PUBLIC CHARTERING AGEN-
23 CY.—The term ‘authorized public chartering agency’
24 means a State educational agency, local educational
25 agency, or other public entity that has the authority

1 pursuant to State law and approved by the Sec-
2 retary to authorize or approve a charter school.

3 “(6) EXPANDED, HIGH-QUALITY CHARTER
4 SCHOOL.—The term ‘expanded, high-quality charter
5 school’ means a high-quality charter school that has
6 either significantly increased its enrollment or added
7 one or more grades to its school.

8 “(7) HIGH-QUALITY CHARTER SCHOOL.—The
9 term ‘high-quality charter school’ means a charter
10 school that—

11 “(A) shows evidence of strong academic re-
12 sults, which may include strong academic
13 growth as determined by a State;

14 “(B) has no significant issues in the areas
15 of student safety, operational and financial
16 management, or statutory or regulatory compli-
17 ance;

18 “(C) has demonstrated success in signifi-
19 cantly increasing student academic achieve-
20 ment, including graduation rates where applica-
21 ble, consistent with the requirements under title
22 I, for all students served by the charter school;
23 and

24 “(D) has demonstrated success in increas-
25 ing student academic achievement, including

1 graduation rates where applicable, for the
2 groups of students described in section
3 1111(b)(3)(B)(ii)(II), except that such dem-
4 onstration is not required in a case in which the
5 number of students in a group is insufficient to
6 yield statistically reliable information or the re-
7 sults would reveal personally identifiable infor-
8 mation about an individual student.

9 “(8) REPLICATED, HIGH-QUALITY CHARTER
10 SCHOOL MODEL.—The term ‘replicated, high-quality
11 charter school model’ means a high-quality charter
12 school that has opened a new campus under an ex-
13 isting charter or an additional charter if required or
14 permitted by State law.

15 **“Subpart 2—Magnet School Assistance**

16 **“SEC. 3121. PURPOSE.**

17 “The purpose of this subpart is to assist in the deseg-
18 regation of schools served by local educational agencies by
19 providing financial assistance to eligible local educational
20 agencies for—

21 “(1) the elimination, reduction, or prevention of
22 minority group isolation in elementary schools and
23 secondary schools with substantial proportions of mi-
24 nority students, which shall include assisting in the

1 efforts of the United States to achieve voluntary de-
2 segregation in public schools;

3 “(2) the development and implementation of
4 magnet school programs that will assist local edu-
5 cational agencies in achieving systemic reforms and
6 providing all students the opportunity to meet State
7 academic standards;

8 “(3) the development and design of innovative
9 educational methods and practices that promote di-
10 versity and increase choices in public elementary
11 schools and public secondary schools and public edu-
12 cational programs;

13 “(4) courses of instruction within magnet
14 schools that will substantially strengthen the knowl-
15 edge of academic subjects and the attainment of tan-
16 gible and marketable career, technical, and profes-
17 sional skills of students attending such schools;

18 “(5) improving the ability of local educational
19 agencies, including through professional develop-
20 ment, to continue operating magnet schools at a
21 high performance level after Federal funding for the
22 magnet schools is terminated; and

23 “(6) ensuring that students enrolled in the
24 magnet school programs have equitable access to a
25 quality education that will enable the students to

1 succeed academically and continue with postsec-
2 ondary education or employment.

3 **“SEC. 3122. DEFINITION.**

4 “For the purpose of this subpart, the term ‘magnet
5 school’ means a public elementary school, public secondary
6 school, public elementary education center, or public sec-
7 ondary education center that offers a special curriculum
8 capable of attracting substantial numbers of students of
9 different racial backgrounds.

10 **“SEC. 3123. PROGRAM AUTHORIZED.**

11 “From the amount appropriated under section
12 3(c)(1)(B), the Secretary, in accordance with this subpart,
13 is authorized to award grants to eligible local educational
14 agencies, and consortia of such agencies where appro-
15 priate, to carry out the purpose of this subpart for magnet
16 schools that are—

17 “(1) part of an approved desegregation plan;
18 and

19 “(2) designed to bring students from different
20 social, economic, ethnic, and racial backgrounds to-
21 gether.

22 **“SEC. 3124. ELIGIBILITY.**

23 “A local educational agency, or consortium of such
24 agencies where appropriate, is eligible to receive a grant

1 under this subpart to carry out the purpose of this subpart
2 if such agency or consortium—

3 “(1) is implementing a plan undertaken pursu-
4 ant to a final order issued by a court of the United
5 States, or a court of any State, or any other State
6 agency or official of competent jurisdiction, that re-
7 quires the desegregation of minority-group-seg-
8 regated children or faculty in the elementary schools
9 and secondary schools of such agency; or

10 “(2) without having been required to do so, has
11 adopted and is implementing, or will, if a grant is
12 awarded to such local educational agency, or consor-
13 tium of such agencies, under this subpart, adopt and
14 implement a plan that has been approved by the
15 Secretary as adequate under title VI of the Civil
16 Rights Act of 1964 for the desegregation of minor-
17 ity-group-segregated children or faculty in such
18 schools.

19 **“SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

20 “(a) APPLICATIONS.—An eligible local educational
21 agency, or consortium of such agencies, desiring to receive
22 a grant under this subpart shall submit an application to
23 the Secretary at such time and in such manner as the
24 Secretary may reasonably require.

1 “(b) INFORMATION AND ASSURANCES.—Each appli-
2 cation submitted under subsection (a) shall include—

3 “(1) a description of—

4 “(A) how a grant awarded under this sub-
5 part will be used to promote desegregation, in-
6 cluding how the proposed magnet school pro-
7 grams will increase interaction among students
8 of different social, economic, ethnic, and racial
9 backgrounds;

10 “(B) the manner and extent to which the
11 magnet school program will increase student
12 academic achievement in the instructional area
13 or areas offered by the school;

14 “(C) how the applicant will continue the
15 magnet school program after assistance under
16 this subpart is no longer available, and, if appli-
17 cable, an explanation of why magnet schools es-
18 tablished or supported by the applicant with
19 grant funds under this subpart cannot be con-
20 tinued without the use of grant funds under
21 this subpart;

22 “(D) how grant funds under this subpart
23 will be used—

1 “(i) to improve student academic
2 achievement for all students attending the
3 magnet school programs; and

4 “(ii) to implement services and activi-
5 ties that are consistent with other pro-
6 grams under this Act, and other Acts, as
7 appropriate; and

8 “(E) the criteria to be used in selecting
9 students to attend the proposed magnet school
10 program; and

11 “(2) assurances that the applicant will—

12 “(A) use grant funds under this subpart
13 for the purposes specified in section 3121;

14 “(B) employ effective teachers in the
15 courses of instruction assisted under this sub-
16 part;

17 “(C) not engage in discrimination based on
18 race, religion, color, national origin, sex, or dis-
19 ability in—

20 “(i) the hiring, promotion, or assign-
21 ment of employees of the applicant or
22 other personnel for whom the applicant has
23 any administrative responsibility;

24 “(ii) the assignment of students to
25 schools, or to courses of instruction within

1 the schools, of such applicant, except to
2 carry out the approved plan; and

3 “(iii) designing or operating extra-
4 curricular activities for students;

5 “(D) carry out a quality education pro-
6 gram that will encourage greater parental deci-
7 sionmaking and involvement; and

8 “(E) give students residing in the local at-
9 tendance area of the proposed magnet school
10 program equitable consideration for placement
11 in the program, consistent with desegregation
12 guidelines and the capacity of the applicant to
13 accommodate the students.

14 “(c) SPECIAL RULE.—No grant shall be awarded
15 under this subpart unless the Assistant Secretary of Edu-
16 cation for Civil Rights determines that the assurances de-
17 scribed in subsection (b)(2)(C) will be met.

18 **“SEC. 3126. PRIORITY.**

19 “In awarding grants under this subpart, the Sec-
20 retary shall give priority to applicants that—

21 “(1) demonstrate the greatest need for assist-
22 ance, based on the expense or difficulty of effectively
23 carrying out approved desegregation plans and the
24 magnet school program for which the grant is
25 sought;

1 “(2) propose to carry out new magnet school
2 programs, or significantly revise existing magnet
3 school programs;

4 “(3) propose to select students to attend mag-
5 net school programs by methods such as lottery,
6 rather than through academic examination; and

7 “(4) propose to serve the entire student popu-
8 lation of a school.

9 **“SEC. 3127. USE OF FUNDS.**

10 “(a) IN GENERAL.—Grant funds made available
11 under this subpart may be used by an eligible local edu-
12 cational agency, or consortium of such agencies—

13 “(1) for planning and promotional activities di-
14 rectly related to the development, expansion, con-
15 tinuation, or enhancement of academic programs
16 and services offered at magnet schools;

17 “(2) for the acquisition of books, materials, and
18 equipment, including computers and the mainte-
19 nance and operation of materials, equipment, and
20 computers, necessary to conduct programs in mag-
21 net schools;

22 “(3) for the compensation, or subsidization of
23 the compensation, of elementary school and sec-
24 ondary school teachers, and instructional staff where

1 applicable, who are necessary to conduct programs
2 in magnet schools;

3 “(4) with respect to a magnet school program
4 offered to less than the entire student population of
5 a school, for instructional activities that—

6 “(A) are designed to make available the
7 special curriculum that is offered by the magnet
8 school program to students who are enrolled in
9 the school but who are not enrolled in the mag-
10 net school program; and

11 “(B) further the purpose of this subpart;

12 “(5) for activities, which may include profes-
13 sional development, that will build the recipient’s ca-
14 pacity to operate magnet school programs once the
15 grant period has ended;

16 “(6) to enable the local educational agency, or
17 consortium of such agencies, to have more flexibility
18 in the administration of a magnet school program in
19 order to serve students attending a school who are
20 not enrolled in a magnet school program; and

21 “(7) to enable the local educational agency, or
22 consortium of such agencies, to have flexibility in de-
23 signing magnet schools for students in all grades.

24 “(b) SPECIAL RULE.—Grant funds under this sub-
25 part may be used for activities described in paragraphs

1 (2) and (3) of subsection (a) only if the activities are di-
2 rectly related to improving student academic achievement
3 based on the State’s academic standards or directly re-
4 lated to improving student reading skills or knowledge of
5 mathematics, science, history, geography, English, foreign
6 languages, art, or music, or to improving career, technical,
7 and professional skills.

8 **“SEC. 3128. LIMITATIONS.**

9 “(a) DURATION OF AWARDS.—A grant under this
10 subpart shall be awarded for a period that shall not exceed
11 3 fiscal years.

12 “(b) LIMITATION ON PLANNING FUNDS.—A local
13 educational agency, or consortium of such agencies, may
14 expend for planning (professional development shall not
15 be considered to be planning for purposes of this sub-
16 section) not more than 50 percent of the grant funds re-
17 ceived under this subpart for the first year of the program
18 and not more than 15 percent of such funds for each of
19 the second and third such years.

20 “(c) AMOUNT.—No local educational agency, or con-
21 sortium of such agencies, awarded a grant under this sub-
22 part shall receive more than \$4,000,000 under this sub-
23 part for any 1 fiscal year.

1 “(d) **TIMING.**—To the extent practicable, the Sec-
2 retary shall award grants for any fiscal year under this
3 subpart not later than July 1 of the applicable fiscal year.

4 **“SEC. 3129. EVALUATIONS.**

5 “(a) **RESERVATION.**—The Secretary may reserve not
6 more than 2 percent of the funds appropriated under sec-
7 tion 3(e)(1)(B) for any fiscal year to carry out evaluations,
8 provide technical assistance, and carry out dissemination
9 projects with respect to magnet school programs assisted
10 under this subpart.

11 “(b) **CONTENTS.**—Each evaluation described in sub-
12 section (a), at a minimum, shall address—

13 “(1) how and the extent to which magnet school
14 programs lead to educational quality and academic
15 improvement;

16 “(2) the extent to which magnet school pro-
17 grams enhance student access to a quality education;

18 “(3) the extent to which magnet school pro-
19 grams lead to the elimination, reduction, or preven-
20 tion of minority group isolation in elementary
21 schools and secondary schools with substantial pro-
22 portions of minority students; and

23 “(4) the extent to which magnet school pro-
24 grams differ from other school programs in terms of

1 the organizational characteristics and resource allo-
2 cations of such magnet school programs.

3 “(c) DISSEMINATION.—The Secretary shall collect
4 and disseminate to the general public information on suc-
5 cessful magnet school programs.

6 **“SEC. 3130. RESERVATION.**

7 “In any fiscal year for which the amount appro-
8 priated under section 3(c)(1)(B) exceeds \$75,000,000, the
9 Secretary shall give priority in using such amounts in ex-
10 cess of \$75,000,000 to awarding grants to local edu-
11 cational agencies or consortia of such agencies that did
12 not receive a grant under this subpart in the preceding
13 fiscal year.

14 **“Subpart 3—Family Engagement in Education**
15 **Programs**

16 **“SEC. 3141. PURPOSES.**

17 “The purposes of this subpart are the following:

18 “(1) To provide financial support to organiza-
19 tions to provide technical assistance and training to
20 State and local educational agencies in the imple-
21 mentation and enhancement of systemic and effec-
22 tive family engagement policies, programs, and ac-
23 tivities that lead to improvements in student devel-
24 opment and academic achievement.

1 “(2) To assist State educational agencies, local
2 educational agencies, community-based organiza-
3 tions, schools, and educators in strengthening part-
4 nerships among parents, teachers, school leaders, ad-
5 ministrators, and other school personnel in meeting
6 the educational needs of children and fostering
7 greater parental engagement.

8 “(3) To support State educational agencies,
9 local educational agencies, schools, educators, and
10 parents in developing and strengthening the relation-
11 ship between parents and their children’s school in
12 order to further the developmental progress of chil-
13 dren.

14 “(4) To coordinate activities funded under this
15 subpart with parent involvement initiatives funded
16 under section 1118 and other provisions of this Act.

17 “(5) To assist the Secretary, State educational
18 agencies, and local educational agencies in the co-
19 ordination and integration of Federal, State, and
20 local services and programs to engage families in
21 education.

22 **“SEC. 3142. GRANTS AUTHORIZED.**

23 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
24 From the amount appropriated under section 3(c)(1)(C),
25 the Secretary is authorized to award grants for each fiscal

1 year to statewide organizations (or consortia of such orga-
2 nizations), to establish Statewide Family Engagement
3 Centers that provide comprehensive training and technical
4 assistance to State educational agencies, local educational
5 agencies, schools identified by State educational agencies
6 and local educational agencies, organizations that support
7 family-school partnerships, and other organizations that
8 carry out, or carry out directly, parent education and fam-
9 ily engagement in education programs.

10 “(b) MINIMUM AWARD.—In awarding grants under
11 this section, the Secretary shall, to the extent practicable,
12 ensure that a grant is awarded for a Statewide Family
13 Engagement Center in an amount not less than \$500,000.

14 **“SEC. 3143. APPLICATIONS.**

15 “(a) SUBMISSIONS.—Each statewide organization, or
16 a consortium of such organizations, that desires a grant
17 under this subpart shall submit an application to the Sec-
18 retary at such time, in such manner, and including the
19 information described in subsection (b).

20 “(b) CONTENTS.—Each application submitted under
21 subsection (a) shall include, at a minimum, the following:

22 “(1) A description of the applicant’s approach
23 to family engagement in education.

24 “(2) A description of the support that the
25 Statewide Family Engagement Center that will be

1 operated by the applicant will have from the State
2 educational agency and any partner organization
3 outlining the commitment to work with the center.

4 “(3) A description of the applicant’s plan for
5 building a statewide infrastructure for family en-
6 gagement in education, that includes—

7 “(A) management and governance;

8 “(B) statewide leadership; or

9 “(C) systemic services for family engage-
10 ment in education.

11 “(4) A description of the applicant’s dem-
12 onstrated experience in providing training, informa-
13 tion, and support to State educational agencies, local
14 educational agencies, schools, educators, parents,
15 and organizations on family engagement in edu-
16 cation policies and practices that are effective for
17 parents (including low-income parents) and families,
18 English learners, minorities, parents of students
19 with disabilities, parents of homeless students, foster
20 parents and students, and parents of migratory stu-
21 dents, including evaluation results, reporting, or
22 other data exhibiting such demonstrated experience.

23 “(5) A description of the steps the applicant
24 will take to target services to low-income students
25 and parents.

- 1 “(6) An assurance that the applicant will—
- 2 “(A) establish a special advisory com-
- 3 mittee, the membership of which includes—
- 4 “(i) parents, who shall constitute a
- 5 majority of the members of the special ad-
- 6 visory committee;
- 7 “(ii) representatives of education pro-
- 8 fessionals with expertise in improving serv-
- 9 ices for disadvantaged children;
- 10 “(iii) representatives of local elemen-
- 11 tary schools and secondary schools, includ-
- 12 ing students;
- 13 “(iv) representatives of the business
- 14 community; and
- 15 “(v) representatives of State edu-
- 16 cational agencies and local educational
- 17 agencies;
- 18 “(B) use not less than 65 percent of the
- 19 funds received under this subpart in each fiscal
- 20 year to serve local educational agencies, schools,
- 21 and community-based organizations that serve
- 22 high concentrations of disadvantaged students,
- 23 including English learners, minorities, parents
- 24 of students with disabilities, parents of home-

1 less students, foster parents and students, and
2 parents of migratory students;

3 “(C) operate a Statewide Family Engage-
4 ment Center of sufficient size, scope, and qual-
5 ity to ensure that the Center is adequate to
6 serve the State educational agency, local edu-
7 cational agencies, and community-based organi-
8 zations;

9 “(D) ensure that the Center will retain
10 staff with the requisite training and experience
11 to serve parents in the State;

12 “(E) serve urban, suburban, and rural
13 local educational agencies and schools;

14 “(F) work with—

15 “(i) other Statewide Family Engage-
16 ment Centers assisted under this subpart;
17 and

18 “(ii) parent training and information
19 centers and community parent resource
20 centers assisted under sections 671 and
21 672 of the Individuals with Disabilities
22 Education Act;

23 “(G) use not less than 30 percent of the
24 funds received under this subpart for each fiscal

1 year to establish or expand technical assistance
2 for evidence-based parent education programs;

3 “(H) provide assistance to State edu-
4 cational agencies and local educational agencies
5 and community-based organizations that sup-
6 port family members in supporting student aca-
7 demic achievement;

8 “(I) work with State educational agencies,
9 local educational agencies, schools, educators,
10 and parents to determine parental needs and
11 the best means for delivery of services to ad-
12 dress such needs;

13 “(J) conduct sufficient outreach to assist
14 parents, including parents who the applicant
15 may have a difficult time engaging with a
16 school or local educational agency; and

17 “(K) conduct outreach to low-income stu-
18 dents and parents, including low-income stu-
19 dents and parents who are not proficient in
20 English.

21 **“SEC. 3144. USES OF FUNDS.**

22 “(a) IN GENERAL.—Grantees shall use grant funds
23 received under this subpart, based on the needs deter-
24 mined under section 3143(b)(6)(I), to provide training
25 and technical assistance to State educational agencies,

1 local educational agencies, and organizations that support
2 family-school partnerships, and activities, services, and
3 training for local educational agencies, school leaders, edu-
4 cators, and parents—

5 “(1) to assist parents in participating effectively
6 in their children’s education and to help their chil-
7 dren meet State standards, such as assisting par-
8 ents—

9 “(A) to engage in activities that will im-
10 prove student academic achievement, including
11 understanding how they can support learning in
12 the classroom with activities at home and in
13 afterschool and extracurricular programs;

14 “(B) to communicate effectively with their
15 children, teachers, school leaders, counselors,
16 administrators, and other school personnel;

17 “(C) to become active participants in the
18 development, implementation, and review of
19 school-parent compacts, family engagement in
20 education policies, and school planning and im-
21 provement;

22 “(D) to participate in the design and pro-
23 vision of assistance to students who are not
24 making academic progress;

1 “(E) to participate in State and local deci-
2 sionmaking;

3 “(F) to train other parents; and

4 “(G) to help the parents learn and use
5 technology applied in their children’s education;

6 “(2) to develop and implement, in partnership
7 with the State educational agency, statewide family
8 engagement in education policy and systemic initia-
9 tives that will provide for a continuum of services to
10 remove barriers for family engagement in education
11 and support school reform efforts; and

12 “(3) to develop and implement parental involve-
13 ment policies under this Act.

14 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—
15 For each fiscal year after the first fiscal year for which
16 an organization or consortium receives assistance under
17 this section, the organization or consortium shall dem-
18 onstrate in the application that a portion of the services
19 provided by the organization or consortium is supported
20 through non-Federal contributions, which may be in cash
21 or in-kind.

22 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
23 reserve not more than 2 percent of the funds appropriated
24 under section 3(c)(1)(C) to carry out this subpart to pro-
25 vide technical assistance, by competitive grant or contract,

1 for the establishment, development, and coordination of
2 Statewide Family Engagement Centers.

3 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to prohibit a Statewide Family En-
5 gagement Center from—

6 “(1) having its employees or agents meet with
7 a parent at a site that is not on school grounds; or

8 “(2) working with another agency that serves
9 children.

10 “(e) PARENTAL RIGHTS.—Notwithstanding any
11 other provision of this section—

12 “(1) no person (including a parent who edu-
13 cates a child at home, a public school parent, or a
14 private school parent) shall be required to partici-
15 pate in any program of parent education or develop-
16 mental screening under this section; and

17 “(2) no program or center assisted under this
18 section shall take any action that infringes in any
19 manner on the right of a parent to direct the edu-
20 cation of their children.

21 **“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

22 “The Secretary of the Interior, in consultation with
23 the Secretary of Education, shall establish, or enter into
24 contracts and cooperative agreements with local Indian

1 nonprofit parent organizations to establish and operate
2 Family Engagement Centers.

3 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

4 **“SEC. 3201. PURPOSE.**

5 “The purpose of this part is to—

6 “(1) provide local educational agencies with the
7 opportunity to access funds to support the initiatives
8 important to their schools and students to improve
9 academic achievement and student engagement, in-
10 cluding protecting student safety; and

11 “(2) provide nonprofit and for-profit entities
12 the opportunity to work with students to improve
13 academic achievement and student engagement, in-
14 cluding student safety.

15 **“SEC. 3202. ALLOTMENTS TO STATES.**

16 “(a) RESERVATIONS.—From the funds appropriated
17 under section 3(c)(2) for any fiscal year, the Secretary
18 shall reserve—

19 “(1) not more than one-half of 1 percent for
20 national activities to provide technical assistance to
21 eligible entities in carrying out programs under this
22 part; and

23 “(2) not more than one-half of 1 percent for
24 payments to the outlying areas and the Bureau of
25 Indian Education, to be allotted in accordance with

1 their respective needs for assistance under this part,
2 as determined by the Secretary, to enable the out-
3 lying areas and the Bureau to carry out the purpose
4 of this part.

5 “(b) STATE ALLOTMENTS.—

6 “(1) DETERMINATION.—From the funds appro-
7 priated under section 3(c)(2) for any fiscal year and
8 remaining after the Secretary makes reservations
9 under subsection (a), the Secretary shall allot to
10 each State for the fiscal year an amount that bears
11 the same relationship to the remainder as the
12 amount the State received under chapter B of sub-
13 part 1 of part A of title I for the preceding fiscal
14 year bears to the amount all States received under
15 that chapter for the preceding fiscal year, except
16 that no State shall receive less than an amount
17 equal to one-half of 1 percent of the total amount
18 made available to all States under this subsection.

19 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
20 State does not receive an allotment under this part
21 for a fiscal year, the Secretary shall reallocate the
22 amount of the State’s allotment to the remaining
23 States in accordance with this section.

24 “(c) STATE USE OF FUNDS.—

1 “(1) IN GENERAL.—Each State that receives an
2 allotment under this part shall reserve not less than
3 75 percent of the amount allotted to the State under
4 subsection (b) for each fiscal year for awards to eli-
5 gible entities under section 3204.

6 “(2) AWARDS TO NONGOVERNMENTAL ENTI-
7 TIES TO IMPROVE STUDENT ACADEMIC ACHIEVE-
8 MENT.—Each State that receives an allotment under
9 subsection (b) for each fiscal year shall reserve not
10 less than 8 percent of the amount allotted to the
11 State for awards to nongovernmental entities under
12 section 3205.

13 “(3) STATE ACTIVITIES AND STATE ADMINIS-
14 TRATION.—A State educational agency may reserve
15 not more than 17 percent of the amount allotted to
16 the State under subsection (b) for each fiscal year
17 for one or more of the following:

18 “(A) Enabling the State educational agen-
19 cy—

20 “(i) to pay the costs of developing the
21 State assessments and standards required
22 under section 1111(b), which may include
23 the costs of working, at the sole discretion
24 of the State, in voluntary partnerships

1 with other States to develop such assess-
2 ments and standards; or

3 “(ii) if the State has developed the as-
4 sessments and standards required under
5 section 1111(b), to administer those as-
6 sessments or carry out other activities re-
7 lated to ensuring that the State’s schools
8 and local educational agencies are helping
9 students meet the State’s academic stand-
10 ards under such section.

11 “(B) The administrative costs of carrying
12 out its responsibilities under this part, except
13 that not more than 5 percent of the reserved
14 amount may be used for this purpose.

15 “(C) Monitoring and evaluation of pro-
16 grams and activities assisted under this part.

17 “(D) Providing training and technical as-
18 sistance under this part.

19 “(E) Statewide academic focused pro-
20 grams.

21 “(F) Sharing evidence-based and other ef-
22 fective strategies with eligible entities.

23 “(G) Awarding grants for blended learning
24 projects under paragraph (4).

25 “(4) BLENDED LEARNING PROJECTS.—

1 “(A) IN GENERAL.—From the amount of
2 funds a State educational agency reserves under
3 subsection (c)(3) for each fiscal year to carry
4 out this paragraph, the State educational agen-
5 cy shall award grants on a competitive basis to
6 eligible entities in the State to carry out blend-
7 ed learning projects described in this para-
8 graph.

9 “(B) GEOGRAPHIC DIVERSITY.— In award-
10 ing grants under this paragraph, a State edu-
11 cational agency shall distribute funds equitably
12 among geographic areas of the State, including
13 rural and urban communities.

14 “(C) APPLICATION.—An eligible entity de-
15 siring to receive a grant under this paragraph
16 shall submit an application to the State edu-
17 cational agency at such time and in such man-
18 ner as the agency may require, and which de-
19 scribes—

20 “(i) the blended learning project to be
21 carried out by the eligible entity, including
22 the design of the instructional model to be
23 carried out by the eligible entity and how
24 such eligible entity will use funds provided

1 under this paragraph to carry out the
2 project;

3 “(ii) in the case of an eligible entity
4 described in subclause (I) or (III) of sub-
5 paragraph (F)(ii), the schools that will
6 participate in the project;

7 “(iii) the expected impact on student
8 academic achievement;

9 “(iv) how the eligible entity will en-
10 sure sufficient information technology is
11 available to carry out the project;

12 “(v) how the eligible entity will ensure
13 sufficient digital instructional resources are
14 available to students participating in the
15 project;

16 “(vi) the ongoing professional develop-
17 ment to be provided for teachers, school
18 leaders, and other personnel carrying out
19 the project;

20 “(vii) the State policies and proce-
21 dures for which the eligible entity requests
22 waivers from the State to carry out the
23 project, which may include requests for the
24 waivers described in section
25 3203(a)(11)(B);

1 “(viii) as appropriate, how the eligible
2 entity will use the blended learning project
3 to improve instruction and access to the
4 curriculum for diverse groups of students,
5 including students with disabilities and
6 students who are limited English pro-
7 ficient;

8 “(ix) how the eligible entity will evalu-
9 ate the project in terms of student aca-
10 ademic achievement and publicly report the
11 results of such evaluation; and

12 “(x) how the eligible entity will sus-
13 tain the project beyond the grant period.

14 “(D) USES OF FUNDS.—An eligible entity
15 receiving a grant under this paragraph shall use
16 such grant to carry out a blended learning
17 project, which shall include at least 1 of the fol-
18 lowing activities:

19 “(i) Planning activities, which may in-
20 clude development of new instructional
21 models (including blended learning tech-
22 nology software and platforms), the pur-
23 chase of digital instructional resources, ini-
24 tial professional development activities, and
25 one-time information technology purchases,

1 except that such expenditures may not in-
2 clude expenditures related to significant
3 construction or renovation of facilities.

4 “(ii) Ongoing professional develop-
5 ment for teachers, school leaders, or other
6 personnel involved in the project that is de-
7 signed to support the implementation and
8 academic success of the project.

9 “(E) NON-FEDERAL MATCH.—A State
10 educational agency that carries out a grant pro-
11 gram under this paragraph shall provide non-
12 Federal matching funds equal to not less than
13 10 percent of the grant funds awarded by the
14 State educational agency to eligible entities
15 under this paragraph.

16 “(F) DEFINITIONS.—In this paragraph:

17 “(i) BLENDED LEARNING PROJECT.—
18 The term ‘blended learning project’ means
19 a formal education program—

20 “(I) that includes an element of
21 online learning, and instructional time
22 in a supervised location away from
23 home;

1 “(II) that includes an element of
2 student control over time, path, or
3 pace; and

4 “(III) in which the elements are
5 connected to provide an integrated
6 learning experience.

7 “(ii) ELIGIBLE ENTITY.—The term
8 ‘eligible entity’ means a—

9 “(I) local educational agency;

10 “(II) charter school; or

11 “(III) consortium of the entities
12 described in subclause (I) or (II),
13 which may be in partnership with a
14 for-profit or nonprofit entity.

15 **“SEC. 3203. STATE APPLICATION.**

16 “(a) IN GENERAL.—In order to receive an allotment
17 under section 3202 for any fiscal year, a State educational
18 agency shall submit to the Secretary, at such time as the
19 Secretary may require, an application that—

20 “(1) describes how the State educational agency
21 will use funds reserved for State-level activities, in-
22 cluding how, if any, of the funds will be used to sup-
23 port student safety;

24 “(2) describes the procedures and criteria the
25 State educational agency will use for reviewing appli-

1 cations and awarding funds to eligible entities on a
2 competitive basis, which shall include reviewing how
3 the proposed project will help increase student aca-
4 demic achievement and student engagement;

5 “(3) describes how the State educational agency
6 will ensure that awards made under this part are—

7 “(A) of sufficient size and scope to support
8 high-quality, effective programs that are con-
9 sistent with the purpose of this part; and

10 “(B) in amounts that are consistent with
11 section 3204(f);

12 “(4) describes the steps the State educational
13 agency will take to ensure that programs implement
14 effective strategies, including providing ongoing
15 technical assistance and training, and dissemination
16 of evidence-based and other effective strategies;

17 “(5) describes how the State educational agency
18 will consider students across all grades when making
19 these awards;

20 “(6) an assurance that, other than providing
21 technical and advisory assistance and monitoring
22 compliance with this part, the State educational
23 agency has not exercised and will not exercise any
24 influence in the decisionmaking process of eligible

1 entities as to the expenditure of funds received by
2 the eligible entities under this part;

3 “(7) describes how programs under this part
4 will be coordinated with programs under this Act,
5 and other programs as appropriate;

6 “(8) contains an assurance that the State edu-
7 cational agency—

8 “(A) will make awards for programs for a
9 period of not more than 5 years; and

10 “(B) will require each eligible entity seek-
11 ing such an award to submit a plan describing
12 how the project to be funded through the award
13 will continue after funding under this part
14 ends, if applicable;

15 “(9) contains an assurance that funds appro-
16 priated to carry out this part will be used to supple-
17 ment, and not supplant, State and local public funds
18 expended to provide programs and activities author-
19 ized under this part and other similar programs;

20 “(10) an assurance that the State will support
21 projects from each of the categories listed in section
22 3204(b)(1)(D) in awarding subgrants to local edu-
23 cational agencies; and

24 “(11) in the case of a State that will carry out
25 a program to award grants under section

1 3202(e)(4), a description of the program, which
2 shall include—

3 “(A) the criteria the State will use to
4 award grants under such section to eligible enti-
5 ties to carry out blended learning projects;

6 “(B) the State policies and procedures to
7 be waived by the State, consistent with Federal
8 law, for such eligible entities to carry out such
9 projects, which may include waivers with re-
10 spect to—

11 “(i) restrictions on class sizes;

12 “(ii) restrictions on licensing or
13 credentialing of personnel supervising stu-
14 dent work in such projects;

15 “(iii) restrictions on the use of State
16 funding for instructional materials for the
17 purchase of digital instructional resources;

18 “(iv) restrictions on advancing stu-
19 dents based on demonstrated mastery of
20 learning outcomes, rather than seat-time
21 requirements; and

22 “(v) restrictions on secondary school
23 students in the State enrolling in online
24 coursework;

1 “(C) how the State will inform eligible en-
2 tities of the availability of the waivers described
3 in subparagraph (B); and

4 “(D) how the State will provide the non-
5 Federal match required under section
6 3202(c)(4)(E).

7 “(b) DEEMED APPROVAL.—An application submitted
8 by a State educational agency pursuant to subsection (a)
9 shall be deemed to be approved by the Secretary unless
10 the Secretary makes a written determination, prior to the
11 expiration of the 120-day period beginning on the date on
12 which the Secretary received the application, that the ap-
13 plication is not in compliance with this part.

14 “(c) DISAPPROVAL.—The Secretary shall not finally
15 disapprove the application, except after giving the State
16 educational agency notice and an opportunity for a hear-
17 ing.

18 “(d) NOTIFICATION.—If the Secretary finds that the
19 application is not in compliance, in whole or in part, with
20 this part, the Secretary shall—

21 “(1) give the State educational agency notice
22 and an opportunity for a hearing; and

23 “(2) notify the State educational agency of the
24 finding of noncompliance, and, in such notification,
25 shall—

1 “(A) cite the specific provisions in the ap-
2 plication that are not in compliance; and

3 “(B) request additional information, only
4 as to the noncompliant provisions, needed to
5 make the application compliant.

6 “(e) RESPONSE.—If the State educational agency re-
7 sponds to the Secretary’s notification described in sub-
8 section (d)(2) during the 45-day period beginning on the
9 date on which the agency received the notification, and
10 resubmits the application with the requested information

11 described in subsection (d)(2)(B), the Secretary shall ap-
12 prove or disapprove such application prior to the later of—

13 “(1) the expiration of the 45-day period begin-
14 ning on the date on which the application is resub-
15 mitted; or

16 “(2) the expiration of the 120-day period de-
17 scribed in subsection (b).

18 “(f) FAILURE TO RESPOND.—If the State edu-
19 cational agency does not respond to the Secretary’s notifi-
20 cation described in subsection (d)(2) during the 45-day pe-
21 riod beginning on the date on which the agency received
22 the notification, such application shall be deemed to be
23 disapproved.

24 “(g) RULE OF CONSTRUCTION.—An application sub-
25 mitted by a State educational agency pursuant to sub-

1 section (a) shall not be approved or disapproved based
2 upon the activities for which the agency may make funds
3 available to eligible entities under section 3204 if the agen-
4 cy's use of funds is consistent with section 3204(b).

5 **“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

6 “(a) IN GENERAL.—A State that receives funds
7 under this part for a fiscal year shall provide the amount
8 made available under section 3202(c)(1) to eligible entities
9 in accordance with this section.

10 “(b) USE OF FUNDS.—

11 “(1) IN GENERAL.—An eligible entity that re-
12 ceives an award under this part shall use the funds
13 for activities that—

14 “(A) are evidence-based;

15 “(B) will improve student academic
16 achievement and student engagement;

17 “(C) are allowable under State law; and

18 “(D) focus on one or more projects from
19 the following two categories:

20 “(i) Supplemental student support ac-
21 tivities such as before, after, or summer
22 school activities, tutoring, and expanded
23 learning time, but not including athletics
24 or in-school learning activities.

1 “(ii) Activities designed to support
2 students, such as academic subject specific
3 programs including computer science and
4 other science, technology, engineering, and
5 mathematics programs, arts education,
6 civic education, and adjunct teacher, ex-
7 tended-learning-time, and dual enrollment
8 programs, and parent engagement, but not
9 including activities to—

10 “(I) support smaller class sizes
11 or construction; or

12 “(II) provide compensation or
13 benefits to teachers, school leaders,
14 other school officials, or local edu-
15 cational agency staff.

16 “(2) PARTICIPATION OF CHILDREN ENROLLED
17 IN PRIVATE SCHOOLS.—An eligible entity that re-
18 ceives an award under this part shall ensure compli-
19 ance with section 6501 (relating to participation of
20 children enrolled in private schools).

21 “(c) APPLICATION.—

22 “(1) IN GENERAL.—To be eligible to receive an
23 award under this part, an eligible entity shall submit
24 an application to the State educational agency at
25 such time, in such manner, and including such infor-

1 mation as the State educational agency may reason-
2 ably require, including the contents required by
3 paragraph (2).

4 “(2) CONTENTS.—Each application submitted
5 under paragraph (1) shall include—

6 “(A) a description of the activities to be
7 funded and how they are consistent with sub-
8 section (b), including any activities that will in-
9 crease student safety;

10 “(B) an assurance that funds under this
11 part will be used to increase the level of State,
12 local, and other non-Federal funds that would,
13 in the absence of funds under this part, be
14 made available for programs and activities au-
15 thorized under this part, and in no case sup-
16 plant State, local, or non-Federal funds;

17 “(C) an assurance that the community will
18 be given notice of an intent to submit an appli-
19 cation with an opportunity for comment, and
20 that the application will be available for public
21 review after submission of the application; and

22 “(D) an assurance that students who ben-
23 efit from any activity funded under this part
24 shall continue to maintain enrollment in a pub-
25 lic elementary or secondary school.

1 “(d) REVIEW.—In reviewing local applications under
2 this section, a State educational agency shall use a peer
3 review process or other methods of assuring the quality
4 of such applications but the review shall be limited to the
5 likelihood that the project will increase student academic
6 achievement and student engagement.

7 “(e) GEOGRAPHIC DIVERSITY.—A State educational
8 agency shall distribute funds under this part equitably
9 among geographic areas within the State, including rural,
10 suburban, and urban communities.

11 “(f) AWARD.—A grant shall be awarded to all eligible
12 entities that submit an application that meets the require-
13 ments of this section in an amount that is not less than
14 \$10,000, but there shall be only one annual award granted
15 to any one local educational agency, but such award may
16 be for multiple projects or programs with the local edu-
17 cational agency.

18 “(g) DURATION OF AWARDS.—Grants under this
19 part may be awarded for a period of not more than 5
20 years.

21 “(h) ELIGIBLE ENTITY DEFINED.—In this section,
22 the term ‘eligible entity’ means—

23 “(1) a local educational agency in partnership
24 with a community-based organization, institution of

1 higher education, business entity, or nongovern-
2 mental entity;

3 “(2) a consortium of local educational agencies
4 working in partnership with a community-based or-
5 ganization, institution of higher education, business
6 entity, or nongovernmental entity;

7 “(3) a community-based organization or institu-
8 tion of higher education in partnership with a local
9 educational agency and, if applicable, a business en-
10 tity or nongovernmental entity; or

11 “(4) a business entity in partnership with a
12 local educational agency and, if applicable, a commu-
13 nity-based organization, institution of higher edu-
14 cation, or nongovernmental entity.

15 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**
16 **IMPROVE ACADEMIC ACHIEVEMENT.**

17 “(a) IN GENERAL.—From the amount reserved
18 under section 3202(c)(2), a State educational agency shall
19 award grants to nongovernmental entities, including pub-
20 lic or private organizations, community-based or faith-
21 based organizations, institutions of higher education, and
22 business entities for a program or project to increase the
23 academic achievement and student engagement of public
24 school students attending public elementary or secondary
25 schools (or both) in compliance with the requirements in

1 this section. Subject to the availability of funds, the State
2 educational agency shall award a grant to each eligible ap-
3 plicant that meets the requirements in a sufficient size and
4 scope to support the program.

5 “(b) APPLICATION.—The State educational agency
6 shall require an application that includes the following in-
7 formation:

8 “(1) A description of the program or project
9 the applicant will use the funds to support.

10 “(2) A description of how the applicant is using
11 or will use other State, local, or private funding to
12 support the program or project.

13 “(3) A description of how the program or
14 project will help increase student academic achieve-
15 ment and student engagement, including the evi-
16 dence to support this claim.

17 “(4) A description of the student population the
18 program or project is targeting to impact, and if the
19 program will prioritize students in high-need local
20 educational agencies.

21 “(5) A description of how the applicant will
22 conduct sufficient outreach to ensure students can
23 participate in the program or project.

24 “(6) A description of any partnerships the ap-
25 plicant has entered into with local educational agen-

1 cies or other entities the applicant will work with, if
2 applicable.

3 “(7) A description of how the applicant will
4 work to share evidence-based and other effective
5 strategies from the program or project with local
6 educational agencies and other entities working with
7 students to increase academic achievement.

8 “(8) An assurance that students who benefit
9 from any program or project funded under this sec-
10 tion shall continue to maintain enrollment in a pub-
11 lic elementary or secondary school.

12 “(c) MATCHING CONTRIBUTION.—An eligible appli-
13 cant receiving a grant under this section shall provide, ei-
14 ther directly or through private contributions, non-Federal
15 matching funds equal to not less than 50 percent of the
16 amount of the grant.

17 “(d) REVIEW.—The State educational agency shall
18 review the application to ensure that—

19 “(1) the applicant is an eligible applicant;

20 “(2) the application clearly describes the re-
21 quired elements in subsection (b);

22 “(3) the entity meets the matching requirement
23 described in subsection (c); and

24 “(4) the program is allowable and complies with
25 Federal, State, and local laws.

1 “(e) DISTRIBUTION OF FUNDS.—If the application
2 requests exceed the funds available, the State educational
3 agency shall prioritize projects that support students in
4 high-need local educational agencies and ensure geo-
5 graphic diversity, including serving rural, suburban, and
6 urban areas.

7 “(f) ADMINISTRATIVE COSTS.—Not more than 1 per-
8 cent of a grant awarded under this section may be used
9 for administrative costs.

10 **“SEC. 3206. REPORT.**

11 “Each recipient of a grant under section 3204 or
12 3205 shall report to the State educational agency on—

13 “(1) the success of the program in reaching the
14 goals of the program;

15 “(2) a description of the students served by the
16 program and how the students’ academic achieve-
17 ment improved; and

18 “(3) the results of any evaluation conducted on
19 the success of the program.”.

20 **TITLE IV—IMPACT AID**

21 **SEC. 401. 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. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION**
2 **OF REAL PROPERTY.**

3 Section 8002 (20 U.S.C. 7702) is amended—

4 (1) in subsection (a)(1)(C), by amending the
5 matter preceding clause (i) to read as follows:

6 “(C) had an assessed value according to
7 original records (including facsimiles or other
8 reproductions of those records) documenting
9 the assessed value of such property (determined
10 as of the time or times when so acquired) pre-
11 pared by the local officials referred to in sub-
12 section (b)(3) or, when such original records
13 are not available due to unintentional destruc-
14 tion (such as natural disaster, fire, flooding,
15 pest infestation, or deterioration due to age),
16 other records, including Federal agency records,
17 local historical records, or other records that
18 the Secretary determines to be appropriate and
19 reliable, aggregating 10 percent or more of the
20 assessed value of—”;

21 (2) in subsection (b)(1)(B), by striking “section
22 8014(a)” and inserting “section 3(d)(1)”;

23 (3) by amending subsection (f) to read as fol-
24 lows:

25 “(f) **SPECIAL RULE.**—Beginning with fiscal year
26 2014, a local educational agency shall be deemed to meet

1 the requirements of subsection (a)(1)(C) if records to de-
2 termine eligibility under such subsection were destroyed
3 prior to fiscal year 2000 and the agency received funds
4 under subsection (b) in the previous year.”;

5 (4) by amending subsection (g) to read as fol-
6 lows:

7 “(g) FORMER DISTRICTS.—

8 “(1) CONSOLIDATIONS.—For fiscal year 2006
9 and each succeeding fiscal year, if a local edu-
10 cational agency described in subsection (b) is formed
11 at any time after 1938 by the consolidation of 2 or
12 more former school districts, the local educational
13 agency may elect to have the Secretary determine its
14 eligibility for any fiscal year on the basis of 1 or
15 more of those former districts, as designated by the
16 local educational agency.

17 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
18 CIES.—A local educational agency referred to in sub-
19 section (a) is—

20 “(A) any local educational agency that, for
21 fiscal year 1994 or any preceding fiscal year,
22 applied, and was determined to be eligible
23 under, section 2(c) of the Act of September 30,
24 1950 (Public Law 874, 81st Congress) as that
25 section was in effect for that fiscal year; or

1 “(B) a local educational agency formed by
2 the consolidation of 2 or more districts, at least
3 1 of which was eligible for assistance under this
4 section for the fiscal year preceding the year of
5 the consolidation, if—

6 “(i) for fiscal years 2006 through
7 2015 the local educational agency notified
8 the Secretary not later than 30 days after
9 the date of enactment of this Act; and

10 “(ii) for fiscal year 2016 the local
11 educational agency includes the designa-
12 tion in its application under section 8005
13 or any timely amendment to such applica-
14 tion.

15 “(3) AMOUNT.—A local educational agency eli-
16 gible under subsection (b) shall receive a foundation
17 payment as provided for under subparagraphs (A)
18 and (B) of subsection (h)(1), except that the founda-
19 tion payment shall be calculated based on the most
20 recent payment received by the local educational
21 based on its former common status.”;

22 (5) in subsection (h)—

23 (A) in paragraph (2)—

1 (i) in subparagraph (C)(ii), by strik-
2 ing “section 8014(a)” and inserting “sec-
3 tion 3(d)(1)”; and

4 (ii) in subparagraph (D), by striking
5 “section 8014(a)” and inserting “section
6 3(d)(1)”; and

7 (B) in paragraph (4), by striking “Impact
8 Aid Improvement Act of 2012” and inserting
9 “Student Success Act”;
10 (6) by repealing subsections (k) and (m);
11 (7) by redesignating subsection (l) as subsection
12 (j);

13 (8) by amending subsection (j) (as so redesign-
14 ated) by striking “(h)(4)(B)” and inserting
15 “(h)(2)”; and

16 (9) by redesignating subsection (n) as sub-
17 section (k).

18 **SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
19 **NECTED CHILDREN.**

20 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
21 (20 U.S.C. 7703(a)) is amended—

22 (1) in the matter preceding subparagraph (A)
23 of paragraph (1), by inserting after “schools of such
24 agency” the following: “(including those children en-
25 rolled in such agency as a result of the open enroll-

1 ment policy of the State in which the agency is lo-
2 cated, but not including children who are enrolled in
3 a distance education program at such agency and
4 who are not residing within the geographic bound-
5 aries of such agency”); and

6 (2) in paragraph (5)(A), by striking “1984”
7 and all that follows through “situated” and inserting
8 “1984, or under lease of off-base property under
9 subchapter IV of chapter 169 of title 10, United
10 States Code, to be children described under para-
11 graph (1)(B) if the property described is within the
12 fenced security perimeter of the military facility or
13 attached to and under any type of force protection
14 agreement with the military installation upon which
15 such housing is situated”.

16 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
17 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
18 8003(b) (20 U.S.C. 7703(b)) is amended—

19 (1) by striking “section 8014(b)” each place it
20 appears and inserting “section 3(d)(2)”;

21 (2) in paragraph (1), by repealing subpara-
22 graph (E);

23 (3) in paragraph (2)—

24 (A) in subparagraph (B)—

1 (i) by striking “CONTINUING” in the
2 heading;

3 (ii) by amending clause (i) to read as
4 follows:

5 “(i) IN GENERAL.—A heavily im-
6 pacted local educational agency is eligible
7 to receive a basic support payment under
8 subparagraph (A) with respect to a num-
9 ber of children determined under sub-
10 section (a)(1) if the agency—

11 “(I) is a local educational agen-
12 cy—

13 “(aa) whose boundaries are
14 the same as a Federal military
15 installation or an island property
16 designated by the Secretary of
17 the Interior to be property that is
18 held in trust by the Federal Gov-
19 ernment; and

20 “(bb) that has no taxing au-
21 thority;

22 “(II) is a local educational agen-
23 cy that—

24 “(aa) has an enrollment of
25 children described in subsection

1 (a)(1) that constitutes a percent-
2 age of the total student enroll-
3 ment of the agency that is not
4 less than 45 percent;

5 “(bb) has a per-pupil ex-
6 penditure that is less than—

7 “(AA) for an agency
8 that has a total student en-
9 rollment of 500 or more stu-
10 dents, 125 percent of the av-
11 erage per-pupil expenditure
12 of the State in which the
13 agency is located; or

14 “(BB) for any agency
15 that has a total student en-
16 rollment less than 500, 150
17 percent of the average per-
18 pupil expenditure of the
19 State in which the agency is
20 located or the average per-
21 pupil expenditure of 3 or
22 more comparable local edu-
23 cational agencies in the
24 State in which the agency is
25 located; and

1 “(cc) is an agency that has
2 a tax rate for general fund pur-
3 poses that is not less than 95
4 percent of the average tax rate
5 for general fund purposes of
6 comparable local educational
7 agencies in the State;

8 “(III) is a local educational agen-
9 cy that—

10 “(aa) has an enrollment of
11 children described in subsection
12 (a)(1) that constitutes a percent-
13 age of the total student enroll-
14 ment of the agency that is not
15 less than 20 percent;

16 “(bb) for the 3 fiscal years
17 preceding the fiscal year for
18 which the determination is made,
19 the average enrollment of chil-
20 dren who are not described in
21 subsection (a)(1) and who are eli-
22 gible for a free or reduced price
23 lunch under the Richard B. Rus-
24 sell National School Lunch Act
25 constitutes a percentage of the

1 total student enrollment of the
2 agency that is not less than 65
3 percent; and

4 “(cc) has a tax rate for gen-
5 eral fund purposes which is not
6 less than 125 percent of the aver-
7 age tax rate for general fund
8 purposes for comparable local
9 educational agencies in the State;

10 “(IV) is a local educational agen-
11 cy that has a total student enrollment
12 of not less than 25,000 students, of
13 which—

14 “(aa) not less than 50 per-
15 cent are children described in
16 subsection (a)(1); and

17 “(bb) not less than 5,500 of
18 such children are children de-
19 scribed in subparagraphs (A) and
20 (B) of subsection (a)(1); or

21 “(V) is a local educational agency
22 that—

23 “(aa) has an enrollment of
24 children described in subsection
25 (a)(1) including, for purposes of

1 determining eligibility, those chil-
2 dren described in subparagraphs
3 (F) and (G) of such subsection,
4 that is not less than 35 percent
5 of the total student enrollment of
6 the agency; and

7 “(bb) was eligible to receive
8 assistance under subparagraph
9 (A) for fiscal year 2001.”; and

10 (iii) in clause (ii)—

11 (I) by striking “A heavily” and
12 inserting the following:

13 “(I) IN GENERAL.—Subject to
14 subclause (II), a heavily”; and

15 (II) by adding at the end the fol-
16 lowing:

17 “(II) LOSS OF ELIGIBILITY DUE
18 TO FALLING BELOW 95 PERCENT OF
19 THE AVERAGE TAX RATE FOR GEN-
20 ERAL FUND PURPOSES.—In a case of
21 a heavily impacted local educational
22 agency that is eligible to receive a
23 basic support payment under subpara-
24 graph (A), but that has had, for 2
25 consecutive fiscal years, a tax rate for

1 general fund purposes that falls below
2 95 percent of the average tax rate for
3 general fund purposes of comparable
4 local educational agencies in the
5 State, such agency shall be deter-
6 mined to be ineligible under clause (i)
7 and ineligible to receive a basic sup-
8 port payment under subparagraph (A)
9 for each fiscal year succeeding such 2
10 consecutive fiscal years for which the
11 agency has such a tax rate for general
12 fund purposes, and until the fiscal
13 year for which the agency resumes
14 such eligibility in accordance with
15 clause (iii).”;

16 (B) by striking subparagraph (C);

17 (C) by redesignating subparagraphs (D)
18 through (H) as subparagraphs (C) through (G),
19 respectively;

20 (D) in subparagraph (C) (as so redesign-
21 ated)—

22 (i) in the heading, by striking “REG-
23 ULAR”;

1 (ii) by striking “Except as provided in
2 subparagraph (E)” and inserting “Except
3 as provided in subparagraph (D)”;

4 (iii) by amending subclause (I) of
5 clause (ii) to read as follows: “ (I)(aa) For
6 a local educational agency with respect to
7 which 35 percent or more of the total stu-
8 dent enrollment of the schools of the agen-
9 cy are children described in subparagraph
10 (D) or (E) (or a combination thereof) of
11 subsection (a)(1), and that has an enroll-
12 ment of children described in subpara-
13 graph (A), (B), or (C) of such subsection
14 equal to at least 10 percent of the agency’s
15 total enrollment, the Secretary shall cal-
16 culate the weighted student units of those
17 children described in subparagraph (D) or
18 (E) of such subsection by multiplying the
19 number of such children by a factor of
20 0.55.

21 “(bb) Notwithstanding subitem (aa), a
22 local educational agency that received a
23 payment under this paragraph for fiscal
24 year 2013 shall not be required to have an
25 enrollment of children described in sub-

1 paragraph (A), (B), or (C) of subsection
2 (a)(1) equal to at least 10 percent of the
3 agency's total enrollment.”; and

4 (iv) by amending subclause (III) of
5 clause (ii) by striking “(B)(i)(II)(aa)” and
6 inserting “subparagraph (B)(i)(I)”;

7 (E) in subparagraph (D)(i)(II) (as so re-
8 designated), by striking “6,000” and inserting
9 “5,500”;

10 (F) in subparagraph (E) (as so redesign-
11 nated)—

12 (i) by striking “Secretary” and all
13 that follows through “shall use” and in-
14 serting “Secretary shall use”;

15 (ii) by striking “; and” and inserting
16 a period; and

17 (iii) by striking clause (ii);

18 (G) in subparagraph (F) (as so redesign-
19 nated), by striking “subparagraph
20 (C)(i)(II)(bb)” and inserting “subparagraph
21 (B)(i)(II)(bb)(BB)”;

22 (H) in subparagraph (G) (as so redesign-
23 nated)—

24 (i) in clause (i)—

1 (I) by striking “subparagraph
2 (B), (C), (D), or (E)” and inserting
3 “subparagraph (B), (C), or (D)”;

4 (II) by striking “by reason of”
5 and inserting “due to”;

6 (III) by inserting after “clause
7 (iii)” the following “, or as the direct
8 result of base realignment and closure
9 or modularization as determined by
10 the Secretary of Defense and force
11 structure change or force relocation”;
12 and

13 (IV) by inserting before the pe-
14 riod, the following: “or during such
15 time as activities associated with base
16 closure and realignment,
17 modularization, force structure
18 change, or force relocation are ongo-
19 ing”; and

20 (ii) in clause (ii), by striking “(D) or
21 (E)” each place it appears and inserting
22 “(C) or (D)”;

23 (4) in paragraph (3)—

24 (A) in subparagraph (B)—

1 (i) by amending clause (iii) to read as
2 follows:

3 “(iii) In the case of a local educational
4 agency providing a free public education to stu-
5 dents enrolled in kindergarten through grade
6 12, but which enrolls students described in sub-
7 paragraphs (A), (B), and (D) of subsection
8 (a)(1) only in grades 9 through 12, and which
9 received a final payment in fiscal year 2009 cal-
10 culated under this paragraph (as this para-
11 graph was in effect on the day before the date
12 of enactment of the Student Success Act) for
13 students in grades 9 through 12, the Secretary
14 shall, in calculating the agency’s payment, con-
15 sider only that portion of such agency’s total
16 enrollment of students in grades 9 through 12
17 when calculating the percentage under clause
18 (i)(I) and only that portion of the total current
19 expenditures attributed to the operation of
20 grades 9 through 12 in such agency when cal-
21 culating the percentage under clause (i)(II).”;
22 and

23 (ii) by adding at the end the fol-
24 lowing:

1 “(v) In the case of a local educational
2 agency that is providing a program of distance
3 education to children not residing within the ge-
4 ographic boundaries of the agency, the Sec-
5 retary shall—

6 “(I) for purposes of the calculation
7 under clause (i)(I), disregard such children
8 from the total number of children in aver-
9 age daily attendance at the schools served
10 by such agency; and

11 “(II) for purposes of the calculation
12 under clause (i)(II), disregard any funds
13 received for such children from the total
14 current expenditures for such agency.”;

15 (B) in subparagraph (C), by striking “sub-
16 paragraph (D) or (E) of paragraph (2), as the
17 case may be” and inserting “paragraph
18 (2)(D)”;

19 (C) by amending subparagraph (D) to read
20 as follows:

21 “(D) RATABLE DISTRIBUTION.—For any
22 fiscal year described in subparagraph (A) for
23 which the sums available exceed the amount re-
24 quired to pay each local educational agency 100
25 percent of its threshold payment, the Secretary

1 shall distribute the excess sums to each eligible
2 local educational agency that has not received
3 its full amount computed under paragraph (1)
4 or (2) (as the case may be) by multiplying—

5 “(i) a percentage, the denominator of
6 which is the difference between the full
7 amount computed under paragraph (1) or
8 (2) (as the case may be) for all local edu-
9 cational agencies and the amount of the
10 threshold payment (as calculated under
11 subparagraphs (B) and (C)) of all local
12 educational agencies, and the numerator of
13 which is the aggregate of the excess sums,
14 by

15 “(ii) the difference between the full
16 amount computed under paragraph (1) or
17 (2) (as the case may be) for the agency
18 and the amount of the threshold payment
19 as calculated under subparagraphs (B) and
20 (C) of the agency.”; and

21 (D) by inserting at the end the following
22 new subparagraphs:

23 “(E) INSUFFICIENT PAYMENTS.—For each
24 fiscal year described in subparagraph (A) for
25 which the sums appropriated under section

1 3(d)(2) are insufficient to pay each local edu-
2 cational agency all of the local educational
3 agency’s threshold payment described in sub-
4 paragraph (D), the Secretary shall ratably re-
5 duce the payment to each local educational
6 agency under this paragraph.

7 “(F) INCREASES.—If the sums appro-
8 priated under section 3(d)(2) are sufficient to
9 increase the threshold payment above the 100
10 percent threshold payment described in sub-
11 paragraph (D), then the Secretary shall in-
12 crease payments on the same basis as such pay-
13 ments were reduced, except no local educational
14 agency may receive a payment amount greater
15 than 100 percent of the maximum payment cal-
16 culated under this subsection.”; and

17 (5) in paragraph (4)—

18 (A) in subparagraph (A), by striking
19 “through (D)” and inserting “and (C)”; and

20 (B) in subparagraph (B), by striking “sub-
21 paragraph (D) or (E)” and inserting “subpara-
22 graph (C) or (D)”.

23 (c) PRIOR YEAR DATA.—Paragraph (2) of section
24 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
25 lows:

1 “(2) EXCEPTION.—Calculation of payments for
2 a local educational agency shall be based on data
3 from the fiscal year for which the agency is making
4 an application for payment if such agency—

5 “(A) is newly established by a State, for
6 the first year of operation of such agency only;

7 “(B) was eligible to receive a payment
8 under this section for the previous fiscal year
9 and has had an overall increase in enrollment
10 (as determined by the Secretary in consultation
11 with the Secretary of Defense, the Secretary of
12 the Interior, or the heads of other Federal
13 agencies)—

14 “(i) of not less than 10 percent, or
15 100 students, of children described in—

16 “(I) subparagraph (A), (B), (C),
17 or (D) of subsection (a)(1); or

18 “(II) subparagraphs (F) and (G)
19 of subsection (a)(1), but only to the
20 extent such children are civilian de-
21 pendents of employees of the Depart-
22 ment of Defense or the Department of
23 the Interior; and

24 “(ii) that is the direct result of closure
25 or realignment of military installations

1 under the base closure process or the relo-
2 cation of members of the Armed Forces
3 and civilian employees of the Department
4 of Defense as part of the force structure
5 changes or movements of units or per-
6 sonnel between military installations or be-
7 cause of actions initiated by the Secretary
8 of the Interior or the head of another Fed-
9 eral agency; or

10 “(C) was eligible to receive a payment
11 under this section for the previous fiscal year
12 and has had an increase in enrollment (as de-
13 termined by the Secretary)—

14 “(i) of not less than 10 percent of
15 children described in subsection (a)(1) or
16 not less than 100 of such children; and

17 “(ii) that is the direct result of the
18 closure of a local educational agency that
19 received a payment under subsection (b)(1)
20 or (b)(2) in the previous fiscal year.”.

21 (d) CHILDREN WITH DISABILITIES.—Section
22 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
23 “section 8014(c)” and inserting “section 3(d)(3)”.

24 (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.
25 7703(e)) is amended—

1 (1) by amending paragraph (1) to read as fol-
2 lows:

3 “(1) IN GENERAL.—Subject to paragraph (2),
4 the total amount the Secretary shall pay a local edu-
5 cational agency under subsection (b)—

6 “(A) for fiscal year 2016, shall not be less
7 than 90 percent of the total amount that the
8 local educational agency received under sub-
9 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
10 year 2013;

11 “(B) for fiscal year 2017, shall not be less
12 than 85 percent of the total amount that the
13 local educational agency received under sub-
14 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
15 year 2013; and

16 “(C) for fiscal year 2018, shall not be less
17 than 80 percent of the total amount that the
18 local educational agency received under sub-
19 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
20 year 2013.”; and

21 (2) by amending paragraph (2) to read as fol-
22 lows:

23 “(2) MAXIMUM AMOUNT.—The total amount
24 provided to a local educational agency under sub-
25 paragraph (A), (B), or (C) of paragraph (1) for a

1 fiscal year shall not exceed the maximum basic sup-
2 port payment amount for such agency determined
3 under paragraph (1) or (2) of subsection (b), as the
4 case may be, for such fiscal year.”.

5 (f) MAINTENANCE OF EFFORT.—Section 8003 (20
6 U.S.C. 7703) is amended by striking subsection (g).

7 **SEC. 404. POLICIES AND PROCEDURES RELATING TO CHIL-**
8 **DREN RESIDING ON INDIAN LANDS.**

9 Section 8004(e)(9) is amended by striking “Bureau
10 of Indian Affairs” and inserting “Bureau of Indian Edu-
11 cation”.

12 **SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS**
13 **8002 AND 8003.**

14 Section 8005(b) (20 U.S.C. 7705(b)) is amended in
15 the matter preceding paragraph (1) by striking “and shall
16 contain such information,”.

17 **SEC. 406. CONSTRUCTION.**

18 Section 8007 (20 U.S.C. 7707) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by striking “section
21 8014(e)” and inserting “section 3(d)(4)”;

22 (B) in paragraph (2), by adding at the end
23 the following:

24 “(C) The agency is eligible under section
25 4003(b)(2) or is receiving basic support pay-

1 ments under circumstances described in section
2 4003(b)(2)(B)(ii).”; and

3 (C) in paragraph (3), by striking “section
4 8014(e)” each place it appears and inserting
5 “section 3(d)(4)”; and
6 (2) in subsection (b)—

7 (A) in paragraph (1), by striking “section
8 8014(e)” and inserting “section 3(d)(4)”;

9 (B) in paragraph (3)—

10 (i) in subparagraph (C)(i)(I), by add-
11 ing at the end the following:

12 “(cc) At least 10 percent of the
13 property in the agency is exempt from
14 State and local taxation under Fed-
15 eral law.”; and

16 (ii) by adding at the end the fol-
17 lowing:

18 “(F) LIMITATIONS ON ELIGIBILITY RE-
19 QUIREMENTS.—The Secretary shall not limit
20 eligibility—

21 “(i) under subparagraph (C)(i)(I)(aa),
22 to those local educational agencies in which
23 the number of children determined under
24 section 8003(a)(1)(C) for each such agency
25 for the preceding school year constituted

1 more than 40 percent of the total student
2 enrollment in the schools of each such
3 agency during the preceding school year;
4 and

5 “(ii) under subparagraph (C)(i)(I)(cc),
6 to those local educational agencies in which
7 more than 10 percent of the property in
8 each such agency is exempt from State and
9 local taxation under Federal law.”;

10 (C) in paragraph (6)—

11 (i) in the matter preceding subpara-
12 graph (A), by striking “in such manner,
13 and accompanied by such information”
14 and inserting “and in such manner”; and

15 (ii) by striking subparagraph (F); and
16 (D) by striking paragraph (7).

17 **SEC. 407. FACILITIES.**

18 Section 8008 (20 U.S.C. 7708) is amended in sub-
19 section (a), by striking “section 8014(f)” and inserting
20 “section 3(d)(5)”.

21 **SEC. 408. STATE CONSIDERATION OF PAYMENTS PRO-**
22 **VIDING STATE AID.**

23 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is
24 amended by striking “and contain the information”.

1 **SEC. 409. FEDERAL ADMINISTRATION.**

2 Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amend-
3 ed, by striking “section 8014” and inserting “section
4 3(d)”.

5 **SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
6 **VIEW.**

7 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
8 striking “or under the Act” and all that follows through
9 “1994)”.

10 **SEC. 411. DEFINITIONS.**

11 Section 8013 (20 U.S.C. 7713) is amended—

12 (1) in paragraph (1), by striking “and Marine
13 Corps” and inserting “Marine Corps, and Coast
14 Guard”;

15 (2) in paragraph (4), by striking “and title VI”;

16 (3) in paragraph (5)(A)(iii)—

17 (A) in subclause (II), by striking “Stewart
18 B. McKinney Homeless Assistance Act” and in-
19 serting “McKinney-Vento Homeless Assistance
20 Act (42 U.S.C. 11411)”;

21 (B) in subclause (III), by inserting before
22 the semicolon “(25 U.S.C. 4101 et seq.)”; and

23 (4) in paragraph (8)(A), by striking “and
24 verified by” and inserting “, and verified by,”.

25 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

26 Section 8014 (20 U.S.C. 7801) is repealed.

1 **SEC. 413. CONFORMING AMENDMENTS.**

2 (a) **IMPACT AID IMPROVEMENT ACT OF 2012.**—Sec-
3 tion 563(c) of National Defense Authorization Act for Fis-
4 cal Year 2013 (Public Law 112–239; 126 Stat. 1748; 20
5 U.S.C. 6301 note) (also known as the “Impact Aid Im-
6 provement Act of 2012”), as amended by section 563 of
7 division A of Public Law 113–291, is amended—

8 (1) by striking paragraphs (1) and (4); and

9 (2) by redesignating paragraphs (2) and (3), as
10 paragraphs (1) and (2), respectively.

11 (b) **REPEALS.**—

12 (1) **TITLE IV.**—Title IV (20 U.S.C. 7101 et
13 seq.), as amended by section 601(b)(2) of this Act,
14 is repealed.

15 (2) **PL 113–76.**—Section 309 of division H of
16 the Consolidated Appropriations Act, 2014 (Public
17 Law 113–76; 20 U.S.C. 7702) is repealed.

18 (c) **TRANSFER AND REDESIGNATION.**—Title VIII (20
19 U.S.C. 7701 et seq.), as amended by this title, is redesi-
20 gnated as title IV (20 U.S.C. 7101 et seq.), and transferred
21 and inserted after title III (as amended by this Act).

22 (d) **TITLE VIII REFERENCES.**—The Act (20 U.S.C.
23 6301 et seq.) is amended—

24 (1) by redesignating sections 8001 through
25 8005 as sections 4001 through 4005, respectively;

1 (2) by redesignating sections 8007 through
2 8013 as sections 4007 through 4013, respectively;

3 (3) by striking “section 8002” each place it ap-
4 pears and inserting “section 4002”;

5 (4) by striking “section 8002(b)” each place it
6 appears and inserting “section 4002(b)”;

7 (5) by striking “section 8003” each place it ap-
8 pears and inserting “section 4003”, respectively;

9 (6) by striking “section 8003(a)” each place it
10 appears and inserting “section 4003(a)”;

11 (7) by striking “section 8003(a)(1)” each place
12 it appears and inserting “section 4003(a)(1)”;

13 (8) by striking “section 8003(a)(1)(C)” each
14 place it appears and inserting “section
15 4003(a)(1)(C)”;

16 (9) by striking “section 8002(a)(2)” each place
17 it appears and inserting “section 4002(a)(2)”;

18 (10) by striking “section 8003(b)” each place it
19 appears and inserting “section 4003(b)”;

20 (11) by striking “section 8003(b)(1)” each
21 place it appears and inserting “section 4003(b)(1)”;

22 (12) in section 4002(b)(1)(C) (as so redesign-
23 ated), by striking “section 8003(b)(1)(C)” and in-
24 serting “section 4003(b)(1)(C)”;

1 (13) in section 4002(k)(1) (as so redesignated),
2 by striking “section 8013(5)(C)(iii)” and inserting
3 “section 4013(5)(C)(iii)”;

4 (14) in section 4005 (as so redesignated)—

5 (A) in the section heading, by striking
6 “**8002 AND 8003**” and inserting “**4002 AND**
7 **4003**”;

8 (B) by striking “or 8003” each place it ap-
9 pears and inserting “or 4003”;

10 (C) in subsection (b)(2), by striking “sec-
11 tion 8004” and inserting “section 4004”; and

12 (D) in subsection (d)(2), by striking “sec-
13 tion 8003(e)” and inserting “section 4003(e)”;

14 (15) in section 4007(a)(3)(A)(i)(II) (as so re-
15 designating), by striking “section 8008(a)” and in-
16 serting “section 4008(a)”;

17 (16) in section 4007(a)(4) (as so redesignated),
18 by striking “section 8013(3)” and inserting “section
19 4013(3)”;

20 (17) in section 4009 (as so redesignated)—

21 (A) in subsection (b)(1)—

22 (i) by striking “or 8003(b)” and in-
23 serting “or 4003(b)”;

1 (ii) by striking “section
2 8003(a)(2)(B)” and inserting “section
3 4003(a)(2)(B)”; and

4 (iii) by striking “section 8003(b)(2)”
5 each place it appears and inserting “sec-
6 tion 4003(b)(2)”; and

7 (B) by striking “section 8011(a)” each
8 place it appears and inserting “section
9 4011(a)”; and

10 (18) in section 4010(c)(2)(D) (as so redesign-
11 nated) by striking “section 8009(b)” and inserting
12 “section 4009(b)”.

13 **TITLE V—THE FEDERAL GOV-**
14 **ERNMENT’S TRUST RESPON-**
15 **SIBILITY TO AMERICAN IN-**
16 **DIAN, ALASKA NATIVE, AND**
17 **NATIVE HAWAIIAN EDU-**
18 **CATION**

19 **SEC. 501. THE FEDERAL GOVERNMENT’S TRUST RESPONSI-**
20 **BILITY TO AMERICAN INDIAN, ALASKA NA-**
21 **TIVE, AND NATIVE HAWAIIAN EDUCATION.**

22 Title V of the Act (20 U.S.C. 7201 et seq.) is amend-
23 ed to read as follows:

1 **“TITLE V—THE FEDERAL GOV-**
2 **ERNMENT’S TRUST RESPON-**
3 **SIBILITY TO AMERICAN IN-**
4 **DIAN, ALASKA NATIVE, AND**
5 **NATIVE HAWAIIAN EDU-**
6 **CATION**

7 **“PART A—INDIAN EDUCATION**

8 **“SEC. 5101. STATEMENT OF POLICY.**

9 “It is the policy of the United States to fulfill the
10 Federal Government’s unique and continuing trust rela-
11 tionship with, and responsibility to, the Indian people for
12 the education of Indian children. The Federal Government
13 will continue to work with local educational agencies, In-
14 dian tribes and organizations, postsecondary institutions,
15 and other entities toward the goal of ensuring that pro-
16 grams that serve Indian children are of the highest quality
17 and provide for not only the basic elementary and sec-
18 ondary educational needs, but also the unique educational
19 and culturally related academic needs of these children.

20 **“SEC. 5102. PURPOSE.**

21 “It is the purpose of this part to support the efforts
22 of local educational agencies, Indian tribes and organiza-
23 tions, postsecondary institutions, and other entities—

24 “(1) to meet the unique educational and cul-
25 turally related academic needs of American Indian

1 and Alaska Native students, so that such students
2 can meet State student academic achievement stand-
3 ards;

4 “(2) to ensure that Indian and Alaskan Native
5 students gain knowledge and understanding of Na-
6 tive communities, languages, tribal histories, tradi-
7 tions, and cultures; and

8 “(3) to ensure that school leaders, teachers, and
9 other staff who serve Indian and Alaska Native stu-
10 dents have the ability to provide culturally appro-
11 priate and effective instruction to such students.

12 **“Subpart 1—Formula Grants to Local Educational**
13 **Agencies**

14 **“SEC. 5111. PURPOSE.**

15 “It is the purpose of this subpart to support the ef-
16 forts of local educational agencies, Indian tribes and orga-
17 nizations, and other entities to improve the academic
18 achievement of American Indian and Alaska Native stu-
19 dents by providing for their unique cultural, language, and
20 educational needs and ensuring that they are prepared to
21 meet State academic standards.

1 **“SEC. 5112. GRANTS TO LOCAL EDUCATIONAL AGENCIES**
2 **AND TRIBES.**

3 “(a) IN GENERAL.—In accordance with this section
4 and section 5113, the Secretary may make grants from
5 allocations made under section 5113, to—

6 “(1) local educational agencies;

7 “(2) Indian tribes;

8 “(3) Indian organizations; and

9 “(4) Alaska Native Organizations.

10 “(b) LOCAL EDUCATIONAL AGENCIES.—

11 “(1) ENROLLMENT REQUIREMENTS.—A local
12 educational agency shall be eligible for a grant under
13 this subpart for any fiscal year if the number of In-
14 dian children eligible under section 5117 who were
15 enrolled in the schools of the agency, and to whom
16 the agency provided free public education, during
17 the preceding fiscal year—

18 “(A) was at least 10; or

19 “(B) constituted not less than 25 percent
20 of the total number of individuals enrolled in
21 the schools of such agency.

22 “(2) EXCLUSION.—The requirement of para-
23 graph (1) shall not apply in Alaska, California, or
24 Oklahoma, or with respect to any local educational
25 agency located on, or in proximity to, an Indian res-
26 ervation.

1 “(c) INDIAN TRIBES, INDIAN ORGANIZATIONS, ALAS-
2 KA NATIVE ORGANIZATIONS, AND CONSORTIA.—

3 “(1) IN GENERAL.—If a local educational agen-
4 cy that is otherwise eligible for a grant under this
5 subpart does not establish a committee under section
6 5114(c)(5) for such grant, an Indian tribe, Indian
7 organization, Alaska Native Organization, or consor-
8 tium of such entities that represents not less than
9 one-third of the eligible Indian or Alaska Native
10 children who are served by such local educational
11 agency may apply for such grant.

12 “(2) SPECIAL RULE.—

13 “(A) IN GENERAL.—The Secretary shall
14 treat each Indian tribe, Indian organization,
15 Alaska Native Organization, or consortium of
16 such entities applying for a grant pursuant to
17 paragraph (1) as if such applicant were a local
18 educational agency for purposes of this subpart.

19 “(B) EXCEPTIONS.—Notwithstanding sub-
20 paragraph (A), such Indian tribe, Indian orga-
21 nization, Alaska Native Organization, or con-
22 sortium of such entities shall not be subject to
23 the requirements of section 5114(c)(5) or 5119.

24 “(3) ELIGIBILITY.—If more than 1 applicant
25 qualifies to apply for a grant under paragraph (1),

1 the entity that represents the most eligible Indian
2 and Alaska Native children who are served by the
3 local educational agency shall be eligible to receive
4 the grant or the applicants may apply in consortium
5 and jointly operate a program.

6 “(d) INDIAN AND ALASKA NATIVE COMMUNITY-
7 BASED ORGANIZATIONS.—

8 “(1) IN GENERAL.—If no local educational
9 agency pursuant to subsection (b), and no Indian
10 tribe, tribal organization, Alaska Native Organiza-
11 tion, or consortium pursuant to subsection (c), ap-
12 plies for a grant under this subpart, Indian and
13 Alaska Native community-based organizations serv-
14 ing the community of the local educational agency
15 may apply for the grant.

16 “(2) APPLICABILITY OF SPECIAL RULE.—The
17 Secretary shall apply the special rule in subsection
18 (c)(2) to a community-based organization applying
19 or receiving a grant under paragraph (1) in the
20 same manner as such rule applies to an Indian tribe,
21 Indian organization, Alaska Native Organization, or
22 consortium.

23 “(3) DEFINITION OF INDIAN AND ALASKA NA-
24 TIVE COMMUNITY-BASED ORGANIZATIONS.—In this
25 subsection, the term ‘Indian and Alaska Native com-

1 community-based organizations’ means any organiza-
2 tions that—

3 “(A) are composed primarily of the family
4 members of Indian or Alaska Native students,
5 Indian or Alaska Native community members,
6 tribal government education officials, and tribal
7 members from a specific community;

8 “(B) assist in the social, cultural, and edu-
9 cational development of Indians or Alaska Na-
10 tives in such community;

11 “(C) meet the unique cultural, language,
12 and academic needs of Indian or Alaska Native
13 students; and

14 “(D) demonstrate organizational and ad-
15 ministrative capacity to effectively manage the
16 grant.

17 **“SEC. 5113. AMOUNT OF GRANTS.**

18 “(a) AMOUNT OF GRANT AWARDS.—

19 “(1) IN GENERAL.—Except as provided in sub-
20 section (b) and paragraph (2), the Secretary shall
21 allocate to each local educational agency that has an
22 approved application under this subpart an amount
23 equal to the product of—

1 “(A) the number of Indian children who
2 are eligible under section 5117 and served by
3 such agency; and

4 “(B) the greater of—

5 “(i) the average per pupil expenditure
6 of the State in which such agency is lo-
7 cated; or

8 “(ii) 80 percent of the average per
9 pupil expenditure of all the States.

10 “(2) REDUCTION.—The Secretary shall reduce
11 the amount of each allocation otherwise determined
12 under this section in accordance with subsection (e).

13 “(b) MINIMUM GRANT.—

14 “(1) IN GENERAL.—Notwithstanding subsection
15 (e), an entity that is eligible for a grant under sec-
16 tion 5112, and a school that is operated or sup-
17 ported by the Bureau of Indian Education that is el-
18 igible for a grant under subsection (d), that submits
19 an application that is approved by the Secretary,
20 shall, subject to appropriations, receive a grant
21 under this subpart in an amount that is not less
22 than \$3,000.

23 “(2) CONSORTIA.—Local educational agencies
24 may form a consortium for the purpose of obtaining
25 grants under this subpart.

1 “(3) INCREASE.—The Secretary may increase
2 the minimum grant under paragraph (1) to not
3 more than \$4,000 for all grantees if the Secretary
4 determines such increase is necessary to ensure the
5 quality of the programs provided.

6 “(c) DEFINITION.—For the purpose of this section,
7 the term ‘average per pupil expenditure’, used with respect
8 to a State, means an amount equal to—

9 “(1) the sum of the aggregate current expendi-
10 tures of all the local educational agencies in the
11 State, plus any direct current expenditures by the
12 State for the operation of such agencies, without re-
13 gard to the sources of funds from which such local
14 or State expenditures were made, during the second
15 fiscal year preceding the fiscal year for which the
16 computation is made; divided by

17 “(2) the aggregate number of children who
18 were included in average daily attendance for whom
19 such agencies provided free public education during
20 such preceding fiscal year.

21 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE
22 BUREAU OF INDIAN EDUCATION.—

23 “(1) IN GENERAL.—Subject to subsection (e),
24 in addition to the grants awarded under subsection

1 (a), the Secretary shall allocate to the Secretary of
2 the Interior an amount equal to the product of—

3 “(A) the total number of Indian children
4 enrolled in schools that are operated by—

5 “(i) the Bureau of Indian Education;
6 or

7 “(ii) an Indian tribe, or an organiza-
8 tion controlled or sanctioned by an Indian
9 tribal government, for the children of that
10 tribe under a contract with, or grant from,
11 the Department of the Interior under the
12 Indian Self-Determination Act or the Trib-
13 ally Controlled Schools Act of 1988; and

14 “(B) the greater of—

15 “(i) the average per pupil expenditure
16 of the State in which the school is located;
17 or

18 “(ii) 80 percent of the average per
19 pupil expenditure of all the States.

20 “(2) SPECIAL RULE.—Any school described in
21 paragraph (1)(A) that wishes to receive an allocation
22 under this subpart shall submit an application in ac-
23 cordance with section 5114, and shall otherwise be
24 treated as a local educational agency for the purpose

1 of this subpart, except that such school shall not be
2 subject to section 5114(c)(5) or section 5119.

3 “(e) RATABLE REDUCTIONS.—If the sums appro-
4 priated for any fiscal year to carry out this subpart are
5 insufficient to pay in full the amounts determined for local
6 educational agencies under subsection (a)(1) and for the
7 Secretary of the Interior under subsection (d), each of
8 those amounts shall be ratably reduced.

9 **“SEC. 5114. APPLICATIONS.**

10 “(a) APPLICATION REQUIRED.—Each local edu-
11 cational agency that desires to receive a grant under this
12 subpart shall submit an application to the Secretary at
13 such time, in such manner, and containing such informa-
14 tion as the Secretary may reasonably require.

15 “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each
16 application submitted under subsection (a) shall include
17 a description of a comprehensive program for meeting the
18 needs of Indian and Alaska Native children served by the
19 local educational agency, including the language and cul-
20 tural needs of the children, that—

21 “(1) describes how the comprehensive program
22 will offer programs and activities to meet the cul-
23 turally related academic needs of American Indian
24 and Alaska Native students;

1 “(2)(A) is consistent with the State, tribal, and
2 local plans submitted under other provisions of this
3 Act; and

4 “(B) includes academic content and student
5 academic achievement goals for such children, and
6 benchmarks for attaining such goals, that are based
7 on State academic content and student academic
8 achievement standards adopted under title I for all
9 children;

10 “(3) explains how the local educational agency
11 will use the funds made available under this subpart
12 to supplement other Federal, State, and local pro-
13 grams that serve such students;

14 “(4) demonstrates how funds made available
15 under this subpart will be used for activities de-
16 scribed in section 5115;

17 “(5) describes the professional development op-
18 portunities that will be provided, as needed, to en-
19 sure that—

20 “(A) teachers and other school profes-
21 sionals who are new to the Indian or Alaska
22 Native community are prepared to work with
23 Indian and Alaska Native children;

24 “(B) all teachers who will be involved in
25 programs assisted under this subpart have been

1 properly trained to carry out such programs;
2 and

3 “(C) those family members of Indian and
4 Alaska Native children and representatives of
5 tribes who are on the committee described in
6 (c)(5) will participate in the planning of profes-
7 sional development materials;

8 “(6) describes how the local educational agen-
9 cy—

10 “(A) will periodically assess the progress of
11 all Indian children enrolled in the schools of the
12 local educational agency, including Indian chil-
13 dren who do not participate in programs as-
14 sisted under this subpart, in meeting the goals
15 described in paragraph (2);

16 “(B) will provide the results of each as-
17 sessment referred to in subparagraph (A) to—

18 “(i) the committee described in sub-
19 section (c)(5);

20 “(ii) the community served by the
21 local educational agency; and

22 “(iii) the tribes whose children are
23 served by the local educational agency; and

1 “(C) is responding to findings of any pre-
2 vious assessments that are similar to the as-
3 sessments described in subparagraph (A); and

4 “(7) explicitly delineates—

5 “(A) a formal, collaborative process that
6 the local educational agency used to directly in-
7 volve tribes, Indian organizations, or Alaska
8 Native Organizations in the development of the
9 comprehensive programs and the results of such
10 process; and

11 “(B) how the local educational agency
12 plans to ensure that tribes, Indian organiza-
13 tions, or Alaska Native Organizations will play
14 an active, meaningful, and ongoing role in the
15 functioning of the comprehensive programs.

16 “(c) ASSURANCES.—Each application submitted
17 under subsection (a) shall include assurances that—

18 “(1) the local educational agency will use funds
19 received under this subpart only to supplement the
20 funds that, in the absence of the Federal funds
21 made available under this subpart, such agency
22 would make available for services described in this
23 subsection, and not to supplant such funds;

1 “(2) the local educational agency will use funds
2 received under this subpart only for activities de-
3 scribed and authorized under this subpart;

4 “(3) the local educational agency will prepare
5 and submit to the Secretary such reports, in such
6 form and containing such information, as the Sec-
7 retary may require to—

8 “(A) carry out the functions of the Sec-
9 retary under this subpart;

10 “(B) determine the extent to which activi-
11 ties carried out with funds provided to the local
12 educational agency under this subpart are effec-
13 tive in improving the educational achievement
14 of Indian and Alaska Native students served by
15 such agency; and

16 “(C) determine the extent to which such
17 activities address the unique cultural, language,
18 and educational needs of Indian students;

19 “(4) the program for which assistance is
20 sought—

21 “(A) is based on a comprehensive local as-
22 sessment and prioritization of the unique edu-
23 cational and culturally related academic needs
24 of the American Indian and Alaska Native stu-

1 dents for whom the local educational agency is
2 providing an education;

3 “(B) will use the best available talents and
4 resources, including individuals from the Indian
5 or Alaska Native community; and

6 “(C) was developed by such agency in open
7 consultation with the families of Indian or Alas-
8 ka Native children, Indian or Alaska Native
9 teachers, Indian or Alaska Native students
10 from secondary schools, and representatives of
11 tribes, Indian organizations, or Alaska Native
12 Organizations in the community including
13 through public hearings held by such agency to
14 provide to the individuals described in this sub-
15 paragraph a full opportunity to understand the
16 program and to offer recommendations regard-
17 ing the program;

18 “(5) the local educational agency developed the
19 program with the participation and written approval
20 of a committee—

21 “(A) that is composed of, and selected
22 by—

23 “(i) family members of Indian and
24 Alaska Native children that are attending
25 the local educational agency’s schools;

1 “(ii) teachers in the schools; and

2 “(iii) Indian and Alaska Native stu-
3 dents attending secondary schools of the
4 agency;

5 “(B) a majority of whose members are
6 family members of Indian and Alaska Native
7 children that are attending the local educational
8 agency’s schools;

9 “(C) that has set forth such policies and
10 procedures, including policies and procedures
11 relating to the hiring of personnel, as will en-
12 sure that the program for which assistance is
13 sought will be operated and evaluated in con-
14 sultation with, and with the involvement of,
15 parents of the children, and representatives of
16 the area, to be served;

17 “(D) with respect to an application de-
18 scribing a schoolwide program in accordance
19 with section 5115(c), that has—

20 “(i) reviewed in a timely fashion the
21 program;

22 “(ii) determined that the program will
23 not diminish the availability of culturally
24 related activities for American Indian and
25 Alaska Native students; and

1 “(iii) will directly enhance the edu-
2 cational experience of American Indian and
3 Alaska Native students; and

4 “(E) that has adopted reasonable bylaws
5 for the conduct of the activities of the com-
6 mittee and abides by such bylaws; and

7 “(6) the local educational agency conducted
8 adequate outreach to family members to meet the
9 requirements under subsection (c)(5).

10 **“SEC. 5115. AUTHORIZED SERVICES AND ACTIVITIES.**

11 “(a) GENERAL REQUIREMENTS.—Each local edu-
12 cational agency that receives a grant under this subpart
13 shall use the grant funds, in a manner consistent with the
14 purpose specified in section 5111, for services and activi-
15 ties that—

16 “(1) are designed to carry out the comprehen-
17 sive program of the local educational agency for In-
18 dian students, and described in the application of
19 the local educational agency submitted to the Sec-
20 retary under section 5114(a) solely for the services
21 and activities described in such application;

22 “(2) are designed with special regard for the
23 language and cultural needs of the Indian students;
24 and

1 “(3) supplement and enrich the regular school
2 program of such agency.

3 “(b) PARTICULAR ACTIVITIES.—The services and ac-
4 tivities referred to in subsection (a) may include—

5 “(1) activities that support Native American
6 language immersion programs and Native American
7 language restoration programs, which may be taught
8 by traditional leaders;

9 “(2) culturally related activities that support
10 the program described in the application submitted
11 by the local educational agency;

12 “(3) early childhood and family programs that
13 emphasize school readiness;

14 “(4) enrichment programs that focus on prob-
15 lem solving and cognitive skills development and di-
16 rectly support the attainment of challenging State
17 academic content and student academic achievement
18 standards;

19 “(5) integrated educational services in combina-
20 tion with other programs including programs that
21 enhance student achievement by promoting increased
22 involvement of parents and families in school activi-
23 ties;

24 “(6) career preparation activities to enable In-
25 dian students to participate in programs such as the

1 programs supported by the Carl D. Perkins Career
2 and Technical Education Improvement Act of 2006,
3 including programs for tech-prep education, men-
4 toring, and apprenticeship;

5 “(7) activities to educate individuals so as to
6 prevent violence, suicide, and substance abuse;

7 “(8) the acquisition of equipment, but only if
8 the acquisition of the equipment is essential to
9 achieve the purpose described in section 5111;

10 “(9) activities that promote the incorporation of
11 culturally responsive teaching and learning strategies
12 into the educational program of the local educational
13 agency;

14 “(10) activities that incorporate culturally and
15 linguistically relevant curriculum content into class-
16 room instruction that is responsive to the unique
17 learning styles of Indian and Alaska Native children
18 and ensures that children are better able to meet
19 State standards;

20 “(11) family literacy services;

21 “(12) activities that recognize and support the
22 unique cultural and educational needs of Indian chil-
23 dren, and incorporate appropriately qualified tribal
24 elders and seniors;

1 “(13) dropout prevention strategies for Indian
2 and Alaska Native students; and

3 “(14) strategies to meet the educational needs
4 of at-risk Indian students in correctional facilities,
5 including such strategies that support Indian and
6 Alaska Native students who are transitioning from
7 such facilities to schools served by local educational
8 agencies.

9 “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding
10 any other provision of law, a local educational agency may
11 use funds made available to such agency under this sub-
12 part to support a schoolwide program under section 1114
13 if—

14 “(1) the committee established pursuant to sec-
15 tion 5114(c)(5) approves the use of the funds for
16 the schoolwide program;

17 “(2) the schoolwide program is consistent with
18 the purpose described in section 5111; and

19 “(3) the local educational agency identifies in
20 its application how the use of such funds in a
21 schoolwide program will produce benefits to the
22 American Indian and Alaska Native students that
23 would not be achieved if the funds were not used in
24 a schoolwide program.

1 “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not
2 more than 5 percent of the funds provided to a grantee
3 under this subpart for any fiscal year may be used for
4 administrative purposes.

5 “(e) LIMITATION ON THE USE OF FUNDS.—Funds
6 provided to a grantee under this subpart may not be used
7 for long-distance travel expenses for training activities
8 available locally or regionally.

9 **“SEC. 5116. INTEGRATION OF SERVICES AUTHORIZED.**

10 “(a) PLAN.—An entity receiving funds under this
11 subpart may submit a plan to the Secretary for the inte-
12 gration of education and related services provided to In-
13 dian students.

14 “(b) CONSOLIDATION OF PROGRAMS.—Upon the re-
15 ceipt of an acceptable plan under subsection (a), the Sec-
16 retary, in cooperation with each Federal agency providing
17 grants for the provision of education and related services
18 to the entity, shall authorize the entity to consolidate, in
19 accordance with such plan, the federally funded education
20 and related services programs of the entity and the Fed-
21 eral programs, or portions of the programs, serving Indian
22 students in a manner that integrates the program services
23 involved into a single, coordinated, comprehensive pro-
24 gram and reduces administrative costs by consolidating
25 administrative functions.

1 “(c) PROGRAMS AFFECTED.—The funds that may be
2 consolidated in a demonstration project under any such
3 plan referred to in subsection (a) shall include funds for
4 any Federal program exclusively serving Indian children,
5 or the funds reserved under any Federal program to exclu-
6 sively serve Indian children, under which the entity is eligi-
7 ble for receipt of funds under a statutory or administrative
8 formula for the purposes of providing education and re-
9 lated services that would be used to serve Indian students.

10 “(d) PLAN REQUIREMENTS.—For a plan to be ac-
11 ceptable pursuant to subsection (b), the plan shall—

12 “(1) identify the programs or funding sources
13 to be consolidated;

14 “(2) be consistent with the objectives of this
15 section concerning authorizing the services to be in-
16 tegrated in a demonstration project;

17 “(3) describe a comprehensive strategy that
18 identifies the full range of potential educational op-
19 portunities and related services to be provided to as-
20 sist Indian students to achieve the objectives set
21 forth in this subpart;

22 “(4) describe the way in which services are to
23 be integrated and delivered and the results expected
24 from the plan;

1 “(5) identify the projected expenditures under
2 the plan in a single budget;

3 “(6) identify the State, tribal, or local agency
4 or agencies to be involved in the delivery of the serv-
5 ices integrated under the plan;

6 “(7) identify any statutory provisions, regula-
7 tions, policies, or procedures that the entity believes
8 need to be waived in order to implement the plan;

9 “(8) set forth measures for academic content
10 and student academic achievement goals designed to
11 be met within a specific period of time; and

12 “(9) be approved by a committee formed in ac-
13 cordance with section 5114(c)(5), if such a com-
14 mittee exists.

15 “(e) PLAN REVIEW.—Upon receipt of the plan from
16 an eligible entity, the Secretary shall consult with the Sec-
17 retary of each Federal department providing funds to be
18 used to implement the plan, and with the entity submit-
19 ting the plan. The parties so consulting shall identify any
20 waivers of statutory requirements or of Federal depart-
21 mental regulations, policies, or procedures necessary to en-
22 able the entity to implement the plan. Notwithstanding
23 any other provision of law, the Secretary of the affected
24 department shall have the authority to waive any regula-
25 tion, policy, or procedure promulgated by that department

1 that has been so identified by the entity or department,
2 unless the Secretary of the affected department deter-
3 mines that such a waiver is inconsistent with the objectives
4 of this subpart or those provisions of the statute from
5 which the program involved derives authority that are spe-
6 cifically applicable to Indian students.

7 “(f) PLAN APPROVAL.—Within 90 days after the re-
8 ceipt of an entity’s plan by the Secretary, the Secretary
9 shall inform the entity, in writing, of the Secretary’s ap-
10 proval or disapproval of the plan. If the plan is dis-
11 approved, the entity shall be informed, in writing, of the
12 reasons for the disapproval and shall be given an oppor-
13 tunity to amend the plan or to petition the Secretary to
14 reconsider such disapproval.

15 “(g) RESPONSIBILITIES OF DEPARTMENT OF EDU-
16 CATION.—Not later than 180 days after the date of enact-
17 ment of the Student Success Act, the Secretary of Edu-
18 cation, the Secretary of the Interior, the Secretary of the
19 Department of Health and Human Services, and the head
20 of any other Federal department or agency identified by
21 the Secretary of Education, shall enter into an inter-
22 departmental memorandum of agreement providing for
23 the implementation and coordination of the demonstration
24 projects authorized under this section. The lead agency

1 head for a demonstration project under this section shall
2 be—

3 “(1) the Secretary of the Interior, in the case
4 of an entity meeting the definition of a contract or
5 grant school under title XI of the Education Amend-
6 ments of 1978; or

7 “(2) the Secretary of Education, in the case of
8 any other entity.

9 “(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-
10 sponsibilities of the lead agency shall include—

11 “(1) the use of a single report format related
12 to the plan for the individual project, which shall be
13 used by an eligible entity to report on the activities
14 undertaken under the project;

15 “(2) the use of a single report format related
16 to the projected expenditures for the individual
17 project which shall be used by an eligible entity to
18 report on all project expenditures;

19 “(3) the development of a single system of Fed-
20 eral oversight for the project, which shall be imple-
21 mented by the lead agency; and

22 “(4) the provision of technical assistance to an
23 eligible entity appropriate to the project, except that
24 an eligible entity shall have the authority to accept

1 or reject the plan for providing such technical assist-
2 ance and the technical assistance provider.

3 “(i) REPORT REQUIREMENTS.—A single report for-
4 mat shall be developed by the Secretary, consistent with
5 the requirements of this section. Such report format shall
6 require that reports described in subsection (h), together
7 with records maintained on the consolidated program at
8 the local level, shall contain such information as will allow
9 a determination that the eligible entity has complied with
10 the requirements incorporated in its approved plan, in-
11 cluding making a demonstration of student academic
12 achievement, and will provide assurances to each Sec-
13 retary that the eligible entity has complied with all directly
14 applicable statutory requirements and with those directly
15 applicable regulatory requirements that have not been
16 waived.

17 “(j) NO REDUCTION IN AMOUNTS.—In no case shall
18 the amount of Federal funds available to an eligible entity
19 involved in any demonstration project be reduced as a re-
20 sult of the enactment of this section.

21 “(k) INTERAGENCY FUND TRANSFERS AUTHOR-
22 IZED.—The Secretary is authorized to take such action
23 as may be necessary to provide for an interagency transfer
24 of funds otherwise available to an eligible entity in order
25 to further the objectives of this section.

1 “(l) ADMINISTRATION OF FUNDS.—

2 “(1) IN GENERAL.—Program funds for the con-
3 solidated programs shall be administered in such a
4 manner as to allow for a determination that funds
5 from a specific program are spent on allowable ac-
6 tivities authorized under such program, except that
7 the eligible entity shall determine the proportion of
8 the funds granted that shall be allocated to such
9 program.

10 “(2) SEPARATE RECORDS NOT REQUIRED.—

11 Nothing in this section shall be construed as requir-
12 ing the eligible entity to maintain separate records
13 tracing any services or activities conducted under
14 the approved plan to the individual programs under
15 which funds were authorized for the services or ac-
16 tivities, nor shall the eligible entity be required to al-
17 locate expenditures among such individual programs.

18 “(m) OVERAGE.—The eligible entity may commingle
19 all administrative funds from the consolidated programs
20 and shall be entitled to the full amount of such funds
21 (under each program’s or agency’s regulations). The over-
22 age (defined as the difference between the amount of the
23 commingled funds and the actual administrative cost of
24 the programs) shall be considered to be properly spent for

1 Federal audit purposes, if the overage is used for the pur-
2 poses provided for under this section.

3 “(n) FISCAL ACCOUNTABILITY.—Nothing in this
4 part shall be construed so as to interfere with the ability
5 of the Secretary or the lead agency to fulfill the respon-
6 sibilities for the safeguarding of Federal funds pursuant
7 to chapter 75 of title 31, United States Code.

8 “(o) REPORT ON STATUTORY OBSTACLES TO PRO-
9 GRAM INTEGRATION.—

10 “(1) PRELIMINARY REPORT.—Not later than 2
11 years after the date of enactment of the Student
12 Success Act, the Secretary of Education shall submit
13 a preliminary report to the Committee on Education
14 and the Workforce and the Committee on Natural
15 Resources of the House of Representatives and the
16 Committee on Health, Education, Labor, and Pen-
17 sions and the Committee on Indian Affairs of the
18 Senate on the status of the implementation of the
19 demonstration projects authorized under this sec-
20 tion.

21 “(2) FINAL REPORT.—Not later than 5 years
22 after the date of enactment of the Student Success
23 Act, the Secretary of Education shall submit a re-
24 port to the Committee on Education and the Work-
25 force and the Committee on Natural Resources of

1 the House of Representatives and the Committee on
2 Health, Education, Labor, and Pensions and the
3 Committee on Indian Affairs of the Senate on the
4 results of the implementation of the demonstration
5 projects authorized under this section. Such report
6 shall identify statutory barriers to the ability of par-
7 ticipants to integrate more effectively their education
8 and related services to Indian students in a manner
9 consistent with the objectives of this section.

10 “(p) DEFINITIONS.—For the purposes of this section,
11 the term ‘Secretary’ means—

12 “(1) the Secretary of the Interior, in the case
13 of an entity meeting the definition of a contract or
14 grant school under title XI of the Education Amend-
15 ments of 1978; or

16 “(2) the Secretary of Education, in the case of
17 any other entity.

18 **“SEC. 5117. STUDENT ELIGIBILITY FORMS.**

19 “(a) IN GENERAL.—The Secretary shall require that,
20 as part of an application for a grant under this subpart,
21 each applicant shall maintain a file, with respect to each
22 Indian child for whom the local educational agency pro-
23 vides a free public education, that contains a form that
24 sets forth information establishing the status of the child
25 as an Indian child eligible for assistance under this sub-

1 part, and that otherwise meets the requirements of sub-
2 section (b).

3 “(b) FORMS.—The form described in subsection (a)
4 shall include—

5 “(1) either—

6 “(A)(i) the name of the tribe or band of
7 Indians (as defined in section 5151) with re-
8 spect to which the child claims membership;

9 “(ii) the enrollment or membership number
10 establishing the membership of the child (if
11 readily available); and

12 “(iii) the name and address of the organi-
13 zation that maintains updated and accurate
14 membership data for such tribe or band of Indi-
15 ans; or

16 “(B) the name, the enrollment or member-
17 ship number (if readily available), and the name
18 and address of the organization responsible for
19 maintaining updated and accurate membership
20 data, of any parent or grandparent of the child
21 from whom the child claims eligibility under
22 this subpart, if the child is not a member of the
23 tribe or band of Indians (as so defined);

24 “(2) a statement of whether the tribe or band
25 of Indians (as so defined), with respect to which the

1 child, or parent or grandparent of the child, claims
2 membership, is federally recognized;

3 “(3) the name and address of the parent or
4 legal guardian of the child;

5 “(4) a signature of the parent or legal guardian
6 of the child that verifies the accuracy of the informa-
7 tion supplied; and

8 “(5) any other information that the Secretary
9 considers necessary to provide an accurate program
10 profile.

11 “(c) STATUTORY CONSTRUCTION.—Nothing in this
12 section shall be construed to affect a definition contained
13 in section 5151.

14 “(d) DOCUMENTATION AND TYPES OF PROOF.—

15 “(1) TYPES OF PROOF.—For purposes of deter-
16 mining whether a child is eligible to be counted for
17 the purpose of computing the amount of a grant
18 award under section 5113, the membership of the
19 child, or any parent or grandparent of the child, in
20 a tribe or band of Indians (as so defined) may be
21 established by proof other than an enrollment num-
22 ber, notwithstanding the availability of an enroll-
23 ment number for a member of such tribe or band.
24 Nothing in subsection (b) shall be construed to re-
25 quire the furnishing of an enrollment number.

1 “(2) NO NEW OR DUPLICATIVE DETERMINA-
2 TIONS.—Once a child is determined to be an Indian
3 eligible to be counted for such grant award, the local
4 education agency shall maintain a record of such de-
5 termination and shall not require a new or duplicate
6 determination to be made for such child for a subse-
7 quent application for a grant under this subpart.

8 “(3) PREVIOUSLY FILED FORMS.—An Indian
9 student eligibility form that was on file as required
10 by this section on the day before the date of enact-
11 ment of the Student Success Act and that met the
12 requirements of this section, as this section was in
13 effect on the day before the date of enactment of
14 such Act, shall remain valid for such Indian student.

15 “(e) MONITORING AND EVALUATION REVIEW.—

16 “(1) IN GENERAL.—

17 “(A) REVIEW.—For each fiscal year, in
18 order to provide such information as is nec-
19 essary to carry out the responsibility of the Sec-
20 retary to provide technical assistance under this
21 subpart, the Secretary shall conduct a moni-
22 toring and evaluation review of a sampling of
23 the recipients of grants under this subpart. The
24 sampling conducted under this subparagraph
25 shall take into account the size of and the geo-

1 graphic location of each local educational agen-
2 cy.

3 “(B) EXCEPTION.—A local educational
4 agency may not be held liable to the United
5 States or be subject to any penalty, by reason
6 of the findings of an audit that relates to the
7 date of completion, or the date of submission,
8 of any forms used to establish, before April 28,
9 1988, the eligibility of a child for an entitle-
10 ment under the Indian Elementary and Sec-
11 ondary School Assistance Act.

12 “(2) FALSE INFORMATION.—Any local edu-
13 cational agency that provides false information in an
14 application for a grant under this subpart shall—

15 “(A) be ineligible to apply for any other
16 grant under this subpart; and

17 “(B) be liable to the United States for any
18 funds from the grant that have not been ex-
19 pended.

20 “(3) EXCLUDED CHILDREN.—A student who
21 provides false information for the form required
22 under subsection (a) shall not be counted for the
23 purpose of computing the amount of a grant under
24 section 5113.

1 “(f) TRIBAL GRANT AND CONTRACT SCHOOLS.—
2 Notwithstanding any other provision of this section, in cal-
3 culating the amount of a grant under this subpart to a
4 tribal school that receives a grant or contract from the
5 Bureau of Indian Education, the Secretary shall use only
6 one of the following, as selected by the school:

7 “(1) A count of the number of students in the
8 schools certified by the Bureau.

9 “(2) A count of the number of students for
10 whom the school has eligibility forms that comply
11 with this section.

12 “(g) TIMING OF CHILD COUNTS.—For purposes of
13 determining the number of children to be counted in calcu-
14 lating the amount of a local educational agency’s grant
15 under this subpart (other than in the case described in
16 subsection (f)(1)), the local educational agency shall—

17 “(1) establish a date on, or a period not longer
18 than 31 consecutive days during, which the agency
19 counts those children, if that date or period occurs
20 before the deadline established by the Secretary for
21 submitting an application under section 5114; and

22 “(2) determine that each such child was en-
23 rolled, and receiving a free public education, in a
24 school of the agency on that date or during that pe-
25 riod, as the case may be.

1 **“SEC. 5118. PAYMENTS.**

2 “(a) IN GENERAL.—Subject to subsection (b), the
3 Secretary shall pay to each local educational agency that
4 submits an application that is approved by the Secretary
5 under this subpart the amount determined under section
6 5113. The Secretary shall notify the local educational
7 agency of the amount of the payment not later than June
8 1 of the year for which the Secretary makes the payment.

9 “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE
10 STATE.—The Secretary may not make a grant under this
11 subpart to a local educational agency for a fiscal year if,
12 for such fiscal year, the State in which the local edu-
13 cational agency is located takes into consideration pay-
14 ments made under this chapter in determining the eligi-
15 bility of the local educational agency for State aid, or the
16 amount of the State aid, with respect to the free public
17 education of children during such fiscal year or the pre-
18 ceding fiscal year.

19 “(c) REALLOCATIONS.—The Secretary may reallo-
20 cate, in a manner that the Secretary determines will best
21 carry out the purpose of this subpart, any amounts that—

22 “(1) based on estimates made by local edu-
23 cational agencies or other information, the Secretary
24 determines will not be needed by such agencies to
25 carry out approved programs under this subpart; or

1 “(2) otherwise become available for reallocation
2 under this subpart.

3 **“SEC. 5119. STATE EDUCATIONAL AGENCY REVIEW.**

4 “Before submitting an application to the Secretary
5 under section 5114, a local educational agency shall sub-
6 mit the application to the State educational agency, which
7 may comment on such application. If the State educational
8 agency comments on the application, the agency shall com-
9 ment on all applications submitted by local educational
10 agencies in the State and shall provide those comments
11 to the respective local educational agencies, with an oppor-
12 tunity to respond.

13 **“Subpart 2—Special Programs and Projects To Im-
14 prove Educational Opportunities for Indian
15 Children and Youth**

16 **“SEC. 5121. SPECIAL PROGRAMS AND PROJECTS TO IM-
17 PROVE EDUCATIONAL OPPORTUNITIES FOR
18 INDIAN CHILDREN AND YOUTH.**

19 “(a) PURPOSE.—

20 “(1) IN GENERAL.—It is the purpose of this
21 section to support projects to develop, test, and dem-
22 onstrate the effectiveness of services and programs
23 to improve educational opportunities and achieve-
24 ment of Indian children and youth.

1 “(2) COORDINATION.—The Secretary shall take
2 the necessary actions to achieve the coordination of
3 activities assisted under this subpart with—

4 “(A) other programs funded under this
5 Act; and

6 “(B) other Federal programs operated for
7 the benefit of American Indian and Alaska Na-
8 tive children and youth.

9 “(b) ELIGIBLE ENTITIES.—In this section, the term
10 ‘eligible entity’ means a State educational agency, local
11 educational agency, Indian tribe, Indian organization, fed-
12 erally supported elementary school or secondary school for
13 Indian students, Indian institution (including an Indian
14 institution of higher education), Alaska Native Organiza-
15 tion, or a consortium of such entities.

16 “(c) GRANTS AUTHORIZED.—

17 “(1) IN GENERAL.—The Secretary shall award
18 grants to eligible entities to enable such entities to
19 carry out activities that meet the purpose of this
20 section, including—

21 “(A) innovative programs related to the
22 educational needs of educationally disadvan-
23 taged children and youth;

24 “(B) educational services that are not
25 available to such children and youth in suffi-

1 cient quantity or quality, including remedial in-
2 struction, to raise the achievement of Indian
3 and Alaska Native children in one or more of
4 the subjects of English, mathematics, science,
5 foreign languages, art, history, and geography;

6 “(C) bilingual and bicultural programs and
7 projects;

8 “(D) special health and nutrition services,
9 and other related activities, that address the
10 special health, social, emotional, and psycho-
11 logical problems of Indian children;

12 “(E) special compensatory and other pro-
13 grams and projects designed to assist and en-
14 courage Indian children to enter, remain in, or
15 reenter school, and to increase the rate of high
16 school graduation for Indian children;

17 “(F) comprehensive guidance, counseling,
18 and testing services;

19 “(G) high quality early childhood education
20 programs that are effective in preparing young
21 children to make sufficient academic growth by
22 the end of grade 3, including kindergarten and
23 pre-kindergarten programs, family-based pre-
24 school programs that emphasize school readi-
25 ness, screening and referral, and the provision

1 of services to Indian children and youth with
2 disabilities;

3 “(H) partnership projects between local
4 educational agencies and institutions of higher
5 education that allow secondary school students
6 to enroll in courses at the postsecondary level to
7 aid such students in the transition from sec-
8 ondary to postsecondary education;

9 “(I) partnership projects between schools
10 and local businesses for career preparation pro-
11 grams designed to provide Indian youth with
12 the knowledge and skills such youth need to
13 make an effective transition from school to a
14 high-skill, high-wage career;

15 “(J) programs designed to encourage and
16 assist Indian students to work toward, and gain
17 entrance into, an institution of higher edu-
18 cation;

19 “(K) family literacy services;

20 “(L) activities that recognize and support
21 the unique cultural and educational needs of In-
22 dian children, and incorporate appropriately
23 qualified tribal elders and seniors;

1 “(M) high quality professional development
2 of teaching professionals and paraprofessionals;
3 or

4 “(N) other services that meet the purpose
5 described in this section.

6 “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

7 “(1) GRANT REQUIREMENTS.—

8 “(A) IN GENERAL.—The Secretary may
9 make multiyear grants under subsection (c) for
10 the planning, development, pilot operation, or
11 demonstration of any activity described in sub-
12 section (c) for a period not to exceed 5 years.

13 “(B) PRIORITY.—In making multiyear
14 grants described in this paragraph, the Sec-
15 retary shall give priority to entities submitting
16 applications that present a plan for combining
17 two or more of the activities described in sub-
18 section (c) over a period of more than 1 year.

19 “(C) PROGRESS.—The Secretary shall
20 make a grant payment for a grant described in
21 this paragraph to an eligible entity after the
22 initial year of the multiyear grant only if the
23 Secretary determines that the eligible entity has
24 made substantial progress in carrying out the
25 activities assisted under the grant in accordance

1 with the application submitted under paragraph
2 (3) and any subsequent modifications to such
3 application.

4 “(2) DISSEMINATION GRANTS.—

5 “(A) IN GENERAL.—In addition to award-
6 ing the multiyear grants described in paragraph
7 (1), the Secretary may award grants under sub-
8 section (c) to eligible entities for the dissemina-
9 tion of exemplary materials or programs as-
10 sisted under this section.

11 “(B) DETERMINATION.—The Secretary
12 may award a dissemination grant described in
13 this paragraph if, prior to awarding the grant,
14 the Secretary determines that the material or
15 program to be disseminated—

16 “(i) has been adequately reviewed;

17 “(ii) has demonstrated educational
18 merit; and

19 “(iii) can be replicated.

20 “(3) APPLICATION.—

21 “(A) IN GENERAL.—Any eligible entity
22 that desires to receive a grant under this sec-
23 tion shall submit an application to the Sec-
24 retary at such time and in such manner as the
25 Secretary may reasonably require.

- 1 “(B) CONTENTS.—Each application sub-
2 mitted to the Secretary under subparagraph
3 (A), other than an application for a dissemina-
4 tion grant under paragraph (2), shall contain—
- 5 “(i) a description of how parents of
6 Indian children and representatives of In-
7 dian tribes have been, and will be, involved
8 in developing and implementing the activi-
9 ties for which assistance is sought;
- 10 “(ii) assurances that the applicant will
11 participate, at the request of the Secretary,
12 in any national evaluation of activities as-
13 sisted under this section;
- 14 “(iii) information demonstrating that
15 the proposed program for the activities is
16 a scientifically based research program,
17 where applicable, which may include a pro-
18 gram that has been modified to be cul-
19 turally appropriate for students who will be
20 served;
- 21 “(iv) a description of how the appli-
22 cant will incorporate the proposed activities
23 into the ongoing school program involved
24 once the grant period is over; and

1 “(v) such other assurances and infor-
2 mation as the Secretary may reasonably
3 require.

4 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-
5 cent of the funds provided to a grantee under this subpart
6 for any fiscal year may be used for administrative pur-
7 poses.

8 **“SEC. 5122. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
9 **AND EDUCATION PROFESSIONALS.**

10 “(a) PURPOSES.—The purposes of this section are—

11 “(1) to increase the number of qualified Indian
12 and Alaska Native teachers and administrators serv-
13 ing Indian and Alaska Native students;

14 “(2) to provide training to qualified Indian and
15 Alaska Native individuals to become educators and
16 education support service professionals; and

17 “(3) to improve the skills of qualified Indian in-
18 dividuals who serve in the capacities described in
19 paragraph (2).

20 “(b) ELIGIBLE ENTITIES.—For the purpose of this
21 section, the term ‘eligible entity’ means—

22 “(1) an institution of higher education, includ-
23 ing an Indian institution of higher education;

1 “(2) a State educational agency or local edu-
2 cational agency, in consortium with an institution of
3 higher education;

4 “(3) an Indian tribe or organization, in consor-
5 tium with an institution of higher education; and

6 “(4) a Bureau-funded school (as defined in sec-
7 tion 1146 of the Education Amendments of 1978).

8 “(c) PROGRAM AUTHORIZED.—The Secretary is au-
9 thorized to award grants to eligible entities having applica-
10 tions approved under this section to enable those entities
11 to carry out the activities described in subsection (d).

12 “(d) AUTHORIZED ACTIVITIES.—

13 “(1) IN GENERAL.—Grant funds under this sec-
14 tion shall be used for activities to provide support
15 and training for Indian individuals in a manner con-
16 sistent with the purposes of this section. Such activi-
17 ties may include continuing programs, symposia,
18 workshops, conferences, and direct financial support,
19 and may include programs designed to train tribal
20 elders and seniors.

21 “(2) SPECIAL RULES.—

22 “(A) TYPE OF TRAINING.—For education
23 personnel, the training received pursuant to a
24 grant under this section may be inservice or
25 preservice training.

1 “(B) PROGRAM.—For individuals who are
2 being trained to enter any field other than
3 teaching, the training received pursuant to a
4 grant under this section shall be in a program
5 that results in a graduate degree.

6 “(e) APPLICATION.—Each eligible entity desiring a
7 grant under this section shall submit an application to the
8 Secretary at such time, in such manner, and accompanied
9 by such information, as the Secretary may reasonably re-
10 quire.

11 “(f) SPECIAL RULE.—In awarding grants under this
12 section, the Secretary—

13 “(1) shall consider the prior performance of the
14 eligible entity; and

15 “(2) may not limit eligibility to receive a grant
16 under this section on the basis of—

17 “(A) the number of previous grants the
18 Secretary has awarded such entity; or

19 “(B) the length of any period during which
20 such entity received such grants.

21 “(g) GRANT PERIOD.—Each grant under this section
22 shall be awarded for a period of not more than 5 years.

23 “(h) SERVICE OBLIGATION.—

24 “(1) IN GENERAL.—The Secretary shall re-
25 quire, by regulation, that an individual who receives

1 training pursuant to a grant made under this sec-
2 tion—

3 “(A) perform work—

4 “(i) related to the training received
5 under this section; and

6 “(ii) that benefits Indian people; or

7 “(B) repay all or a prorated part of the as-
8 sistance received.

9 “(2) REPORTING.—The Secretary shall estab-
10 lish, by regulation, a reporting procedure under
11 which a grant recipient under this section shall, not
12 later than 12 months after the date of completion of
13 the training, and periodically thereafter, provide in-
14 formation concerning compliance with the work re-
15 quirement under paragraph (1).

16 **“SEC. 5123. TRIBAL EDUCATION AGENCIES COOPERATIVE**
17 **AGREEMENTS.**

18 “(a) PURPOSE.—Tribes may enter into written coop-
19 erative agreements with the State educational agency and
20 the local educational agencies operating a school or schools
21 within Indian lands. For purposes of this section, the term
22 ‘Indian land’ has the meaning given that term in section
23 8013.

24 “(b) COOPERATIVE AGREEMENT.—If requested by
25 the Indian tribe, the State educational agency or the local

1 educational agency may enter into a cooperative agree-
2 ment with the Indian tribe. Such cooperative agreement—

3 “(1) may authorize the tribe or such tribe’s re-
4 spective tribal education agency to plan, conduct,
5 consolidate, and administer programs, services, func-
6 tions, and activities, or portions thereof, adminis-
7 tered by the State educational agency or the local
8 educational agency;

9 “(2) may authorize the tribe or such tribe’s re-
10 spective tribal education agency to reallocate funds
11 for such programs, services, functions, and activities,
12 or portions thereof as necessary; and

13 “(3) shall—

14 “(A) only confer the tribe or such tribe’s
15 respective tribal education agency with respon-
16 sibilities to conduct activities described in para-
17 graph (1) such that the burden assumed by the
18 tribe or the tribal education agency for con-
19 ducting such is commensurate with the benefit
20 that doing so conveys to all parties of the agree-
21 ment; and

22 “(B) be based solely on terms of the writ-
23 ten agreement decided upon by the Indian tribe
24 and the State educational agency or local edu-
25 cation agency.

1 “(c) DISAGREEMENT.—Agreements shall only be
2 valid if the Indian tribe and State educational agency or
3 local educational agency agree fully in writing to all of
4 the terms of the written cooperative agreement.

5 “(d) COMPLIANCE WITH APPLICABLE LAW.—Noth-
6 ing in this section shall be construed to relieve any party
7 to a cooperative agreement from complying with all appli-
8 cable Federal, State, local laws. State and local edu-
9 cational agencies are still the ultimate responsible, liable
10 parties for complying with all laws and funding require-
11 ments for any functions that are conveyed to tribes and
12 tribal education agencies through the cooperative agree-
13 ments.

14 “(e) DEFINITION.—For the purposes of this subpart,
15 the term ‘Indian Tribe’ means any tribe or band that is
16 officially recognized by the Secretary of the Interior.

17 **“Subpart 3—National Activities**

18 **“SEC. 5131. NATIONAL RESEARCH ACTIVITIES.**

19 “(a) AUTHORIZED ACTIVITIES.—The Secretary may
20 use funds made available to carry out this subpart for each
21 fiscal year to—

22 “(1) conduct research related to effective ap-
23 proaches for improving the academic achievement
24 and development of Indian and Alaska Native chil-
25 dren and adults;

1 “(2) collect and analyze data on the educational
2 status and needs of Indian and Alaska Native stu-
3 dents; and

4 “(3) carry out other activities that are con-
5 sistent with the purpose of this part.

6 “(b) ELIGIBILITY.—The Secretary may carry out any
7 of the activities described in subsection (a) directly or
8 through grants to, or contracts or cooperative agreements
9 with, Indian tribes, Indian organizations, State edu-
10 cational agencies, local educational agencies, institutions
11 of higher education, including Indian institutions of higher
12 education, and other public and private agencies and insti-
13 tutions.

14 “(c) COORDINATION.—Research activities supported
15 under this section—

16 “(1) shall be coordinated with appropriate of-
17 fices within the Department; and

18 “(2) may include collaborative research activi-
19 ties that are jointly funded and carried out by the
20 Office of Indian Education Programs, the Office of
21 Educational Research and Improvement, the Bureau
22 of Indian Education, and the Institute of Education
23 Sciences.

1 **“SEC. 5132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**
2 **STUDENTS THROUGH NATIVE AMERICAN**
3 **LANGUAGE.**

4 “(a) PURPOSE.—It is the purpose of this section to
5 improve educational opportunities and academic achieve-
6 ment of Indian and Alaska Native students through Na-
7 tive American language programs and to foster the acqui-
8 sition of Native American language.

9 “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
10 tion, the term ‘eligible entity’ means a State educational
11 agency, local educational agency, Indian tribe, Indian or-
12 ganization, federally supported elementary school or sec-
13 ondary school for Indian students, Indian institution (in-
14 cluding an Indian institution of higher education), or a
15 consortium of such entities.

16 “(c) GRANTS AUTHORIZED.—The Secretary shall
17 award grants to eligible entities to enable such entities to
18 carry out the following activities:

19 “(1) Native American language programs
20 that—

21 “(A) provide instruction through the use of
22 a Native American language for not less than
23 10 children for an average of not less than 500
24 hours per year per student;

1 “(B) provide for the involvement of par-
2 ents, caregivers, and families of students en-
3 rolled in the program;

4 “(C) utilize, and may include the develop-
5 ment of, instructional courses and materials for
6 learning Native American languages and for in-
7 struction through the use of Native American
8 languages;

9 “(D) provide support for professional de-
10 velopment activities; and

11 “(E) include a goal of all students achiev-
12 ing—

13 “(i) fluency in a Native American lan-
14 guage; and

15 “(ii) academic proficiency in mathe-
16 matics, English, reading or language arts,
17 and science.

18 “(2) Native American language restoration pro-
19 grams that—

20 “(A) provide instruction in not less than 1
21 Native American language;

22 “(B) provide support for professional de-
23 velopment activities for teachers of Native
24 American languages;

1 “(C) develop instructional materials for the
2 programs; and

3 “(D) include the goal of increasing pro-
4 ficiency and fluency in not less than 1 Native
5 American language.

6 “(d) APPLICATION.—

7 “(1) IN GENERAL.—An eligible entity that de-
8 sires to receive a grant under this section shall sub-
9 mit an application to the Secretary at such time, in
10 such manner, and accompanied by such information
11 as the Secretary may require.

12 “(2) CERTIFICATION.—An eligible entity that
13 submits an application for a grant to carry out the
14 activity specified in subsection (c)(1), shall include
15 in such application a certification that assures that
16 such entity has experience and a demonstrated
17 record of effectiveness in operating and admin-
18 istering a Native American language program or any
19 other educational program in which instruction is
20 conducted in a Native American language.

21 “(e) GRANT DURATION.—The Secretary shall make
22 grants under this section only on a multi-year basis. Each
23 such grant shall be for a period not to exceed 5 years.

24 “(f) DEFINITION.—In this section, the term ‘average’
25 means the aggregate number of hours of instruction

1 through the use of a Native American language to all stu-
2 dents enrolled in a Native American language program
3 during a school year divided by the total number of stu-
4 dents enrolled in the program.

5 “(g) ADMINISTRATIVE COSTS.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), not more than 5 percent of the funds pro-
8 vided to a grantee under this section for any fiscal
9 year may be used for administrative purposes.

10 “(2) EXCEPTION.—An elementary school or
11 secondary school for Indian students that receives
12 funds from a recipient of a grant under subsection
13 (c) for any fiscal year may use not more than 10
14 percent of the funds for administrative purposes.

15 **“SEC. 5133. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**
16 **TRATIVE PLANNING AND DEVELOPMENT.**

17 “(a) IN GENERAL.—The Secretary may make grants
18 to Indian tribes, and tribal organizations approved by In-
19 dian tribes, to plan and develop a centralized tribal admin-
20 istrative entity to—

21 “(1) coordinate all education programs operated
22 by the tribe or within the territorial jurisdiction of
23 the tribe;

24 “(2) develop education codes for schools within
25 the territorial jurisdiction of the tribe;

1 “(3) provide support services and technical as-
2 sistance to schools serving children of the tribe; and

3 “(4) perform child-find screening services for
4 the preschool-aged children of the tribe to—

5 “(A) ensure placement in appropriate edu-
6 cational facilities; and

7 “(B) coordinate the provision of any need-
8 ed special services for conditions such as dis-
9 abilities and English language skill deficiencies.

10 “(b) PERIOD OF GRANT.—Each grant awarded under
11 this section may be awarded for a period of not more than
12 3 years. Such grant may be renewed upon the termination
13 of the initial period of the grant if the grant recipient dem-
14 onstrates to the satisfaction of the Secretary that renew-
15 ing the grant for an additional 3-year period is necessary
16 to carry out the objectives of the grant described in sub-
17 section (c)(2)(A).

18 “(c) APPLICATION FOR GRANT.—

19 “(1) IN GENERAL.—Each Indian tribe and trib-
20 al organization desiring a grant under this section
21 shall submit an application to the Secretary at such
22 time, in such manner, containing such information,
23 and consistent with such criteria, as the Secretary
24 may prescribe in regulations.

1 “(2) CONTENTS.—Each application described in
2 paragraph (1) shall contain—

3 “(A) a statement describing the activities
4 to be conducted, and the objectives to be
5 achieved, under the grant; and

6 “(B) a description of the method to be
7 used for evaluating the effectiveness of the ac-
8 tivities for which assistance is sought and for
9 determining whether such objectives are
10 achieved.

11 “(3) APPROVAL.—The Secretary may approve
12 an application submitted by a tribe or tribal organi-
13 zation pursuant to this section only if the Secretary
14 is satisfied that such application, including any doc-
15 umentation submitted with the application—

16 “(A) demonstrates that the applicant has
17 consulted with other education entities, if any,
18 within the territorial jurisdiction of the appli-
19 cant who will be affected by the activities to be
20 conducted under the grant;

21 “(B) provides for consultation with such
22 other education entities in the operation and
23 evaluation of the activities conducted under the
24 grant; and

1 “(C) demonstrates that there will be ade-
2 quate resources provided under this section or
3 from other sources to complete the activities for
4 which assistance is sought, except that the
5 availability of such other resources shall not be
6 a basis for disapproval of such application.

7 “(d) RESTRICTION.—A tribe may not receive funds
8 under this section if such tribe receives funds under sec-
9 tion 1144 of the Education Amendments of 1978.

10 **“Subpart 4—Federal Administration**

11 **“SEC. 5141. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-
12 CATION.**

13 “(a) MEMBERSHIP.—There is established a National
14 Advisory Council on Indian Education (hereafter in this
15 section referred to as the ‘Council’), which shall—

16 “(1) consist of 15 Indian members, who shall
17 be appointed by the President from lists of nominees
18 furnished, from time to time, by Indian tribes and
19 organizations; and

20 “(2) represent different geographic areas of the
21 United States.

22 “(b) DUTIES.—The Council shall—

23 “(1) advise the Secretary concerning the fund-
24 ing and administration (including the development of
25 regulations and administrative policies and prac-

1 tices) of any program, including any program estab-
2 lished under this part—

3 “(A) with respect to which the Secretary
4 has jurisdiction; and

5 “(B)(i) that includes Indian children or
6 adults as participants; or

7 “(ii) that may benefit Indian children or
8 adults;

9 “(2) make recommendations to the Secretary
10 for filling the position of Director of Indian Edu-
11 cation whenever a vacancy occurs; and

12 “(3) submit to Congress, not later than June
13 30 of each year, a report on the activities of the
14 Council, including—

15 “(A) any recommendations that the Coun-
16 cil considers appropriate for the improvement of
17 Federal education programs that include Indian
18 children or adults as participants, or that may
19 benefit Indian children or adults; and

20 “(B) recommendations concerning the
21 funding of any program described in subpara-
22 graph (A).

1 **“SEC. 5142. PEER REVIEW.**

2 “The Secretary may use a peer review process to re-
3 view applications submitted to the Secretary under sub-
4 part 2 or subpart 3.

5 **“SEC. 5143. PREFERENCE FOR INDIAN APPLICANTS.**

6 “In making grants and entering into contracts or co-
7 operative agreements under subpart 2 or subpart 3, the
8 Secretary shall give a preference to Indian tribes, organi-
9 zations, and institutions of higher education under any
10 program with respect to which Indian tribes, organiza-
11 tions, and institutions are eligible to apply for grants, con-
12 tracts, or cooperative agreements.

13 **“SEC. 5144. MINIMUM GRANT CRITERIA.**

14 “The Secretary may not approve an application for
15 a grant, contract, or cooperative agreement under subpart
16 2 or subpart 3 unless the application is for a grant, con-
17 tract, or cooperative agreement that is—

18 “(1) of sufficient size, scope, and quality to
19 achieve the purpose or objectives of such grant, con-
20 tract, or cooperative agreement; and

21 “(2) based on relevant research findings.

22 **“Subpart 5—Definitions; Authorizations of**
23 **Appropriations**

24 **“SEC. 5151. DEFINITIONS.**

25 “For the purposes of this part:

1 “(1) ADULT.—The term ‘adult’ means an indi-
2 vidual who—

3 “(A) has attained the age of 16 years; or

4 “(B) has attained an age that is greater
5 than the age of compulsory school attendance
6 under an applicable State law.

7 “(2) FREE PUBLIC EDUCATION.—The term
8 ‘free public education’ means education that is—

9 “(A) provided at public expense, under
10 public supervision and direction, and without
11 tuition charge; and

12 “(B) provided as elementary or secondary
13 education in the applicable State or to preschool
14 children.

15 “(3) INDIAN.—The term ‘Indian’ means an in-
16 dividual who is—

17 “(A) a member of an Indian tribe or band,
18 as membership is defined by the tribe or band,
19 including—

20 “(i) any tribe or band terminated
21 since 1940; and

22 “(ii) any tribe or band recognized by
23 the State in which the tribe or band re-
24 sides;

1 “(B) a descendant, in the first or second
2 degree, of an individual described in subpara-
3 graph (A);

4 “(C) considered by the Secretary of the In-
5 terior to be an Indian for any purpose;

6 “(D) an Alaska Native, as defined in sec-
7 tion 5206(1); or

8 “(E) a member of an organized Indian
9 group that received a grant under the Indian
10 Education Act of 1988 as in effect the day pre-
11 ceeding the date of enactment of the Improving
12 America’s Schools Act of 1994.

13 “(4) ALASKA NATIVE ORGANIZATION.—The
14 term ‘Alaska Native Organization’ has the same
15 meaning as defined in section 5206(2).

16 **“SEC. 5152. AUTHORIZATIONS OF APPROPRIATIONS.**

17 “(a) SUBPART 1.—For the purpose of carrying out
18 subpart 1, there are authorized to be appropriated
19 \$105,921,000 for each of fiscal years 2016 through 2021.

20 “(b) SUBPARTS 2 AND 3.—For the purpose of car-
21 rying out subparts 2 and 3, there are authorized to be
22 appropriated \$24,858,000 for each of fiscal years 2016
23 through 2021.

1 **“PART B—ALASKA NATIVE EDUCATION**

2 **“SEC. 5201. SHORT TITLE.**

3 “‘This part may be cited as the ‘Alaska Native Edu-
4 cational Equity, Support, and Assistance Act’.

5 **“SEC. 5202. FINDINGS.**

6 “Congress finds and declares the following:

7 “(1) It is the policy of the Federal Government
8 to maximize the leadership of and participation by
9 Alaska Natives in the planning and the management
10 of Alaska Native education programs and to support
11 efforts developed by and undertaken within the Alas-
12 ka Native community to improve educational oppor-
13 tunity for all students.

14 “(2) Many Alaska Native children enter and
15 exit school with serious educational disadvantages.

16 “(3) Overcoming the magnitude of the geo-
17 graphic challenges, historical inequities, and other
18 barriers to successfully improving educational out-
19 comes for Alaska Native students in rural, village,
20 and urban settings is challenging. Significant dis-
21 parities between academic achievement of Alaska
22 Native students and non-Native students continues,
23 including lower graduation rates, increased school
24 dropout rates, and lower achievement scores on
25 standardized tests.

1 “(4) The preservation of Alaska Native cultures
2 and languages and the integration of Alaska Native
3 cultures and languages into education, positive iden-
4 tity development for Alaska Native students, and
5 local, place-based, and culture-based programming
6 are critical to the attainment of educational success
7 and the long-term well-being of Alaska Native stu-
8 dents.

9 “(5) Improving educational outcomes for Alaska
10 Native students increases access to employment op-
11 portunities.

12 “(6) The programs and activities authorized
13 under this part give priority to Alaska Native orga-
14 nizations as a means of increasing Alaska Native
15 parents’ and community involvement in the pro-
16 motion of academic success of Alaska Native stu-
17 dents.

18 “(7) The Federal Government should lend sup-
19 port to efforts developed by and undertaken within
20 the Alaska Native community to improve educational
21 opportunity for Alaska Native students. In 1983,
22 pursuant to Public Law 98–63, Alaska ceased to re-
23 ceive educational funding from the Bureau of Indian
24 Affairs. The Bureau of Indian Education does not
25 operate any schools in Alaska, nor operate or fund

1 Alaska Native education programs. The program
2 under this part supports the Federal trust responsi-
3 bility of the United States to Alaska Natives.

4 **“SEC. 5203. PURPOSES.**

5 “The purposes of this part are as follows:

6 “(1) To recognize and address the unique edu-
7 cational needs of Alaska Natives.

8 “(2) To recognize the role of Alaska Native lan-
9 guages and cultures in the educational success and
10 long-term well-being of Alaska Native students.

11 “(3) To integrate Alaska Native cultures and
12 languages into education, develop Alaska Native stu-
13 dents’ positive identity, and support local place-
14 based and culture-based curriculum and program-
15 ming.

16 “(4) To authorize the development, manage-
17 ment, and expansion of effective supplemental edu-
18 cational programs to benefit Alaska Natives.

19 “(5) To provide direction and guidance to ap-
20 propriate Federal, State, and local agencies to focus
21 resources, including resources made available under
22 this part, on meeting the educational needs of Alas-
23 ka Natives.

24 “(6) To ensure the maximum participation by
25 Alaska Native educators and leaders in the planning,

1 development, management, and evaluation of pro-
2 grams designed to serve Alaska Native students,
3 and to ensure Alaska Native organizations play a
4 meaningful role in supplemental educational services
5 provided to Alaska Native students.

6 **“SEC. 5204. PROGRAM AUTHORIZED.**

7 “(a) GENERAL AUTHORITY.—

8 “(1) GRANTS AND CONTRACTS.—The Secretary
9 is authorized to make grants to, or enter into con-
10 tracts with, Alaska Native organizations, State edu-
11 cational agencies, local educational agencies, edu-
12 cational entities with experience in developing or op-
13 erating Alaska Native educational programs or pro-
14 grams of instruction conducted in Alaska Native lan-
15 guages, cultural and community-based organizations
16 with experience in developing or operating programs
17 to benefit the educational needs of Alaska Natives,
18 and consortia of organizations and entities described
19 in this paragraph, to carry out programs that meet
20 the purposes of this part.

21 “(2) ADDITIONAL REQUIREMENT.—A State
22 educational agency, local educational agency, edu-
23 cational entity with experience in developing or oper-
24 ating Alaska Native educational programs or pro-
25 grams of instruction conducted in Alaska Native lan-

1 guages, cultural and community-based organization
2 with experience in developing or operating programs
3 to benefit the educational needs of Alaska Natives,
4 or consortium of such organizations and entities is
5 eligible for an award under this part only as part of
6 a partnership involving an Alaska Native organiza-
7 tion.

8 “(3) MANDATORY ACTIVITIES.—Activities pro-
9 vided through the programs carried out under this
10 part shall include the following which shall only be
11 provided specifically in the context of elementary
12 and secondary education:

13 “(A) The development and implementation
14 of plans, methods, and strategies to improve the
15 educational outcomes of Alaska Native people.

16 “(B) The collection of data to assist in the
17 evaluation of the programs carried out under
18 this part.

19 “(4) PERMISSIBLE ACTIVITIES.—Activities pro-
20 vided through programs carried out under this part
21 may include the following which shall only be pro-
22 vided specifically in the context of elementary and
23 secondary education:

1 “(A) The development of curricula and
2 programs that address the educational needs of
3 Alaska Native students, including the following:

4 “(i) Curriculum materials that reflect
5 the cultural diversity, languages, history,
6 or the contributions of Alaska Native peo-
7 ple.

8 “(ii) Instructional programs that
9 make use of Alaska Native languages and
10 cultures.

11 “(iii) Networks that develop, test, and
12 disseminate best practices and introduce
13 successful programs, materials, and tech-
14 niques to meet the educational needs of
15 Alaska Native students in urban and rural
16 schools.

17 “(B) Training and professional develop-
18 ment activities for educators, including the fol-
19 lowing:

20 “(i) Pre-service and in-service training
21 and professional development programs to
22 prepare teachers to develop appreciation
23 for, and understanding of, Alaska Native
24 history, cultures, values, ways of knowing
25 and learning in order to effectively address

1 the cultural diversity and unique needs of
2 Alaska Native students.

3 “(ii) Recruitment and preparation of
4 teachers who are Alaska Native.

5 “(iii) Programs that will lead to the
6 certification and licensing of Alaska Native
7 teachers, principals, and superintendents.

8 “(C) The development and operation of
9 student enrichment programs, including those
10 in science, technology, engineering, and mathe-
11 matics that—

12 “(i) are designed to prepare Alaska
13 Native students to excel in such subjects;

14 “(ii) provide appropriate support serv-
15 ices to enable such students to benefit
16 from the programs; and

17 “(iii) include activities that recognize
18 and support the unique cultural and edu-
19 cational needs of Alaska Native children,
20 and incorporate appropriately qualified
21 Alaska Native elders and other tradition
22 bearers.

23 “(D) Research and data collection activi-
24 ties to determine the educational status and
25 needs of Alaska Native children and other re-

1 search and evaluation activities related to pro-
2 grams carried out under this part.

3 “(E) Activities designed to increase the
4 graduation rates of Alaska Native students and
5 prepare Alaska Native students to be college
6 and career ready upon graduation from sec-
7 ondary school, such as—

8 “(i) remedial and enrichment pro-
9 grams; and

10 “(ii) culturally based education pro-
11 grams, such as—

12 “(I) programs of study and other
13 instruction in Alaska Native history
14 and way of living, to share the rich
15 and diverse cultures of Alaska Native
16 peoples among Alaska Native youth
17 and elders, non-Native students,
18 teachers, and the larger community;

19 “(II) instruction in leadership,
20 communication, Native culture, arts,
21 and languages to Alaska Native
22 youth;

23 “(III) instruction in Alaska Na-
24 tive history and ways of living to stu-

1 dents and teachers in the local school
2 district;

3 “(IV) intergenerational learning
4 and internship opportunities to Alaska
5 Native youth and young adults; and

6 “(V) providing cultural immer-
7 sion activities aimed at Alaska Native
8 cultural preservation.

9 “(F) Statewide on-site exchange programs,
10 for both students and teachers, that work to fa-
11 cilitate cultural relationships between urban and
12 rural Alaskans to build mutual respect and un-
13 derstanding, and foster a statewide sense of
14 common identity through host family, school,
15 and community cross-cultural immersion.

16 “(G) Education programs for at-risk urban
17 Alaska Native students in kindergarten through
18 grade 12 that are designed to improve academic
19 proficiency and graduation rates, utilize strate-
20 gies otherwise permissible under this part, and
21 incorporate a strong data collection and contin-
22 uous evaluation component.

23 “(H) Statewide programs that provide
24 technical assistance and support to schools and
25 communities to engage adults in promoting the

1 academic progress and overall well-being of
2 Alaska Native people through child and youth
3 development, positive youth-adult relationships,
4 improved conditions for learning (school cli-
5 mate, student connection to school and commu-
6 nity), and increased connections between
7 schools and families.

8 “(I) Career preparation activities to enable
9 Alaska Native children and adults to prepare
10 for meaningful employment, including programs
11 providing tech-prep, mentoring, training, and
12 apprenticeship activities.

13 “(J) Support for the development and
14 operational activities of regional vocational
15 schools in rural areas of Alaska to provide stu-
16 dents with necessary resources to prepare for
17 skilled employment opportunities.

18 “(K) Regional leadership academies that
19 demonstrate effectiveness in building respect,
20 understanding, and fostering a sense of Alaska
21 Native identity to promote their pursuit of and
22 success in completing higher education or ca-
23 reer training.

1 “(L) Strategies designed to increase the
2 involvement of parents in their children’s edu-
3 cation.

4 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
5 more than 5 percent of funds provided to an award recipi-
6 ent under this part for any fiscal year may be used for
7 administrative purposes.

8 “(c) PRIORITIES.—In awarding grants or contracts
9 to carry out activities described in this subpart, the Sec-
10 retary shall give priority to applications from Alaska Na-
11 tive Organizations. Such priority shall be explicitly delin-
12 eated in the Secretary’s process for evaluating applications
13 and applied consistently and transparently to all applica-
14 tions from Alaska Native Organizations.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this part
17 \$33,185,000 for each of fiscal years 2016 through 2021.

18 **“SEC. 5205. ADMINISTRATIVE PROVISIONS.**

19 “(a) APPLICATION REQUIRED.—

20 “(1) IN GENERAL.—No grant may be made
21 under this part, and no contract may be entered into
22 under this part, unless the Alaska Native organiza-
23 tion or entity seeking the grant or contract submits
24 an application to the Secretary in such form, in such
25 manner, and containing such information as the Sec-

1 retary may determine necessary to carry out the pro-
2 visions of this part.

3 “(2) REQUIREMENT FOR CERTAIN APPLI-
4 CANTS.—An applicant described in section
5 5204(a)(2) shall, in the application submitted under
6 this paragraph—

7 “(A) demonstrate that an Alaska Native
8 organization was directly involved in the devel-
9 opment of the program for which the applica-
10 tion seeks funds and explicitly delineate the
11 meaningful role that the Alaska Native organi-
12 zation will play in the implementation and eval-
13 uation of the program for which funding is
14 sought; and

15 “(B) provide a copy of the Alaska Native
16 organization’s governing document.

17 “(b) CONSULTATION REQUIRED.—Each applicant for
18 an award under this part shall provide for ongoing advice
19 from and consultation with representatives of the Alaska
20 Native community.

21 “(c) LOCAL EDUCATIONAL AGENCY COORDINA-
22 TION.—Each applicant for an award under this part shall
23 inform each local educational agency serving students who
24 would participate in the program to be carried out under
25 the grant or contract about the application.

1 “(d) CONTINUATION AWARDS.—An applicant de-
2 scribed in section 5204(a)(2) that receives funding under
3 this part shall periodically demonstrate to the Secretary,
4 during the term of the award, that the applicant is con-
5 tinuing to meet the requirements of subsection (a)(2)(A).

6 **“SEC. 5206. DEFINITIONS.**

7 “In this part:

8 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
9 tive’ has the same meaning as the term ‘Native’ has
10 in section 3(b) of the Alaska Native Claims Settle-
11 ment Act and their descendants.

12 “(2) ALASKA NATIVE ORGANIZATION.—The
13 term ‘Alaska Native organization’ means a federally
14 recognized tribe, consortium of tribes, regional non-
15 profit Native association, and an organization,
16 that—

17 “(A) has or commits to acquire expertise
18 in the education of Alaska Natives; and

19 “(B) has Alaska Native people in sub-
20 stantive and policymaking positions within the
21 organization.

22 **“PART C—NATIVE HAWAIIAN EDUCATION**

23 **“SEC. 5301. FINDINGS.**

24 “Congress finds the following:

1 “(1) Native Hawaiians are a distinct and
2 unique indigenous people with a historical continuity
3 to the original inhabitants of the Hawaiian archi-
4 pelago, whose society was organized as a nation and
5 internationally recognized as a nation by the United
6 States, and many other countries.

7 “(2) Native Hawaiians have a cultural, historic,
8 and land-based link to the indigenous people who ex-
9 ercised sovereignty over the Hawaiian Islands.

10 “(3) The political status of Native Hawaiians is
11 comparable to that of American Indians and Alaska
12 Natives.

13 “(4) The political relationship between the
14 United States and the Native Hawaiian people has
15 been recognized and reaffirmed by the United
16 States, as evidenced by the inclusion of Native Ha-
17 waiians in many Federal statutes, including—

18 “(A) the Native American Programs Act of
19 1974 (42 U.S.C. 2991 et seq.);

20 “(B) Public Law 95–341 (commonly
21 known as the ‘American Indian Religious Free-
22 dom Act’ (42 U.S.C. 1996));

23 “(C) the National Museum of the Amer-
24 ican Indian Act (20 U.S.C. 80q et seq.);

1 “(D) the Native American Graves Protec-
2 tion and Repatriation Act (25 U.S.C. 3001 et
3 seq.);

4 “(E) the National Historic Preservation
5 Act (16 U.S.C. 470 et seq.);

6 “(F) the Native American Languages Act
7 (25 U.S.C. 2901 et seq.);

8 “(G) the American Indian, Alaska Native,
9 and Native Hawaiian Culture and Art Develop-
10 ment Act (20 U.S.C. 4401 et seq.);

11 “(H) the Workforce Investment Act of
12 1998 (29 U.S.C. 2801 et seq.); and

13 “(I) the Older Americans Act of 1965 (42
14 U.S.C. 3001 et seq.).

15 “(5) Many Native Hawaiian students lag be-
16 hind other students in terms of—

17 “(A) school readiness factors;

18 “(B) scoring below national norms on edu-
19 cation achievement tests at all grade levels;

20 “(C) underrepresentation in the uppermost
21 achievement levels and in gifted and talented
22 programs;

23 “(D) overrepresentation among students
24 qualifying for special education programs;

1 “(E) underrepresentation in institutions of
2 higher education and among adults who have
3 completed 4 or more years of college.

4 “(6) The percentage of Native Hawaiian stu-
5 dents served by the State of Hawaii Department of
6 Education rose 30 percent from 1980 to 2008, and
7 there are and will continue to be geographically
8 rural, isolated areas with a high Native Hawaiian
9 population density.

10 “(7) The Native Hawaiian people are deter-
11 mined to preserve, develop, and transmit to future
12 generations their ancestral territory and their cul-
13 tural identity in accordance with their own spiritual
14 and traditional beliefs, customs, practices, language,
15 and social institutions.

16 **“SEC. 5302. PURPOSES.**

17 “The purposes of this part are—

18 “(1) to authorize, develop, implement, assess,
19 and evaluate innovative educational programs, Na-
20 tive Hawaiian language medium programs, Native
21 Hawaiian culture-based education programs, and
22 other education programs to improve the academic
23 achievement of Native Hawaiian students by meet-
24 ing their unique cultural and language needs in

1 order to help such students meet challenging State
2 student academic achievement standards;

3 “(2) to provide guidance to appropriate Fed-
4 eral, State, and local agencies to more effectively
5 and efficiently focus resources, including resources
6 made available under this part, on the development
7 and implementation of—

8 “(A) innovative educational programs for
9 Native Hawaiians;

10 “(B) rigorous and substantive Native Ha-
11 waiian language programs; and

12 “(C) Native Hawaiian culture-based edu-
13 cational programs; and

14 “(3) to create a system by which information
15 from programs funded under this part will be col-
16 lected, analyzed, evaluated, reported, and used in de-
17 cisionmaking activities regarding the types of grants
18 awarded under this part.

19 **“SEC. 5303. NATIVE HAWAIIAN EDUCATION COUNCIL**
20 **GRANT.**

21 “(a) GRANT AUTHORIZED.—In order to better effec-
22 tuate the purposes of this part through the coordination
23 of educational and related services and programs available
24 to Native Hawaiians, including those programs that re-
25 ceive funding under this part, the Secretary shall award

1 a grant to an education council, as described under sub-
2 section (b).

3 “(b) EDUCATION COUNCIL.—

4 “(1) ELIGIBILITY.—To be eligible to receive the
5 grant under subsection (a), the council shall be an
6 education council (referred to in this section as the
7 ‘Education Council’) that meets the requirements of
8 this subsection.

9 “(2) COMPOSITION.—The Education Council
10 shall consist of 15 members of whom—

11 “(A) one shall be the President of the Uni-
12 versity of Hawaii (or a designee);

13 “(B) one shall be the Governor of the
14 State of Hawaii (or a designee);

15 “(C) one shall be the Superintendent of
16 the State of Hawaii Department of Education
17 (or a designee);

18 “(D) one shall be the chairperson of the
19 Office of Hawaiian Affairs (or a designee);

20 “(E) one shall be the executive director of
21 Hawaii’s Charter School Network (or a des-
22 ignee);

23 “(F) one shall be the chief executive officer
24 of the Kamehameha Schools (or a designee);

1 “(G) one shall be the Chief Executive Offi-
2 cer of the Queen Liliuokalani Trust (or a des-
3 ignee);

4 “(H) one shall be a member, selected by
5 the other members of the Education Council,
6 who represents a private grant-making entity;

7 “(I) one shall be the Mayor of the County
8 of Hawaii (or a designee);

9 “(J) one shall be the Mayor of Maui Coun-
10 ty (or a designee from the Island of Maui);

11 “(K) one shall be the Mayor of the County
12 of Kauai (or a designee);

13 “(L) one shall be appointed by the Mayor
14 of Maui County from the Island of either
15 Molokai or Lanai;

16 “(M) one shall be the Mayor of the City
17 and County of Honolulu (or a designee);

18 “(N) one shall be the chairperson of the
19 Hawaiian Homes Commission (or a designee);
20 and

21 “(O) one shall be the chairperson of the
22 Hawaii Workforce Development Council (or a
23 designee representing the private sector).

24 “(3) REQUIREMENTS.—Any designee serving on
25 the Education Council shall demonstrate, as deter-

1 mined by the individual who appointed such designee
2 with input from the Native Hawaiian community,
3 not less than 5 years of experience as a consumer
4 or provider of Native Hawaiian education or cultural
5 activities, with traditional cultural experience given
6 due consideration.

7 “(4) LIMITATION.—A member (including a des-
8 ignee), while serving on the Education Council, shall
9 not be a recipient of grant funds that are awarded
10 under this part.

11 “(5) TERM OF MEMBERS.—A member who is a
12 designee shall serve for a term of not more than 4
13 years.

14 “(6) CHAIR, VICE CHAIR.—

15 “(A) SELECTION.—The Education Council
16 shall select a Chair and a Vice Chair from
17 among the members of the Education Council.

18 “(B) TERM LIMITS.—The Chair and Vice
19 Chair shall each serve for a 2-year term.

20 “(7) ADMINISTRATIVE PROVISIONS RELATING
21 TO EDUCATION COUNCIL.—The Education Council
22 shall meet at the call of the Chair of the Council,
23 or upon request by a majority of the members of the
24 Education Council, but in any event not less often
25 than every 120 days.

1 “(8) NO COMPENSATION.—None of the funds
2 made available through the grant may be used to
3 provide compensation to any member of the Edu-
4 cation Council or member of a working group estab-
5 lished by the Education Council, for functions de-
6 scribed in this section.

7 “(c) USE OF FUNDS FOR COORDINATION ACTIVI-
8 TIES.—The Education Council shall use funds made avail-
9 able through the grant to carry out each of the following
10 activities:

11 “(1) Providing advice about the coordination,
12 and serving as a clearinghouse for, the educational
13 and related services and programs available to Na-
14 tive Hawaiians, including the programs assisted
15 under this part.

16 “(2) Assessing the extent to which such services
17 and programs meet the needs of Native Hawaiians,
18 and collecting data on the status of Native Hawaiian
19 education.

20 “(3) Providing direction and guidance, through
21 the issuance of reports and recommendations, to ap-
22 propriate Federal, State, and local agencies in order
23 to focus and improve the use of resources, including
24 resources made available under this part, relating to

1 Native Hawaiian education, and serving, where ap-
2 propriate, in an advisory capacity.

3 “(4) Awarding grants, if such grants enable the
4 Education Council to carry out the activities de-
5 scribed in paragraphs (1) through (3).

6 “(5) Hiring an executive director who shall as-
7 sist in executing the duties and powers of the Edu-
8 cation Council, as described in subsection (d).

9 “(d) USE OF FUNDS FOR TECHNICAL ASSIST-
10 ANCE.—The Education Council shall use funds made
11 available through the grant to—

12 “(1) provide technical assistance to Native Ha-
13 waiian organizations that are grantees or potential
14 grantees under this part;

15 “(2) obtain from such grantees information and
16 data regarding grants awarded under this part, in-
17 cluding information and data about—

18 “(A) the effectiveness of such grantees in
19 meeting the educational priorities established by
20 the Education Council, as described in para-
21 graph (6)(D), using metrics related to these
22 priorities; and

23 “(B) the effectiveness of such grantees in
24 carrying out any of the activities described in
25 section 5304(c) that are related to the specific

1 goals and purposes of each grantee’s grant
2 project, using metrics related to these priorities;

3 “(3) assess and define the educational needs of
4 Native Hawaiians;

5 “(4) assess the programs and services available
6 to address the educational needs of Native Hawai-
7 ians;

8 “(5) assess and evaluate the individual and ag-
9 gregate impact achieved by grantees under this part
10 in improving Native Hawaiian educational perform-
11 ance and meeting the goals of this part, using
12 metrics related to these goals; and

13 “(6) prepare and submit to the Secretary, at
14 the end of each calendar year, an annual report that
15 contains—

16 “(A) a description of the activities of the
17 Education Council during the calendar year;

18 “(B) a description of significant barriers to
19 achieving the goals of this part;

20 “(C) a summary of each community con-
21 sultation session described in subsection (e);
22 and

23 “(D) recommendations to establish prior-
24 ities for funding under this part, based on an
25 assessment of—

1 “(i) the educational needs of Native
2 Hawaiians;

3 “(ii) programs and services available
4 to address such needs;

5 “(iii) the effectiveness of programs in
6 improving the educational performance of
7 Native Hawaiian students to help such stu-
8 dents meet challenging State student aca-
9 demic achievement standards; and

10 “(iv) priorities for funding in specific
11 geographic communities.

12 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
13 TIONS.—The Education Council shall use funds made
14 available through the grant under subsection (a) to hold
15 not less than one community consultation each year on
16 each of the islands of Hawaii, Maui, Molokai, Lanai,
17 Oahu, and Kauai, at which—

18 “(1) not less than three members of the Edu-
19 cation Council shall be in attendance;

20 “(2) the Education Council shall gather com-
21 munity input regarding—

22 “(A) current grantees under this part, as
23 of the date of the consultation;

24 “(B) priorities and needs of Native Hawai-
25 ians; and

1 “(C) other Native Hawaiian education
2 issues; and

3 “(3) the Education Council shall report to the
4 community on the outcomes of the activities sup-
5 ported by grants awarded under this part.

6 “(f) FUNDING.—For each fiscal year, the Secretary
7 shall use the amount described in section 5305(d)(2), to
8 make a payment under the grant. Funds made available
9 through the grant shall remain available until expended.

10 “(g) REPORT.—Beginning not later than 2 years
11 after the date of enactment of the Student Success Act,
12 and for each subsequent year, the Secretary shall prepare
13 and submit to the Committee on Education and the Work-
14 force of the House of Representatives, and the Committee
15 on Indian Affairs and the Committee on Health, Edu-
16 cation, Labor, and Pensions of the Senate, a report that—

17 “(1) summarizes the annual reports of the Edu-
18 cation Council;

19 “(2) describes the allocation and use of funds
20 under this part and the information gathered since
21 the first annual report submitted by the Education
22 Council to the Secretary under this section; and

23 “(3) contains recommendations for changes in
24 Federal, State, and local policy to advance the pur-
25 poses of this part.

1 **“SEC. 5304. GRANT PROGRAM AUTHORIZED.**

2 “(a) GRANTS AND CONTRACTS.—In order to carry
3 out programs that meet the purposes of this part, the Sec-
4 retary is authorized to award grants to, or enter into con-
5 tracts with—

6 “(1) Native Hawaiian educational organiza-
7 tions;

8 “(2) Native Hawaiian community-based organi-
9 zations;

10 “(3) public and private nonprofit organizations,
11 agencies, and institutions with experience in devel-
12 oping or operating Native Hawaiian education and
13 workforce development programs or programs of in-
14 struction in the Native Hawaiian language;

15 “(4) charter schools; and

16 “(5) consortia of the organizations, agencies,
17 and institutions described in paragraphs (1) through
18 (4).

19 “(b) PRIORITY.—In awarding grants and entering
20 into contracts under this part, the Secretary shall give pri-
21 ority to—

22 “(1) programs that meet the educational pri-
23 ority recommendations of the Education Council, as
24 described under section 5303(d)(6)(D);

1 “(2) the repair and renovation of public schools
2 that serve high concentrations of Native Hawaiian
3 students;

4 “(3) programs designed to improve the aca-
5 demic achievement of Native Hawaiian students by
6 meeting their unique cultural and language needs in
7 order to help such students meet challenging State
8 student academic achievement standards, including
9 activities relating to—

10 “(A) achieving competence in reading, lit-
11 eracy, mathematics, and science for students in
12 preschool through grade 3;

13 “(B) the educational needs of at-risk chil-
14 dren and youth;

15 “(C) professional development for teachers
16 and administrators;

17 “(D) the use of Native Hawaiian language
18 and preservation or reclamation of Native Ha-
19 waiian culture-based educational practices; and

20 “(E) other programs relating to the activi-
21 ties described in this part; and

22 “(4) programs in which a local educational
23 agency, institution of higher education, or a State
24 educational agency in partnership with a nonprofit
25 entity serving underserved communities within the

1 Native Hawaiian population apply for a grant or
2 contract under this part as part of a partnership or
3 consortium.

4 “(c) AUTHORIZED ACTIVITIES.—Activities provided
5 through programs carried out under this part may in-
6 clude—

7 “(1) the development and maintenance of a
8 statewide Native Hawaiian early education and care
9 system to provide a continuum of high-quality early
10 learning services for Native Hawaiian children from
11 the prenatal period through the age of kindergarten
12 entry;

13 “(2) the operation of family-based education
14 centers that provide such services as—

15 “(A) early care and education programs
16 for Native Hawaiians; and

17 “(B) research on, and development and as-
18 sessment of, family-based, early childhood, and
19 preschool programs for Native Hawaiians;

20 “(3) activities that enhance beginning reading
21 and literacy in either the Hawaiian or the English
22 language among Native Hawaiian students in kin-
23 dergarten through grade 3 and assistance in ad-
24 dressing the distinct features of combined English

1 and Hawaiian literacy for Hawaiian speakers in
2 grades 5 and 6;

3 “(4) activities to meet the special needs of Na-
4 tive Hawaiian students with disabilities, including—

5 “(A) the identification of such students
6 and their needs;

7 “(B) the provision of support services to
8 the families of such students; and

9 “(C) other activities consistent with the re-
10 quirements of the Individuals with Disabilities
11 Education Act;

12 “(5) activities that address the special needs of
13 Native Hawaiian students who are gifted and tal-
14 ented, including—

15 “(A) educational, psychological, and devel-
16 opmental activities designed to assist in the
17 educational progress of such students; and

18 “(B) activities that involve the parents of
19 such students in a manner designed to assist in
20 the educational progress of such students;

21 “(6) the development of academic and voca-
22 tional curricula to address the needs of Native Ha-
23 waiian students, including curricula materials in the
24 Hawaiian language and mathematics and science

1 curricula that incorporate Native Hawaiian tradition
2 and culture;

3 “(7) professional development activities for edu-
4 cators, including—

5 “(A) the development of programs to pre-
6 pare prospective teachers to address the unique
7 needs of Native Hawaiian students within the
8 context of Native Hawaiian culture, language,
9 and traditions;

10 “(B) in-service programs to improve the
11 ability of teachers who teach in schools with
12 high concentrations of Native Hawaiian stu-
13 dents to meet the unique needs of such stu-
14 dents; and

15 “(C) the recruitment and preparation of
16 Native Hawaiians, and other individuals who
17 live in communities with a high concentration of
18 Native Hawaiians, to become teachers;

19 “(8) the operation of community-based learning
20 centers that address the needs of Native Hawaiian
21 students, parents, families, and communities
22 through the coordination of public and private pro-
23 grams and services, including—

24 “(A) early education programs;

1 “(B) before, after, and Summer school
2 programs, expanded learning time, or weekend
3 academies;

4 “(C) career and technical education pro-
5 grams; and

6 “(D) programs that recognize and support
7 the unique cultural and educational needs of
8 Native Hawaiian children, and incorporate ap-
9 propriately qualified Native Hawaiian elders
10 and seniors;

11 “(9) activities, including program co-location,
12 that ensure Native Hawaiian students graduate col-
13 lege and career ready including—

14 “(A) family literacy services;

15 “(B) counseling, guidance, and support
16 services for students; and

17 “(C) professional development activities de-
18 signed to help educators improve the college
19 and career readiness of Native Hawaiian stu-
20 dents;

21 “(10) research and data collection activities to
22 determine the educational status and needs of Na-
23 tive Hawaiian children and adults;

24 “(11) other research and evaluation activities
25 related to programs carried out under this part; and

1 “(12) other activities, consistent with the pur-
2 poses of this part, to meet the educational needs of
3 Native Hawaiian children and adults.

4 “(d) ADDITIONAL ACTIVITIES.—Notwithstanding
5 any other provision of this part, funds made available to
6 carry out this section as of the day before the date of en-
7 actment of the Student Success Act shall remain available
8 until expended. The Secretary shall use such funds to sup-
9 port the following:

10 “(1) The repair and renovation of public
11 schools that serve high concentrations of Native Ha-
12 waiian students.

13 “(2) The perpetuation of, and expansion of ac-
14 cess to, Hawaiian culture and history through digital
15 archives.

16 “(3) Informal education programs that connect
17 traditional Hawaiian knowledge, science, astronomy,
18 and the environment through State museums or
19 learning centers.

20 “(4) Public charter schools serving high con-
21 centrations of Native Hawaiian students.

22 “(e) ADMINISTRATIVE COSTS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), not more than 5 percent of funds pro-
25 vided to a recipient of a grant or contract under this

1 section for any fiscal year may be used for adminis-
2 trative purposes.

3 “(2) EXCEPTION.—The Secretary may waive
4 the requirement of paragraph (1) for a nonprofit en-
5 tity that receives funding under this section and
6 allow not more than 10 percent of funds provided to
7 such nonprofit entity under this section for any fis-
8 cal year to be used for administrative purposes.

9 **“SEC. 5305. ADMINISTRATIVE PROVISIONS.**

10 “(a) APPLICATION REQUIRED.—No grant may be
11 made under this part, and no contract may be entered into
12 under this part, unless the entity seeking the grant or con-
13 tract submits an application to the Secretary at such time,
14 in such manner, and containing such information as the
15 Secretary may determine to be necessary to carry out the
16 provisions of this part.

17 “(b) DIRECT GRANT APPLICATIONS.—The Secretary
18 shall provide a copy of all direct grant applications to the
19 Education Council.

20 “(c) SUPPLEMENT NOT SUPPLANT.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), funds made available under this part
23 shall be used to supplement, and not supplant, any
24 State or local funds used to achieve the purposes of
25 this part.

1 “(2) EXCEPTION.—Paragraph (1) shall not
2 apply to any nonprofit entity or Native Hawaiian
3 community-based organization that receives a grant
4 or other funds under this part.

5 “(d) AUTHORIZATION OF APPROPRIATIONS.—

6 “(1) IN GENERAL.—There are authorized to be
7 appropriated to carry out this part \$34,181,000 for
8 each of fiscal years 2016 through 2021.

9 “(2) RESERVATION.—Of the funds appro-
10 priated under this subsection, the Secretary shall re-
11 serve, for each fiscal year after the date of enact-
12 ment of the Student Success Act not less than
13 \$500,000 for the grant to the Education Council
14 under section 5303.

15 “(3) AVAILABILITY.—Funds appropriated
16 under this subsection shall remain available until ex-
17 pended.”.

18 **TITLE VI—GENERAL**
19 **PROVISIONS FOR THE ACT**

20 **SEC. 601. GENERAL PROVISIONS FOR THE ACT.**

21 (a) AMENDING TITLE VI.—Title VI (20 U.S.C. 7301
22 et seq.) is amended to read as follows:

1 **“TITLE VI—GENERAL**
2 **PROVISIONS**

3 **“PART A—DEFINITIONS**

4 **“SEC. 6101. DEFINITIONS.**

5 “Except as otherwise provided, in this Act:

6 “(1) AVERAGE DAILY ATTENDANCE.—

7 “(A) IN GENERAL.—Except as provided
8 otherwise by State law or this paragraph, the
9 term ‘average daily attendance’ means—

10 “(i) the aggregate number of days of
11 attendance of all students during a school
12 year; divided by

13 “(ii) the number of days school is in
14 session during that year.

15 “(B) CONVERSION.—The Secretary shall
16 permit the conversion of average daily member-
17 ship (or other similar data) to average daily at-
18 tendance for local educational agencies in
19 States that provide State aid to local edu-
20 cational agencies on the basis of average daily
21 membership (or other similar data).

22 “(C) SPECIAL RULE.—If the local edu-
23 cational agency in which a child resides makes
24 a tuition or other payment for the free public
25 education of the child in a school located in an-

1 other school district, the Secretary shall, for the
2 purpose of this Act—

3 “(i) consider the child to be in attend-
4 ance at a school of the agency making the
5 payment; and

6 “(ii) not consider the child to be in at-
7 tendance at a school of the agency receiv-
8 ing the payment.

9 “(D) CHILDREN WITH DISABILITIES.—If a
10 local educational agency makes a tuition pay-
11 ment to a private school or to a public school
12 of another local educational agency for a child
13 with a disability, as defined in section 602 of
14 the Individuals with Disabilities Education Act,
15 the Secretary shall, for the purpose of this Act,
16 consider the child to be in attendance at a
17 school of the agency making the payment.

18 “(2) AVERAGE PER-PUPIL EXPENDITURE.—The
19 term ‘average per-pupil expenditure’ means, in the
20 case of a State or of the United States—

21 “(A) without regard to the source of
22 funds—

23 “(i) the aggregate current expendi-
24 tures, during the third fiscal year pre-
25 ceding the fiscal year for which the deter-

1 mination is made (or, if satisfactory data
2 for that year are not available, during the
3 most recent preceding fiscal year for which
4 satisfactory data are available) of all local
5 educational agencies in the State or, in the
6 case of the United States, for all States
7 (which, for the purpose of this paragraph,
8 means the 50 States and the District of
9 Columbia); plus

10 “(ii) any direct current expenditures
11 by the State for the operation of those
12 agencies; divided by

13 “(B) the aggregate number of children in
14 average daily attendance to whom those agen-
15 cies provided free public education during that
16 preceding year.

17 “(3) CHARTER SCHOOL.—The term ‘charter
18 school’ means a public school that—

19 “(A) in accordance with a specific State
20 statute authorizing the granting of charters to
21 schools, is exempt from significant State or
22 local rules that inhibit the flexible operation
23 and management of public schools, but not
24 from any rules relating to the other require-
25 ments of this paragraph;

1 “(B) is created by a developer as a public
2 school, or is adapted by a developer from an ex-
3 isting public school, and is operated under pub-
4 lic supervision and direction;

5 “(C) operates in pursuit of a specific set of
6 educational objectives determined by the
7 school’s developer and agreed to by the author-
8 ized public chartering agency;

9 “(D) provides a program of elementary or
10 secondary education, or both;

11 “(E) is nonsectarian in its programs, ad-
12 missions policies, employment practices, and all
13 other operations, and is not affiliated with a
14 sectarian school or religious institution;

15 “(F) does not charge tuition;

16 “(G) complies with the Age Discrimination
17 Act of 1975, title VI of the Civil Rights Act of
18 1964, title IX of the Education Amendments of
19 1972, section 504 of the Rehabilitation Act of
20 1973, part B of the Individuals with Disabil-
21 ities Education Act, the Americans with Dis-
22 abilities Act of 1990 (42 U.S.C. 12101 et seq.),
23 and section 444 of the General Education Pro-
24 visions Act (20 U.S.C. 1232(g)) (commonly

1 known as the ‘Family Education Rights and
2 Privacy Act of 1974’);

3 “(H) is a school to which parents choose to
4 send their children, and admits students on the
5 basis of a lottery if more students apply for ad-
6 mission than can be accommodated, except that
7 in cases in which students who are enrolled in
8 a charter school affiliated (such as by sharing
9 a network) with another charter school, those
10 students may be automatically enrolled in the
11 next grade level at such other charter school, so
12 long as a lottery is used to fill seats created
13 through regular attrition in student enrollment;

14 “(I) agrees to comply with the same Fed-
15 eral and State audit requirements as do other
16 elementary schools and secondary schools in the
17 State, unless such State audit requirements are
18 waived by the State;

19 “(J) meets all applicable Federal, State,
20 and local health and safety requirements;

21 “(K) operates in accordance with State
22 law;

23 “(L) has a written performance contract
24 with the authorized public chartering agency in
25 the State that includes a description of how

1 student performance will be measured in char-
2 ter schools pursuant to State assessments that
3 are required of other schools and pursuant to
4 any other assessments mutually agreeable to
5 the authorized public chartering agency and the
6 charter school; and

7 “(M) may serve prekindergarten or post-
8 secondary students.

9 “(4) CHILD.—The term ‘child’ means any per-
10 son within the age limits for which the State pro-
11 vides free public education.

12 “(5) CHILD WITH A DISABILITY.—The term
13 ‘child with a disability’ has the same meaning given
14 that term in section 602 of the Individuals with Dis-
15 abilities Education Act.

16 “(6) COMMUNITY-BASED ORGANIZATION.—The
17 term ‘community-based organization’ means a public
18 or private nonprofit organization of demonstrated ef-
19 fectiveness that—

20 “(A) is representative of a community or
21 significant segments of a community; and

22 “(B) provides educational or related serv-
23 ices to individuals in the community.

24 “(7) CONSOLIDATED LOCAL APPLICATION.—
25 The term ‘consolidated local application’ means an

1 application submitted by a local educational agency
2 pursuant to section 6305.

3 “(8) CONSOLIDATED LOCAL PLAN.—The term
4 ‘consolidated local plan’ means a plan submitted by
5 a local educational agency pursuant to section 6305.

6 “(9) CONSOLIDATED STATE APPLICATION.—
7 The term ‘consolidated State application’ means an
8 application submitted by a State educational agency
9 pursuant to section 6302.

10 “(10) CONSOLIDATED STATE PLAN.—The term
11 ‘consolidated State plan’ means a plan submitted by
12 a State educational agency pursuant to section
13 6302.

14 “(11) COUNTY.—The term ‘county’ means one
15 of the divisions of a State used by the Secretary of
16 Commerce in compiling and reporting data regard-
17 ing counties.

18 “(12) COVERED PROGRAM.—The term ‘covered
19 program’ means each of the programs authorized
20 by—

21 “(A) part A of title I;

22 “(B) title II; and

23 “(C) part B of title III.

1 “(13) CURRENT EXPENDITURES.—The term
2 ‘current expenditures’ means expenditures for free
3 public education—

4 “(A) including expenditures for adminis-
5 tration, instruction, attendance and health serv-
6 ices, pupil transportation services, operation
7 and maintenance of plant, fixed charges, and
8 net expenditures to cover deficits for food serv-
9 ices and student body activities; but

10 “(B) not including expenditures for com-
11 munity services, capital outlay, and debt serv-
12 ice, or any expenditures made from funds re-
13 ceived under title I.

14 “(14) DEPARTMENT.—The term ‘Department’
15 means the Department of Education.

16 “(15) DIRECT STUDENT SERVICES.—The term
17 ‘direct student services’ means public school choice
18 or high-quality academic tutoring that are designed
19 to help increase academic achievement for students.

20 “(16) DISTANCE EDUCATION.—The term ‘dis-
21 tance education’ means the use of one or more tech-
22 nologies to deliver instruction to students who are
23 separated from the instructor and to support regular
24 and substantive interaction between the students

1 and the instructor synchronously or nonsyn-
2 chronously.

3 “(17) EDUCATIONAL SERVICE AGENCY.—The
4 term ‘educational service agency’ means a regional
5 public multiservice agency authorized by State stat-
6 ute to develop, manage, and provide services or pro-
7 grams to local educational agencies.

8 “(18) ELEMENTARY SCHOOL.—The term ‘ele-
9 mentary school’ means a nonprofit institutional day
10 or residential school, including a public elementary
11 charter school, that provides elementary education,
12 as determined under State law.

13 “(19) ENGLISH LEARNER.—The term ‘English
14 learner’, when used with respect to an individual,
15 means an individual—

16 “(A) who is aged 3 through 21;

17 “(B) who is enrolled or preparing to enroll
18 in an elementary school or secondary school;

19 “(C)(i) who was not born in the United
20 States or whose native language is a language
21 other than English;

22 “(ii)(I) who is a Native American or Alas-
23 ka Native, or a native resident of the outlying
24 areas; and

1 “(II) who comes from an environment
2 where a language other than English has had
3 a significant impact on the individual’s level of
4 English language proficiency; or

5 “(iii) who is migratory, whose native lan-
6 guage is a language other than English, and
7 who comes from an environment where a lan-
8 guage other than English is dominant; and

9 “(D) whose difficulties in speaking, read-
10 ing, writing, or understanding the English lan-
11 guage may be sufficient to deny the indi-
12 vidual—

13 “(i) the ability to meet the State’s
14 academic standards described in section
15 1111;

16 “(ii) the ability to successfully achieve
17 in classrooms where the language of in-
18 struction is English; or

19 “(iii) the opportunity to participate
20 fully in society.

21 “(20) EXTENDED-YEAR ADJUSTED COHORT
22 GRADUATION RATE.—

23 “(A) IN GENERAL.—The term ‘extended-
24 year adjusted cohort graduation rate’ means the
25 ratio where—

1 “(i) the denominator consists of the
2 number of students who form the original
3 cohort of entering first-time 9th grade stu-
4 dents enrolled in the high school no later
5 than the effective date for student mem-
6 bership data submitted annually by State
7 educational agencies to the National Cen-
8 ter for Education Statistics under section
9 153 of the Education Sciences Reform Act,
10 adjusted by—

11 “(I) adding the students who
12 joined that cohort, after the time of
13 the determination of the original co-
14 hort; and

15 “(II) subtracting only those stu-
16 dents who left that cohort, after the
17 time of the determination of the origi-
18 nal cohort, as described in subpara-
19 graph (B); and

20 “(ii) the numerator consists of the
21 number of students in the cohort, as ad-
22 justed under clause (i), who earned a reg-
23 ular high school diploma before, during, or
24 at the conclusion of—

1 “(I) one or more additional years
2 beyond the fourth year of high school;
3 or

4 “(II) a summer session imme-
5 diately following the additional year of
6 high school.

7 “(B) COHORT REMOVAL.—To remove a
8 student from a cohort, a school or local edu-
9 cational agency shall require documentation to
10 confirm that the student has transferred out,
11 emigrated to another country, transferred to a
12 prison or juvenile facility, or is deceased.

13 “(C) TRANSFERRED OUT.—

14 “(i) IN GENERAL.—For purposes of
15 this paragraph, the term ‘transferred out’
16 means a student who the high school or
17 local educational agency has confirmed, ac-
18 cording to clause (ii), has transferred—

19 “(I) to another school from which
20 the student is expected to receive a
21 regular high school diploma; or

22 “(II) to another educational pro-
23 gram from which the student is ex-
24 pected to receive a regular high school
25 diploma.

1 “(ii) CONFIRMATION REQUIRE-
2 MENTS.—

3 “(I) DOCUMENTATION RE-
4 QUIRED.—The confirmation of a stu-
5 dent’s transfer to another school or
6 educational program described in
7 clause (i) requires documentation
8 from the receiving school or program
9 that the student enrolled in the receiv-
10 ing school or program.

11 “(II) LACK OF CONFIRMATION.—
12 A student who was enrolled, but for
13 whom there is no confirmation of the
14 student having transferred out, shall
15 remain in the denominator of the ex-
16 tended-year adjusted cohort.

17 “(iii) PROGRAMS NOT PROVIDING
18 CREDIT.—A student who is retained in
19 grade or who is enrolled in a GED or other
20 alternative educational program that does
21 not issue or provide credit toward the
22 issuance of a regular high school diploma
23 shall not be considered transferred out and
24 shall remain in the extended-year adjusted
25 cohort.

1 “(D) SPECIAL RULE.—For those high
2 schools that start after grade 9, the original co-
3 hort shall be calculated for the earliest high
4 school grade students attend no later than the
5 effective date for student membership data sub-
6 mitted annually by State educational agencies
7 to the National Center for Education Statistics
8 pursuant to section 153 of the Education
9 Sciences Reform Act.

10 “(21) FAMILY LITERACY SERVICES.—The term
11 ‘family literacy services’ means services provided to
12 participants on a voluntary basis that are of suffi-
13 cient intensity in terms of hours, and of sufficient
14 duration, to make sustainable changes in a family,
15 and that integrate all of the following activities:

16 “(A) Interactive literacy activities between
17 parents and their children.

18 “(B) Training for parents regarding how
19 to be the primary teacher for their children and
20 full partners in the education of their children.

21 “(C) Parent literacy training that leads to
22 economic self-sufficiency.

23 “(D) An age-appropriate education to pre-
24 pare children for success in school and life ex-
25 periences.

1 “(22) FOUR-YEAR ADJUSTED COHORT GRADUA-
2 TION RATE.—

3 “(A) IN GENERAL.—The term ‘four-year
4 adjusted cohort graduation rate’ means the
5 ratio where—

6 “(i) the denominator consists of the
7 number of students who form the original
8 cohort of entering first-time 9th grade stu-
9 dents enrolled in the high school no later
10 than the effective date for student mem-
11 bership data submitted annually by State
12 educational agencies to the National Cen-
13 ter for Education Statistics pursuant to
14 section 153 of the Education Sciences Re-
15 form Act, adjusted by—

16 “(I) adding the students who
17 joined that cohort, after the time of
18 the determination of the original co-
19 hort; and

20 “(II) subtracting only those stu-
21 dents who left that cohort, after the
22 time of the determination of the origi-
23 nal cohort, as described in subpara-
24 graph (B); and

1 “(ii) the numerator consists of the
2 number of students in the cohort, as ad-
3 justed under clause (i), who earned a reg-
4 ular high school diploma before, during, or
5 at the conclusion of—

6 “(I) the fourth year of high
7 school; or

8 “(II) a summer session imme-
9 diately following the fourth year of
10 high school.

11 “(B) 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, transferred to a
16 prison or juvenile facility, or is deceased.

17 “(C) TRANSFERRED OUT.—

18 “(i) IN GENERAL.—For purposes of
19 this paragraph, the term ‘transferred out’
20 means a student who the high school or
21 local educational agency has confirmed, ac-
22 cording to clause (ii), has transferred—

23 “(I) to another school from which
24 the student is expected to receive a
25 regular high school diploma; or

1 “(II) to another educational pro-
2 gram from which the student is ex-
3 pected to receive a regular high school
4 diploma.

5 “(ii) CONFIRMATION REQUIRE-
6 MENTS.—

7 “(I) DOCUMENTATION RE-
8 QUIRED.—The confirmation of a stu-
9 dent’s transfer to another school or
10 educational program described in
11 clause (i) requires documentation
12 from the receiving school or program
13 that the student enrolled in the receiv-
14 ing school or program.

15 “(II) LACK OF CONFIRMATION.—
16 A student who was enrolled, but for
17 whom there is no confirmation of the
18 student having transferred out, shall
19 remain in the adjusted cohort.

20 “(iii) PROGRAMS NOT PROVIDING
21 CREDIT.—A student who is retained in
22 grade or who is enrolled in a GED or other
23 alternative educational program that does
24 not issue or provide credit toward the
25 issuance of a regular high school diploma

1 shall not be considered transferred out and
2 shall remain in the adjusted cohort.

3 “(D) SPECIAL RULE.—For those high
4 schools that start after grade 9, the original co-
5 hort shall be calculated for the earliest high
6 school grade students attend no later than the
7 effective date for student membership data sub-
8 mitted annually by State educational agencies
9 to the National Center for Education Statistics
10 pursuant to section 153 of the Education
11 Sciences Reform Act.

12 “(23) FREE PUBLIC EDUCATION.—The term
13 ‘free public education’ means education that is pro-
14 vided—

15 “(A) at public expense, under public super-
16 vision and direction, and without tuition charge;
17 and

18 “(B) as elementary school or secondary
19 school education as determined under applicable
20 State law, except that the term does not include
21 any education provided beyond grade 12.

22 “(24) GIFTED AND TALENTED.—The term
23 ‘gifted and talented’, when used with respect to stu-
24 dents, children, or youth, means students, children,
25 or youth who give evidence of high achievement ca-

1 pability in areas such as intellectual, creative, artis-
2 tic, or leadership capacity, or in specific academic
3 fields, and who need services or activities not ordi-
4 narily provided by the school in order to fully de-
5 velop those capabilities.

6 “(25) HIGH-QUALITY ACADEMIC TUTORING.—
7 The term ‘high-quality academic tutoring’ means
8 supplemental academic services that—

9 “(A) are in addition to instruction pro-
10 vided during the school day;

11 “(B) are provided by a non-governmental
12 entity or local educational agency that—

13 “(i) is included on a State educational
14 agency approved provider list after dem-
15 onstrating to the State educational agency
16 that its program consistently improves the
17 academic achievement of students; and

18 “(ii) agrees to provide parents of chil-
19 dren receiving high-quality academic tutor-
20 ing, the appropriate local educational agen-
21 cy, and school with information on partici-
22 pating students increases in academic
23 achievement, in a format, and to the extent
24 practicable, a language that such parent
25 can understand, and in a manner that pro-

1 tects the privacy of individuals consistent
2 with section 444 of the General Education
3 Provisions Act (20 U.S.C. 1232g);

4 “(C) are selected by the parents of stu-
5 dents who are identified by the local educational
6 agency as being eligible for such services from
7 among providers on the approved provider list
8 described in subparagraph (B)(i);

9 “(D) meet all applicable Federal, State,
10 and local health, safety, and civil rights laws;
11 and

12 “(E) ensure that all instruction and con-
13 tent are secular, neutral, and non-ideological.

14 “(26) HIGH SCHOOL.—The term ‘high school’
15 means a secondary school that—

16 “(A) grants a diploma, as defined by the
17 State; and

18 “(B) includes, at least, grade 12.

19 “(27) INSTITUTION OF HIGHER EDUCATION.—
20 The term ‘institution of higher education’ has the
21 meaning given that term in section 101(a) of the
22 Higher Education Act of 1965.

23 “(28) LOCAL EDUCATIONAL AGENCY.—

24 “(A) IN GENERAL.—The term ‘local edu-
25 cational agency’ means a public board of edu-

1 cation or other public authority legally con-
2 stituted within a State for either administrative
3 control or direction of, or to perform a service
4 function for, public elementary schools or sec-
5 ondary schools in a city, county, township,
6 school district, or other political subdivision of
7 a State, or of or for a combination of school
8 districts or counties that is recognized in a
9 State as an administrative agency for its public
10 elementary schools or secondary schools.

11 “(B) ADMINISTRATIVE CONTROL AND DI-
12 RECTION.—The term includes any other public
13 institution or agency having administrative con-
14 trol and direction of a public elementary school
15 or secondary school.

16 “(C) BIE SCHOOLS.—The term includes
17 an elementary school or secondary school fund-
18 ed by the Bureau of Indian Education but only
19 to the extent that including the school makes
20 the school eligible for programs for which spe-
21 cific eligibility is not provided to the school in
22 another provision of law and the school does not
23 have a student population that is smaller than
24 the student population of the local educational
25 agency receiving assistance under this Act with

1 the smallest student population, except that the
2 school shall not be subject to the jurisdiction of
3 any State educational agency other than the
4 Bureau of Indian Education.

5 “(D) EDUCATIONAL SERVICE AGENCIES.—
6 The term includes educational service agencies
7 and consortia of those agencies.

8 “(E) STATE EDUCATIONAL AGENCY.—The
9 term includes the State educational agency in a
10 State in which the State educational agency is
11 the sole educational agency for all public
12 schools.

13 “(29) NATIVE AMERICAN AND NATIVE AMER-
14 ICAN LANGUAGE.—The terms ‘Native American’ and
15 ‘Native American language’ have the same meaning
16 given those terms in section 103 of the Native
17 American Languages Act of 1990.

18 “(30) OTHER STAFF.—The term ‘other staff’
19 means specialized instructional support personnel, li-
20 brarians, career guidance and counseling personnel,
21 education aides, and other instructional and admin-
22 istrative personnel.

23 “(31) OUTLYING AREA.—The term ‘outlying
24 area’—

1 “(A) means American Samoa, the Com-
2 monwealth of the Northern Mariana Islands,
3 Guam, and the United States Virgin Islands;

4 “(B) means the Republic of Palau, to the
5 extent permitted under section 105(f)(1)(B)(ix)
6 of the Compact of Free Association Amend-
7 ments Act of 2003 (Public Law 99–658; 117
8 Stat. 2751) and until an agreement for the ex-
9 tension of United States education assistance
10 under the Compact of Free Association becomes
11 effective for the Republic of Palau; and

12 “(C) for the purpose of any discretionary
13 grant program under this Act, includes the Re-
14 public of the Marshall Islands and the Fed-
15 erated States of Micronesia, to the extent per-
16 mitted under section 105(f)(1)(B)(viii) of the
17 Compact of Free Association Amendments Act
18 of 2003 (Public Law 108–188; 117 Stat.
19 2751).

20 “(32) PARENT.—The term ‘parent’ includes a
21 legal guardian or other person standing in loco
22 parentis (such as a grandparent, stepparent, or fos-
23 ter parent with whom the child lives, or a person
24 who is legally responsible for the child’s welfare).

1 “(33) PARENTAL INVOLVEMENT.—The term
2 ‘parental involvement’ means the participation of
3 parents in regular, two-way, and meaningful commu-
4 nication involving student academic learning and
5 other school activities, including ensuring—

6 “(A) that parents play an integral role in
7 assisting in their child’s learning;

8 “(B) that parents are encouraged to be ac-
9 tively involved in their child’s education at
10 school;

11 “(C) that parents are full partners in their
12 child’s education and are included, as appro-
13 priate, in decisionmaking and on advisory com-
14 mittees to assist in the education of their child;
15 and

16 “(D) the carrying out of other activities,
17 such as those described in section 1118.

18 “(34) POVERTY LINE.—The term ‘poverty line’
19 means the poverty line (as defined by the Office of
20 Management and Budget and revised annually in ac-
21 cordance with section 673(2) of the Community
22 Services Block Grant Act) applicable to a family of
23 the size involved.

24 “(35) PROFESSIONAL DEVELOPMENT.—The
25 term ‘professional development’—

1 “(A) includes evidence-based, job-embed-
2 ded, continuous activities that—

3 “(i) improve and increase teachers’
4 knowledge of the academic subjects the
5 teachers teach, and enable teachers to be-
6 come effective educators;

7 “(ii) are an integral part of broad
8 schoolwide and districtwide educational im-
9 provement plans;

10 “(iii) give teachers, school leaders,
11 other staff, and administrators the knowl-
12 edge and skills to provide students with
13 the opportunity to meet State academic
14 standards;

15 “(iv) improve classroom management
16 skills;

17 “(v)(I) have a positive and lasting im-
18 pact on classroom instruction and the
19 teacher’s performance in the classroom;
20 and

21 “(II) are not 1-day or short-term
22 workshops or conferences;

23 “(vi) support the recruiting, hiring,
24 and training of effective teachers, including
25 teachers who became certified or licensed

1 through State and local alternative routes
2 to certification;

3 “(vii) advance teacher understanding
4 of effective instructional strategies that are
5 strategies for improving student academic
6 achievement or substantially increasing the
7 knowledge and teaching skills of teachers,
8 including through addressing the social
9 and emotional development needs of stu-
10 dents;

11 “(viii) are aligned with and directly
12 related to—

13 “(I) State academic standards
14 and assessments; and

15 “(II) the curricula and programs
16 tied to the standards described in sub-
17 clause (I);

18 “(ix) are developed with extensive par-
19 ticipation of teachers, school leaders, par-
20 ents, and administrators of schools to be
21 served under this Act;

22 “(x) are designed to give teachers of
23 English learners and other teachers and
24 instructional staff, the knowledge and
25 skills to provide instruction and appro-

1 appropriate language and academic support
2 services to those children, including the ap-
3 propriate use of curricula and assessments;

4 “(xi) to the extent appropriate, pro-
5 vide training for teachers, other staff, and
6 school leaders in the use of technology so
7 that technology and technology applica-
8 tions are effectively used to improve teach-
9 ing and learning in the curricula and core
10 academic subjects in which the students re-
11 ceive instruction;

12 “(xii) as a whole, are regularly evalu-
13 ated for their impact on increased teacher
14 effectiveness and improved student aca-
15 demic achievement, with the findings of
16 the evaluations used to improve the quality
17 of the professional development;

18 “(xiii) provide instruction in methods
19 of teaching children with special needs;

20 “(xiv) include instruction in the use of
21 data and assessments to inform and in-
22 struct classroom practice; and

23 “(xv) include instruction in ways that
24 teachers, school leaders, specialized in-
25 structional support personnel, other staff,

1 and school administrators may work more
2 effectively with parents; and

3 “(B) may include evidence-based, job-em-
4 bedded, continuous activities that—

5 “(i) involve the forming of partner-
6 ships with institutions of higher education
7 to establish school-based teacher training
8 programs that provide prospective teachers
9 and new teachers with an opportunity to
10 work under the guidance of experienced
11 teachers and college faculty;

12 “(ii) create programs to enable para-
13 professionals (assisting teachers employed
14 by a local educational agency receiving as-
15 sistance under subpart 1 of part A of title
16 I) to obtain the education necessary for
17 those paraprofessionals to become certified
18 and licensed teachers; and

19 “(iii) provide follow-up training to in-
20 dividuals who have participated in activi-
21 ties described in subparagraph (A) or an-
22 other clause of this subparagraph that are
23 designed to ensure that the knowledge and
24 skills learned by the teachers are imple-
25 mented in the classroom.

1 “(36) REGULAR HIGH SCHOOL DIPLOMA.—

2 “(A) IN GENERAL.—The term ‘regular
3 high school diploma’ means the standard high
4 school diploma awarded to the preponderance of
5 students in the State that is fully aligned with
6 State standards, or a higher diploma. Such
7 term shall not include a GED or other recog-
8 nized equivalent of a diploma, a certificate of
9 attendance, or any lesser diploma award.

10 “(B) EXCEPTION FOR STUDENTS WITH
11 SIGNIFICANT COGNITIVE DISABILITIES.—For a
12 student who is assessed using an alternate as-
13 sessment aligned to alternate academic stand-
14 ards under section 1111(b)(1)(D), receipt of a
15 regular high school diploma as defined under
16 subparagraph (A) or a State-defined alternate
17 diploma obtained within the time period for
18 which the State ensures the availability of a
19 free appropriate public education and in accord-
20 ance with section 612(a)(1) of the Individuals
21 with Disabilities Education Act shall be counted
22 as graduating with a regular high school di-
23 ploma for the purposes of this Act.

1 “(37) SCHOOL LEADER.—The term ‘school
2 leader’ means a principal, assistant principal, or
3 other individual who is—

4 “(A) an employee or officer of a school,
5 local educational agency, or other entity oper-
6 ating the school; and

7 “(B) responsible for—

8 “(i) the daily instructional leadership
9 and managerial operations of the school;
10 and

11 “(ii) creating the optimum conditions
12 for student learning.

13 “(38) SECONDARY SCHOOL.—The term ‘sec-
14 ondary school’ means a nonprofit institutional day or
15 residential school, including a public secondary char-
16 ter school, that provides secondary education, as de-
17 termined under State law, except that the term does
18 not include any education beyond grade 12.

19 “(39) SECRETARY.—The term ‘Secretary’
20 means the Secretary of Education.

21 “(40) SPECIALIZED INSTRUCTIONAL SUPPORT
22 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
23 SERVICES.—

24 “(A) SPECIALIZED INSTRUCTIONAL SUP-
25 PORT PERSONNEL.—The term ‘specialized in-

1 instructional support personnel’ means school
2 counselors, school social workers, school psy-
3 chologists, and other qualified professional per-
4 sonnel involved in providing assessment, diag-
5 nosis, counseling, educational, therapeutic, and
6 other necessary services (including related serv-
7 ices as that term is defined in section 602 of
8 the Individuals with Disabilities Education Act)
9 as part of a comprehensive program to meet
10 student needs.

11 “(B) SPECIALIZED INSTRUCTIONAL SUP-
12 PORT SERVICES.—The term ‘specialized instruc-
13 tional support services’ means the services pro-
14 vided by specialized instructional support per-
15 sonnel.

16 “(41) STATE.—The term ‘State’ means each of
17 the 50 States, the District of Columbia, the Com-
18 monwealth of Puerto Rico, and each of the outlying
19 areas.

20 “(42) STATE EDUCATIONAL AGENCY.—The
21 term ‘State educational agency’ means the agency
22 primarily responsible for the State supervision of
23 public elementary schools and secondary schools.

24 “(43) TECHNOLOGY.—The term ‘technology’
25 means modern information, computer and commu-

1 **“PART B—FLEXIBILITY IN THE USE OF**
2 **ADMINISTRATIVE AND OTHER FUNDS**

3 **“SEC. 6201. CONSOLIDATION OF STATE ADMINISTRATIVE**
4 **FUNDS FOR ELEMENTARY AND SECONDARY**
5 **EDUCATION PROGRAMS.**

6 “(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

7 “(1) IN GENERAL.—A State educational agency
8 may consolidate the amounts specifically made avail-
9 able to it for State administration under one or
10 more of the programs under paragraph (2).

11 “(2) APPLICABILITY.—This section applies to
12 any program under this Act under which funds are
13 authorized to be used for administration, and such
14 other programs as the Secretary may designate.

15 “(b) USE OF FUNDS.—

16 “(1) IN GENERAL.—A State educational agency
17 shall use the amount available under this section for
18 the administration of the programs included in the
19 consolidation under subsection (a).

20 “(2) ADDITIONAL USES.—A State educational
21 agency may also use funds available under this sec-
22 tion for administrative activities designed to enhance
23 the effective and coordinated use of funds under pro-
24 grams included in the consolidation under subsection
25 (a), such as—

1 “(A) the coordination of those programs
2 with other Federal and non-Federal programs;

3 “(B) the establishment and operation of
4 peer-review mechanisms under this Act;

5 “(C) the administration of this title;

6 “(D) the dissemination of information re-
7 garding model programs and practices;

8 “(E) technical assistance under any pro-
9 gram under this Act;

10 “(F) State-level activities designed to carry
11 out this title;

12 “(G) training personnel engaged in audit
13 and other monitoring activities; and

14 “(H) implementation of the Cooperative
15 Audit Resolution and Oversight Initiative of the
16 Department.

17 “(c) RECORDS.—A State educational agency that
18 consolidates administrative funds under this section shall
19 not be required to keep separate records, by individual
20 program, to account for costs relating to the administra-
21 tion of programs included in the consolidation under sub-
22 section (a).

23 “(d) REVIEW.—To determine the effectiveness of
24 State administration under this section, the Secretary may
25 periodically review the performance of State educational

1 agencies in using consolidated administrative funds under
2 this section and take such steps as the Secretary finds
3 appropriate to ensure the effectiveness of that administra-
4 tion.

5 “(e) **UNUSED ADMINISTRATIVE FUNDS.**—If a State
6 educational agency does not use all of the funds available
7 to the agency under this section for administration, the
8 agency may use those funds during the applicable period
9 of availability as funds available under one or more pro-
10 grams included in the consolidation under subsection (a).

11 “(f) **CONSOLIDATION OF FUNDS FOR STANDARDS**
12 **AND ASSESSMENT DEVELOPMENT.**—In order to develop
13 State academic standards and assessments, a State edu-
14 cational agency may consolidate the amounts described in
15 subsection (a) for those purposes under title I.

16 **“SEC. 6202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

17 “A State educational agency that also serves as a
18 local educational agency shall, in its applications or plans
19 under this Act, describe how the agency will eliminate du-
20 plication in conducting administrative functions.

21 **“SEC. 6203. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**
22 **ISTRATION.**

23 “(a) **GENERAL AUTHORITY.**—In accordance with
24 regulations of the Secretary and for any fiscal year, a local
25 educational agency, with the approval of its State edu-

1 cational agency, may consolidate and use for the adminis-
2 tration of one or more programs under this Act (or such
3 other programs as the Secretary shall designate) not more
4 than the percentage, established in each program, of the
5 total available for the local educational agency under those
6 programs.

7 “(b) STATE PROCEDURES.—A State educational
8 agency shall, in collaboration with local educational agen-
9 cies in the State, establish procedures for responding to
10 requests from local educational agencies to consolidate ad-
11 ministrative funds under subsection (a) and for estab-
12 lishing limitations on the amount of funds under those
13 programs that may be used for administration on a con-
14 solidated basis.

15 “(c) CONDITIONS.—A local educational agency that
16 consolidates administrative funds under this section for
17 any fiscal year shall not use any other funds under the
18 programs included in the consolidation for administration
19 for that fiscal year.

20 “(d) USES OF ADMINISTRATIVE FUNDS.—A local
21 educational agency that consolidates administrative funds
22 under this section may use the consolidated funds for the
23 administration of the programs and for uses, at the school
24 district and school levels, comparable to those described
25 in section 6201(b)(2).

1 “(e) RECORDS.—A local educational agency that con-
2 solidates administrative funds under this section shall not
3 be required to keep separate records, by individual pro-
4 gram, to account for costs relating to the administration
5 of the programs included in the consolidation.

6 **“SEC. 6204. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
7 **OF THE INTERIOR FUNDS.**

8 “(a) GENERAL AUTHORITY.—

9 “(1) TRANSFER.—The Secretary shall transfer
10 to the Department of the Interior, as a consolidated
11 amount for covered programs, the Indian education
12 programs under part A of title V, and the education
13 for homeless children and youth program under sub-
14 title B of title VII of the McKinney-Vento Homeless
15 Assistance Act, the amounts allotted to the Depart-
16 ment of the Interior under those programs.

17 “(2) AGREEMENT.—

18 “(A) IN GENERAL.—The Secretary and the
19 Secretary of the Interior shall enter into an
20 agreement, consistent with the requirements of
21 the programs specified in paragraph (1), for the
22 distribution and use of those program funds
23 under terms that the Secretary determines best
24 meet the purposes of those programs.

25 “(B) CONTENTS.—The agreement shall—

1 “(i) set forth the plans of the Sec-
2 retary of the Interior for the use of the
3 amount transferred and the achievement
4 measures to assess program effectiveness;
5 and

6 “(ii) be developed in consultation with
7 Indian tribes.

8 “(b) ADMINISTRATION.—The Department of the In-
9 terior may use not more than 1.5 percent of the funds
10 consolidated under this section for its costs related to the
11 administration of the funds transferred under this section.

12 **“PART C—COORDINATION OF PROGRAMS; CON-**
13 **SOLIDATED STATE AND LOCAL PLANS AND**
14 **APPLICATIONS**

15 **“SEC. 6301. PURPOSES.**

16 “The purposes of this part are—

17 “(1) to improve teaching and learning by en-
18 couraging greater cross-program coordination, plan-
19 ning, and service delivery;

20 “(2) to provide greater flexibility to State and
21 local authorities through consolidated plans, applica-
22 tions, and reporting; and

23 “(3) to enhance the integration of programs
24 under this Act with State and local programs.

1 **“SEC. 6302. OPTIONAL CONSOLIDATED STATE PLANS OR**
2 **APPLICATIONS.**

3 “(a) GENERAL AUTHORITY.—

4 “(1) SIMPLIFICATION.—In order to simplify ap-
5 plication requirements and reduce the burden for
6 State educational agencies under this Act, the Sec-
7 retary, in accordance with subsection (b), shall es-
8 tablish procedures and criteria under which, after
9 consultation with the Governor, a State educational
10 agency may submit a consolidated State plan or a
11 consolidated State application meeting the require-
12 ments of this section for—

13 “(A) each of the covered programs in
14 which the State participates; and

15 “(B) such other programs as the Secretary
16 may designate.

17 “(2) CONSOLIDATED APPLICATIONS AND
18 PLANS.—After consultation with the Governor, a
19 State educational agency that submits a consolidated
20 State plan or a consolidated State application under
21 this section shall not be required to submit separate
22 State plans or applications under any of the pro-
23 grams to which the consolidated State plan or con-
24 solidated State application under this section ap-
25 plies.

26 “(b) COLLABORATION.—

1 “(1) IN GENERAL.—In establishing criteria and
2 procedures under this section, the Secretary shall
3 collaborate with State educational agencies and, as
4 appropriate, with other State agencies, local edu-
5 cational agencies, public and private agencies, orga-
6 nizations, and institutions, private schools, and par-
7 ents, students, and teachers.

8 “(2) CONTENTS.—Through the collaborative
9 process described in paragraph (1), the Secretary
10 shall establish, for each program under this Act to
11 which this section applies, the descriptions, informa-
12 tion, assurances, and other material required to be
13 included in a consolidated State plan or consolidated
14 State application.

15 “(3) NECESSARY MATERIALS.—The Secretary
16 shall require only descriptions, information, assur-
17 ances (including assurances of compliance with ap-
18 plicable provisions regarding participation by private
19 school children and teachers), and other materials
20 that are absolutely necessary for the consideration of
21 the consolidated State plan or consolidated State ap-
22 plication.

23 **“SEC. 6303. CONSOLIDATED REPORTING.**

24 “(a) IN GENERAL.—In order to simplify reporting re-
25 quirements and reduce reporting burdens, the Secretary

1 shall establish procedures and criteria under which a State
2 educational agency, in consultation with the Governor of
3 the State, may submit a consolidated State annual report.

4 “(b) CONTENTS.—The report shall contain informa-
5 tion about the programs included in the report, including
6 the performance of the State under those programs, and
7 other matters as the Secretary determines are necessary,
8 such as monitoring activities.

9 “(c) REPLACEMENT.—The report shall replace sepa-
10 rate individual annual reports for the programs included
11 in the consolidated State annual report.

12 **“SEC. 6304. GENERAL APPLICABILITY OF STATE EDU-
13 CATIONAL AGENCY ASSURANCES.**

14 “(a) ASSURANCES.—A State educational agency, in
15 consultation with the Governor of the State, that submits
16 a consolidated State plan or consolidated State application
17 under this Act, whether separately or under section 6302,
18 shall have on file with the Secretary a single set of assur-
19 ances, applicable to each program for which the plan or
20 application is submitted, that provides that—

21 “(1) each such program will be administered in
22 accordance with all applicable statutes, regulations,
23 program plans, and applications;

24 “(2)(A) the control of funds provided under
25 each such program and title to property acquired

1 with program funds will be in a public agency, an
2 eligible private agency, institution, or organization,
3 or an Indian tribe, if the law authorizing the pro-
4 gram provides for assistance to those entities; and

5 “(B) the public agency, eligible private agency,
6 institution, or organization, or Indian tribe will ad-
7 minister those funds and property to the extent re-
8 quired by the authorizing law;

9 “(3) the State will adopt and use proper meth-
10 ods of administering each such program, including—

11 “(A) the enforcement of any obligations
12 imposed by law on agencies, institutions, orga-
13 nizations, and other recipients responsible for
14 carrying out each program;

15 “(B) the correction of deficiencies in pro-
16 gram operations that are identified through au-
17 dits, monitoring, or evaluation; and

18 “(C) the adoption of written procedures for
19 the receipt and resolution of complaints alleging
20 violations of law in the administration of the
21 programs;

22 “(4) the State will cooperate in carrying out
23 any evaluation of each such program conducted by
24 or for the Secretary or other Federal officials;

1 “(5) the State will use such fiscal control and
2 fund accounting procedures that will ensure proper
3 disbursement of, and accounting for, Federal funds
4 paid to the State under each such program;

5 “(6) the State will—

6 “(A) make reports to the Secretary as may
7 be necessary to enable the Secretary to perform
8 the Secretary’s duties under each such pro-
9 gram; and

10 “(B) maintain such records, provide such
11 information to the Secretary, and afford such
12 access to the records as the Secretary may find
13 necessary to carry out the Secretary’s duties;
14 and

15 “(7) before the plan or application was sub-
16 mitted to the Secretary, the State afforded a reason-
17 able opportunity for public comment on the plan or
18 application and considered such comment.

19 “(b) GEPA PROVISION.—Section 441 of the General
20 Education Provisions Act shall not apply to programs
21 under this Act.

22 **“SEC. 6305. CONSOLIDATED LOCAL PLANS OR APPLICA-**
23 **TIONS.**

24 “(a) GENERAL AUTHORITY.—

1 “(1) CONSOLIDATED PLAN.—A local edu-
2 cational agency receiving funds under more than one
3 covered program may submit plans or applications
4 to the State educational agency under those pro-
5 grams on a consolidated basis.

6 “(2) AVAILABILITY TO GOVERNOR.—The State
7 educational agency shall make any consolidated local
8 plans and applications available to the Governor.

9 “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-
10 TIONS.—A State educational agency that has an approved
11 consolidated State plan or application under section 6302
12 may require local educational agencies in the State receiv-
13 ing funds under more than one program included in the
14 consolidated State plan or consolidated State application
15 to submit consolidated local plans or applications under
16 those programs, but may not require those agencies to
17 submit separate plans.

18 “(c) COLLABORATION.—A State educational agency,
19 in consultation with the Governor, shall collaborate with
20 local educational agencies in the State in establishing pro-
21 cedures for the submission of the consolidated State plans
22 or consolidated State applications under this section.

23 “(d) NECESSARY MATERIALS.—The State edu-
24 cational agency shall require only descriptions, informa-
25 tion, assurances, and other material that are absolutely

1 necessary for the consideration of the local educational
2 agency plan or application.

3 **“SEC. 6306. OTHER GENERAL ASSURANCES.**

4 “(a) ASSURANCES.—Any applicant, other than a
5 State educational agency that submits a plan or applica-
6 tion under this Act, shall have on file with the State edu-
7 cational agency a single set of assurances, applicable to
8 each program for which a plan or application is submitted,
9 that provides that—

10 “(1) each such program will be administered in
11 accordance with all applicable statutes, regulations,
12 program plans, and applications;

13 “(2)(A) the control of funds provided under
14 each such program and title to property acquired
15 with program funds will be in a public agency or in
16 an eligible private agency, institution, organization,
17 or Indian tribe, if the law authorizing the program
18 provides for assistance to those entities; and

19 “(B) the public agency, eligible private agency,
20 institution, or organization, or Indian tribe will ad-
21 minister the funds and property to the extent re-
22 quired by the authorizing statutes;

23 “(3) the applicant will adopt and use proper
24 methods of administering each such program, in-
25 cluding—

1 “(A) the enforcement of any obligations
2 imposed by law on agencies, institutions, orga-
3 nizations, and other recipients responsible for
4 carrying out each program; and

5 “(B) the correction of deficiencies in pro-
6 gram operations that are identified through au-
7 dits, monitoring, or evaluation;

8 “(4) the applicant will cooperate in carrying out
9 any evaluation of each such program conducted by
10 or for the State educational agency, the Secretary,
11 or other Federal officials;

12 “(5) the applicant will use such fiscal control
13 and fund accounting procedures as will ensure prop-
14 er disbursement of, and accounting for, Federal
15 funds paid to the applicant under each such pro-
16 gram;

17 “(6) the applicant will—

18 “(A) submit such reports to the State edu-
19 cational agency (which shall make the reports
20 available to the Governor) and the Secretary as
21 the State educational agency and Secretary may
22 require to enable the State educational agency
23 and the Secretary to perform their duties under
24 each such program; and

1 “(2) RECEIPT OF WAIVER.—Except as provided
2 in subsection (c) and subject to the limits in sub-
3 section (b)(5)(A), the Secretary shall waive any stat-
4 utory or regulatory requirement of this Act for a
5 State educational agency, local educational agency,
6 Indian tribe, or school (through a local educational
7 agency), that submits a waiver request pursuant to
8 this subsection.

9 “(b) PLAN.—

10 “(1) IN GENERAL.—A State educational agen-
11 cy, local educational agency, or Indian tribe that de-
12 sires a waiver under this section shall submit a waiv-
13 er request to the Secretary, which shall include a
14 plan that—

15 “(A) identifies the Federal programs af-
16 fected by the requested waiver;

17 “(B) describes which Federal statutory or
18 regulatory requirements are to be waived;

19 “(C) reasonably demonstrates that the
20 waiver will improve instruction for students and
21 advance student academic achievement;

22 “(D) describes the methods the State edu-
23 cational agency, local educational agency, or In-
24 dian tribe will use to monitor the effectiveness
25 of the implementation of the plan; and

1 “(E) describes how schools will continue to
2 provide assistance to the same populations
3 served by programs for which the waiver is re-
4 quested.

5 “(2) ADDITIONAL INFORMATION.—A waiver re-
6 quest under this section—

7 “(A) may provide for waivers of require-
8 ments applicable to State educational agencies,
9 local educational agencies, Indian tribes, and
10 schools; and

11 “(B) shall be developed and submitted—

12 “(i)(I) by local educational agencies
13 (on behalf of those agencies and schools)
14 to State educational agencies; and

15 “(II) by State educational agencies
16 (on their own behalf, or on behalf of, and
17 based on the requests of, local educational
18 agencies in the State) to the Secretary; or

19 “(ii) by Indian tribes (on behalf of
20 schools operated by the tribes) to the Sec-
21 retary.

22 “(3) GENERAL REQUIREMENTS.—

23 “(A) STATE EDUCATIONAL AGENCIES.—In
24 the case of a waiver request submitted by a
25 State educational agency acting on its own be-

1 half, or on behalf of local educational agencies
2 in the State, the State educational agency
3 shall—

4 “(i) provide the public and local edu-
5 cational agencies in the State with notice
6 and a reasonable opportunity to comment
7 and provide input on the request;

8 “(ii) submit the comments and input
9 to the Secretary, with a description of how
10 the State addressed the comments and
11 input; and

12 “(iii) provide notice and a reasonable
13 time to comment to the public and local
14 educational agencies in the manner in
15 which the applying agency customarily pro-
16 vides similar notice and opportunity to
17 comment to the public.

18 “(B) LOCAL EDUCATIONAL AGENCIES.—In
19 the case of a waiver request submitted by a
20 local educational agency that receives funds
21 under this Act—

22 “(i) the request shall be reviewed by
23 the State educational agency and be ac-
24 companied by the comments, if any, of the

1 State educational agency and the public;
2 and

3 “(ii) notice and a reasonable oppor-
4 tunity to comment regarding the waiver re-
5 quest shall be provided to the State edu-
6 cational agency and the public by the agen-
7 cy requesting the waiver in the manner in
8 which that agency customarily provides
9 similar notice and opportunity to comment
10 to the public.

11 “(4) PEER REVIEW.—

12 “(A) ESTABLISHMENT.—The Secretary
13 shall establish a multi-disciplinary peer review
14 team, which shall meet the requirements of sec-
15 tion 6543, to review waiver requests under this
16 section.

17 “(B) APPLICABILITY.—The Secretary may
18 approve a waiver request under this section
19 without conducting a peer review of the request,
20 but shall use the peer review process under this
21 paragraph before disapproving such a request.

22 “(C) STANDARD AND NATURE OF RE-
23 VIEW.—Peer reviewers shall conduct a good
24 faith review of waiver requests submitted to

1 them under this section. Peer reviewers shall re-
2 view such waiver requests—

3 “(i) in their totality;

4 “(ii) in deference to State and local
5 judgment; and

6 “(iii) with the goal of promoting
7 State- and local-led innovation.

8 “(5) WAIVER DETERMINATION, DEMONSTRA-
9 TION, AND REVISION.—

10 “(A) IN GENERAL.—The Secretary shall
11 approve a waiver request not more than 60
12 days after the date on which such request is
13 submitted, unless the Secretary determines and
14 demonstrates that—

15 “(i) the waiver request does not meet
16 the requirements of this section;

17 “(ii) the waiver is not permitted under
18 subsection (c);

19 “(iii) the plan that is required under
20 paragraph (1)(C), and reviewed with def-
21 erence to State and local judgment, pro-
22 vides no reasonable evidence to determine
23 that a waiver will enhance student aca-
24 demic achievement; or

1 “(iv) the waiver request does not pro-
2 vide for adequate evaluation to ensure re-
3 view and continuous improvement of the
4 plan.

5 “(B) WAIVER DETERMINATION AND REVI-
6 SION.—If the Secretary determines and dem-
7 onstrates that the waiver request does not meet
8 the requirements of this section, the Secretary
9 shall—

10 “(i) immediately—

11 “(I) notify the State educational
12 agency, local educational agency, or
13 Indian tribe of such determination;
14 and

15 “(II) at the request of the State
16 educational agency, local educational
17 agency, or Indian tribe, provide de-
18 tailed reasons for such determination
19 in writing;

20 “(ii) offer the State educational agen-
21 cy, local educational agency, or Indian
22 tribe an opportunity to revise and resubmit
23 the waiver request not more than 60 days
24 after the date of such determination; and

1 “(iii) if the Secretary determines that
2 the resubmission does not meet the re-
3 quirements of this section, at the request
4 of the State educational agency, local edu-
5 cational agency, or Indian tribe, conduct a
6 public hearing not more than 30 days after
7 the date of such resubmission.

8 “(C) WAIVER DISAPPROVAL.—The Sec-
9 retary may disapprove a waiver request if—

10 “(i) the State educational agency,
11 local educational agency, or Indian tribe
12 has been notified and offered an oppor-
13 tunity to revise and resubmit the waiver
14 request, as described under clauses (i) and
15 (ii) of subparagraph (B); and

16 “(ii) the State educational agency,
17 local educational agency, or Indian tribe—

18 “(I) does not revise and resubmit
19 the waiver request; or

20 “(II) revises and resubmits the
21 waiver request, and the Secretary de-
22 termines that such waiver request
23 does not meet the requirements of this
24 section after a hearing conducted

1 under subparagraph (B)(iii), if re-
2 requested.

3 “(D) EXTERNAL CONDITIONS.—The Sec-
4 retary shall not, directly or indirectly, require or
5 impose new or additional requirements in ex-
6 change for receipt of a waiver if such require-
7 ments are not specified in this Act.

8 “(c) RESTRICTIONS.—The Secretary shall not waive
9 under this section any statutory or regulatory require-
10 ments relating to—

11 “(1) the allocation or distribution of funds to
12 States, local educational agencies, Indian tribes, or
13 other recipients of funds under this Act;

14 “(2) comparability of services;

15 “(3) use of Federal funds to supplement, not
16 supplant, non-Federal funds;

17 “(4) equitable participation of private school
18 students and teachers;

19 “(5) parental participation and involvement;

20 “(6) applicable civil rights requirements;

21 “(7) the prohibitions—

22 “(A) in subpart 2 of part E;

23 “(B) regarding use of funds for religious
24 worship or instruction in section 6505; and

1 “(C) regarding activities in section 6524;

2 or

3 “(8) the selection of a school attendance area or
4 school under subsections (a) and (b) of section 1113,
5 except that the Secretary may grant a waiver to
6 allow a school attendance area or school to partici-
7 pate in activities under subpart 1 of part A of title
8 I if the percentage of children from low-income fami-
9 lies in the school attendance area or who attend the
10 school is not more than 10 percentage points below
11 the lowest percentage of those children for any
12 school attendance area or school of the local edu-
13 cational agency that meets the requirements of sub-
14 sections (a) and (b) of section 1113.

15 “(d) DURATION AND EXTENSION OF WAIVER; LIM-
16 TATIONS.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), a waiver approved by the Secretary under
19 this section may be for a period not to exceed 3
20 years.

21 “(2) EXTENSION.—The Secretary may extend
22 the period described in paragraph (1) if the State
23 demonstrates that—

24 “(A) the waiver has been effective in ena-
25 bling the State or affected recipient to carry out

1 the activities for which the waiver was re-
2 requested and the waiver has contributed to im-
3 proved student achievement; and

4 “(B) the extension is in the public interest.

5 “(3) SPECIFIC LIMITATIONS.—The Secretary
6 shall not require a State educational agency, local
7 educational agency, or Indian tribe, as a condition of
8 approval of a waiver request, to—

9 “(A) include in, or delete from, such re-
10 quest, specific academic standards, such as the
11 Common Core State Standards developed under
12 the Common Core State Standards Initiative or
13 any other standards common to a significant
14 number of States;

15 “(B) use specific academic assessment in-
16 struments or items, including assessments
17 aligned to the standards described in subpara-
18 graph (A); or

19 “(C) include in, or delete from, such waiv-
20 er request any criterion that specifies, defines,
21 describes, or prescribes the standards or meas-
22 ures that a State or local educational agency or
23 Indian tribe uses to establish, implement, or im-
24 prove—

25 “(i) State academic standards;

- 1 “(ii) academic assessments;
- 2 “(iii) State accountability systems; or
- 3 “(iv) teacher and school leader evaluation systems.

4 “(e) REPORTS.—

5 “(1) WAIVER REPORTS.—A State educational

6 agency, local educational agency, or Indian tribe

7 that receives a waiver under this section shall, at the

8 end of the second year for which a waiver is received

9 under this section and each subsequent year, submit

10 a report to the Secretary that—

11 “(A) describes the uses of the waiver by

12 the agency or by schools;

13 “(B) describes how schools continued to

14 provide assistance to the same populations

15 served by the programs for which waivers were

16 granted; and

17 “(C) evaluates the progress of the agency

18 and schools, or Indian tribe, in improving the

19 quality of instruction or the academic achievement

20 of students.

21 “(2) REPORT TO CONGRESS.—The Secretary

22 shall annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Edu-

23

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25

1 cation, Labor, and Pensions of the Senate a re-
2 port—

3 “(A) summarizing the uses of waivers by
4 State educational agencies, local educational
5 agencies, Indian tribes, and schools; and

6 “(B) describing the status of the waivers
7 in improving academic achievement.

8 “(f) TERMINATION OF WAIVERS.—The Secretary
9 shall terminate a waiver under this section if the Secretary
10 determines, after notice and an opportunity for a hearing,
11 that the performance of the State or other recipient af-
12 fected by the waiver has been inadequate to justify a con-
13 tinuation of the waiver and the recipient of the waiver has
14 failed to make revisions needed to carry out the purpose
15 of the waiver, or if the waiver is no longer necessary to
16 achieve its original purpose.

17 “(g) PUBLICATION.—A notice of the Secretary’s deci-
18 sion to grant each waiver under subsection (a) shall be
19 published in the Federal Register and the Secretary shall
20 provide for the dissemination of the notice to State edu-
21 cational agencies, interested parties, including educators,
22 parents, students, advocacy and civil rights organizations,
23 and the public.

1 **“PART E—UNIFORM PROVISIONS**

2 **“Subpart 1—Private Schools**

3 **“SEC. 6501. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
4 **DREN AND TEACHERS.**

5 “(a) PRIVATE SCHOOL PARTICIPATION.—

6 “(1) IN GENERAL.—Except as otherwise pro-
7 vided in this Act, to the extent consistent with the
8 number of eligible children in areas served by a
9 State educational agency, local educational agency,
10 educational service agency, consortium of those
11 agencies, or another entity receiving financial assist-
12 ance under a program specified in subsection (b),
13 who are enrolled in private elementary schools and
14 secondary schools in areas served by such agency,
15 consortium, or entity, the agency, consortium, or en-
16 tity shall, after timely and meaningful consultation
17 with appropriate private school officials or their rep-
18 resentatives, provide to those children and their
19 teachers or other educational personnel, on an equi-
20 table basis, special educational services or other ben-
21 efits that address their needs under the program.

22 “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-
23 ICAL SERVICES OR BENEFITS.—Educational services
24 or other benefits, including materials and equipment,
25 provided under this section, shall be secular, neutral,
26 and nonideological.

1 “(3) SPECIAL RULE.—

2 “(A) IN GENERAL.—Educational services
3 and other benefits provided under this section
4 for private school children, teachers, and other
5 educational personnel shall be equitable in com-
6 parison to services and other benefits for public
7 school children, teachers, and other educational
8 personnel participating in the program and
9 shall be provided in a timely manner.

10 “(B) OMBUDSMAN.—To help ensure equi-
11 table services are provided to private school
12 children, teachers, and other educational per-
13 sonnel under this section, the State educational
14 agency involved shall designate the ombudsman
15 designated by the agency under section
16 1120(a)(3)(B) to monitor and enforce require-
17 ments of this section.

18 “(4) EXPENDITURES.—

19 “(A) IN GENERAL.—Expenditures for edu-
20 cational services and other benefits to eligible
21 private school children, teachers, and other
22 service personnel shall be equal to the expendi-
23 tures for participating public school children,
24 taking into account the number and educational
25 needs, of the children to be served.

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

5 “(i) be obligated in the fiscal year for
6 which the funds are received by the agen-
7 cy; and

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

12 “(C) NOTICE OF ALLOCATION.—Each
13 State educational agency shall—

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

20 “(ii) provide notice, simultaneously, to
21 each such local educational agency and the
22 appropriate private school officials or their
23 representatives in the State of such alloca-
24 tion of funds.

1 “(5) PROVISION OF SERVICES.—An agency,
2 consortium, or entity described in subsection (a)(1)
3 of this section may provide those services directly or
4 through contracts with public and private agencies,
5 organizations, and institutions.

6 “(b) APPLICABILITY.—

7 “(1) IN GENERAL.—This section applies to pro-
8 grams under—

9 “(A) subpart 2 of part A of title I;

10 “(B) subpart 4 of part A of title I;

11 “(C) part A of title II;

12 “(D) part B of title II; and

13 “(E) part B of title III.

14 “(2) DEFINITION.—For the purpose of this sec-
15 tion, the term ‘eligible children’ means children eligi-
16 ble for services under a program described in para-
17 graph (1).

18 “(c) CONSULTATION.—

19 “(1) IN GENERAL.—To ensure timely and
20 meaningful consultation, a State educational agency,
21 local educational agency, educational service agency,
22 consortium of those agencies, or entity shall consult,
23 in order to reach an agreement, with appropriate
24 private school officials or their representatives dur-

1 ing the design and development of the programs
2 under this Act, on issues such as—

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

5 “(B) what services will be offered;

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

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

11 “(E) the size and scope of the equitable
12 services to be provided to the eligible private
13 school children, teachers, and other educational
14 personnel, the proportion of funds that are allo-
15 cated for such services, how that proportion of
16 funds is determined, and an itemization of the
17 costs of the services to be provided;

18 “(F) how and when the agency, consor-
19 tium, or entity will make decisions about the
20 delivery of services, including a thorough con-
21 sideration and analysis of the views of the pri-
22 vate school officials or their representatives on
23 the provision of services through potential
24 third-party providers or contractors;

1 “(G) how, if the agency disagrees with the
2 views of the private school officials or their rep-
3 resentatives on the provision of services through
4 a contract, the local educational agency will
5 provide in writing to such private school offi-
6 cials or their representatives an analysis of the
7 reasons why the local educational agency has
8 chosen not to use a contractor;

9 “(H) whether the agency will provide serv-
10 ices under this section directly or through con-
11 tracts with public or private agencies, organiza-
12 tions, or institutions; and

13 “(I) whether to provide equitable services
14 to eligible private school children—

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

23 “(ii) by providing such services to eli-
24 gible children in each private school in the
25 local educational agency’s participating

1 school attendance area with the proportion
2 of funds allocated under subsection (a)(4)
3 based on the number of children from low-
4 income families who attend such school.

5 “(2) DISAGREEMENT.—If the agency, consor-
6 tium, or entity disagrees with the views of the pri-
7 vate school officials or their representatives with re-
8 spect to an issue described in paragraph (1), the
9 agency, consortium, or entity shall provide to the
10 private school officials or their representatives a
11 written explanation of the reasons why the local edu-
12 cational agency has chosen not to adopt the course
13 of action requested by such officials or their rep-
14 resentatives.

15 “(3) TIMING.—The consultation required by
16 paragraph (1) shall occur before the agency, consor-
17 tium, or entity makes any decision that affects the
18 opportunities of eligible private school children,
19 teachers, and other educational personnel to partici-
20 pate in programs under this Act, and shall continue
21 throughout the implementation and assessment of
22 activities under this section.

23 “(4) DISCUSSION REQUIRED.—The consultation
24 required by paragraph (1) shall include a discussion
25 of service delivery mechanisms that the agency, con-

1 sortium, or entity could use to provide equitable
2 services to eligible private school children, teachers,
3 administrators, and other staff.

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

21 “(6) COMPLIANCE.—

22 “(A) IN GENERAL.—If the consultation re-
23 quired under this section is with a local edu-
24 cational agency or educational service agency, a
25 private school official or representative shall

1 have the right to file a complaint with the State
2 educational agency that the consultation re-
3 quired under this section was not meaningful
4 and timely, did not give due consideration to
5 the views of the private school official or rep-
6 resentative, or did not treat the private school
7 or its students equitably as required by this sec-
8 tion.

9 “(B) PROCEDURE.—If the private school
10 official or representative wishes to file a com-
11 plaint, the private school official or representa-
12 tive shall provide the basis of the noncompli-
13 ance with this section and all parties shall pro-
14 vide the appropriate documentation to the ap-
15 propriate officials or representatives.

16 “(C) SERVICES.—A State educational
17 agency shall provide services under this section
18 directly or through contracts with public and
19 private agencies, organizations, and institutions,
20 if—

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

23 “(I) requested that the State
24 educational agency provide such serv-
25 ices directly; and

1 “(II) demonstrated that the local
2 educational agency or Education Serv-
3 ice Agency involved has not met the
4 requirements of this section; or

5 “(ii) in a case in which—

6 “(I) a local educational agency
7 has more than 10,000 children from
8 low-income families who attend pri-
9 vate elementary schools or secondary
10 schools in such agency’s school at-
11 tendance areas, as defined in section
12 1113(a)(2)(A), that are not being
13 served by the agency’s program under
14 this section; or

15 “(II) 90 percent of the eligible
16 private school students in a school at-
17 tendance area, as defined in section
18 1113(a)(2)(A), are not being served
19 by the agency’s program under this
20 section.

21 “(d) PUBLIC CONTROL OF FUNDS.—

22 “(1) IN GENERAL.—The control of funds used
23 to provide services under this section, and title to
24 materials, equipment, and property purchased with
25 those funds, shall be in a public agency for the uses

1 and purposes provided in this Act, and a public
2 agency shall administer the funds and property.

3 “(2) PROVISION OF SERVICES.—

4 “(A) IN GENERAL.—The provision of serv-
5 ices under this section shall be provided—

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

7 or

8 “(ii) through contract by the public
9 agency with an individual, association,
10 agency, organization, or other entity.

11 “(B) INDEPENDENCE; PUBLIC AGENCY.—

12 In the provision of those services, the employee,
13 person, association, agency, organization, or
14 other entity shall be independent of the private
15 school and of any religious organization, and
16 the employment or contract shall be under the
17 control and supervision of the public agency.

18 “(C) COMMINGLING OF FUNDS PROHIB-
19 ITED.—Funds used to provide services under
20 this section shall not be commingled with non-
21 Federal funds.

22 **“SEC. 6502. STANDARDS FOR BY-PASS.**

23 “(a) IN GENERAL.—If, by reason of any provision of
24 law, a State educational agency, local educational agency,
25 educational service agency, consortium of those agencies,

1 or other entity is prohibited from providing for the partici-
2 pation in programs of children enrolled in, or teachers or
3 other educational personnel from, private elementary
4 schools and secondary schools, on an equitable basis, or
5 if the Secretary determines that the agency, consortium,
6 or entity has substantially failed or is unwilling to provide
7 for that participation, as required by section 6501, the
8 Secretary shall—

9 “(1) waive the requirements of that section for
10 the agency, consortium, or entity; and

11 “(2) arrange for the provision of equitable serv-
12 ices to those children, teachers, or other educational
13 personnel through arrangements that shall be sub-
14 ject to the requirements of this section and of sec-
15 tions 6501, 6503, and 6504.

16 “(b) DETERMINATION.—In making the determina-
17 tion under subsection (a), the Secretary shall consider one
18 or more factors, including the quality, size, scope, and lo-
19 cation of the program, and the opportunity of private
20 school children, teachers, and other educational personnel
21 to participate in the program.

22 **“SEC. 6503. COMPLAINT PROCESS FOR PARTICIPATION OF**
23 **PRIVATE SCHOOL CHILDREN.**

24 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-
25 retary shall develop and implement written procedures for

1 receiving, investigating, and resolving complaints from
2 parents, teachers, or other individuals and organizations
3 concerning violations of section 6501 by a State edu-
4 cational agency, local educational agency, educational
5 service agency, consortium of those agencies, or entity.
6 The individual or organization shall submit the complaint
7 to the State educational agency for a written resolution
8 by the State educational agency within 45 days.

9 “(b) APPEALS TO SECRETARY.—The resolution may
10 be appealed by an interested party to the Secretary not
11 later than 30 days after the State educational agency re-
12 solves the complaint or fails to resolve the complaint with-
13 in the 45-day time limit. The appeal shall be accompanied
14 by a copy of the State educational agency’s resolution,
15 and, if there is one, a complete statement of the reasons
16 supporting the appeal. The Secretary shall investigate and
17 resolve the appeal not later than 90 days after receipt of
18 the appeal.

19 **“Subpart 2—Prohibitions**

20 **“SEC. 6521. PROHIBITION AGAINST FEDERAL MANDATES,**
21 **DIRECTION, OR CONTROL.**

22 “(a) IN GENERAL.—No officer or employee of the
23 Federal Government shall, directly or indirectly, through
24 grants, contracts, or other cooperative agreements, man-
25 date, direct, incentivize, or control a State, local edu-

1 cational agency, or school’s specific instructional content,
2 academic standards and assessments, curricula, or pro-
3 gram of instruction, (including any requirement, direction,
4 incentive, or mandate to adopt the Common Core State
5 Standards developed under the Common Core State
6 Standards Initiative or any other academic standards com-
7 mon to a significant number of States), nor shall anything
8 in this Act be construed to authorize such officer or em-
9 ployee to do so.

10 “(b) FINANCIAL SUPPORT.—No officer or employee
11 of the Federal Government shall, directly or indirectly,
12 through grants, contracts, or other cooperative agree-
13 ments, make financial support available in a manner that
14 is conditioned upon a State, local educational agency, or
15 school’s adoption of specific instructional content, aca-
16 demic standards and assessments, curriculum, or program
17 of instruction, (including any requirement, direction, or
18 mandate to adopt the Common Core State Standards de-
19 veloped under the Common Core State Standards Initia-
20 tive, any other academic standards common to a signifi-
21 cant number of States, or any assessment, instructional
22 content, or curriculum aligned to such standards), even
23 if such requirements are specified in an Act other than
24 this Act, nor shall anything in this Act be construed to
25 authorize such officer or employee to do so.

1 **“SEC. 6522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
2 **USE OF FEDERAL FUNDS.**

3 “(a) GENERAL PROHIBITION.—Nothing in this Act
4 shall be construed to authorize an officer or employee of
5 the Federal Government directly or indirectly, whether
6 through a grant, contract, or cooperative agreement, to
7 mandate, direct, or control a State, local educational agen-
8 cy, or school’s curriculum, program of instruction, or allo-
9 cation of State or local resources, or mandate a State or
10 any subdivision thereof to spend any funds or incur any
11 costs not paid for under this Act.

12 “(b) PROHIBITION ON ENDORSEMENT OF CUR-
13 RICULUM.—Notwithstanding any other prohibition of Fed-
14 eral law, no funds provided to the Department under this
15 Act may be used by the Department directly or indi-
16 rectly—whether through a grant, contract, or cooperative
17 agreement—to endorse, approve, develop, require, or sanc-
18 tion any curriculum, including any curriculum aligned to
19 the Common Core State Standards developed under the
20 Common Core State Standards Initiative or any other aca-
21 demic standards common to a significant number of
22 States, designed to be used in an elementary school or sec-
23 ondary school.

24 “(c) LOCAL CONTROL.—Nothing in this Act shall be
25 construed to—

1 “(1) authorize an officer or employee of the
2 Federal Government directly or indirectly—whether
3 through a grant, contract, or cooperative agree-
4 ment—to mandate, direct, review, or control a State,
5 local educational agency, or school’s instructional
6 content, curriculum, and related activities;

7 “(2) limit the application of the General Edu-
8 cation Provisions Act;

9 “(3) require the distribution of scientifically or
10 medically false or inaccurate materials or to prohibit
11 the distribution of scientifically or medically true or
12 accurate materials; or

13 “(4) create any legally enforceable right.

14 “(d) PROHIBITION ON REQUIRING FEDERAL AP-
15 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-
16 standing any other provision of Federal law, no State shall
17 be required to have academic standards approved or cer-
18 tified by the Federal Government, in order to receive as-
19 sistance under this Act.

20 “(e) RULE OF CONSTRUCTION ON BUILDING STAND-
21 ARDS.—Nothing in this Act shall be construed to mandate
22 national school building standards for a State, local edu-
23 cational agency, or school.

1 **“SEC. 6523. PROHIBITION ON FEDERALLY SPONSORED**
2 **TESTING.**

3 “(a) GENERAL PROHIBITION.—Notwithstanding any
4 other provision of Federal law and except as provided in
5 subsection (b), no funds provided under this Act to the
6 Secretary or to the recipient of any award may be used
7 to develop, pilot test, field test, implement, administer, or
8 distribute any federally sponsored national test or testing
9 materials in reading, mathematics, or any other subject,
10 unless specifically and explicitly authorized by law.

11 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
12 international comparative assessments developed under
13 the authority of section 153(a)(5) of the Education
14 Sciences Reform Act of 2002 and administered to only a
15 representative sample of pupils in the United States and
16 in foreign nations.

17 **“SEC. 6524. LIMITATIONS ON NATIONAL TESTING OR CER-**
18 **TIFICATION FOR TEACHERS.**

19 “(a) MANDATORY NATIONAL TESTING OR CERTIFI-
20 CATION OF TEACHERS.—Notwithstanding any other pro-
21 vision of this Act or any other provision of law, no funds
22 available to the Department or otherwise available under
23 this Act may be used for any purpose relating to a manda-
24 tory nationwide test or certification of teachers or edu-
25 cation paraprofessionals, including any planning, develop-

1 ment, implementation, or administration of such test or
2 certification.

3 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
4 Secretary is prohibited from withholding funds from any
5 State educational agency or local educational agency if the
6 State educational agency or local educational agency fails
7 to adopt a specific method of teacher or paraprofessional
8 certification.

9 **“SEC. 6525. PROHIBITED USES OF FUNDS.**

10 “No funds under this Act may be used—

11 “(1) for construction, renovation, or repair of
12 any school facility, except as authorized under title
13 IV or otherwise authorized under this Act;

14 “(2) for medical services, drug treatment or re-
15 habilitation, except for specialized instructional sup-
16 port services or referral to treatment for students
17 who are victims of, or witnesses to, crime or who il-
18 legally use drugs;

19 “(3) for transportation unless otherwise author-
20 ized under this Act;

21 “(4) to develop or distribute materials, or oper-
22 ate programs or courses of instruction directed at
23 youth, that are designed to promote or encourage
24 sexual activity, or normalize teen sexual activity as

1 an expected behavior, implicitly or explicitly, whether
2 homosexual or heterosexual;

3 “(5) to distribute or to aid in the distribution
4 on school grounds by any organization of legally ob-
5 scene materials to minors or any instruction or ma-
6 terials that normalize teen sexual activity as an ex-
7 pected behavior;

8 “(6) to provide sex education or HIV-prevention
9 education in schools unless that instruction is age
10 appropriate and includes the health benefits of absti-
11 nence; or

12 “(7) to operate a program of contraceptive dis-
13 tribution in schools.

14 **“SEC. 6526. PROHIBITION REGARDING STATE AID.**

15 “A State shall not take into consideration payments
16 under this Act (other than under title IV) in determining
17 the eligibility of any local educational agency in that State
18 for State aid, or the amount of State aid, with respect
19 to free public education of children.

20 **“SEC. 6527. PROHIBITION ON REQUIRING STATE PARTICI-
21 PATION.**

22 “Any State that opts out of receiving funds, or that
23 has not been awarded funds, under one or more programs
24 under this Act shall not be required to carry out any of
25 the requirements of such program or programs, and noth-

1 ing in this Act shall be construed to require a State to
2 participate in any program under this Act.

3 **“SEC. 6528. LOCAL CONTROL.**

4 “The Secretary shall not—

5 “(1) impose any requirements or exercise any
6 governance or authority over school administration,
7 including the development and expenditure of school
8 budgets, unless explicitly authorized under this Act;

9 “(2) issue any regulations or non-regulatory
10 guidance without first consulting with local stake-
11 holders and fairly addressing their concerns; or

12 “(3) deny any local educational agency the
13 right to object to any administrative requirement, in-
14 cluding actions that place additional burdens or cost
15 on the local educational agency.

16 **“Subpart 3—Other Provisions**

17 **“SEC. 6541. ARMED FORCES RECRUITER ACCESS TO STU-**
18 **DENTS AND STUDENT RECRUITING INFORMA-**
19 **TION.**

20 “(a) POLICY.—

21 “(1) ACCESS TO STUDENT RECRUITING INFOR-
22 MATION.—Notwithstanding section 444(a)(5)(B) of
23 the General Education Provisions Act, each local
24 educational agency receiving assistance under this
25 Act shall provide, upon a request made by a military

1 recruiter or an institution of higher education, ac-
2 cess to the name, address, and telephone listing of
3 each secondary school student served by the local
4 educational agency, unless the parent of such stu-
5 dent has submitted the prior consent request under
6 paragraph (2).

7 “(2) CONSENT.—

8 “(A) OPT-OUT PROCESS.—A parent of a
9 secondary school student may submit a written
10 request, to the local educational agency, that
11 the student’s name, address, and telephone list-
12 ing not be released for purposes of paragraph
13 (1) without prior written consent of the parent.
14 Upon receiving such request, the local edu-
15 cational agency may not release the student’s
16 name, address, and telephone listing for such
17 purposes without the prior written consent of
18 the parent.

19 “(B) NOTIFICATION OF OPT-OUT PROC-
20 ESS.—Each local educational agency shall no-
21 tify the parents of the students served by the
22 agency of the option to make a request de-
23 scribed in subparagraph (A).

24 “(3) SAME ACCESS TO STUDENTS.—Each local
25 educational agency receiving assistance under this

1 Act shall provide military recruiters the same access
2 to secondary school students as is provided generally
3 to institutions of higher education or to prospective
4 employers of those students.

5 “(4) RULE OF CONSTRUCTION PROHIBITING
6 OPT-IN PROCESSES.—Nothing in this subsection
7 shall be construed to allow a local educational agen-
8 cy to withhold access to a student’s name, address,
9 and telephone listing from a military recruiter or in-
10 stitution of higher education by implementing an
11 opt-in process or any other process other than the
12 written consent request process under paragraph
13 (2)(A).

14 “(5) PARENTAL CONSENT.—For purposes of
15 this subsection, whenever a student has attained 18
16 years of age, the permission or consent required of
17 and the rights accorded to the parents of the stu-
18 dent shall only be required of and accorded to the
19 student.

20 “(b) NOTIFICATION.—The Secretary, in consultation
21 with the Secretary of Defense, shall, not later than 120
22 days after the date of enactment of the Student Success
23 Act, notify school leaders, school administrators, and other
24 educators about the requirements of this section.

1 “(c) EXCEPTION.—The requirements of this section
2 do not apply to a private secondary school that maintains
3 a religious objection to service in the Armed Forces if the
4 objection is verifiable through the corporate or other orga-
5 nizational documents or materials of that school.

6 **“SEC. 6542. RULEMAKING.**

7 “The Secretary shall issue regulations under this Act
8 as prescribed under section 1401 only to the extent that
9 such regulations are necessary to ensure that there is com-
10 pliance with the specific requirements and assurances re-
11 quired by this Act.

12 **“SEC. 6543. PEER REVIEW.**

13 “(a) IN GENERAL.—If the Secretary uses a peer re-
14 view panel to evaluate an application for any program re-
15 quired under this Act, the Secretary shall conduct the
16 panel in accordance with this section.

17 “(b) MAKEUP.—The Secretary shall—

18 “(1) solicit nominations for peers to serve on
19 the panel from States that are—

20 “(A) practitioners in the subject matter; or

21 “(B) experts in the subject matter; and

22 “(2) select the peers from such nominees, ex-
23 cept that there shall be at least 75 percent practi-
24 tioners on each panel and in each group formed
25 from the panel.

1 “(c) GUIDANCE.—The Secretary shall issue the peer
2 review guidance concurrently with the notice of the grant.

3 “(d) REPORTING.—The Secretary shall—

4 “(1) make the names of the peer reviewers
5 available to the public before the final deadline for
6 the application of the grant;

7 “(2) make the peer review notes publically
8 available once the review has concluded; and

9 “(3) make any deviations from the peer review-
10 ers’ recommendations available to the public with an
11 explanation of the deviation.

12 “(e) APPLICANT REVIEWS.—An applicant shall have
13 an opportunity within 30 days to review the peer review
14 notes and appeal the score to the Secretary prior to the
15 Secretary making any final determination.

16 “(f) PROHIBITION.—The Secretary, and the Sec-
17 retary’s staff, may not attempt to participate in, or influ-
18 ence, the peer review process. No Federal employee may
19 participate in, or attempt to influence the peer review
20 process, except to respond to questions of a technical na-
21 ture, which shall be publicly reported.

22 **“SEC. 6544. PARENTAL CONSENT.**

23 “Upon receipt of written notification from the par-
24 ents or legal guardians of a student, the local educational
25 agency shall withdraw such student from any program

1 funded under part B of title III. The local educational
2 agency shall make reasonable efforts to inform parents or
3 legal guardians of the content of such programs or activi-
4 ties funded under this Act, other than classroom instruc-
5 tion.

6 **“SEC. 6545. SEVERABILITY.**

7 “If any provision of this Act is held invalid, the re-
8 mainder of this Act shall be unaffected thereby.

9 **“SEC. 6546. DEPARTMENT STAFF.**

10 “The Secretary shall—

11 “(1) not later than 60 days after the date of
12 the enactment of the Student Success Act, identify
13 the number of Department employees who worked
14 on or administered each education program and
15 project authorized under this Act, as such program
16 or project was in effect on the day before such en-
17 actment date, and publish such information on the
18 Department’s website;

19 “(2) not later than 60 days after such enact-
20 ment date, identify the number of full-time equiva-
21 lent employees who work on or administer programs
22 or projects authorized under this Act, as in effect on
23 the day before such enactment date, that have been
24 eliminated or consolidated since such date;

1 “(3) not later than 1 year after such enactment
2 date, reduce the workforce of the Department by the
3 number of full-time equivalent employees the De-
4 partment calculated under paragraph (2); and

5 “(4) not later than 1 year after such enactment
6 date, report to the Congress on—

7 “(A) the number of employees associated
8 with each program or project authorized under
9 this Act administered by the Department;

10 “(B) the number of full-time equivalent
11 employees who were determined to be associated
12 with eliminated or consolidated programs or
13 projects under paragraph (2);

14 “(C) how the Secretary reduced the num-
15 ber of employees at the Department under
16 paragraph (3);

17 “(D) the average salary of the employees
18 described in subparagraph (B) whose positions
19 were eliminated; and

20 “(E) the average salary of the full-time
21 equivalent employees who work on or admin-
22 ister a program or project authorized under this
23 Act by the Department, disaggregated by em-
24 ployee function with each such program or
25 project.

1 **“SEC. 6547. CRIMINAL BACKGROUND CHECKS.**

2 “(a) CONDITION OF RECEIPT OF FUNDS.—A local
3 educational agency or State educational agency shall be
4 ineligible for funds under this Act if such agency—

5 “(1) employs an individual who—

6 “(A) refuses to consent to a criminal back-
7 ground check that includes—

8 “(i) a search of the State criminal
9 registry or repository in the State where
10 the individual resides;

11 “(ii) a search of State-based child
12 abuse and neglect registries and databases
13 in the State where the individual resides;

14 “(iii) a search of the National Crime
15 Information Center;

16 “(iv) a Federal Bureau of Investiga-
17 tion fingerprint check using the Integrated
18 Automated Fingerprint Identification Sys-
19 tem; and

20 “(v) a search of the National Sex Of-
21 fender Registry established under the
22 Adam Walsh Child Protection and Safety
23 Act of 2006 (42 U.S.C. 16901 et seq.);

24 “(B) makes a false statement in connec-
25 tion with such criminal background check;

1 “(C) is registered or is required to be reg-
2 istered on a State sex offender registry or the
3 National Sex Offender Registry established
4 under the Adam Walsh Child Protection and
5 Safety Act of 2006 (42 U.S.C. 16901 et seq.);
6 or

7 “(D) has been convicted of a felony con-
8 sisting of—

9 “(i) homicide;

10 “(ii) child abuse or neglect;

11 “(iii) a crime against children, includ-
12 ing child pornography;

13 “(iv) domestic violence;

14 “(v) a crime involving rape or sexual
15 assault;

16 “(vi) kidnapping;

17 “(vii) arson; or

18 “(viii) physical assault, battery, or a
19 drug-related offense, committed on or after
20 the date that is 5 years before the date of
21 the individual’s criminal background check
22 under this section; or

23 “(2) knowingly facilitates the transfer of an em-
24 ployee if the agency knows, or has probable cause to

1 believe, that the employee engaged in sexual mis-
2 conduct with a student.

3 “(b) FEES FOR BACKGROUND CHECKS.—The Attor-
4 ney General or a State may charge any applicable fees
5 for conducting a criminal background check under this
6 section.

7 “(c) DEFINITION.—In this section, the term ‘em-
8 ployee’ means—

9 “(1) an employee of, or person seeking employ-
10 ment with, a local educational agency or State edu-
11 cational agency, and who, as a result of such em-
12 ployment has (or will have) a job duty that results
13 in unsupervised access to elementary school or sec-
14 ondary school students; or

15 “(2) any person, or an employee of any person
16 who—

17 “(A) has a contract or agreement to pro-
18 vide services to an elementary school or sec-
19 ondary school, local educational agency, or
20 State educational agency; and

21 “(B) as a result of such contract or agree-
22 ment has a job duty that results in unsuper-
23 vised access to elementary school or secondary
24 school students.

1 **“Subpart 4—Restoration of State Sovereignty Over**
2 **Public Education and Parental Rights Over the**
3 **Education of Their Children**

4 **“SEC. 6561. STATES TO RETAIN RIGHTS AND AUTHORITIES**
5 **THEY DO NOT EXPRESSLY WAIVE.**

6 “(a) RETENTION OF RIGHTS AND AUTHORITIES.—

7 No officer, employee, or other authority of the Secretary
8 shall enforce against an authority of a State, nor shall
9 any authority of a State have any obligation to obey, any
10 requirement imposed as a condition of receiving assistance
11 under a grant program established under this Act, nor
12 shall such program operate within a State, unless the leg-
13 islature of that State shall have by law expressly approved
14 that program and, in doing so, have waived the State’s
15 rights and authorities to act inconsistently with any re-
16 quirement that might be imposed by the Secretary as a
17 condition of receiving that assistance.

18 “(b) AMENDMENT OF TERMS OF RECEIPT OF FED-
19 ERAL FINANCIAL ASSISTANCE.—An officer, employee, or
20 other authority of the Secretary may release assistance
21 under a grant program established under this Act to a
22 State only after the legislature of the State has by law
23 expressly approved the program (as described in sub-
24 section (a)). This approval may be accomplished by a vote
25 to affirm a State budget that includes the use of such Fed-
26 eral funds and any such State budget must expressly in-

1 clude any requirement imposed as a condition of receiving
2 assistance under a grant program established under this
3 Act so that by approving the budget, the State legislature
4 is expressly approving the grant program and, in doing
5 so, waiving the State's rights and authorities to act incon-
6 sistently with any requirement that might be imposed by
7 the Secretary as a condition of receiving that assistance.

8 “(c) SPECIAL RULE FOR STATES WITH BIENNIAL
9 LEGISLATURES.—In the case of a State with a biennial
10 legislature—

11 “(1) during a year in which the State legisla-
12 ture does not meet, subsections (a) and (b) shall not
13 apply; and

14 “(2) during a year in which the State legisla-
15 ture meets, subsections (a) and (b) shall apply, and,
16 with respect to any grant program established under
17 this Act during the most recent year in which the
18 State legislature did not meet, the State may by law
19 expressly disapprove the grant program, and, if such
20 disapproval occurs, an officer, employee, or other au-
21 thority of the Secretary may not release any addi-
22 tional assistance to the State under that grant pro-
23 gram.

24 “(d) DEFINITION OF STATE AUTHORITY.—As used
25 in this section, the term ‘authority of a State’ includes

1 any administering agency of the State, any officer or em-
2 ployee of the State, and any local government authority
3 of the State.

4 “(e) EFFECTIVE DATE.—This section applies in each
5 State beginning on the 90th day after the end of the first
6 regular session of the legislature of that State that begins
7 5 years after the date of the enactment of the Student
8 Success Act and shall continue to apply in subsequent
9 years until otherwise provided by law.

10 **“SEC. 6562. DEDICATION OF SAVINGS TO DEFICIT REDUC-**
11 **TION.**

12 “Notwithstanding any formula reallocations stipu-
13 lated under the Student Success Act, any funds under
14 such Act not allocated to a State because a State did not
15 affirmatively agree to the receipt of such funds shall not
16 be reallocated among the States.

17 **“SEC. 6563. DEFINITION OF STATE WITH BIENNIAL LEGIS-**
18 **LATURE.**

19 “In this Act, the term ‘State with a biennial legisla-
20 ture’ means a State the legislature of which meets every
21 other year.

22 **“SEC. 6564. INTENT OF CONGRESS.**

23 “It is the intent of Congress that other than the
24 terms and conditions expressly approved by State law
25 under the terms of this subpart, control over public edu-

1 cation and parental rights to control the education of their
2 children are vested exclusively within the autonomous zone
3 of independent authority reserved to the States and indi-
4 vidual Americans by the United States Constitution, other
5 than the Federal Government's undiminishable obligation
6 to enforce minimum Federal standards of equal protection
7 and due process.

8 **“PART F—EVALUATIONS**

9 **“SEC. 6601. EVALUATIONS.**

10 “(a) RESERVATION OF FUNDS.—Except as provided
11 in subsections (c) and (d), the Secretary may reserve not
12 more than 0.5 percent of the amount appropriated to
13 carry out each categorical program authorized under this
14 Act. The reserved amounts shall be used by the Secretary,
15 acting through the Director of the Institute of Education
16 Sciences—

17 “(1) to conduct—

18 “(A) comprehensive evaluations of the pro-
19 gram or project;

20 “(B) studies of the effectiveness of the pro-
21 gram or project and its administrative impact
22 on schools and local educational agencies; and

23 “(C) the wide dissemination of evaluation
24 findings under this section with respect to pro-
25 grams authorized under this Act—

1 “(i) in a timely fashion;

2 “(ii) in forms that are understand-
3 able, easily accessible, and usable or adapt-
4 able for use in the improvement of edu-
5 cational practice;

6 “(iii) through electronic transfer, and
7 other means, such as posting, as available,
8 to the websites of State educational agen-
9 cies, local educational agencies, the Insti-
10 tute of Education Sciences, the Depart-
11 ment, and other relevant places; and

12 “(iv) in a manner that promotes the
13 utilization of such findings.

14 “(2) to evaluate the aggregate short- and long-
15 term effects and cost efficiencies across Federal pro-
16 grams assisted or authorized under this Act and re-
17 lated Federal preschool, elementary, and secondary
18 programs under any other Federal law; and

19 “(3) to increase the usefulness of evaluations of
20 grant recipients in order to ensure the continuous
21 progress of the program or project by improving the
22 quality, timeliness, efficiency, and use of information
23 relating to performance under the program or
24 project.

1 “(b) REQUIRED PLAN.—The Secretary, acting
2 through the Director of the Institute of Education
3 Sciences, may use the reserved amount under subsection
4 (a) only after completion of a comprehensive, multi-year
5 plan—

6 “(1) for the periodic evaluation of each of the
7 major categorical programs authorized under this
8 Act, and as resources permit, the smaller categorical
9 programs authorized under this Act;

10 “(2) that shall be developed and implemented
11 with the involvement of other officials at the Depart-
12 ment, as appropriate; and

13 “(3) that shall not be finalized until—

14 “(A) the publication of a notice in the Fed-
15 eral Register seeking public comment on such
16 plan and after review by the Secretary of such
17 comments; and

18 “(B) the plan is submitted for comment to
19 the Committee on Education and the Workforce
20 of the House of Representatives and the Com-
21 mittee on Health, Education, Labor, and Pen-
22 sions of the Senate and after review by the Sec-
23 retary of such comments.

1 “(c) TITLE I EXCLUDED.—The Secretary may not
2 reserve under subsection (a) funds appropriated to carry
3 out any program authorized under title I.

4 “(d) EVALUATION ACTIVITIES AUTHORIZED ELSE-
5 WHERE.—If, under any other provision of this Act (other
6 than title I), funds are authorized to be reserved or used
7 for evaluation activities with respect to a program or
8 project, the Secretary may not reserve additional funds
9 under this section for the evaluation of that program or
10 project.”.

11 (b) TECHNICAL AMENDMENTS.—

12 (1) TITLE IX.—

13 (A) SUBPART 1 OF PART E OF TITLE VI.—

14 (i) TRANSFER AND REDESIGNA-
15 TION.—Sections 9504 through 9506 (20
16 U.S.C. 7884, 7885, and 7886) are—

17 (I) transferred to title VI, as
18 amended by subsection (a) of this sec-
19 tion;

20 (II) inserted after section 6503
21 of such title; and

22 (III) redesignated as sections
23 6504 through 6506, respectively.

24 (ii) AMENDMENTS.—Section 6504 (as
25 so redesignated) is amended—

1 (I) in subsection (a)(1)(A), by
2 striking “section 9502” and inserting
3 “section 6502”;

4 (II) in subsection (b), by striking
5 “section 9501” and inserting “section
6 6501”; and

7 (III) in subsection (d), by strik-
8 ing “No Child Left Behind Act of
9 2001” and inserting “Student Success
10 Act”.

11 (B) SUBPART 2 OF PART E OF TITLE VI.—

12 (i) TRANSFER AND REDESIGNA-
13 TION.—Sections 9531, 9533, and 9534 (20
14 U.S.C. 7911, 7913, and 7914) are—

15 (I) transferred to title VI, as
16 amended by subparagraph (A) of this
17 paragraph;

18 (II) inserted after section 6525
19 of such title; and

20 (III) redesignated as sections
21 6526 through 6528, respectively.

22 (ii) AMENDMENTS.—Section 6528 (as
23 so redesignated) is amended—

1 (I) by striking “(a) IN GEN-
2 ERAL.—Nothing” and inserting
3 “Nothing”; and

4 (II) by striking subsection (b).

5 (C) SUBPART 3 OF PART E OF TITLE VI.—
6 Sections 9523, 9524, and 9525 (20 U.S.C.
7 7903, 7904, and 7905) are—

8 (i) transferred to title VI, as amended
9 by subparagraph (B) of this paragraph;

10 (ii) inserted after section 6544 of such
11 title; and

12 (iii) redesignated as sections 6545
13 through 6547, respectively.

14 (2) TITLE IV.—Sections 4141 and 4155 (20
15 U.S.C. 7151 and 7161) are—

16 (A) transferred to title VI, as amended by
17 paragraph (1) of this subsection;

18 (B) inserted after section 6548 (as so re-
19 designated by paragraph (1)(C)(iii) of this sub-
20 section); and

21 (C) redesignated as sections 6549 and
22 6550, respectively.

23 **SEC. 602. REPEAL.**

24 Title IX (20 U.S.C. 7801 et seq.), as amended by
25 section 601(b)(1) of this title, is repealed.

1 **SEC. 603. OTHER LAWS.**

2 Beginning on the date of the enactment of this Act,
3 any reference in law to the term “highly qualified” as de-
4 fined in section 9101 of the Elementary and Secondary
5 Education Act of 1965 shall be treated as a reference to
6 such term under section 9101 of the Elementary and Sec-
7 ondary Education Act of 1965 as in effect on the day be-
8 fore the date of the enactment of this Act.

9 **SEC. 604. AMENDMENT TO IDEA.**

10 Section 602 of the Individuals with Disabilities Edu-
11 cation Act (20 U.S.C. 1401) is amended by striking para-
12 graph (10).

13 **TITLE VII—HOMELESS**
14 **EDUCATION**

15 **SEC. 701. STATEMENT OF POLICY.**

16 Section 721 of the McKinney-Vento Homeless Assist-
17 ance Act (42 U.S.C. 11431) is amended—

18 (1) by amending paragraph (2) to read as fol-
19 lows:

20 “(2) In any State where compulsory residency
21 requirements or other requirements, laws, regula-
22 tions, practices, or policies may act as a barrier to
23 the identification, enrollment, attendance, or success
24 in school of homeless children and youths, the State
25 and local educational agencies will review and under-
26 take steps to revise such laws, regulations, practices,

1 or policies to ensure that homeless children and
2 youths are afforded the same free, appropriate pub-
3 lic education as is provided to other children and
4 youths.”;

5 (2) in paragraph (3), by striking “alone”; and

6 (3) in paragraph (4), by striking “challenging
7 State student academic achievement” and inserting
8 “State academic”.

9 **SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
10 **THE EDUCATION OF HOMELESS CHILDREN**
11 **AND YOUTHS.**

12 Section 722 of such Act (42 U.S.C. 11432) is amend-
13 ed—

14 (1) in subsection (a), by striking “(g).” and in-
15 serting “(h).”;

16 (2) by striking subsection (b);

17 (3) in subsection (c)—

18 (A) in paragraph (1)(A)—

19 (i) in clause (i), by adding “or” at the
20 end;

21 (ii) in clause (ii), by striking “; or” at
22 the end and inserting a period; and

23 (iii) by striking clause (iii); and

24 (B) by striking paragraph (3);

25 (4) in subsection (d)—

1 (A) in the matter preceding paragraph (1),
2 by striking “Grants” and inserting “Grant
3 funds from a grant made to a State”;

4 (B) by amending paragraph (2) to read as
5 follows:

6 “(2) To provide services and activities to im-
7 prove the identification of homeless children (includ-
8 ing preschool-aged homeless children and youths)
9 that enable such children and youths to enroll in, at-
10 tend, and succeed in school, or, if appropriate, in
11 preschool programs.”;

12 (C) in paragraph (3), by inserting before
13 the period at the end the following: “that can
14 sufficiently carry out the duties described in
15 this subtitle”; and

16 (D) by amending paragraph (5) to read as
17 follows:

18 “(5) To develop and implement professional de-
19 velopment programs for liaisons designated under
20 subsection (g)(1)(J)(ii) and other local educational
21 agency personnel—

22 “(A) to improve their identification of
23 homeless children and youths; and

- 1 “(B) to heighten their awareness of, and
2 capacity to respond to, specific needs in the
3 education of homeless children and youths.”;
- 4 (5) in subsection (e)—
- 5 (A) in paragraph (1)—
- 6 (i) by striking “sums” and inserting
7 “grant funds”; and
- 8 (ii) by inserting “a State under sub-
9 section (a) to” after “each year to”;
- 10 (B) in paragraph (2), by striking “funds
11 made available for State use under this sub-
12 title” and inserting “the grant funds remaining
13 after the State educational agency distributes
14 subgrants under paragraph (1)”; and
- 15 (C) in paragraph (3)—
- 16 (i) in subparagraph (C)(iv)(II), by
17 striking “sections 1111 and 1116” and in-
18 serting “section 1111”; and
- 19 (ii) in subparagraph (F)—
- 20 (I) in clause (i)—
- 21 (aa) in the matter preceding
22 subclause (I), by striking “a re-
23 port” and inserting “an annual
24 report”;

1 (bb) by striking “and” at
2 the end of subclause (II);

3 (cc) by striking the period at
4 the end of subclause (III) and in-
5 serting “; and”; and

6 (dd) by adding at the end
7 the following:

8 “(IV) the progress the separate
9 schools are making in helping all stu-
10 dents meet the State academic stand-
11 ards.”; and

12 (II) in clause (iii), by striking
13 “Not later than 2 years after the date
14 of enactment of the McKinney-Vento
15 Homeless Education Assistance Im-
16 provements Act of 2001, the” and in-
17 serting “The”;

18 (6) by amending subsection (f) to read as fol-
19 lows:

20 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
21 NATOR.—The Coordinator for Education of Homeless
22 Children and Youths established in each State shall—

23 “(1) gather and make publically available reli-
24 able, valid, and comprehensive information on—

1 “(A) the number of homeless children and
2 youths identified in the State, posted annually
3 on the State educational agency’s website;

4 “(B) the nature and extent of the problems
5 homeless children and youths have in gaining
6 access to public preschool programs and to pub-
7 lic elementary schools and secondary schools;

8 “(C) the difficulties in identifying the spe-
9 cial needs and barriers to the participation and
10 achievement of such children and youths;

11 “(D) any progress made by the State edu-
12 cational agency and local educational agencies
13 in the State in addressing such problems and
14 difficulties; and

15 “(E) the success of the programs under
16 this subtitle in identifying homeless children
17 and youths and allowing such children and
18 youths to enroll in, attend, and succeed in,
19 school;

20 “(2) develop and carry out the State plan de-
21 scribed in subsection (g);

22 “(3) collect data for and transmit to the Sec-
23 retary, at such time and in such manner as the Sec-
24 retary may require, a report containing information
25 necessary to assess the educational needs of home-

1 less children and youths within the State, including
2 data necessary for the Secretary to fulfill the respon-
3 sibilities under section 724(h);

4 “(4) in order to improve the provision of com-
5 prehensive education and related support services to
6 homeless children and youths and their families, co-
7 ordinate and collaborate with—

8 “(A) educators, including teachers, special
9 education personnel, administrators, and child
10 development and preschool program personnel;

11 “(B) providers of services to homeless chil-
12 dren and youths and their families, including
13 services of public and private child welfare and
14 social services agencies, law enforcement agen-
15 cies, juvenile and family courts, agencies pro-
16 viding mental health services, domestic violence
17 agencies, child care providers, runaway and
18 homeless youth centers, and providers of serv-
19 ices and programs funded under the Runaway
20 and Homeless Youth Act (42 U.S.C. 5701 et
21 seq.);

22 “(C) providers of emergency, transitional,
23 and permanent housing to homeless children
24 and youths, and their families, including public
25 housing agencies, shelter operators, operators of

1 transitional housing facilities, and providers of
2 transitional living programs for homeless
3 youths;

4 “(D) local educational agency liaisons des-
5 igned under subsection (g)(1)(J)(ii) for home-
6 less children and youths; and

7 “(E) community organizations and groups
8 representing homeless children and youths and
9 their families;

10 “(5) provide technical assistance to local edu-
11 cational agencies, in coordination with local edu-
12 cational agency liaisons designated under subsection
13 (g)(1)(J)(ii), to ensure that local educational agen-
14 cies comply with the requirements of subsection
15 (e)(3), paragraphs (3) through (7) of subsection (g),
16 and subsection (h);

17 “(6) provide professional development opportu-
18 nities for local educational agency personnel and the
19 homeless liaison designated under subsection
20 (g)(1)(J)(ii) to assist such personnel in meeting the
21 needs of homeless children and youths; and

22 “(7) respond to inquiries from parents and
23 guardians of homeless children and youths and un-
24 accompanied youths to ensure that each child or
25 youth who is the subject of such an inquiry receives

1 the full protections and services provided by this
2 subtitle.”;

3 (7) by amending subsection (g) to read as fol-
4 lows:

5 “(g) STATE PLAN.—

6 “(1) IN GENERAL.—In order to be eligible to
7 receive a grant under this section, each State edu-
8 cational agency shall submit to the Secretary a plan
9 to provide for the education of homeless children
10 and youths within the State that includes the fol-
11 lowing:

12 “(A) A description of how such children
13 and youths are (or will be) given the oppor-
14 tunity to meet the same State academic stand-
15 ards that all students are expected to meet.

16 “(B) A description of the procedures the
17 State educational agency will use to identify
18 such children and youths in the State and to
19 assess their needs.

20 “(C) A description of procedures for the
21 prompt resolution of disputes regarding the
22 educational placement of homeless children and
23 youths.

24 “(D) A description of programs for school
25 personnel (including liaisons, school leaders, at-

1 tendance officers, teachers, enrollment per-
2 sonnel, and specialized instructional support
3 personnel) to heighten the awareness of such
4 personnel of the specific needs of homeless ado-
5 lescents, including runaway and homeless
6 youths.

7 “(E) A description of procedures that en-
8 sure that homeless children and youths who
9 meet the relevant eligibility criteria are able to
10 participate in Federal, State, or local nutrition
11 programs.

12 “(F) A description of procedures that en-
13 sure that—

14 “(i) homeless children have equal ac-
15 cess to public preschool programs, adminis-
16 tered by the State educational agency or
17 local educational agency, as provided to
18 other children in the State;

19 “(ii) homeless youths and youths sep-
20 arated from public schools are identified
21 and accorded equal access to appropriate
22 secondary education and support services;
23 and

24 “(iii) homeless children and youths
25 who meet the relevant eligibility criteria

1 are able to participate in Federal, State, or
2 local education programs.

3 “(G) Strategies to address problems identi-
4 fied in the report provided to the Secretary
5 under subsection (f)(3).

6 “(H) Strategies to address other problems
7 with respect to the education of homeless chil-
8 dren and youths, including problems resulting
9 from enrollment delays that are caused by—

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

12 “(ii) residency requirements;

13 “(iii) lack of birth certificates, school
14 records, or other documentation;

15 “(iv) guardianship issues; or

16 “(v) uniform or dress code require-
17 ments.

18 “(I) A demonstration that the State edu-
19 cational agency and local educational agencies
20 in the State have developed, and shall review
21 and revise, policies to remove barriers to the
22 identification, enrollment, and retention of
23 homeless children and youths in schools in the
24 State.

1 “(J) Assurances that the following will be
2 carried out:

3 “(i) The State educational agency and
4 local educational agencies in the State will
5 adopt policies and practices to ensure that
6 homeless children and youths are not stig-
7 matized or segregated on the basis of their
8 status as homeless.

9 “(ii) Local educational agencies will
10 designate an appropriate staff person, who
11 may also be a coordinator for other Fed-
12 eral programs, as a local educational agen-
13 cy liaison for homeless children and
14 youths, to carry out the duties described in
15 paragraph (6)(A).

16 “(iii) The State and its local edu-
17 cational agencies will adopt policies and
18 practices to ensure that transportation is
19 provided, at the request of the parent or
20 guardian (or in the case of an unaccom-
21 panied youth, the liaison), to and from the
22 school of origin, as determined in para-
23 graph (3)(A), in accordance with the fol-
24 lowing, as applicable:

1 “(I) If the child or youth con-
2 tinues to live in the area served by the
3 local educational agency in which the
4 school of origin is located, the child’s
5 or youth’s transportation to and from
6 the school of origin shall be provided
7 or arranged by the local educational
8 agency in which the school of origin is
9 located.

10 “(II) If the child’s or youth’s liv-
11 ing arrangements in the area served
12 by the local educational agency of ori-
13 gin terminate and the child or youth,
14 though continuing his or her edu-
15 cation in the school of origin, begins
16 living in an area served by another
17 local educational agency, the local
18 educational agency of origin and the
19 local educational agency in which the
20 child or youth is living shall agree
21 upon a method to apportion the re-
22 sponsibility and costs for providing
23 the child with transportation to and
24 from the school of origin. If the local
25 educational agencies are unable to

1 agree upon such method, the responsi-
2 bility and costs for transportation
3 shall be shared equally.

4 “(2) COMPLIANCE.—

5 “(A) IN GENERAL.—Each plan adopted
6 under this subsection shall also describe how
7 the State will ensure that local educational
8 agencies in the State will comply with the re-
9 quirements of paragraphs (3) through (7).

10 “(B) COORDINATION.—Such plan shall in-
11 dicate what technical assistance the State will
12 furnish to local educational agencies and how
13 compliance efforts will be coordinated with the
14 local educational agency liaisons designated
15 under paragraph (1)(J)(ii).

16 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
17 MENTS.—

18 “(A) IN GENERAL.—The local educational
19 agency serving each child or youth to be as-
20 sisted under this subtitle shall, according to the
21 child’s or youth’s best interest—

22 “(i) continue the child’s or youth’s
23 education in the school of origin for the
24 duration of homelessness—

1 “(I) in any case in which a fam-
2 ily becomes homeless between aca-
3 demic years or during an academic
4 year; or

5 “(II) for the remainder of the
6 academic year, if the child or youth
7 becomes permanently housed during
8 an academic year; or

9 “(ii) enroll the child or youth in any
10 public school that nonhomeless students
11 who live in the attendance area in which
12 the child or youth is actually living are eli-
13 gible to attend.

14 “(B) SCHOOL STABILITY.—In determining
15 the best interest of the child or youth under
16 subparagraph (A), the local educational agency
17 shall—

18 “(i) presume that keeping the child or
19 youth in the school of origin is in the child
20 or youth’s best interest, except when doing
21 so is contrary to the wishes of the child’s
22 or youth’s parent or guardian, or the unac-
23 companied youth;

24 “(ii) consider student-centered factors
25 related to the child’s or youth’s best inter-

1 est, including factors related to the impact
2 of mobility on achievement, education,
3 health, and safety of homeless children and
4 youth, giving priority to the wishes of the
5 homeless child's or youth's parent or
6 guardian or the unaccompanied youth in-
7 volved;

8 “(iii) if, after conducting the best in-
9 terest determination based on consider-
10 ation of the presumption in clause (i) and
11 the student-centered factors in clause (ii),
12 the local educational agency determines
13 that it is not in the child's or youth's best
14 interest to attend the school of origin or
15 the school requested by the parent, guard-
16 ian, or unaccompanied youth, provide the
17 child's or youth's parent or guardian or
18 the unaccompanied youth with a written
19 explanation of the reasons for its deter-
20 mination, in a manner and form under-
21 standable to such parent, guardian, or un-
22 accompanied youth, including information
23 regarding the right to appeal under sub-
24 paragraph (E); and

1 “(iv) in the case of an unaccompanied
2 youth, ensure that the homeless liaison
3 designated under paragraph (1)(J)(ii) as-
4 sists in placement or enrollment decisions
5 under this subparagraph, gives priority to
6 the views of such unaccompanied youth,
7 and provides notice to such youth of the
8 right to appeal under subparagraph (E).

9 “(C) ENROLLMENT.—

10 “(i) IN GENERAL.—The school se-
11 lected in accordance with this paragraph
12 shall immediately enroll the homeless child
13 or youth, even if the child or youth—

14 “(I) is unable to produce records
15 normally required for enrollment, such
16 as previous academic records, records
17 of immunization and other required
18 health records, proof of residency, or
19 other documentation; or

20 “(II) has missed application or
21 enrollment deadlines during any pe-
22 riod of homelessness.

23 “(ii) RELEVANT ACADEMIC
24 RECORDS.—The enrolling school shall im-
25 mediately contact the school last attended

1 by the child or youth to obtain relevant
2 academic and other records.

3 “(iii) RELEVANT HEALTH RECORDS.—

4 If the child or youth needs to obtain immu-
5 nizations or other required health records,
6 the enrolling school shall immediately refer
7 the parent or guardian of the child or
8 youth, or the unaccompanied child or
9 youth, to the local educational agency liai-
10 son designated under paragraph (1)(J)(ii),
11 who shall assist in obtaining necessary im-
12 munizations or screenings, or immuniza-
13 tion or other required health records, in
14 accordance with subparagraph (D).

15 “(D) RECORDS.—Any record ordinarily
16 kept by the school, including immunization or
17 other required health records, academic records,
18 birth certificates, guardianship records, and
19 evaluations for special services or programs, re-
20 garding each homeless child or youth shall be
21 maintained—

22 “(i) so that the records involved are
23 available, in a timely fashion, when a child
24 or youth enters a new school or school dis-
25 trict; 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) ENROLLMENT DISPUTES.—If a dis-
5 pute arises over school selection or enrollment
6 in a school—

7 “(i) the child or youth shall be imme-
8 diately enrolled in the school in which en-
9 rollment is sought, pending final resolution
10 of the dispute, including all available ap-
11 peals;

12 “(ii) the parent, guardian, or unac-
13 panied youth shall be provided with a
14 written explanation of any decisions made
15 by the school, the local educational agency,
16 or the State educational agency involved,
17 including the rights of the parent, guard-
18 ian, or youth to appeal such decisions;

19 “(iii) the parent, guardian, or unac-
20 panied youth shall be referred to the
21 local educational agency liaison designated
22 under paragraph (1)(J)(ii), who shall carry
23 out the dispute resolution process as de-
24 scribed in paragraph (1)(C) as expedi-

1 tiously as possible after receiving notice of
2 the dispute; and

3 “(iv) in the case of an unaccompanied
4 youth, the liaison shall ensure that the
5 youth is immediately enrolled in school in
6 which the youth seeks enrollment pending
7 resolution of such dispute.

8 “(F) PLACEMENT CHOICE.—The choice re-
9 garding placement shall be made regardless of
10 whether the child or youth lives with the home-
11 less parents or has been temporarily placed
12 elsewhere.

13 “(G) SCHOOL OF ORIGIN DEFINED.—

14 “(i) IN GENERAL.—In this paragraph,
15 the term ‘school of origin’ means the
16 school that a child or youth attended when
17 permanently housed or the school in which
18 the child or youth was last enrolled.

19 “(ii) RECEIVING SCHOOL.—When the
20 child or youth completes the final grade
21 level served by the school of origin, as de-
22 scribed in clause (i), the term “school of
23 origin” shall include the designated receiv-
24 ing school at the next grade level for all
25 feeder schools.

1 “(H) CONTACT INFORMATION.—Nothing
2 in this subtitle shall prohibit a local educational
3 agency from requiring a parent or guardian of
4 a homeless child to submit contact information.

5 “(I) PRIVACY.—Information about a home-
6 less child’s or youth’s living situation shall be
7 treated as a student education record under
8 section 444 of the General Education Provi-
9 sions Act (20 U.S.C. 1232g) and shall not be
10 released to housing providers, employers, law
11 enforcement personnel, or other persons or
12 agencies not authorized to have such informa-
13 tion under section 99.31 of title 34, Code of
14 Federal Regulations.

15 “(J) ACADEMIC ACHIEVEMENT.—The
16 school selected in accordance with this para-
17 graph shall ensure that homeless children and
18 youths have opportunities to meet the same
19 State academic standards to which other stu-
20 dents are held.

21 “(4) COMPARABLE SERVICES.—Each homeless
22 child or youth to be assisted under this subtitle shall
23 be provided services comparable to services offered
24 to other students in the school selected under para-
25 graph (3), including the following:

1 “(A) Transportation services.

2 “(B) Educational services for which the
3 child or youth meets the eligibility criteria, such
4 as services provided under title I of the Elemen-
5 tary and Secondary Education Act of 1965 (20
6 U.S.C. 6301 et seq.) or similar State or local
7 programs, educational programs for children
8 with disabilities, and educational programs for
9 English learners.

10 “(C) Programs in career and technical
11 education.

12 “(D) Programs for gifted and talented stu-
13 dents.

14 “(E) School nutrition programs.

15 “(5) COORDINATION.—

16 “(A) IN GENERAL.—Each local educational
17 agency serving homeless children and youths
18 that receives assistance under this subtitle shall
19 coordinate—

20 “(i) the provision of services under
21 this subtitle with local social services agen-
22 cies and other agencies or entities pro-
23 viding services to homeless children and
24 youths and their families, including serv-
25 ices and programs funded under the Run-

1 away and Homeless Youth Act (42 U.S.C.
2 5701 et seq.); and

3 “(ii) transportation, transfer of school
4 records, and other interdistrict activities,
5 with other local educational agencies.

6 “(B) HOUSING ASSISTANCE.—If applica-
7 ble, each State educational agency and local
8 educational agency that receives assistance
9 under this subtitle shall coordinate with State
10 and local housing agencies responsible for devel-
11 oping the comprehensive housing affordability
12 strategy described in section 105 of the Cran-
13 ston-Gonzalez National Affordable Housing Act
14 (42 U.S.C. 12705) to minimize educational dis-
15 ruption for children and youths who become
16 homeless.

17 “(C) COORDINATION PURPOSE.—The co-
18 ordination required under subparagraphs (A)
19 and (B) shall be designed to—

20 “(i) ensure that all homeless children
21 and youths are promptly identified;

22 “(ii) ensure that homeless children
23 and youths have access to, and are in rea-
24 sonable proximity to, available education
25 and related support services; and

1 “(iii) raise the awareness of school
2 personnel and service providers of the ef-
3 fects of short-term stays in a shelter and
4 other challenges associated with homeless-
5 ness.

6 “(D) HOMELESS CHILDREN AND YOUTHS
7 WITH DISABILITIES.—For children and youths
8 who are to be assisted both under this subtitle,
9 and under the Individuals with Disabilities
10 Education Act (20 U.S.C. 1400 et seq.) or sec-
11 tion 504 of the Rehabilitation Act of 1973 (29
12 U.S.C. 794), each local educational agency shall
13 coordinate the provision of services under this
14 subtitle with the provision of programs for chil-
15 dren with disabilities served by that local edu-
16 cational agency and other involved local edu-
17 cational agencies.

18 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

19 “(A) DUTIES.—Each local educational
20 agency liaison for homeless children and youths,
21 designated under paragraph (1)(J)(ii), shall en-
22 sure that—

23 “(i) homeless children and youths are
24 identified by school personnel through out-

1 reach and coordination activities with other
2 entities and agencies;

3 “(ii) homeless children and youths are
4 enrolled in, and have a full and equal op-
5 portunity to succeed in, schools of that
6 local educational agency;

7 “(iii) homeless families, children, and
8 youths have access to and receive edu-
9 cational services for which such families,
10 children, and youths are eligible, including
11 services through Head Start, Early Head
12 Start, early intervention, and preschool
13 programs administered by the local edu-
14 cational agency;

15 “(iv) homeless families, children, and
16 youths receive referrals to health care serv-
17 ices, dental services, mental health and
18 substances abuse services, housing services,
19 and other appropriate services;

20 “(v) the parents or guardians of
21 homeless children and youths are informed
22 of the educational and related opportuni-
23 ties available to their children and are pro-
24 vided with meaningful opportunities to par-
25 ticipate in the education of their children;

1 “(vi) public notice of the educational
2 rights of homeless children and youths is
3 disseminated in locations frequented by
4 parents or guardians of such children and
5 youths, and unaccompanied youths, includ-
6 ing schools, shelters, public libraries, and
7 soup kitchens in a manner and form un-
8 derstandable to the parents and guardians
9 of homeless children and youths, and unac-
10 companied youths;

11 “(vii) enrollment disputes are medi-
12 ated in accordance with paragraph (3)(E);

13 “(viii) the parent or guardian of a
14 homeless child or youth, and any unaccom-
15 panied youth, is fully informed of all trans-
16 portation services, including transportation
17 to the school of origin, as described in
18 paragraph (1)(J)(iii), and is assisted in ac-
19 cessing transportation to the school that is
20 selected under paragraph (3)(A);

21 “(ix) school personnel providing serv-
22 ices under this subtitle receive professional
23 development and other support; and

24 “(x) unaccompanied youths—
25 “(I) are enrolled in school;

1 “(II) have opportunities to meet
2 the same State academic standards to
3 which other students are held, includ-
4 ing through implementation of the
5 policies and practices required by
6 paragraph (1)(F)(ii); and

7 “(III) are informed of their sta-
8 tus as independent students under
9 section 480 of the Higher Education
10 Act of 1965 (20 U.S.C. 1087vv) and
11 receive verification of such status for
12 purposes of the Free Application for
13 Federal Student Aid described in sec-
14 tion 483 of such Act (20 U.S.C.
15 1090).

16 “(B) NOTICE.—State coordinators estab-
17 lished under subsection (d)(3) and local edu-
18 cational agencies shall inform school personnel,
19 service providers, advocates working with home-
20 less families, parents and guardians of homeless
21 children and youths, and homeless children and
22 youths of the duties of the local educational
23 agency liaisons, including publishing an annu-
24 ally updated list of the liaisons on the State
25 educational agency’s website.

1 “(C) LOCAL AND STATE COORDINATION.—

2 Local educational agency liaisons for homeless
3 children and youths shall, as a part of their du-
4 ties, coordinate and collaborate with State coor-
5 dinators and community and school personnel
6 responsible for the provision of education and
7 related services to homeless children and
8 youths. Such coordination shall include col-
9 lecting and providing to the State Coordinator
10 the reliable, valid, and comprehensive data
11 needed to meet the requirements of paragraphs
12 (1) and (3) of subsection (f).

13 “(7) REVIEW AND REVISIONS.—

14 “(A) IN GENERAL.—Each State edu-
15 cational agency and local educational agency
16 that receives assistance under this subtitle shall
17 review and revise any policies that may act as
18 barriers to the enrollment of homeless children
19 and youths in schools that are selected under
20 paragraph (3).

21 “(B) CONSIDERATION.—In reviewing and
22 revising such policies, consideration shall be
23 given to issues concerning transportation, im-
24 munization, residency, birth certificates, school

1 records and other documentation, and guard-
2 ianship.

3 “(C) SPECIAL ATTENTION.—Special atten-
4 tion shall be given to ensuring the enrollment
5 and attendance of homeless children and youths
6 who are not currently attending school.”;

7 (8) in subsection (h)(1)(A), by striking “fiscal
8 year 2009,” and inserting “fiscal years 2014
9 through 2019,”; and

10 (9) in subsection (h)(4), by striking “fiscal year
11 2009” and inserting “fiscal years 2014 through
12 2019”.

13 **SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
14 **THE EDUCATION OF HOMELESS CHILDREN**
15 **AND YOUTHS.**

16 Section 723 of such Act (42 U.S.C. 11433) is amend-
17 ed—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by striking “facili-
20 tating the enrollment,” and inserting “facili-
21 tating the identification, enrollment,”;

22 (B) in paragraph (2)(A)—

23 (i) by adding “and” at the end of
24 clause (i);

1 (ii) by striking “; and” and inserting
2 a period at the end of clause (ii); and

3 (iii) by striking clause (iii); and

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

5 “(4) DURATION OF GRANTS.—Subgrants
6 awarded under this section shall be for terms of not
7 to exceed 3 years.”;

8 (2) in subsection (b)—

9 (A) by striking paragraph (3) and redesignig-
10 nating paragraphs (4) and (5) as paragraphs
11 (3) and (4), respectively; and

12 (B) by adding at the end the following:

13 “(5) An assurance that the local educational
14 agency will collect and promptly provide data re-
15 quested by the State Coordinator pursuant to para-
16 graphs (1) and (3) of section 722(f).

17 “(6) An assurance that the local educational
18 agency has removed barriers to complying with the
19 requirements of section 722(g)(1)(I).”;

20 (3) in subsection (c)—

21 (A) in paragraph (1), by striking “726”
22 and inserting “722(a)”;

23 (B) in paragraph (2)—

24 (i) in subparagraph (A), by inserting
25 “identification,” before “enrollment”;

1 (ii) by amending subparagraph (B) to
2 read as follows:

3 “(B) The extent to which the application
4 reflects coordination with other local and State
5 agencies that serve homeless children and
6 youths.”; and

7 (iii) in subparagraph (C), by inserting
8 “(as of the date of submission of the appli-
9 cation)” after “current practice”;

10 (C) in paragraph (3)—

11 (i) by amending subparagraph (C) to
12 read as follows:

13 “(C) The extent to which the applicant will
14 promote meaningful involvement of parents or
15 guardians of homeless children or youths in the
16 education of their children.”;

17 (ii) in subparagraph (D), by striking
18 “within” and inserting “into”;

19 (iii) in subparagraph (G)—

20 (I) by striking “Such” and in-
21 serting “The extent to which the ap-
22 plicant’s program meets such”; and

23 (II) by striking “case manage-
24 ment or related”;

1 (iv) by redesignating subparagraph
2 (G) as subparagraph (I) and inserting
3 after subparagraph (F) the following:

4 “(G) The extent to which the local edu-
5 cational agency will use the subgrant to lever-
6 age resources, including by maximizing
7 nonsubgrant funding for the position of the liai-
8 son described in section 722(g)(1)(J)(ii) and
9 the provision of transportation.

10 “(H) How the local educational agency
11 uses funds to serve homeless children and
12 youths under section 1113(c)(3) of the Elemen-
13 tary and Secondary Education Act of 1965 (20
14 U.S.C. 6313(c)(3)).”; and

15 (v) by adding at the end the following:

16 “(J) An assurance that the applicant will
17 meet the requirements of section 722(g)(3).”;
18 and

19 (D) by striking paragraph (4); and
20 (4) in subsection (d)—

21 (A) in paragraph (1)—

22 (i) by striking “challenging State aca-
23 demic content standards” and inserting
24 “State academic standards”; and

1 (ii) by striking “and challenging State
2 student academic achievement standards”;

3 (B) in paragraph (2)—

4 (i) by striking “students with limited
5 English proficiency,” and inserting
6 “English learners,”; and

7 (ii) by striking “vocational” and in-
8 serting “career”;

9 (C) in paragraph (3), by striking “pupil
10 services” and inserting “specialized instruc-
11 tional support”;

12 (D) in paragraph (7), by striking “, and
13 unaccompanied youths,” and inserting “, par-
14 ticularly homeless children and youths who are
15 not enrolled in school,”;

16 (E) in paragraph (9) by striking “medical”
17 and inserting “other required health”;

18 (F) in paragraph (10), by inserting before
19 the period at the end “, and other activities de-
20 signed to increase the meaningful involvement
21 of parents or guardians of homeless children or
22 youths in the education of their children”;

23 (G) in paragraph (12), by striking “pupil”
24 and inserting “specialized instructional sup-
25 port”; and

1 (H) in paragraph (13), by inserting before
2 the period at the end “and parental mental
3 health or substance abuse problems”.

4 **SEC. 704. SECRETARIAL RESPONSIBILITIES.**

5 Section 724 of such Act (42 U.S.C. 11434) is amend-
6 ed—

7 (1) by amending subsection (c) to read as fol-
8 lows:

9 “(c) NOTICE.—

10 “(1) IN GENERAL.—The Secretary shall, before
11 the next school year that begins after the date of the
12 enactment of the Student Success Act, update and
13 disseminate nationwide the public notice described in
14 this subsection (as in effect prior to such date) of
15 the educational rights of homeless children and
16 youths.

17 “(2) DISSEMINATION.—The Secretary shall dis-
18 seminate the notice nationally to all Federal agen-
19 cies, program grantees, and grant recipients serving
20 homeless families, children, and youths.”;

21 (2) in subsection (d), by striking “and dissemi-
22 nation” and inserting “, dissemination, and technical
23 assistance”;

24 (3) in subsection (e)—

1 (A) by striking “applications for grants
2 under this subtitle” and inserting “plans for
3 the use of grant funds under section 722”;

4 (B) by striking “60-day” and inserting
5 “120-day”; and

6 (C) by striking “120-day” and inserting
7 “180-day”;

8 (4) in subsection (f), by adding at the end the
9 following: “The Secretary shall provide support and
10 technical assistance to State educational agencies in
11 areas in which barriers to a free appropriate public
12 education persist.”;

13 (5) by amending subsection (g) to read as fol-
14 lows:

15 “(g) GUIDELINES.—The Secretary shall develop,
16 issue, and publish in the Federal Register, not later than
17 60 days after the date of the enactment of the Student
18 Success Act, strategies by which a State—

19 “(1) may assist local educational agencies to
20 implement the provisions amended by the Act; and

21 “(2) can review and revise State policies and
22 procedures that may present barriers to the identi-
23 fication, enrollment, attendance, and success of
24 homeless children and youths in school.”;

1 (6) in subsection (h)(1)(A), by inserting “in all
2 areas served by local educational agencies” before
3 the semicolon at the end; and

4 (7) in subsection (i), by striking “McKinney-
5 Vento Homeless Education Assistance Improvements
6 Act of 2001” and inserting “Student Success Act”.

7 **SEC. 705. DEFINITIONS.**

8 Section 725 of such Act (42 U.S.C. 11434a) is
9 amended—

10 (1) in paragraph (2)(B)(iv), by striking “1309”
11 and inserting “1139”; and

12 (2) in paragraph (3), by striking “9101” and
13 inserting “6101”.

14 **SEC. 706. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 726 of such Act (42 U.S.C. 11435) is amend-
16 ed to read as follows:

17 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

18 “For the purpose of carrying out this subtitle, there
19 are authorized to be appropriated \$65,042,000 for each
20 of fiscal years 2016 through 2021.”.

21 **TITLE VIII—MISCELLANEOUS**
22 **PROVISIONS**

23 **SEC. 801. FINDINGS; SENSE OF THE CONGRESS.**

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

1 (1) To avoid negative attention and litigation,
2 some local educational agencies have entered into
3 agreements with employees who are suspected of
4 abusing or are known to have abused students.

5 (2) Instead of reporting sexual misconduct with
6 minors to the proper authorities such as the police
7 or child welfare services, under such agreements the
8 local educational agencies, schools, and employees
9 keep the information private and facilitate the em-
10 ployee's transfer to another local educational agency.

11 (b) SENSE OF THE CONGRESS.—It is the sense of
12 the Congress that—

13 (1) confidentiality agreements between local
14 educational agencies or schools and suspected child
15 sex abusers should be prohibited;

16 (2) the practice of employee transfers after sus-
17 pected or proven sexual misconduct should be
18 stopped, and States should require local educational
19 agencies and schools to provide law enforcement
20 with all information regarding sexual conduct be-
21 tween an employee and a minor; and

22 (3) Congress should help protect children and
23 help stop this unacceptable practice in our schools.

