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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

Mr. KLINE (for himself and Mr. ROKITA) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Student Success Act".

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

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

Sec. 1. Short title.

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

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

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

Subtitle B—Improving the Academic Achievement of the Disadvantaged

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

Subtitle C—Additional Aid to States and School Districts

- Sec. 131. Additional aid.

Subtitle D—National Assessment

- Sec. 141. National assessment of title I.

Subtitle E—Title I General Provisions

- Sec. 151. General provisions for title I.

TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

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

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

Sec. 301. Parental engagement and local flexibility.

TITLE IV—IMPACT AID

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

TITLE V—GENERAL PROVISIONS FOR THE ACT

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

TITLE VI—REPEAL

- Sec. 601. Repeal of title VI.

TITLE VII—HOMELESS EDUCATION

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

**1 SEC. 3. REFERENCES.**

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

1 **SEC. 4. TRANSITION.**

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

10 **SEC. 5. EFFECTIVE DATES.**

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

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

19 (c) **COMPETITIVE PROGRAMS.**—With respect to pro-  
20 grams that are conducted by the Secretary on a competi-  
21 tive basis, this Act, and the amendments made by this Act,  
22 shall take effect with respect to appropriations for use  
23 under those programs for fiscal year 2014.

24 (d) **IMPACT AID.**—With respect to title IV of the Act  
25 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the  
26 amendments made by this Act, shall take effect with re-

1 spect to appropriations for use under that title for fiscal  
2 year 2014.

3 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

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

7 “(a) TITLE I.—

8 “(1) PART A.—There are authorized to be ap-  
9 propriated to carry out part A of title I  
10 \$16,651,767,000 for each of fiscal years 2014  
11 through 2019.

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

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

18 “(c) TITLE III.—

19 “(1) PART A.—

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

24 “(B) SUBPART 2.—There are authorized to  
25 be appropriated to carry out subpart 2 of part

1           A of title III \$91,647,000 for each of fiscal  
2           years 2014 through 2019.

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

7           “(2) PART B.—There are authorized to be ap-  
8           propriated to carry out part B of title III  
9           \$2,055,709,000 for each of fiscal years 2014  
10          through 2019.

11          “(d) TITLE IV.—

12           “(1) PAYMENTS FOR FEDERAL ACQUISITION OF  
13           REAL PROPERTY.—For the purpose of making pay-  
14           ments under section 4002, there are authorized to  
15           be appropriated \$63,445,000 for each of fiscal years  
16           2014 through 2019.

17           “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-  
18           ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—  
19           For the purpose of making payments under section  
20           4003(b), there are authorized to be appropriated  
21           \$1,093,203,000 for each of fiscal years 2014  
22           through 2019.

23           “(3) PAYMENTS FOR CHILDREN WITH DISABIL-  
24           ITIES.—For the purpose of making payments under  
25           section 4003(d), there are authorized to be appro-

1        appropriated \$45,881,000 for each of fiscal years 2014  
2        through 2019.

3            “(4) CONSTRUCTION.—For the purpose of car-  
4        rying out section 4007, there are authorized to be  
5        appropriated \$16,529,000 for each of fiscal years  
6        2014 through 2019.

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

11            **TITLE I—AID TO LOCAL**  
12            **EDUCATIONAL AGENCIES**

13            **Subtitle A—In General**

14        **SEC. 101. TITLE HEADING.**

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

17            **“TITLE I—AID TO LOCAL**  
18            **EDUCATIONAL AGENCIES”.**

19        **SEC. 102. STATEMENT OF PURPOSE.**

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

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

23            “The purpose of this title is to provide all children  
24        the opportunity to graduate high school prepared for post-

1 secondary education or the workforce. This purpose can  
2 be accomplished by—

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

8 “(2) closing the achievement gap between high-  
9 and low-performing children, especially the achieve-  
10 ment gaps between minority and nonminority stu-  
11 dents, and between disadvantaged children and their  
12 more advantaged peers;

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

16 “(4) challenging States and local educational  
17 agencies to embrace meaningful, evidence-based edu-  
18 cation reform, while encouraging state and local in-  
19 novation.”.

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

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

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

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



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

7                   “(A) Section 1003.

8                   “(B) Section 1004.

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

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

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

12                  “(F) Chapter B of subpart 6 of part A of  
13           title I.

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

19           “(3) APPLICABLE FUNDING DEFINED.—

20                   “(A) IN GENERAL.—Except as provided in  
21                   subparagraph (B), in this subsection, the term  
22                   ‘applicable funding’ means funds provided to  
23                   carry out State activities under one or more of  
24                   the following provisions.

25                           “(i) Section 1003.

1 “(ii) Section 1004.

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

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

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

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

10 “(i) to reserve, allocate, or spend for  
11 required activities;

12 “(ii) to allocate, allot, or award to  
13 local educational agencies or other entities  
14 eligible to receive such funds; or

15 “(iii) to use for technical assistance or  
16 monitoring.

17 “(4) DISBURSEMENT.—The Secretary shall dis-  
18 burse the applicable funding to State educational  
19 agencies for alternative uses under paragraph (1) for  
20 a fiscal year at the same time as the Secretary dis-  
21 bursees the applicable funding to State educational  
22 agencies that do not intend to use the applicable  
23 funding for such alternative uses for the fiscal year.

24 “(b) ALTERNATIVE USES OF FEDERAL FUNDS FOR  
25 LOCAL EDUCATIONAL AGENCIES.—

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

7                   “(A) Section 1003.

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

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

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

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

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

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

19           “(3) APPLICABLE FUNDING DEFINED.—

20                   “(A) IN GENERAL.—Except as provided in  
21                   subparagraph (B), in this subsection, the term  
22                   ‘applicable funding’ means funds provided to  
23                   carry out local activities under one or more of  
24                   the following provisions:

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

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

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

3 “(iv) Chapter A of subpart 6 of part  
4 A of title I.

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

10 “(i) to reserve, allocate, or spend for  
11 required activities;

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

14 “(iii) to use for technical assistance or  
15 monitoring.

16 “(4) DISBURSEMENT.—Each State educational  
17 agency that receives applicable funding for a fiscal  
18 year shall disburse the applicable funding to local  
19 educational agencies for alternative uses under para-  
20 graph (1) for the fiscal year at the same time as the  
21 State educational agency disburses the applicable  
22 funding to local educational agencies that do not in-  
23 tend to use the applicable funding for such alter-  
24 native uses for the fiscal year.

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

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

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

16               “(2) comparability of services;

17               “(3) equitable participation of private school  
18 students and teachers;

19               “(4) applicable civil rights requirements;

20               “(5) section 1113; or

21               “(6) section 1111.”.

22 **SEC. 104. SCHOOL IMPROVEMENT.**

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

24               (1) in subsection (a)—

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

3 (B) by striking “subpart 2 of part A” and  
4 all that follows through “sections 1116 and  
5 1117,” and inserting “chapter B of subpart 1  
6 of part A for each fiscal year to carry out sub-  
7 section (b),”;

8 (2) in subsection (b)(1), by striking “for schools  
9 identified for school improvement, corrective action,  
10 and restructuring, for activities under section  
11 1116(b)” and inserting “to carry out the State’s  
12 system of school improvement under section  
13 1111(b)(3)(B)(iii)”;

14 (3) in subsection (c)—

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

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

20 (C) by striking paragraph (3);

21 (4) in subsection (d)(1), by striking “subpart 2  
22 of part A;” and inserting “chapter B of subpart 1  
23 of part A;”;

24 (5) in subsection (e)—

1 (A) by striking “in any fiscal year” and in-  
2 serting “in fiscal year 2015 and each subse-  
3 quent fiscal year”;

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

6 (C) by striking “such subpart” and insert-  
7 ing “such chapter”;

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

11 (7) by striking subsection (g).

12 **SEC. 105. DIRECT STUDENT SERVICES.**

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

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

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

22 “(b) DIRECT STUDENT SERVICES.—From the  
23 amount available after the application of subsection (a),  
24 each State shall award grants in accordance with this sec-

1 tion to local educational agencies to support direct student  
2 services.

3 “(c) AWARDS.—The State educational agency shall  
4 award grants to geographically diverse local educational  
5 agencies including suburban, rural, and urban local edu-  
6 cational agencies. If there are not enough funds to award  
7 all applicants in a sufficient size and scope to run an effec-  
8 tive direct student services program, the State shall  
9 prioritize awards to local educational agencies with the  
10 greatest number of low-performing schools.

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

13 “(1) shall use up to 1 percent of each award for  
14 outreach and communication to parents about their  
15 options and to register students for direct student  
16 services;

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

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



1       “(e) APPLICATION.—A local educational agency de-  
2 siring to receive an award under subsection (b) shall sub-  
3 mit an application describing how the local educational  
4 agency will—

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

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

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

14           “(4) determine the requirements or criteria for  
15 student eligibility for direct student services;

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

24           “(6) develop an estimated per pupil expenditure  
25 available for eligible students to use toward high-

1 quality academic tutoring which shall allow for an  
2 adequate level of services to increase academic  
3 achievement from a variety of high-quality academic  
4 tutoring providers.

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

6 “(1) shall ensure that each local educational  
7 agency receiving an award to provide public school  
8 choice can provide a sufficient number of options to  
9 provide a meaningful choice for parents;

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

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

18 **SEC. 106. STATE ADMINISTRATION.**

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

21 **“SEC. 1004. STATE ADMINISTRATION.**

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

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

3           “(2) \$400,000 (\$50,000 in the case of each  
4           outlying area).

5           “(b) EXCEPTION.—If the sum of the amounts re-  
6           served under subparts 1, 2, and 3 of part A of this title  
7           is equal to or greater than \$14,000,000,000, then the res-  
8           ervation described in subsection (a)(1) shall not exceed 1  
9           percent of the amount the State would receive if  
10          \$14,000,000,000 were allocated among the States for sub-  
11          parts 1, 2, and 3 of part A of this title.”.

12          **Subtitle B—Improving the Aca-**  
13          **ademic Achievement of the Dis-**  
14          **advantaged**

15          **SEC. 111. PART A HEADINGS.**

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

19                  **“PART A—IMPROVING THE ACADEMIC**  
20                  **ACHIEVEMENT OF THE DISADVANTAGED”.**

21          (b) SUBPART 1 HEADING.—The Act is amended by  
22          striking the subpart heading for subpart 1 of part A of  
23          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, specialized instructional support per-  
20 sonnel, other appropriate school personnel, and par-  
21 ents, that satisfies the requirements of this section  
22 and that is coordinated with other programs under  
23 this Act, the Individuals with Disabilities Education  
24 Act, the Carl D. Perkins Career and Technical Edu-  
25 cation Act of 2006, the Head Start Act, the Adult

1 Education and Family Literacy Act, and the McKin-  
2 ney-Vento Homeless Assistance Act.

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

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

8 “(1) ACADEMIC STANDARDS.—

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

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

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

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

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

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

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

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

15 “(ii) such standards—

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

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

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

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

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

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

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

10          “(2) ACADEMIC ASSESSMENTS.—

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

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

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

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

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

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

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

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

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

23 “(aa) grades 3 through 5;

24 “(bb) grades 6 through 9; and

25 “(cc) grades 10 through 12;



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

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

6 “(vii) at the State’s discretion—

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

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

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

20 “(ix) provide for—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19                  “(3) STATE ACCOUNTABILITY SYSTEMS.—

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8                   “(iii) providing a hearing; and

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

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

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



1 “(A) peer review guidance;

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

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

6 “(D) peer review notes;

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

12 “(F) hearings.

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

20 “(f) DURATION OF THE PLAN.—

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

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

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

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

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

17          “(h) REPORTS.—

18                  “(1) ANNUAL STATE REPORT CARD.—

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

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

3                   “(i) concise; and

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

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

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

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

1 disaggregated in accordance with clause  
2 (i);

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

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

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

14 “(II) at the State’s discretion,  
15 the extended-year adjusted cohort  
16 graduation rate, calculated and re-  
17 ported separately for students grad-  
18 uating in 5 years or less, students  
19 graduating in 6 years or less, and stu-  
20 dents graduating in 7 or more years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(4) PARENTS RIGHT-TO-KNOW.—

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

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

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

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



1 retary shall not, either directly or indirectly, attempt to  
2 influence, incentivize, or coerce State participation in any  
3 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 be  
10 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 5305.

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; and

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.

8           “(c) ASSURANCES.—Each local educational agency  
9           plan shall provide assurances that the local educational  
10          agency will—

11           “(1) participate, if selected, in biennial State  
12          academic assessments of 4th and 8th grade reading  
13          and mathematics under the National Assessment of  
14          Educational Progress carried out under section  
15          303(b)(2) of the National Assessment of Edu-  
16          cational Progress Authorization Act;

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

20           “(3) provide technical assistance to schoolwide  
21          programs;

22           “(4) provide services to eligible children attend-  
23          ing private elementary and secondary schools in ac-  
24          cordance with section 1120, and timely and mean-

1       ingful consultation with private school officials or  
2       representatives regarding such services;

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

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

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

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

22           “(1) consult with the Secretary of Health and  
23       Human Services and shall establish procedures (tak-  
24       ing into consideration existing State and local laws,  
25       and local teacher contracts) to assist local edu-

1 cational agencies to comply with such subparagraph;  
2 and

3 “(2) disseminate to local educational agencies  
4 the education performance standards in effect under  
5 section 641A(a)(1)(B) of the Head Start Act, and  
6 such agencies affected by such subsection shall plan  
7 for the implementation of such subsection (taking  
8 into consideration existing State and local laws, and  
9 local teacher contracts).

10 “(e) PLAN DEVELOPMENT AND DURATION.—

11 “(1) CONSULTATION.—Each local educational  
12 agency plan shall be developed in consultation with  
13 teachers, school leaders, administrators, and other  
14 appropriate school personnel, and with parents of  
15 children in schools served under this subpart.

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

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

24 “(f) STATE APPROVAL.—



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

4           “(2) APPROVAL.—The State educational agency  
5 shall approve a local educational agency’s plan only  
6 if the State educational agency determines that the  
7 local educational agency’s plan—

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

12                   “(B) meets the requirements of this sec-  
13 tion.

14           “(3) REVIEW.—The State educational agency  
15 shall review the local educational agency’s plan to  
16 determine if such agency’s activities are in accord-  
17 ance with section 1118.

18           “(g) PARENTAL NOTIFICATION.—

19           “(1) IN GENERAL.—Each local educational  
20 agency using funds under this subpart and subpart  
21 4 to provide a language instruction educational pro-  
22 gram shall, not later than 30 days after the begin-  
23 ning of the school year, inform parents of an  
24 English learner identified for participation, or par-  
25 ticipating in, such a program of—

1           “(A) the reasons for the identification of  
2 their child as an English learner and in need of  
3 placement in a language instruction educational  
4 program;

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

8           “(C) the methods of instruction used in  
9 the program in which their child is, or will be  
10 participating, and the methods of instruction  
11 used in other available programs, including how  
12 such programs differ in content, instructional  
13 goals, and the use of English and a native lan-  
14 guage in instruction;

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

18           “(E) how such program will specifically  
19 help their child learn English, and meet age-ap-  
20 propriate academic achievement standards for  
21 grade promotion and graduation;

22           “(F) the specific exit requirements for the  
23 program, including the expected rate of transi-  
24 tion from such program into classrooms that  
25 are not tailored for English learners, and the

1 expected rate of graduation from high school  
2 for such program if funds under this subpart  
3 are used for children in secondary schools;

4 “(G) in the case of a child with a dis-  
5 ability, how such program meets the objectives  
6 of the individualized education program of the  
7 child; and

8 “(H) information pertaining to parental  
9 rights that includes written guidance—

10 “(i) detailing—

11 “(I) the right that parents have  
12 to have their child immediately re-  
13 moved from such program upon their  
14 request; and

15 “(II) the options that parents  
16 have to decline to enroll their child in  
17 such program or to choose another  
18 program or method of instruction, if  
19 available; and

20 “(ii) assisting parents in selecting  
21 among various programs and methods of  
22 instruction, if more than one program or  
23 method is offered by the eligible entity.

24 “(2) NOTICE.—The notice and information pro-  
25 vided in paragraph (1) to parents of a child identi-

1       fied for participation in a language instruction edu-  
2       cational program for English learners shall be in an  
3       understandable and uniform format and, to the ex-  
4       tent practicable, provided in a language that the  
5       parents can understand.

6               “(3) SPECIAL RULE APPLICABLE DURING THE  
7       SCHOOL YEAR.—For those children who have not  
8       been identified as English learners prior to the be-  
9       ginning of the school year the local educational  
10      agency shall notify parents within the first 2 weeks  
11      of the child being placed in a language instruction  
12      educational program consistent with paragraphs (1)  
13      and (2).

14              “(4) PARENTAL PARTICIPATION.—Each local  
15      educational agency receiving funds under this sub-  
16      part shall implement an effective means of outreach  
17      to parents of English learners to inform the parents  
18      regarding how the parents can be involved in the  
19      education of their children, and be active partici-  
20      pants in assisting their children to attain English  
21      proficiency, achieve at high levels in core academic  
22      subjects, and meet the State’s academic standards  
23      expected of all students, including holding, and send-  
24      ing notice of opportunities for, regular meetings for  
25      the purpose of formulating and responding to rec-

1       ommendations from parents of students assisted  
2       under this subpart.

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

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

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

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

11              (2) in subsection (c)(4)—

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

14                      (B) by striking “school improvement, cor-  
15                      rective action, and restructuring under section  
16                      1116(b)” and inserting “school improvement  
17                      under section 1111(b)(3)(B)(iii)”.

18       **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

20              (1) in subsection (a)—

21                      (A) in paragraph (1)—

22                              (i) by striking “part” and inserting  
23                              “subpart”; and

24                              (ii) by striking “in which” through  
25                              “such families”;

- 1 (B) in paragraph (2)—
- 2 (i) in subparagraph (A)(i), by striking
- 3 “part” and inserting “subpart”; and
- 4 (ii) in subparagraph (B)—
- 5 (I) by striking “children with
- 6 limited English proficiency” and in-
- 7 serting “English learners”; and
- 8 (II) by striking “part” and in-
- 9 serting “subpart”;
- 10 (C) in paragraph (3)(B), by striking
- 11 “maintenance of effort,” after “private school
- 12 children,”; and
- 13 (D) by striking paragraph (4); and
- 14 (2) in subsection (b)—
- 15 (A) in paragraph (1)—
- 16 (i) in subparagraph (A)—
- 17 (I) by striking “(including” and
- 18 all that follows through “1309(2))”;
- 19 and
- 20 (II) by striking “content stand-
- 21 ards and the State student academic
- 22 achievement standards” and inserting
- 23 “standards”;
- 24 (ii) in subparagraph (B)—

1 (I) in clause (i), by striking “pro-  
2 ficient” and all that follows through  
3 “section 1111(b)(1)(D)” and inserting  
4 “academic standards described in sec-  
5 tion 1111(b)(1)”;

6 (II) in clause (ii), in the matter  
7 preceding subclause (I), by striking  
8 “based on scientifically based re-  
9 search” and inserting “evidence-  
10 based”;

11 (III) in clause (iii)(I)—

12 (aa) by striking “student  
13 academic achievement standards”  
14 and inserting “academic stand-  
15 ards”; and

16 (bb) by striking “schoolwide  
17 program,” and all that follows  
18 through “technical education pro-  
19 grams; and” and inserting  
20 “schoolwide programs; and”;

21 (IV) in clause (iv), by striking  
22 “the State and local improvement  
23 plans” and inserting “school improve-  
24 ment strategies”;

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

4 (iv) in subparagraph (D)—

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

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

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

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

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

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



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

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

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

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

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

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

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

23 (3) in subsection (c)—

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

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

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

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

6 (1) in subsection (a)—

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

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

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

14 (2) in subsection (b)—

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

18 (B) in paragraph (2)—

19 (i) in subparagraph (A)—

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

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

25 (ii) in subparagraph (B)—

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

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

6 (iii) in subparagraph (C)—

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

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

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

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

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

19 (3) in subsection (c)—

20 (A) in paragraph (1)—

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

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

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

4 (ii) in subparagraph (A)—

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

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

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

12 (iv) in subparagraph (C)—

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

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

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

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

1 (vii) in subparagraph (F)—

2 (I) by striking “in accordance  
3 with subsection (e)(3) and section  
4 1119,”;

5 (II) by striking “part” and in-  
6 serting “subpart”; and

7 (III) by striking “pupil services  
8 personnel” and inserting “specialized  
9 instructional support personnel”; and

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

12 (B) in paragraph (2)—

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

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

19 (iii) in subparagraph (B), by striking  
20 “challenging student academic achieve-  
21 ment” and inserting “academic”;

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

25 (5) in subsection (e)—

1 (A) in paragraph (2)(B)—

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

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

8 (B) by striking paragraph (3).

9 **SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDU-  
10 CATIONAL AGENCY AND SCHOOL IMPROVE-  
11 MENT; SCHOOL SUPPORT AND RECOGNITION.**

12 The Act is amended by repealing sections 1116 and  
13 1117 (20 U.S.C. 6316; 6317).

14 **SEC. 118. PARENTAL INVOLVEMENT.**

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

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

18 (2) in subsection (a)—

19 (A) in paragraph (2)—

20 (i) in subparagraph (A), by striking “,  
21 and” and all that follows through “1116”;  
22 and

23 (ii) in subparagraph (D), by striking  
24 “, such as” and all that follows through  
25 “preschool programs”; and

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

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

6 “(B) a description and explanation of the  
7 curriculum in use at the school and the forms  
8 of academic assessment used to measure stu-  
9 dent progress; and”;

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

12 (5) in subsection (e)—

13 (A) in paragraph (1), by striking “State’s  
14 academic content standards and State student  
15 academic achievement standards” and inserting  
16 “State’s academic standards”;

17 (B) in paragraph (3)—

18 (i) by striking “pupil services per-  
19 sonnel,” and inserting “specialized instruc-  
20 tional support personnel,”; and

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

23 (C) in paragraph (4), by striking “Head  
24 Start, Reading First, Early Reading First,  
25 Even Start, the Home Instruction Programs for



1           Preschool Youngsters, the Parents as Teachers  
2           Program, and public preschool and other” and  
3           inserting “other Federal, State, and local”; and  
4           (6) by amending subsection (g) to read as fol-  
5           lows:

6           “(g) FAMILY ENGAGEMENT IN EDUCATION PRO-  
7           GRAMS.—In a State operating a program under subpart  
8           3 of part A of title III, each local educational agency or  
9           school that receives assistance under this subpart shall in-  
10          form such parents and organizations of the existence of  
11          such programs.”.

12       **SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARA-**  
13                               **PROFESSIONALS.**

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

16       **SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**  
17                               **VATE SCHOOLS.**

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

20       **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**  
21                               **PRIVATE SCHOOLS.**

22          “(a) GENERAL REQUIREMENT.—

23               “(1) IN GENERAL.—To the extent consistent  
24               with the number of eligible children identified under  
25               section 1115(b) in the school district served by a

1 local educational agency who are enrolled in private  
2 elementary schools and secondary schools, a local  
3 educational agency shall—

4 “(A) after timely and meaningful consulta-  
5 tion with appropriate private school officials or  
6 representatives, provide such service, on an eq-  
7 uitable basis and individually or in combination,  
8 as requested by the officials or representatives  
9 to best meet the needs of such children, special  
10 educational services, instructional services,  
11 counseling, mentoring, one-on-one tutoring, or  
12 other benefits under this subpart (such as dual  
13 enrollment, educational radio and television,  
14 computer equipment and materials, other tech-  
15 nology, and mobile educational services and  
16 equipment) that address their needs; and

17 “(B) ensure that teachers and families of  
18 the children participate, on an equitable basis,  
19 in services and activities developed pursuant to  
20 this subpart.

21 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—  
22 Such educational services or other benefits, including  
23 materials and equipment, shall be secular, neutral,  
24 and nonideological.

25 “(3) EQUITY.—

1           “(A) IN GENERAL.—Educational services  
2           and other benefits for such private school chil-  
3           dren shall be equitable in comparison to serv-  
4           ices and other benefits for public school chil-  
5           dren participating under this subpart, and shall  
6           be provided in a timely manner.

7           “(B) OMBUDSMAN.—To help ensure such  
8           equity for such private school children, teach-  
9           ers, and other educational personnel, the State  
10          educational agency involved shall designate an  
11          ombudsman to monitor and enforce the require-  
12          ments of this subpart.

13          “(4) EXPENDITURES.—

14               “(A) IN GENERAL.—Expenditures for edu-  
15               cational services and other benefits to eligible  
16               private school children shall be equal to the ex-  
17               penditures for participating public school chil-  
18               dren, taking into account the number, and edu-  
19               cational needs, of the children to be served. The  
20               share of funds shall be determined based on the  
21               total allocation received by the local educational  
22               agency prior to any allowable expenditures au-  
23               thorized under this title.

24               “(B) OBLIGATION OF FUNDS.—Funds allo-  
25               cated to a local educational agency for edu-

1           cational services and other benefits to eligible  
2           private school children shall—

3                   “(i) be obligated in the fiscal year for  
4                   which the funds are received by the agen-  
5                   cy; and

6                   “(ii) with respect to any such funds  
7                   that cannot be so obligated, be used to  
8                   serve such children in the following fiscal  
9                   year.

10           “(C) NOTICE OF ALLOCATION.—Each  
11           State educational agency shall—

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

18                   “(ii) provide notice, simultaneously, to  
19                   each such local educational agency and the  
20                   appropriate private school officials or their  
21                   representatives in the State of such alloca-  
22                   tion of funds.

23           “(5) PROVISION OF SERVICES.—The local edu-  
24           cational agency or, in a case described in subsection  
25           (b)(6)(C), the State educational agency involved,

1       may provide services under this section directly or  
2       through contracts with public or private agencies,  
3       organizations, and institutions.

4       “(b) CONSULTATION.—

5             “(1) IN GENERAL.—To ensure timely and  
6       meaningful consultation, a local educational agency  
7       shall consult with appropriate private school officials  
8       or representatives during the design and develop-  
9       ment of such agency’s programs under this subpart  
10      in order to reach an agreement between the agency  
11      and the officials or representatives about equitable  
12      and effective programs for eligible private school  
13      children, the results of which shall be transmitted to  
14      the designated ombudsmen under section  
15      1120(a)(3)(B). Such process shall include consulta-  
16      tion on issues such as—

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

19             “(B) what services will be offered;

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

22             “(D) how the services will be academically  
23      assessed and how the results of that assessment  
24      will be used to improve those services;

1           “(E) the size and scope of the equitable  
2 services to be provided to the eligible private  
3 school children, and the proportion of funds  
4 that is allocated under subsection (a)(4)(A) for  
5 such services, how that proportion of funds is  
6 determined under such subsection, and an  
7 itemization of the costs of the services to be  
8 provided;

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

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

21           “(H) how, if the agency disagrees with the  
22 views of the private school officials or represent-  
23 atives on the provision of services through a  
24 contract, the local educational agency will pro-  
25 vide in writing to such private school officials

1 an analysis of the reasons why the local edu-  
2 cational agency has chosen not to use a con-  
3 tractor;

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

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

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

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

1           “(K) whether to consolidate and use funds  
2           under this subpart to provide schoolwide pro-  
3           grams for a private school.

4           “(2) DISAGREEMENT.—If a local educational  
5           agency disagrees with the views of private school of-  
6           ficials or representatives with respect to an issue de-  
7           scribed in paragraph (1), the local educational agen-  
8           cy shall provide in writing to such private school of-  
9           ficials an analysis of the reasons why the local edu-  
10          cational agency has chosen not to adopt the course  
11          of action requested by such officials.

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

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



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

18           “(6) COMPLIANCE.—

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

1 school or its students equitably as required by  
2 this section.

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

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

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

18 “(I) requested that the State  
19 educational agency provide such serv-  
20 ices directly; and

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

25 “(ii) in a case in which—

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

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

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

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

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

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

1 such survey results to be extrapolated if com-  
2 plete actual data are unavailable;

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

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

11 “(2) COMPLAINT PROCESS.—Any dispute re-  
12 garding low-income data for private school students  
13 shall be subject to the complaint process authorized  
14 in section 5503.

15 “(d) PUBLIC CONTROL OF FUNDS.—

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

22 “(2) PROVISION OF SERVICES.—

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

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

2                   or

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

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

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

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

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

1 subject to the requirements of this section and sec-  
2 tions 5503 and 5504; and

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

8 **SEC. 121. FISCAL REQUIREMENTS.**

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

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

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

15 **SEC. 122. COORDINATION REQUIREMENTS.**

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

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

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

21 (3) in subsection (b)—

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

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

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

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

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

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

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

16 (2) in subsection (b)—

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

20 (B) in paragraph (3)—

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

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

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

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

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

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

11 “(a) RESERVATION.—

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

16 “(2) ALLOCATION FORMULA.—Of the amount  
17 reserved under paragraph (1) for each of fiscal years  
18 2014 to 2019 (referred to in this subsection as the  
19 current fiscal year)—

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

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



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

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

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

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

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

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

19 **CIES.**

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

21 (1) in subsection (a)—

22 (A) in paragraph (3)—

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

1 (ii) in subparagraph (C)(i), by strik-  
2 ing “subpart” and inserting “chapter”;  
3 and

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

7 (2) in subsection (c)—

8 (A) in paragraph (1)(B), by striking “sub-  
9 part 1 of part D” and inserting “chapter A of  
10 subpart 3”; and

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

13 **SEC. 126. ADEQUACY OF FUNDING OF TARGETED GRANTS**  
14 **TO LOCAL EDUCATIONAL AGENCIES IN FIS-**  
15 **CAL YEARS AFTER FISCAL YEAR 2001.**

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

18 **“SEC. 1125AA. ADEQUACY OF FUNDING OF TARGETED**  
19 **GRANTS TO LOCAL EDUCATIONAL AGENCIES**  
20 **IN FISCAL YEARS AFTER FISCAL YEAR 2001.**

21 “Pursuant to section 1122, the total amount allo-  
22 cated in any fiscal year after fiscal year 2001 for programs  
23 and activities under this subpart shall not exceed the  
24 amount allocated in fiscal year 2001 for such programs  
25 and activities unless the amount available for targeted

1 grants to local educational agencies under section 1125  
2 in the applicable fiscal year meets the requirements of sec-  
3 tion 1122(a).”.

4 **SEC. 127. EDUCATION FINANCE INCENTIVE GRANT PRO-**  
5 **GRAM.**

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

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

9 (2) in subsection (b)(1)—

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

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

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

21 **SEC. 128. 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           **Subtitle C—Additional Aid to**  
2           **States and School Districts**

3   **SEC. 131. ADDITIONAL AID.**

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

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

9           (2) by inserting after subpart 1 of part A the  
10 following:

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

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

13           “The purposes of this subpart are as follows:

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

19           “(2) To ensure that migratory children who  
20 move among the States, not be penalized in any  
21 manner by disparities among the States in cur-  
22 riculum, graduation requirements, and State aca-  
23 demic standards.

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

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

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

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

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

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

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

22 **“SEC. 1133. STATE ALLOCATIONS.**

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

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

3 “(1) the sum of—

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

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

13 “(2) 40 percent of the average per-pupil ex-  
14 penditure in the State, except that the amount de-  
15 termined under this paragraph shall not be less than  
16 32 percent, nor more than 48 percent, of the aver-  
17 age per-pupil expenditure in the United States.

18 “(b) HOLD HARMLESS.—Notwithstanding subsection  
19 (a), for each of fiscal years 2014 through 2016, no State  
20 shall receive less than 90 percent of the State’s allocation  
21 under this section for the previous year.

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

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

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

10 “(2) 32 percent of the average per-pupil ex-  
11 penditure in the United States.

12 “(d) RATABLE REDUCTIONS; REALLOCATIONS.—

13 “(1) IN GENERAL.—

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

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

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

3 “(2) SPECIAL RULE.—

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

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

20 “(e) CONSORTIUM ARRANGEMENTS.—

21 “(1) IN GENERAL.—In the case of a State that  
22 receives a grant of \$1,000,000 or less under this  
23 section, the Secretary shall consult with the State  
24 educational agency to determine whether consortium  
25 arrangements with another State or other appro-



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

3            “(2) PROPOSALS.—Any State, regardless of the  
4        amount of such State’s allocation, may submit a  
5        consortium arrangement to the Secretary for ap-  
6        proval.

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

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

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

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

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

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

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

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

7                   “(A) the unique needs of those children  
8                   participating in evidence-based or other effec-  
9                   tive special programs provided under this sub-  
10                  part that operate during the summer and inter-  
11                  session periods; and

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

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

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

1 tory children residing in the State until data is available  
2 to calculate the 3-year average number of such children  
3 in accordance with such subsection.

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

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

9 “(b) PROGRAM INFORMATION.—Each such applica-  
10 tion shall include—

11 “(1) a description of how, in planning, imple-  
12 menting, and evaluating programs and projects as-  
13 sisted under this subpart, the State and its local op-  
14 erating agencies will ensure that the unique edu-  
15 cational needs of migratory children, including pre-  
16 school migratory children, are identified and ad-  
17 dressed through—

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

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

1 educational programs under chapter A of sub-  
2 part 4; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(A) in a manner that provides for the  
11 same parental involvement as is required for  
12 programs and projects under section 1118, un-  
13 less extraordinary circumstances make such  
14 provision impractical; and

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

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

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

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

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

9           “(B) professional development programs,  
10 including mentoring, for teachers and other  
11 program personnel;

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

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

17           “(E) programs to facilitate the transition  
18 of secondary school students to postsecondary  
19 education or employment without the need for  
20 remediation; and

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

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

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

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

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

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

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

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

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

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

24 “(a) COMPREHENSIVE PLAN.—



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

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

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

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

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

17           “(iii) the comprehensive State plan is  
18 not used to supplant State efforts regard-  
19 ing, or administrative funding for, this  
20 subpart;

21           “(C) provides that migratory children will  
22 have an opportunity to meet the same State  
23 academic standards under section 1111(b)(1)  
24 that all children are expected to meet;

1           “(D) specifies measurable program goals  
2           and outcomes;

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

7           “(F) is the product of joint planning  
8           among such local, State, and Federal programs,  
9           including programs under subpart 1, early  
10          childhood programs, and language instruction  
11          educational programs under chapter A of sub-  
12          part 4; and

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

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

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

21                 “(B) be periodically reviewed and revised  
22                 by the State, as necessary, to reflect changes in  
23                 the State’s strategies and programs under this  
24                 subpart.

25          “(b) AUTHORIZED ACTIVITIES.—

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

11          “(2) UNADDRESSED NEEDS.—Funds provided  
12          under this subpart shall be used to address the  
13          needs of migratory children that are not addressed  
14          by services available from other Federal or non-Fed-  
15          eral programs, except that migratory children who  
16          are eligible to receive services under subpart 1 may  
17          receive those services through funds provided under  
18          that subpart, or through funds under this subpart  
19          that remain after the agency addresses the needs de-  
20          scribed in paragraph (1).

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

1 **“SEC. 1137. BYPASS.**

2 “The Secretary may use all or part of any State’s  
3 allocation under this subpart to make arrangements with  
4 any public or private agency to carry out the purpose of  
5 this subpart in such State if the Secretary determines  
6 that—

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

9 “(2) such arrangements would result in more  
10 efficient and economic administration of such pro-  
11 grams; or

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

14 **“SEC. 1138. COORDINATION OF MIGRATORY EDUCATION**  
15 **ACTIVITIES.**

16 “(a) IMPROVEMENT OF COORDINATION.—

17 “(1) IN GENERAL.—The Secretary, in consulta-  
18 tion with the States, may make grants to, or enter  
19 into contracts with, State educational agencies, local  
20 educational agencies, institutions of higher edu-  
21 cation, and other public and private entities to im-  
22 prove the interstate and intrastate coordination  
23 among such agencies’ educational programs, includ-  
24 ing through the establishment or improvement of  
25 programs for credit accrual and exchange, available  
26 to migratory students.

1           “(2) DURATION.—Grants or contracts under  
2 this subsection may be awarded for not more than  
3 5 years.

4           “(b) STUDENT RECORDS.—

5           “(1) ASSISTANCE.—The Secretary shall assist  
6 States in developing and maintaining an effective  
7 system for the electronic transfer of student records  
8 and in determining the number of migratory chil-  
9 dren in each State.

10           “(2) INFORMATION SYSTEM.—

11           “(A) IN GENERAL.—The Secretary, in con-  
12 sultation with the States, shall ensure the link-  
13 age of migratory student record systems for the  
14 purpose of electronically exchanging, among the  
15 States, health and educational information re-  
16 garding all migratory students. The Secretary  
17 shall ensure such linkage occurs in a cost-effec-  
18 tive manner, utilizing systems used by the  
19 States prior to, or developed after, the date of  
20 enactment of this Act. The Secretary shall de-  
21 termine the minimum data elements that each  
22 State receiving funds under this subpart shall  
23 collect and maintain. Such minimum data ele-  
24 ments may include—

1           “(i) immunization records and other  
2 health information;

3           “(ii) elementary and secondary aca-  
4 demic history (including partial credit),  
5 credit accrual, and results from State as-  
6 sessments required under section  
7 1111(b)(2);

8           “(iii) other academic information es-  
9 sential to ensuring that migratory children  
10 achieve to the States’s academic standards;  
11 and

12           “(iv) eligibility for services under the  
13 Individuals with Disabilities Education  
14 Act.

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

22           “(3) NO COST FOR CERTAIN TRANSFERS.—A  
23 State educational agency or local educational agency  
24 receiving assistance under this subpart shall make  
25 student records available to another State edu-

1        cational agency or local educational agency that re-  
2        quests the records at no cost to the requesting agen-  
3        cy, if the request is made in order to meet the needs  
4        of a migratory child.

5            “(4) REPORT TO CONGRESS.—

6            “(A) IN GENERAL.—Not later than April  
7        30, 2014, the Secretary shall report to the  
8        Committee on Health, Education, Labor, and  
9        Pensions of the Senate and the Committee on  
10       Education and the Workforce of the House of  
11       Representatives the Secretary’s findings and  
12       recommendations regarding the maintenance  
13       and transfer of health and educational informa-  
14       tion for migratory students by the States.

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

17            “(i) a review of the progress of States  
18       in developing and linking electronic records  
19       transfer systems;

20            “(ii) recommendations for maintaining  
21       such systems; and

22            “(iii) recommendations for improving  
23       the continuity of services provided for mi-  
24       gratory students.

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

5       “(d) DATA COLLECTION.—The Secretary shall direct  
6 the National Center for Education Statistics to collect  
7 data on migratory children.

8       **“SEC. 1139. DEFINITIONS.**

9       “As used in this subpart:

10           “(1) LOCAL OPERATING AGENCY.—The term  
11 ‘local operating agency’ means—

12                   “(A) a local educational agency to which a  
13 State educational agency makes a subgrant  
14 under this subpart;

15                   “(B) a public or private agency with which  
16 a State educational agency or the Secretary  
17 makes an arrangement to carry out a project  
18 under this subpart; or

19                   “(C) a State educational agency, if the  
20 State educational agency operates the State’s  
21 migratory education program or projects di-  
22 rectly.

23           “(2) MIGRATORY CHILD.—The term ‘migratory  
24 child’ means a child who is, or whose parent or  
25 spouse is, a migratory agricultural worker, including



1 a migratory dairy worker, or a migratory fisher, and  
2 who, in the preceding 36 months, in order to obtain,  
3 or accompany such parent or spouse, in order to ob-  
4 tain, temporary or seasonal employment in agricul-  
5 tural or fishing work—

6 “(A) has moved from one school district to  
7 another;

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

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

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

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

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

20 “(1) to improve educational services for chil-  
21 dren and youth in local and State institutions for  
22 neglected or delinquent children and youth so that  
23 such children and youth have the opportunity to  
24 meet the same State academic standards that all  
25 children in the State are expected to meet;



1 allocate to each State educational agency an amount nec-  
2 essary to make subgrants to State agencies under chapter  
3 A.

4 “(b) LOCAL SUBGRANTS.—Each State shall retain,  
5 for the purpose of carrying out chapter B, funds generated  
6 throughout the State under subpart 1 of this part based  
7 on children and youth residing in local correctional facili-  
8 ties, or attending community day programs for delinquent  
9 children and youth.

## 10 **“CHAPTER A—STATE AGENCY PROGRAMS**

### 11 **“SEC. 1151. ELIGIBILITY.**

12 “A State agency is eligible for assistance under this  
13 chapter if such State agency is responsible for providing  
14 free public education for children and youth—

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

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

19 “(3) in adult correctional institutions.

### 20 **“SEC. 1152. ALLOCATION OF FUNDS.**

21 “(a) SUBGRANTS TO STATE AGENCIES.—

22 “(1) IN GENERAL.—Each State agency de-  
23 scribed in section 1151 (other than an agency in the  
24 Commonwealth of Puerto Rico) is eligible to receive

1 a subgrant under this chapter, for each fiscal year,  
2 in an amount equal to the product of—

3 “(A) the number of neglected or delinquent  
4 children and youth described in section 1151  
5 who—

6 “(i) are enrolled for at least 15 hours  
7 per week in education programs in adult  
8 correctional institutions; and

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

11 “(I) in education programs in in-  
12 stitutions for neglected or delinquent  
13 children and youth; or

14 “(II) in community day programs  
15 for neglected or delinquent children  
16 and youth; and

17 “(B) 40 percent of the average per-pupil  
18 expenditure in the State, except that the  
19 amount determined under this subparagraph  
20 shall not be less than 32 percent, nor more  
21 than 48 percent, of the average per-pupil ex-  
22 penditure in the United States.

23 “(2) SPECIAL RULE.—The number of neglected  
24 or delinquent children and youth determined under  
25 paragraph (1) shall—

1           “(A) be determined by the State agency by  
2           a deadline set by the Secretary, except that no  
3           State agency shall be required to determine the  
4           number of such children and youth on a specific  
5           date set by the Secretary; and

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

9           “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO  
10          RICO.—

11           “(1) IN GENERAL.—For each fiscal year, the  
12           amount of the subgrant which a State agency in the  
13           Commonwealth of Puerto Rico shall be eligible to re-  
14           ceive under this chapter shall be the amount deter-  
15           mined by multiplying the number of children count-  
16           ed under subsection (a)(1)(A) for the Common-  
17           wealth of Puerto Rico by the product of—

18           “(A) the percentage which the average per-  
19           pupil expenditure in the Commonwealth of  
20           Puerto Rico is of the lowest average per-pupil  
21           expenditure of any of the 50 States; and

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

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

4           “(c) RATABLE REDUCTIONS IN CASE OF INSUFFI-  
5           CIENT APPROPRIATIONS.—If the amount reserved for any  
6           fiscal year for subgrants under subsections (a) and (b) is  
7           insufficient to pay the full amount for which all State  
8           agencies are eligible under such subsections, the Secretary  
9           shall ratably reduce each such amount.

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

11           “If a State educational agency determines that a  
12           State agency does not need the full amount of the  
13           subgrant for which such State agency is eligible under this  
14           chapter for any fiscal year, the State educational agency  
15           may reallocate the amount that will not be needed to other  
16           eligible State agencies that need additional funds to carry  
17           out the purpose of this chapter, in such amounts as the  
18           State educational agency shall determine.

19       **“SEC. 1154. STATE PLAN AND STATE AGENCY APPLICA-**  
20                               **TIONS.**

21           “(a) STATE PLAN.—

22           “(1) IN GENERAL.—Each State educational  
23           agency that desires to receive a grant under this  
24           chapter shall submit, for approval by the Secretary,  
25           a plan—

1           “(A) for meeting the educational needs of  
2 neglected, delinquent, and at-risk children and  
3 youth;

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

7           “(C) that is integrated with other pro-  
8 grams under this Act or other Acts, as appro-  
9 priate.

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

11           “(A) describe how the State will assess the  
12 effectiveness of the program in improving the  
13 academic, career, and technical skills of chil-  
14 dren in the program;

15           “(B) provide that, to the extent feasible,  
16 such children will have the same opportunities  
17 to achieve as such children would have if such  
18 children were in the schools of local educational  
19 agencies in the State;

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

23           “(D) contain an assurance that the State  
24 educational agency will—

1           “(i) ensure that programs assisted  
2           under this chapter will be carried out in  
3           accordance with the State plan described  
4           in this subsection;

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

7           “(iii) ensure that the State agencies  
8           receiving subgrants under this chapter  
9           comply with all applicable statutory and  
10          regulatory requirements.

11          “(3) DURATION OF THE PLAN.—Each such  
12          State plan shall—

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

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

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

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



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

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

8           “(1) describes the procedures to be used, con-  
9           sistent with the State plan under section 1111, to  
10          assess the educational needs of the children to be  
11          served under this chapter;

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

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

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

22          “(5) describes how the State agency will consult  
23          with experts and provide the necessary training for  
24          appropriate staff, to ensure that the planning and

1 operation of institution-wide projects under section  
2 1156 are of high quality;

3 “(6) describes how the programs will be coordi-  
4 nated with other appropriate State and Federal pro-  
5 grams, such as programs under title I of Public Law  
6 105–220, career and technical education programs,  
7 State and local dropout prevention programs, and  
8 special education programs;

9 “(7) describes how the State agency will en-  
10 courage correctional facilities receiving funds under  
11 this chapter to coordinate with local educational  
12 agencies or alternative education programs attended  
13 by incarcerated children and youth prior to and after  
14 their incarceration to ensure that student assess-  
15 ments and appropriate academic records are shared  
16 jointly between the correctional facility and the local  
17 educational agency or alternative education program;

18 “(8) describes how appropriate professional de-  
19 velopment will be provided to teachers and other  
20 staff;

21 “(9) designates an individual in each affected  
22 correctional facility or institution for neglected or  
23 delinquent children and youth to be responsible for  
24 issues relating to the transition of such children and

1 youth from such facility or institution to locally op-  
2 erated programs;

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

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

12 “(12) provides assurances that the State agency  
13 will work with parents to secure parents’ assistance  
14 in improving the educational achievement of their  
15 children and youth, and preventing their children’s  
16 and youth’s further involvement in delinquent activi-  
17 ties;

18 “(13) provides an assurance that the State  
19 agency will work with children and youth with dis-  
20 abilities in order to meet an existing individualized  
21 education program and an assurance that the agen-  
22 cy will notify the child’s or youth’s local school if the  
23 child or youth—

24 “(A) is identified as in need of special edu-  
25 cation services while the child or youth is in the

1           correctional facility or institution for neglected  
2           or delinquent children and youth; and

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

4           “(14) provides an assurance that the State  
5           agency will work with children and youth who  
6           dropped out of school before entering the correc-  
7           tional facility or institution for neglected or delin-  
8           quent children and youth to encourage the children  
9           and youth to reenter school and obtain a regular  
10          high school diploma once the term of the incarcer-  
11          ation is completed, or provide the child or youth with  
12          the skills necessary to gain employment, continue  
13          the education of the child or youth, or obtain a reg-  
14          ular high school diploma or its recognized equivalent  
15          if the child or youth does not intend to return to  
16          school;

17          “(15) provides an assurance that effective  
18          teachers and other qualified staff are trained to  
19          work with children and youth with disabilities and  
20          other students with special needs taking into consid-  
21          eration the unique needs of such students;

22          “(16) describes any additional services to be  
23          provided to children and youth, such as career coun-  
24          seling, distance education, and assistance in securing  
25          student loans and grants; and

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

6 **“SEC. 1155. USE OF FUNDS.**

7           “(a) USES.—

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

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

13                   “(B) concentrate on providing participants  
14                   with the knowledge and skills needed to make  
15                   a successful transition to secondary school com-  
16                   pletion, career and technical education, further  
17                   education, or employment without the need for  
18                   remediation.

19           “(2) PROGRAMS AND PROJECTS.—Such pro-  
20          grams and projects—

21                   “(A) may include the acquisition of equip-  
22                   ment;

23                   “(B) shall be designed to support edu-  
24          cational services that—

1                   “(i) except for institution-wide  
2                   projects under section 1156, are provided  
3                   to children and youth identified by the  
4                   State agency as failing, or most at-risk of  
5                   failing, to meet the State’s academic stand-  
6                   ards; and

7                   “(ii) supplement and improve the  
8                   quality of the educational services provided  
9                   to such children and youth by the State  
10                  agency; and

11                  “(iii) afford such children and youth  
12                  an opportunity to meet State academic  
13                  standards; and

14                  “(C) shall be carried out in a manner con-  
15                  sistent with section 1120A and part C (as ap-  
16                  plied to programs and projects under this chap-  
17                  ter).

18                  “(b) SUPPLEMENT, NOT SUPPLANT.—A program  
19                  under this chapter that supplements the number of hours  
20                  of instruction students receive from State and local  
21                  sources shall be considered to comply with the supplement,  
22                  not supplant the requirement of section 1120A (as applied  
23                  to this chapter) without regard to the subject areas in  
24                  which instruction is given during those hours.

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

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

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

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

19 “(3) describes the steps the State agency has  
20 taken, or will take, to provide all children and youth  
21 under age 21 with the opportunity to meet State  
22 academic standards in order to improve the likeli-  
23 hood that the children and youth will complete sec-  
24 ondary school, obtain a regular high school diploma  
25 or its recognized equivalent, or find employment  
26 after leaving the institution;

1           “(4) describes the instructional program, spe-  
2           cialized instructional support services, and proce-  
3           dures that will be used to meet the needs described  
4           in paragraph (1), including, to the extent feasible,  
5           the provision of mentors for the children and youth  
6           described in paragraph (1);

7           “(5) specifically describes how such funds will  
8           be used;

9           “(6) describes the measures and procedures  
10          that will be used to assess and improve student  
11          achievement;

12          “(7) describes how the agency has planned, and  
13          will implement and evaluate, the institution-wide or  
14          program-wide project in consultation with personnel  
15          providing direct instructional services and support  
16          services in institutions or community day programs  
17          for neglected or delinquent children and youth, and  
18          with personnel from the State educational agency;  
19          and

20          “(8) includes an assurance that the State agen-  
21          cy has provided for appropriate training for teachers  
22          and other instructional and administrative personnel  
23          to enable such teachers and personnel to carry out  
24          the project effectively.



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

2 “If a State agency operates a program or project  
3 under this chapter in which individual children or youth  
4 are likely to participate for more than one year, the State  
5 educational agency may approve the State agency’s appli-  
6 cation for a subgrant under this chapter for a period of  
7 not more than 3 years.

8 **“SEC. 1158. TRANSITION SERVICES.**

9 “(a) **TRANSITION SERVICES.**—Each State agency  
10 shall reserve not less than 15 percent and not more than  
11 30 percent of the amount such agency receives under this  
12 chapter for any fiscal year to support—

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

16 “(2) the successful re-entry of youth offenders,  
17 who are age 20 or younger and have received a reg-  
18 ular high school diploma or its recognized equiva-  
19 lent, into postsecondary education, or career and  
20 technical training programs, through strategies de-  
21 signed to expose the youth to, and prepare the youth  
22 for, postsecondary education, or career and technical  
23 training programs, such as—

24 “(A) preplacement programs that allow ad-  
25 judicated or incarcerated youth to audit or at-  
26 tend courses on college, university, or commu-

1 nity college campuses, or through programs  
2 provided in institutional settings;

3 “(B) worksite schools, in which institutions  
4 of higher education and private or public em-  
5 ployers partner to create programs to help stu-  
6 dents make a successful transition to postsec-  
7 ondary education and employment; and

8 “(C) essential support services to ensure  
9 the success of the youth, such as—

10 “(i) personal, career and technical,  
11 and academic counseling;

12 “(ii) placement services designed to  
13 place the youth in a university, college, or  
14 junior college program;

15 “(iii) information concerning, and as-  
16 sistance in obtaining, available student fi-  
17 nancial aid;

18 “(iv) counseling services; and

19 “(v) job placement services.

20 “(b) CONDUCT OF PROJECTS.—A project supported  
21 under this section may be conducted directly by the State  
22 agency, or through a contract or other arrangement with  
23 one or more local educational agencies, other public agen-  
24 cies, or private organizations.

1           “(c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
2 tion shall be construed to prohibit a school that receives  
3 funds under subsection (a) from serving neglected and de-  
4 linquent children and youth simultaneously with students  
5 with similar educational needs, in the same educational  
6 settings where appropriate.

7           **“SEC. 1159. TECHNICAL ASSISTANCE.**

8           “The Secretary shall reserve not more than 1 percent  
9 of the amount reserved under section 1141 to provide  
10 technical assistance to and support State agency programs  
11 assisted under this chapter.

12           **“CHAPTER B—LOCAL AGENCY PROGRAMS**

13           **“SEC. 1161. PURPOSE.**

14           “The purpose of this chapter is to support the oper-  
15 ation of local educational agency programs that involve  
16 collaboration with locally operated correctional facilities—

17                   “(1) to carry out high quality education pro-  
18 grams to prepare children and youth for secondary  
19 school completion, training, employment, or further  
20 education;

21                   “(2) to provide activities to facilitate the transi-  
22 tion of such children and youth from the correctional  
23 program to further education or employment; and

24                   “(3) to operate programs in local schools for  
25 children and youth returning from correctional facili-

1           ties, and programs which may serve at-risk children  
2           and youth.

3   **“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDU-**  
4                                   **CATIONAL AGENCIES.**

5           “(a) LOCAL SUBGRANTS.—With funds made avail-  
6   able under section 1142(b), the State educational agency  
7   shall award subgrants to local educational agencies with  
8   high numbers or percentages of children and youth resid-  
9   ing in locally operated (including county operated) correc-  
10   tional facilities for children and youth (including facilities  
11   involved in community day programs).

12          “(b) SPECIAL RULE.—A local educational agency  
13   that serves a school operated by a correctional facility is  
14   not required to operate a program of support for children  
15   and youth returning from such school to a school that is  
16   not operated by a correctional agency but served by such  
17   local educational agency, if more than 30 percent of the  
18   children and youth attending the school operated by the  
19   correctional facility will reside outside the boundaries  
20   served by the local educational agency after leaving such  
21   facility.

22          “(c) NOTIFICATION.—A State educational agency  
23   shall notify local educational agencies within the State of  
24   the eligibility of such agencies to receive a subgrant under  
25   this chapter.

1           “(d) TRANSITIONAL AND ACADEMIC SERVICES.—  
2 Transitional and supportive programs operated in local  
3 educational agencies under this chapter shall be designed  
4 primarily to meet the transitional and academic needs of  
5 students returning to local educational agencies or alter-  
6 native education programs from correctional facilities.  
7 Services to students at-risk of dropping out of school shall  
8 not have a negative impact on meeting the transitional and  
9 academic needs of the students returning from correc-  
10 tional facilities.

11 **“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

12           “Each local educational agency desiring assistance  
13 under this chapter shall submit an application to the State  
14 educational agency that contains such information as the  
15 State educational agency may require. Each such applica-  
16 tion shall include—

17                   “(1) a description of the program to be as-  
18           sisted;

19                   “(2) a description of formal agreements, re-  
20           garding the program to be assisted, between—

21                           “(A) the local educational agency; and

22                           “(B) correctional facilities and alternative  
23           school programs serving children and youth in-  
24           volved with the juvenile justice system;

1           “(3) as appropriate, a description of how par-  
2           ticipating schools will coordinate with facilities work-  
3           ing with delinquent children and youth to ensure  
4           that such children and youth are participating in an  
5           education program comparable to one operating in  
6           the local school such youth would attend;

7           “(4) a description of the program operated by  
8           participating schools for children and youth return-  
9           ing from correctional facilities and, as appropriate,  
10          the types of services that such schools will provide  
11          such children and youth and other at-risk children  
12          and youth;

13          “(5) a description of the characteristics (includ-  
14          ing learning difficulties, substance abuse problems,  
15          and other needs) of the children and youth who will  
16          be returning from correctional facilities and, as ap-  
17          propriate, other at-risk children and youth expected  
18          to be served by the program, and a description of  
19          how the school will coordinate existing educational  
20          programs to meet the unique educational needs of  
21          such children and youth;

22          “(6) as appropriate, a description of how  
23          schools will coordinate with existing social, health,  
24          and other services to meet the needs of students re-  
25          turning from correctional facilities and at-risk chil-

1       dren or youth, including prenatal health care and  
2       nutrition services related to the health of the parent  
3       and the child or youth, parenting and child develop-  
4       ment classes, child care, targeted reentry and out-  
5       reach programs, referrals to community resources,  
6       and scheduling flexibility;

7               “(7) as appropriate, a description of any part-  
8       nerships with local businesses to develop training,  
9       curriculum-based youth entrepreneurship education,  
10      and mentoring services for participating students;

11              “(8) as appropriate, a description of how the  
12      program will involve parents in efforts to improve  
13      the educational achievement of their children, assist  
14      in dropout prevention activities, and prevent the in-  
15      volvement of their children in delinquent activities;

16              “(9) a description of how the program under  
17      this chapter will be coordinated with other Federal,  
18      State, and local programs, such as programs under  
19      title I of Public Law 105–220 and career and tech-  
20      nical education programs serving at-risk children  
21      and youth;

22              “(10) a description of how the program will be  
23      coordinated with programs operated under the Juve-  
24      nile Justice and Delinquency Prevention Act of 1974  
25      and other comparable programs, if applicable;

1           “(11) as appropriate, a description of how  
2 schools will work with probation officers to assist in  
3 meeting the needs of children and youth returning  
4 from correctional facilities;

5           “(12) a description of the efforts participating  
6 schools will make to ensure correctional facilities  
7 working with children and youth are aware of a  
8 child’s or youth’s existing individualized education  
9 program; and

10           “(13) as appropriate, a description of the steps  
11 participating schools will take to find alternative  
12 placements for children and youth interested in con-  
13 tinuing their education but unable to participate in  
14 a traditional public school program.

15 **“SEC. 1164. USES OF FUNDS.**

16           “Funds provided to local educational agencies under  
17 this chapter may be used, as appropriate, for—

18           “(1) programs that serve children and youth re-  
19 turning to local schools from correctional facilities,  
20 to assist in the transition of such children and youth  
21 to the school environment and help them remain in  
22 school in order to complete their education;

23           “(2) dropout prevention programs which serve  
24 at-risk children and youth;



1           “(3) the coordination of health and social serv-  
2           ices for such individuals if there is a likelihood that  
3           the provision of such services, including day care,  
4           drug and alcohol counseling, and mental health serv-  
5           ices, will improve the likelihood such individuals will  
6           complete their education;

7           “(4) special programs to meet the unique aca-  
8           demic needs of participating children and youth, in-  
9           cluding career and technical education, special edu-  
10          cation, career counseling, curriculum-based youth  
11          entrepreneurship education, and assistance in secur-  
12          ing student loans or grants for postsecondary edu-  
13          cation; and

14          “(5) programs providing mentoring and peer  
15          mediation.

16 **“SEC. 1165. PROGRAM REQUIREMENTS FOR CORREC-**  
17 **TIONAL FACILITIES RECEIVING FUNDS**  
18 **UNDER THIS SECTION.**

19          “Each correctional facility entering into an agree-  
20          ment with a local educational agency under section  
21          1163(2) to provide services to children and youth under  
22          this chapter shall—

23                 “(1) where feasible, ensure that educational  
24                 programs in the correctional facility are coordinated  
25                 with the student’s home school, particularly with re-

1       spect to a student with an individualized education  
2       program under part B of the Individuals with Dis-  
3       abilities Education Act;

4             “(2) if the child or youth is identified as in  
5       need of special education services while in the cor-  
6       rectional facility, notify the local school of the child  
7       or youth of such need;

8             “(3) where feasible, provide transition assist-  
9       ance to help the child or youth stay in school, in-  
10      cluding coordination of services for the family, coun-  
11      seling, assistance in accessing drug and alcohol  
12      abuse prevention programs, tutoring, and family  
13      counseling;

14            “(4) provide support programs that encourage  
15      children and youth who have dropped out of school  
16      to re-enter school and obtain a regular high school  
17      diploma once their term at the correctional facility  
18      has been completed, or provide such children and  
19      youth with the skills necessary to gain employment  
20      or seek a regular high school diploma or its recog-  
21      nized equivalent;

22            “(5) work to ensure that the correctional facil-  
23      ity is staffed with effective teachers and other quali-  
24      fied staff who are trained to work with children and

1 youth with disabilities taking into consideration the  
2 unique needs of such children and youth;

3 “(6) ensure that educational programs in the  
4 correctional facility are related to assisting students  
5 to meet the States’s academic standards;

6 “(7) to the extent possible, use technology to  
7 assist in coordinating educational programs between  
8 the correctional facility and the community school;

9 “(8) where feasible, involve parents in efforts to  
10 improve the educational achievement of their chil-  
11 dren and prevent the further involvement of such  
12 children in delinquent activities;

13 “(9) coordinate funds received under this chap-  
14 ter with other local, State, and Federal funds avail-  
15 able to provide services to participating children and  
16 youth, such as funds made available under title I of  
17 Public Law 105–220, and career and technical edu-  
18 cation funds;

19 “(10) coordinate programs operated under this  
20 chapter with activities funded under the Juvenile  
21 Justice and Delinquency Prevention Act of 1974 and  
22 other comparable programs, if applicable;

23 “(11) if appropriate, work with local businesses  
24 to develop training, curriculum-based youth entre-

1       preneurship education, and mentoring programs for  
2       children and youth; and

3               “(12) consult with the local educational agency  
4       for a period jointly determined necessary by the cor-  
5       rectional facility and local educational agency upon  
6       discharge from that facility to coordinate educational  
7       services so as to minimize disruption to the child’s  
8       or youth’s achievement.

9       **“SEC. 1166. ACCOUNTABILITY.**

10       “The State educational agency—

11               “(1) may require correctional facilities or insti-  
12       tutions for neglected or delinquent children and  
13       youth to demonstrate, after receiving assistance  
14       under this chapter for 3 years, that there has been  
15       an increase in the number of children and youth re-  
16       turning to school, obtaining a regular high school di-  
17       ploma or its recognized equivalent, or obtaining em-  
18       ployment after such children and youth are released;  
19       and

20               “(2) may reduce or terminate funding for  
21       projects under this chapter if a local educational  
22       agency does not show progress in the number of  
23       children and youth obtaining a regular high school  
24       diploma or its recognized equivalent.

1       **“CHAPTER C—GENERAL PROVISIONS**

2       **“SEC. 1171. PROGRAM EVALUATIONS.**

3           “(a) SCOPE OF EVALUATION.—Each State agency or  
4 local educational agency that conducts a program under  
5 chapters A or B shall evaluate the program,  
6 disaggregating data on participation by gender, race, eth-  
7 nicity, and age, not less than once every 3 years, to deter-  
8 mine the program’s impact on the ability of participants—

9                   “(1) to maintain and improve educational  
10 achievement;

11                   “(2) to accrue school credits that meet State re-  
12 quirements for grade promotion and high school  
13 graduation;

14                   “(3) to make the transition to a regular pro-  
15 gram or other education program operated by a local  
16 educational agency;

17                   “(4) to complete high school (or high school  
18 equivalency requirements) and obtain employment  
19 after leaving the correctional facility or institution  
20 for neglected or delinquent children and youth; and

21                   “(5) as appropriate, to participate in postsec-  
22 ondary education and job training programs.

23           “(b) EXCEPTION.—The disaggregation required  
24 under subsection (a) shall not be required in a case in  
25 which the number of students in a category is insufficient

1 to yield statistically reliable information or the results  
2 would reveal personally identifiable information about an  
3 individual student.

4 “(c) EVALUATION MEASURES.—In conducting each  
5 evaluation under subsection (a), a State agency or local  
6 educational agency shall use multiple and appropriate  
7 measures of student progress.

8 “(d) EVALUATION RESULTS.—Each State agency  
9 and local educational agency shall—

10 “(1) submit evaluation results to the State edu-  
11 cational agency and the Secretary; and

12 “(2) use the results of evaluations under this  
13 section to plan and improve subsequent programs  
14 for participating children and youth.

15 **“SEC. 1172. DEFINITIONS.**

16 “In this subpart:

17 “(1) ADULT CORRECTIONAL INSTITUTION.—

18 The term ‘adult correctional institution’ means a fa-  
19 cility in which persons (including persons under 21  
20 years of age) are confined as a result of a conviction  
21 for a criminal offense.

22 “(2) AT-RISK.—The term ‘at-risk’, when used  
23 with respect to a child, youth, or student, means a  
24 school-aged individual who—

25 “(A) is at-risk of academic failure; and

1           “(B) has a drug or alcohol problem, is  
2           pregnant or is a parent, has come into contact  
3           with the juvenile justice system in the past, is  
4           at least 1 year behind the expected grade level  
5           for the age of the individual, is an English  
6           learner, is a gang member, has dropped out of  
7           school in the past, or has a high absenteeism  
8           rate at school.

9           “(3) COMMUNITY DAY PROGRAM.—The term  
10          ‘community day program’ means a regular program  
11          of instruction provided by a State agency at a com-  
12          munity day school operated specifically for neglected  
13          or delinquent children and youth.

14          “(4) INSTITUTION FOR NEGLECTED OR DELIN-  
15          QUENT CHILDREN AND YOUTH.—The term ‘institu-  
16          tion for neglected or delinquent children and youth’  
17          means—

18                 “(A) a public or private residential facility,  
19                 other than a foster home, that is operated for  
20                 the care of children who have been committed  
21                 to the institution or voluntarily placed in the in-  
22                 stitution under applicable State law, due to  
23                 abandonment, neglect, or death of their parents  
24                 or guardians; or

1           “(B) a public or private residential facility  
2           for the care of children who have been adju-  
3           dicated to be delinquent or in need of super-  
4           vision.

5           **“Subpart 4—English Language Acquisition,**  
6           **Language Enhancement, and Academic Achievement**

7           **“SEC. 1181. PURPOSES.**

8           “The purposes of this subpart are—

9           “(1) to help ensure that English learners, in-  
10          cluding immigrant children and youth, attain  
11          English proficiency and develop high levels of aca-  
12          demic achievement in English;

13          “(2) to assist all English learners, including im-  
14          migrant children and youth, to achieve at high levels  
15          in the core academic subjects so that those children  
16          can meet the same State academic standards that all  
17          children are expected to meet, consistent with sec-  
18          tion 1111(b)(1);

19          “(3) to assist State educational agencies, local  
20          educational agencies, and schools in establishing, im-  
21          plementing, and sustaining high-quality, flexible, evi-  
22          dence-based language instruction educational pro-  
23          grams designed to assist in teaching English learn-  
24          ers, including immigrant children and youth;



1           “(4) to assist State educational agencies and  
2           local educational agencies to develop and enhance  
3           their capacity to provide high-quality, evidence-based  
4           instructional programs designed to prepare English  
5           learners, including immigrant children and youth, to  
6           enter all-English instruction settings; and

7           “(5) to promote parental and community par-  
8           ticipation in language instruction educational pro-  
9           grams for the parents and communities of English  
10          learners.

11       **“CHAPTER A—GRANTS AND SUBGRANTS**  
12       **FOR ENGLISH LANGUAGE ACQUI-**  
13       **SION AND LANGUAGE ENHANCEMENT**

14       **“SEC. 1191. FORMULA GRANTS TO STATES.**

15       “(a) IN GENERAL.—In the case of each State edu-  
16       cational agency having a plan approved by the Secretary  
17       for a fiscal year under section 1192, the Secretary shall  
18       reserve 4.4 percent of funds appropriated under section  
19       3(a)(1) to make a grant for the year to the agency for  
20       the purposes specified in subsection (b). The grant shall  
21       consist of the allotment determined for the State edu-  
22       cational agency under subsection (c).

23       “(b) USE OF FUNDS.—

24       “(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The  
25       Secretary may make a grant under subsection (a)

1       only if the State educational agency involved agrees  
2       to expend at least 95 percent of the State edu-  
3       cational agency's allotment under subsection (c) for  
4       a fiscal year—

5               “(A) to award subgrants, from allocations  
6               under section 1193, to eligible entities to carry  
7               out the activities described in section 1194  
8               (other than subsection (e)); and

9               “(B) to award subgrants under section  
10              1193(d)(1) to eligible entities that are described  
11              in that section to carry out the activities de-  
12              scribed in section 1194(e).

13              “(2) STATE ACTIVITIES.—Subject to paragraph  
14              (3), each State educational agency receiving a grant  
15              under subsection (a) may reserve not more than 5  
16              percent of the agency's allotment under subsection  
17              (c) to carry out the following activities:

18                      “(A) Professional development activities,  
19                      and other activities, which may include assisting  
20                      personnel in—

21                              “(i) meeting State and local certifi-  
22                              cation and licensing requirements for  
23                              teaching English learners; and

24                              “(ii) improving teacher skills in meet-  
25                              ing the diverse needs of English learners,

1 including in how to implement evidence-  
2 based programs and curricula on teaching  
3 English learners.

4 “(B) Planning, evaluation, administration,  
5 and interagency coordination related to the sub-  
6 grants referred to in paragraph (1).

7 “(C) Providing technical assistance and  
8 other forms of assistance to eligible entities that  
9 are receiving subgrants from a State edu-  
10 cational agency under this chapter, including  
11 assistance in—

12 “(i) identifying and implementing evi-  
13 dence-based language instruction edu-  
14 cational programs and curricula for teach-  
15 ing English learners;

16 “(ii) helping English learners meet  
17 the same State academic standards that all  
18 children are expected to meet;

19 “(iii) identifying or developing, and  
20 implementing, measures of English pro-  
21 ficiency; and

22 “(iv) strengthening and increasing  
23 parent, family, and community engage-  
24 ment.

1           “(D) Providing recognition, which may in-  
2           clude providing financial awards, to subgrantees  
3           that have significantly improved the achieve-  
4           ment and progress of English learners in—

5                   “(i) reaching English language pro-  
6                   ficiency, based on the State’s English lan-  
7                   guage proficiency assessment under section  
8                   1111(b)(2)(D); and

9                   “(ii) meeting the State academic  
10                  standards under section 1111(b)(1).

11           “(3) ADMINISTRATIVE EXPENSES.—From the  
12           amount reserved under paragraph (2), a State edu-  
13           cational agency may use not more than 40 percent  
14           of such amount or \$175,000, whichever is greater,  
15           for the planning and administrative costs of carrying  
16           out paragraphs (1) and (2).

17           “(c) RESERVATIONS AND ALLOTMENTS.—

18                   “(1) RESERVATIONS.—From the amount re-  
19                   served under section 1191(a) for each fiscal year,  
20                   the Secretary shall reserve—

21                           “(A) 0.5 percent of such amount for pay-  
22                           ments to outlying areas, to be allotted in ac-  
23                           cordance with their respective needs for assist-  
24                           ance under this chapter, as determined by the

1 Secretary, for activities, approved by the Sec-  
2 retary, consistent with this chapter; and

3 “(B) 6.5 percent of such amount for na-  
4 tional activities under sections 1211 and 1222,  
5 except that not more than \$2,000,000 of such  
6 amount may be reserved for the National Clear-  
7 ighthouse for English Language Acquisition and  
8 Language Instruction Educational Programs  
9 described in section 1222.

10 “(2) STATE ALLOTMENTS.—

11 “(A) IN GENERAL.—Except as provided in  
12 subparagraph (B), from the amount reserved  
13 under section 1191(a) for each fiscal year that  
14 remains after making the reservations under  
15 paragraph (1), the Secretary shall allot to each  
16 State educational agency having a plan ap-  
17 proved under section 1192(c)—

18 “(i) an amount that bears the same  
19 relationship to 80 percent of the remainder  
20 as the number of English learners in the  
21 State bears to the number of such children  
22 in all States, as determined by data avail-  
23 able from the American Community Survey  
24 conducted by the Department of Commerce  
25 or State-reported data; and

1           “(ii) an amount that bears the same  
2           relationship to 20 percent of the remainder  
3           as the number of immigrant children and  
4           youth in the State bears to the number of  
5           such children and youth in all States, as  
6           determined based only on data available  
7           from the American Community Survey  
8           conducted by the Department of Com-  
9           merce.

10           “(B) MINIMUM ALLOTMENTS.—No State  
11           educational agency shall receive an allotment  
12           under this paragraph that is less than  
13           \$500,000.

14           “(C) REALLOTMENT.—If any State edu-  
15           cational agency described in subparagraph (A)  
16           does not submit a plan to the Secretary for a  
17           fiscal year, or submits a plan (or any amend-  
18           ment to a plan) that the Secretary, after rea-  
19           sonable notice and opportunity for a hearing,  
20           determines does not satisfy the requirements of  
21           this chapter, the Secretary shall reallocate any por-  
22           tion of such allotment to the remaining State  
23           educational agencies in accordance with sub-  
24           paragraph (A).

1           “(D) SPECIAL RULE FOR PUERTO RICO.—  
2           The total amount allotted to Puerto Rico for  
3           any fiscal year under subparagraph (A) shall  
4           not exceed 0.5 percent of the total amount al-  
5           lotted to all States for that fiscal year.

6           “(3) USE OF DATA FOR DETERMINATIONS.—In  
7           making State allotments under paragraph (2) for  
8           each fiscal year, the Secretary shall determine the  
9           number of English learners in a State and in all  
10          States, using the most accurate, up-to-date data,  
11          which shall be—

12           “(A) data from the American Community  
13           Survey conducted by the Department of Com-  
14           merce, which may be multiyear estimates;

15           “(B) the number of students being as-  
16           sessed for English language proficiency, based  
17           on the State’s English language proficiency as-  
18           sessment under section 1111(b)(2)(D), which  
19           may be multiyear estimates; or

20           “(C) a combination of data available under  
21           subparagraphs (A) and (B).

22   **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

23           “(a) PLAN REQUIRED.—Each State educational  
24           agency desiring a grant under this chapter shall submit

1 a plan to the Secretary at such time and in such manner  
2 as the Secretary may require.

3 “(b) CONTENTS.—Each plan submitted under sub-  
4 section (a) shall—

5 “(1) describe the process that the agency will  
6 use in awarding subgrants to eligible entities under  
7 section 1193(d)(1);

8 “(2) provide an assurance that—

9 “(A) the agency will ensure that eligible  
10 entities receiving a subgrant under this chapter  
11 comply with the requirement in section  
12 1111(b)(2)(B)(x) to annually assess in English  
13 learners who have been in the United States for  
14 3 or more consecutive years;

15 “(B) the agency will ensure that eligible  
16 entities receiving a subgrant under this chapter  
17 annually assess the English proficiency of all  
18 English learners participating in a program  
19 funded under this chapter, consistent with sec-  
20 tion 1111(b)(2)(D);

21 “(C) in awarding subgrants under section  
22 1193, the agency will address the needs of  
23 school systems of all sizes and in all geographic  
24 areas, including school systems with rural and  
25 urban schools;



1           “(D) subgrants to eligible entities under  
2 section 1193(d)(1) will be of sufficient size and  
3 scope to allow such entities to carry out high-  
4 quality, evidence-based language instruction  
5 educational programs for English learners;

6           “(E) the agency will require an eligible en-  
7 tity receiving a subgrant under this chapter to  
8 use the subgrant in ways that will build such  
9 recipient’s capacity to continue to offer high-  
10 quality evidence-based language instruction edu-  
11 cational programs that assist English learners  
12 in meeting State academic standards;

13           “(F) the agency will monitor the eligible  
14 entity receiving a subgrant under this chapter  
15 for compliance with applicable Federal fiscal re-  
16 quirements; and

17           “(G) the plan has been developed in con-  
18 sultation with local educational agencies, teach-  
19 ers, administrators of programs implemented  
20 under this chapter, parents, and other relevant  
21 stakeholders;

22           “(3) describe how the agency will coordinate its  
23 programs and activities under this chapter with  
24 other programs and activities under this Act and  
25 other Acts, as appropriate;

1           “(4) describe how eligible entities in the State  
2 will be given the flexibility to teach English learn-  
3 ers—

4           “(A) using a high-quality, evidence-based  
5 language instruction curriculum for teaching  
6 English learners; and

7           “(B) in the manner the eligible entities de-  
8 termine to be the most effective; and

9           “(5) describe how the agency will assist eligible  
10 entities in increasing the number of English learners  
11 who acquire English proficiency.

12          “(c) APPROVAL.—The Secretary, after using a peer  
13 review process, shall approve a plan submitted under sub-  
14 section (a) if the plan meets the requirements of this sec-  
15 tion.

16          “(d) DURATION OF PLAN.—

17           “(1) IN GENERAL.—Each plan submitted by a  
18 State educational agency and approved under sub-  
19 section (c) shall—

20           “(A) remain in effect for the duration of  
21 the agency’s participation under this chapter;  
22 and

23           “(B) be periodically reviewed and revised  
24 by the agency, as necessary, to reflect changes

1 to the agency's strategies and programs carried  
2 out under this subpart.

3 “(2) ADDITIONAL INFORMATION.—

4 “(A) AMENDMENTS.—If the State edu-  
5 cational agency amends the plan, the agency  
6 shall submit such amendment to the Secretary.

7 “(B) APPROVAL.—The Secretary shall ap-  
8 prove such amendment to an approved plan,  
9 unless the Secretary determines that the  
10 amendment will result in the agency not meet-  
11 ing the requirements, or fulfilling the purposes,  
12 of this subpart.

13 “(e) CONSOLIDATED PLAN.—A plan submitted under  
14 subsection (a) may be submitted as part of a consolidated  
15 plan under section 5302.

16 “(f) SECRETARY ASSISTANCE.—The Secretary shall  
17 provide technical assistance, if requested, in the develop-  
18 ment of English proficiency standards and assessments.

19 **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

20 “(a) IN GENERAL.—After making the reservation re-  
21 quired under subsection (d)(1), each State educational  
22 agency receiving a grant under section 1191(c)(2) shall  
23 award subgrants for a fiscal year by allocating in a timely  
24 manner to each eligible entity in the State having a plan  
25 approved under section 1195 an amount that bears the

1 same relationship to the amount received under the grant  
2 and remaining after making such reservation as the popu-  
3 lation of English learners in schools served by the eligible  
4 entity bears to the population of English learners in  
5 schools served by all eligible entities in the State.

6 “(b) LIMITATION.—A State educational agency shall  
7 not award a subgrant from an allocation made under sub-  
8 section (a) if the amount of such subgrant would be less  
9 than \$10,000.

10 “(c) REALLOCATION.—Whenever a State educational  
11 agency determines that an amount from an allocation  
12 made to an eligible entity under subsection (a) for a fiscal  
13 year will not be used by the entity for the purpose for  
14 which the allocation was made, the agency shall, in accord-  
15 ance with such rules as it determines to be appropriate,  
16 reallocate such amount, consistent with such subsection,  
17 to other eligible entities in the State that the agency deter-  
18 mines will use the amount to carry out that purpose.

19 “(d) REQUIRED RESERVATION.—A State educational  
20 agency receiving a grant under this chapter for a fiscal  
21 year—

22 “(1) shall reserve not more than 15 percent of  
23 the agency’s allotment under section 1191(c)(2) to  
24 award subgrants to eligible entities in the State that  
25 have experienced a significant increase, as compared

1 to the average of the 2 preceding fiscal years, in the  
2 percentage or number of immigrant children and  
3 youth, who have enrolled, during the fiscal year pre-  
4 ceding the fiscal year for which the subgrant is  
5 made, in public and nonpublic elementary schools  
6 and secondary schools in the geographic areas under  
7 the jurisdiction of, or served by, such entities; and

8 “(2) in awarding subgrants under paragraph  
9 (1)—

10 “(A) shall equally consider eligible entities  
11 that satisfy the requirement of such paragraph  
12 but have limited or no experience in serving im-  
13 migrant children and youth; and

14 “(B) shall consider the quality of each  
15 local plan under section 1195 and ensure that  
16 each subgrant is of sufficient size and scope to  
17 meet the purposes of this subpart.

18 **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

19 “(a) PURPOSES OF SUBGRANTS.—A State edu-  
20 cational agency may make a subgrant to an eligible entity  
21 from funds received by the agency under this chapter only  
22 if the entity agrees to expend the funds to improve the  
23 education of English learners, by assisting the children to  
24 learn English and meet State academic standards. In car-  
25 rying out activities with such funds, the eligible entity

1 shall use evidence-based approaches and methodologies for  
2 teaching English learners and immigrant children and  
3 youth for the following purposes:

4           “(1) Developing and implementing new lan-  
5 guage instruction educational programs and aca-  
6 demic content instruction programs for English  
7 learners and immigrant children and youth, includ-  
8 ing programs of early childhood education, elemen-  
9 tary school programs, and secondary school pro-  
10 grams.

11           “(2) Carrying out highly focused, innovative, lo-  
12 cally designed, evidence-based activities to expand or  
13 enhance existing language instruction educational  
14 programs and academic content instruction pro-  
15 grams for English learners and immigrant children  
16 and youth.

17           “(3) Implementing, within an individual school,  
18 schoolwide programs for restructuring, reforming,  
19 and upgrading all relevant programs, activities, and  
20 operations relating to language instruction edu-  
21 cational programs and academic content instruction  
22 for English learners and immigrant children and  
23 youth.

24           “(4) Implementing, within the entire jurisdic-  
25 tion of a local educational agency, agencywide pro-

1       grams for restructuring, reforming, and upgrading  
2       all relevant programs, activities, and operations re-  
3       lating to language instruction educational programs  
4       and academic content instruction for English learn-  
5       ers and immigrant children and youth.

6       “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-  
7       tity receiving funds under section 1193(a) for a fiscal year  
8       shall use not more than 2 percent of such funds for the  
9       cost of administering this chapter.

10       “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-  
11       ble entity receiving funds under section 1193(a) shall use  
12       the funds—

13               “(1) to increase the English language pro-  
14               ficiency of English learners by providing high-qual-  
15               ity, evidence-based language instruction educational  
16               programs that meet the needs of English learners  
17               and have demonstrated success in increasing—

18                       “(A) English language proficiency; and

19                       “(B) student academic achievement in the  
20               core academic subjects;

21               “(2) to provide high-quality, evidence-based  
22               professional development to classroom teachers (in-  
23               cluding teachers in classroom settings that are not  
24               the settings of language instruction educational pro-  
25               grams), school leaders, administrators, and other

1 school or community-based organization personnel,  
2 that is—

3 “(A) designed to improve the instruction  
4 and assessment of English learners;

5 “(B) designed to enhance the ability of  
6 teachers and school leaders to understand and  
7 implement curricula, assessment practices and  
8 measures, and instruction strategies for English  
9 learners;

10 “(C) evidence-based in increasing chil-  
11 dren’s English language proficiency or substan-  
12 tially increasing the subject matter knowledge,  
13 teaching knowledge, and teaching skills of  
14 teachers; and

15 “(D) of sufficient intensity and duration  
16 (which shall not include activities such as one-  
17 day or short-term workshops and conferences)  
18 to have a positive and lasting impact on the  
19 teachers’ performance in the classroom, except  
20 that this subparagraph shall not apply to an ac-  
21 tivity that is one component of a long-term,  
22 comprehensive professional development plan  
23 established by a teacher and the teacher’s su-  
24 pervisor based on an assessment of the needs of  
25 the teacher, the supervisor, the students of the



1 teacher, and any local educational agency em-  
2 ploying the teacher, as appropriate; and

3 “(3) to provide and implement other evidence-  
4 based activities and strategies that enhance or sup-  
5 plement language instruction educational programs  
6 for English learners, including parental and commu-  
7 nity engagement activities and strategies that serve  
8 to coordinate and align related programs.

9 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-  
10 ject to subsection (c), an eligible entity receiving funds  
11 under section 1193(a) may use the funds to achieve one  
12 of the purposes described in subsection (a) by undertaking  
13 one or more of the following activities:

14 “(1) Upgrading program objectives and effec-  
15 tive instruction strategies.

16 “(2) Improving the instruction program for  
17 English learners by identifying, acquiring, and up-  
18 grading curricula, instruction materials, educational  
19 software, and assessment procedures.

20 “(3) Providing to English learners—

21 “(A) tutorials and academic or career edu-  
22 cation for English learners; and

23 “(B) intensified instruction.

24 “(4) Developing and implementing elementary  
25 school or secondary school language instruction edu-

1        cational programs that are coordinated with other  
2        relevant programs and services.

3            “(5) Improving the English language pro-  
4        ficiency and academic achievement of English learn-  
5        ers.

6            “(6) Providing community participation pro-  
7        grams, family literacy services, and parent outreach  
8        and training activities to English learners and their  
9        families—

10            “(A) to improve the English language  
11        skills of English learners; and

12            “(B) to assist parents in helping their chil-  
13        dren to improve their academic achievement  
14        and becoming active participants in the edu-  
15        cation of their children.

16            “(7) Improving the instruction of English learn-  
17        ers by providing for—

18            “(A) the acquisition or development of  
19        educational technology or instructional mate-  
20        rials;

21            “(B) access to, and participation in, elec-  
22        tronic networks for materials, training, and  
23        communication; and

24            “(C) incorporation of the resources de-  
25        scribed in subparagraphs (A) and (B) into cur-

1           ricula and programs, such as those funded  
2           under this chapter.

3           “(8) Carrying out other activities that are con-  
4           sistent with the purposes of this section.

5           “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-  
6           STANTIAL INCREASES IN IMMIGRANT CHILDREN AND  
7           YOUTH.—

8           “(1) IN GENERAL.—An eligible entity receiving  
9           funds under section 1193(d)(1) shall use the funds  
10          to pay for activities that provide enhanced instruc-  
11          tional opportunities for immigrant children and  
12          youth, which may include—

13                 “(A) family literacy, parent outreach, and  
14                 training activities designed to assist parents to  
15                 become active participants in the education of  
16                 their children;

17                 “(B) support for personnel, including para-  
18                 professionals who have been specifically trained,  
19                 or are being trained, to provide services to im-  
20                 migrant children and youth;

21                 “(C) provision of tutorials, mentoring, and  
22                 academic or career counseling for immigrant  
23                 children and youth;

24                 “(D) identification, development, and ac-  
25                 quisition of curricular materials, educational

1 software, and technologies to be used in the  
2 program carried out with awarded funds;

3 “(E) basic instruction services that are di-  
4 rectly attributable to the presence in the local  
5 educational agency involved of immigrant chil-  
6 dren and youth, including the payment of costs  
7 of providing additional classroom supplies, costs  
8 of transportation, or such other costs as are di-  
9 rectly attributable to such additional basic in-  
10 struction services;

11 “(F) other instruction services that are de-  
12 signed to assist immigrant children and youth  
13 to achieve in elementary schools and secondary  
14 schools in the United States, such as programs  
15 of introduction to the educational system and  
16 civics education; and

17 “(G) activities, coordinated with commu-  
18 nity-based organizations, institutions of higher  
19 education, private sector entities, or other enti-  
20 ties with expertise in working with immigrants,  
21 to assist parents of immigrant children and  
22 youth by offering comprehensive community  
23 services.

24 “(2) DURATION OF SUBGRANTS.—The duration  
25 of a subgrant made by a State educational agency

1 under section 1193(d)(1) shall be determined by the  
2 agency in its discretion.

3 “(f) SELECTION OF METHOD OF INSTRUCTION.—

4 “(1) IN GENERAL.—To receive a subgrant from  
5 a State educational agency under this chapter, an el-  
6 igible entity shall select one or more methods or  
7 forms of instruction to be used in the programs and  
8 activities undertaken by the entity to assist English  
9 learners to attain English language proficiency and  
10 meet State academic standards.

11 “(2) CONSISTENCY.—Such selection shall be  
12 consistent with sections 1204 through 1206.

13 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds  
14 made available under this chapter shall be used so as to  
15 supplement the level of Federal, State, and local public  
16 funds that, in the absence of such availability, would have  
17 been expended for programs for English learners and im-  
18 migrant children and youth and in no case to supplant  
19 such Federal, State, and local public funds.

20 **“SEC. 1195. LOCAL PLANS.**

21 “(a) PLAN REQUIRED.—Each eligible entity desiring  
22 a subgrant from the State educational agency under sec-  
23 tion 1193 shall submit a plan to the State educational  
24 agency at such time, in such manner, and containing such  
25 information as the State educational agency may require.

1       “(b) CONTENTS.—Each plan submitted under sub-  
2 section (a) shall—

3           “(1) describe the evidence-based programs and  
4 activities proposed to be developed, implemented,  
5 and administered under the subgrant that will help  
6 English learners increase their English language  
7 proficiency and meet the State academic standards;

8           “(2) describe how the eligible entity will hold el-  
9 ementary schools and secondary schools receiving  
10 funds under this chapter accountable for annually  
11 assessing the English language proficiency of all  
12 children participating under this subpart, consistent  
13 with section 1111(b);

14           “(3) describe how the eligible entity will pro-  
15 mote parent and community engagement in the edu-  
16 cation of English learners;

17           “(4) contain an assurance that the eligible enti-  
18 ty consulted with teachers, researchers, school ad-  
19 ministrators, parents and community members, pub-  
20 lic or private organizations, and institutions of high-  
21 er education, in developing and implementing such  
22 plan;

23           “(5) describe how language instruction edu-  
24 cational programs carried out under the subgrant

1 will ensure that English learners being served by the  
2 programs develop English language proficiency; and

3 “(6) contain assurances that—

4 “(A) each local educational agency that is  
5 included in the eligible entity is complying with  
6 section 1112(g) prior to, and throughout, each  
7 school year; and

8 “(B) the eligible entity is not in violation  
9 of any State law, including State constitutional  
10 law, regarding the education of English learn-  
11 ers, consistent with sections 1205 and 1206.

12 “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible  
13 entity receiving a subgrant under section 1193 shall in-  
14 clude in its plan a certification that all teachers in any  
15 language instruction educational program for English  
16 learners that is, or will be, funded under this subpart are  
17 fluent in English and any other language used for instruc-  
18 tion, including having written and oral communications  
19 skills.

## 20 **“CHAPTER B—ADMINISTRATION**

### 21 **“SEC. 1201. REPORTING.**

22 “(a) **IN GENERAL.**—Each eligible entity that receives  
23 a subgrant from a State educational agency under chapter  
24 A shall provide such agency, at the conclusion of every  
25 second fiscal year during which the subgrant is received,

1 with a report, in a form prescribed by the agency, on the  
2 activities conducted and students served under this sub-  
3 part that includes—

4           “(1) a description of the programs and activi-  
5 ties conducted by the entity with funds received  
6 under chapter A during the two immediately pre-  
7 ceding fiscal years, including how such programs  
8 and activities supplemented programs funded pri-  
9 marily with State or local funds;

10           “(2) a description of the progress made by  
11 English learners in learning the English language  
12 and in meeting State academic standards;

13           “(3) the number and percentage of English  
14 learners in the programs and activities attaining  
15 English language proficiency based on the State  
16 English language proficiency standards established  
17 under section 1111(b)(1)(E) by the end of each  
18 school year, as determined by the State’s English  
19 language proficiency assessment under section  
20 1111(b)(2)(D);

21           “(4) the number of English learners who exit  
22 the language instruction educational programs based  
23 on their attainment of English language proficiency  
24 and transitioned to classrooms not tailored for  
25 English learners;



1           “(5) a description of the progress made by  
2 English learners in meeting the State academic  
3 standards for each of the 2 years after such children  
4 are no longer receiving services under this subpart;

5           “(6) the number and percentage of English  
6 learners who have not attained English language  
7 proficiency within five years of initial classification  
8 as an English learner and first enrollment in the  
9 local educational agency; and

10           “(7) any such other information as the State  
11 educational agency may require.

12           “(b) USE OF REPORT.—A report provided by an eli-  
13 gible entity under subsection (a) shall be used by the enti-  
14 ty and the State educational agency—

15           “(1) to determine the effectiveness of programs  
16 and activities in assisting children who are English  
17 learners—

18           “(A) to attain English language pro-  
19 ficiency; and

20           “(B) to make progress in meeting State  
21 academic standards under section 1111(b)(1);  
22 and

23           “(2) upon determining the effectiveness of pro-  
24 grams and activities based on the criteria in para-  
25 graph (1), to decide how to improve programs.

1 **“SEC. 1202. ANNUAL REPORT.**

2       “(a) STATES.—Based upon the reports provided to  
3 a State educational agency under section 1201, each such  
4 agency that receives a grant under this subpart shall pre-  
5 pare and submit annually to the Secretary a report on pro-  
6 grams and activities carried out by the State educational  
7 agency under this subpart and the effectiveness of such  
8 programs and activities in improving the education pro-  
9 vided to English learners.

10       “(b) SECRETARY.—Annually, the Secretary shall pre-  
11 pare and submit to the Committee on Education and the  
12 Workforce of the House of Representatives and the Com-  
13 mittee on Health, Education, Labor, and Pensions of the  
14 Senate a report—

15               “(1) on programs and activities carried out to  
16 serve English learners under this subpart, and the  
17 effectiveness of such programs and activities in im-  
18 proving the academic achievement and English lan-  
19 guage proficiency of English learners;

20               “(2) on the types of language instruction edu-  
21 cational programs used by local educational agencies  
22 or eligible entities receiving funding under this sub-  
23 part to teach English learners;

24               “(3) containing a critical synthesis of data re-  
25 ported by eligible entities to States under section  
26 1201(a);

1           “(4) containing a description of technical assist-  
2           ance and other assistance provided by State edu-  
3           cational agencies under section 1191(b)(2)(C);

4           “(5) containing an estimate of the number of  
5           effective teachers working in language instruction  
6           educational programs and educating English learn-  
7           ers, and an estimate of the number of such teachers  
8           that will be needed for the succeeding 5 fiscal years;

9           “(6) containing the number of programs or ac-  
10          tivities, if any, that were terminated because the en-  
11          tities carrying out the programs or activities were  
12          not able to reach program goals;

13          “(7) containing the number of English learners  
14          served by eligible entities receiving funding under  
15          this subpart who were transitioned out of language  
16          instruction educational programs funded under this  
17          subpart into classrooms where instruction is not tai-  
18          lored for English learners; and

19          “(8) containing other information gathered  
20          from other reports submitted to the Secretary under  
21          this subpart when applicable.

22   **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

23          “‘In order to maximize Federal efforts aimed at serv-  
24          ing the educational needs of English learners, the Sec-  
25          retary shall coordinate and ensure close cooperation with

1 other entities carrying out programs serving language-mi-  
2 nority and English learners that are administered by the  
3 Department and other agencies.

4 **“SEC. 1204. RULES OF CONSTRUCTION.**

5 “Nothing in this subpart shall be construed—

6 “(1) to prohibit a local educational agency from  
7 serving English learners simultaneously with chil-  
8 dren with similar educational needs, in the same  
9 educational settings where appropriate;

10 “(2) to require a State or a local educational  
11 agency to establish, continue, or eliminate any par-  
12 ticular type of instructional program for English  
13 learners; or

14 “(3) to limit the preservation or use of Native  
15 American languages.

16 **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

17 “Nothing in this subpart shall be construed to negate  
18 or supersede State law, or the legal authority under State  
19 law of any State agency, State entity, or State public offi-  
20 cial, over programs that are under the jurisdiction of the  
21 State agency, entity, or official.

22 **“SEC. 1206. CIVIL RIGHTS.**

23 “Nothing in this subpart shall be construed in a man-  
24 ner inconsistent with any Federal law guaranteeing a civil  
25 right.

1 **“SEC. 1207. PROHIBITION.**

2 “In carrying out this subpart, the Secretary shall nei-  
3 ther mandate nor preclude the use of a particular cur-  
4 ricular or pedagogical approach to educating English  
5 learners.

6 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND**  
7 **PUERTO RICO.**

8 “Notwithstanding any other provision of this subpart,  
9 programs authorized under this subpart that serve Native  
10 American (including Native American Pacific Islander)  
11 children and children in the Commonwealth of Puerto Rico  
12 may include programs of instruction, teacher training,  
13 curriculum development, evaluation, and assessment de-  
14 signed for Native American children learning and studying  
15 Native American languages and children of limited Span-  
16 ish proficiency, except that an outcome of programs serv-  
17 ing such children shall be increased English proficiency  
18 among such children.

19 **“CHAPTER C—NATIONAL ACTIVITIES**

20 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**  
21 **PROJECT.**

22 “The Secretary shall use funds made available under  
23 section 1191(c)(1)(B) to award grants on a competitive  
24 basis, for a period of not more than 5 years, to institutions  
25 of higher education or public or private organizations with  
26 relevant experience and capacity (in consortia with State

1 educational agencies or local educational agencies) to pro-  
2 vide for professional development activities that will im-  
3 prove classroom instruction for English learners and assist  
4 educational personnel working with such children to meet  
5 high professional standards, including standards for cer-  
6 tification and licensure as teachers who work in language  
7 instruction educational programs or serve English learn-  
8 ers. Grants awarded under this subsection may be used—

9           “(1) for preservice, evidence-based professional  
10       development programs that will assist local schools  
11       and institutions of higher education to upgrade the  
12       qualifications and skills of educational personnel who  
13       are not certified or licensed, especially educational  
14       paraprofessionals;

15           “(2) for the development of curricula or other  
16       instructional strategies appropriate to the needs of  
17       the consortia participants involved;

18           “(3) to support strategies that strengthen and  
19       increase parent and community member engagement  
20       in the education of English learners; and

21           “(4) to share and disseminate evidence-based  
22       practices in the instruction of English learners and  
23       in increasing their student achievement.

1       **“CHAPTER D—GENERAL PROVISIONS**

2       **“SEC. 1221. DEFINITIONS.**

3       “Except as otherwise provided, in this subpart:

4               “(1) CHILD.—The term ‘child’ means any indi-  
5       vidual aged 3 through 21.

6               “(2) COMMUNITY-BASED ORGANIZATION.—The  
7       term ‘community-based organization’ means a pri-  
8       vate nonprofit organization of demonstrated effec-  
9       tiveness, Indian tribe, or tribally sanctioned edu-  
10      cational authority, that is representative of a com-  
11      munity or significant segments of a community and  
12      that provides educational or related services to indi-  
13      viduals in the community. Such term includes a Na-  
14      tive Hawaiian or Native American Pacific Islander  
15      native language educational organization.

16              “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
17      tity’ means—

18                      “(A) one or more local educational agen-  
19      cies; or

20                      “(B) one or more local educational agen-  
21      cies, in consortia (or collaboration) with an in-  
22      stitution of higher education, community-based  
23      organization, or State educational agency.

1           “(4) IMMIGRANT CHILDREN AND YOUTH.—The  
2 term ‘immigrant children and youth’ means individ-  
3 uals who—

4           “(A) are age 3 through 21;

5           “(B) were not born in any State; and

6           “(C) have not been attending one or more  
7 schools in any one or more States for more  
8 than 3 full academic years.

9           “(5) INDIAN TRIBE.—The term ‘Indian tribe’  
10 means any Indian tribe, band, nation, or other orga-  
11 nized group or community, including any Native vil-  
12 lage or Regional Corporation or Village Corporation  
13 as defined in or established pursuant to the Alaska  
14 Native Claims Settlement Act, that is recognized as  
15 eligible for the special programs and services pro-  
16 vided by the United States to Indians because of  
17 their status as Indians.

18           “(6) LANGUAGE INSTRUCTION EDUCATIONAL  
19 PROGRAM.—The term ‘language instruction edu-  
20 cational program’ means an instruction course—

21           “(A) in which an English learner is placed  
22 for the purpose of developing and attaining  
23 English language proficiency, while meeting  
24 State academic standards, as required by sec-  
25 tion 1111(b)(1); and



1           “(B) that may make instructional use of  
2           both English and a child’s native language to  
3           enable the child to develop and attain English  
4           language proficiency, and may include the par-  
5           ticipation of English language proficient chil-  
6           dren if such course is designed to enable all  
7           participating children to become proficient in  
8           English and a second language.

9           “(7) NATIVE LANGUAGE.—The term ‘native  
10          language’, when used with reference to English  
11          learner, means—

12                   “(A) the language normally used by such  
13                   individual; or

14                   “(B) in the case of a child or youth, the  
15                   language normally used by the parents of the  
16                   child or youth.

17           “(8) PARAPROFESSIONAL.—The term ‘para-  
18          professional’ means an individual who is employed in  
19          a preschool, elementary school, or secondary school  
20          under the supervision of a certified or licensed teach-  
21          er, including individuals employed in language in-  
22          struction educational programs, special education,  
23          and migratory education.

1           “(9) STATE.—The term ‘State’ means each of  
2           the 50 States, the District of Columbia, and the  
3           Commonwealth of Puerto Rico.

4   **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

5           “The Secretary shall establish and support the oper-  
6           ation of a National Clearinghouse for English Language  
7           Acquisition and Language Instruction Educational Pro-  
8           grams, which shall collect, analyze, synthesize, and dis-  
9           seminate information about language instruction edu-  
10          cational programs for English learners, and related pro-  
11          grams. The National Clearinghouse shall—

12           “(1) be administered as an adjunct clearing-  
13          house of the Educational Resources Information  
14          Center Clearinghouses system supported by the In-  
15          stitute of Education Sciences;

16           “(2) coordinate activities with Federal data and  
17          information clearinghouses and entities operating  
18          Federal dissemination networks and systems;

19           “(3) develop a system for improving the oper-  
20          ation and effectiveness of federally funded language  
21          instruction educational programs; and

22           “(4) collect and disseminate information on—

23           “(A) educational research and processes  
24          related to the education of English learners;  
25          and

1           “(B) accountability systems that monitor  
2           the academic progress of English learners in  
3           language instruction educational programs, in-  
4           cluding information on academic content and  
5           English language proficiency assessments for  
6           language instruction educational programs; and

7           “(5) publish, on an annual basis, a list of grant  
8           recipients under this subpart.

9   **“SEC. 1223. REGULATIONS.**

10          “In developing regulations under this subpart, the  
11         Secretary shall consult with State educational agencies  
12         and local educational agencies, organizations representing  
13         English learners, and organizations representing teachers  
14         and other personnel involved in the education of English  
15         learners.

16   **“Subpart 5—Rural Education Achievement Program**

17   **“SEC. 1230. PURPOSE.**

18          “It is the purpose of this subpart to address the  
19         unique needs of rural school districts that frequently—

20                 “(1) lack the personnel and resources needed to  
21                 compete effectively for Federal competitive grants;  
22                 and

23                 “(2) receive formula grant allocations in  
24                 amounts too small to be effective in meeting their in-  
25                 tended purposes.

1       **“CHAPTER A—SMALL, RURAL SCHOOL**  
2                   **ACHIEVEMENT PROGRAM**

3       **“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

4           “(a) IN GENERAL.—From amounts appropriated  
5 under section 3(a)(1) for a fiscal year, the Secretary shall  
6 reserve 0.54 of one percent to award grants to eligible  
7 local educational agencies to enable the local educational  
8 agencies to carry out activities authorized under any of  
9 the following provisions:

10                   “(1) Part A of title I.

11                   “(2) Title II.

12                   “(3) Title III.

13           “(b) ALLOCATION.—

14                   “(1) IN GENERAL.—Except as provided in para-  
15 graph (3), the Secretary shall award a grant under  
16 subsection (a) to a local educational agency eligible  
17 under subsection (d) for a fiscal year in an amount  
18 equal to the initial amount determined under para-  
19 graph (2) for the fiscal year minus the total amount  
20 received by the agency in subpart 2 of part A of title  
21 II for the preceding fiscal year.

22                   “(2) DETERMINATION OF INITIAL AMOUNT.—

23           The initial amount referred to in paragraph (1) is  
24 equal to \$100 multiplied by the total number of stu-  
25 dents in excess of 50 students, in average daily at-

1       tendance at the schools served by the local edu-  
2       cational agency, plus \$20,000, except that the initial  
3       amount may not exceed \$60,000.

4           “(3) RATABLE ADJUSTMENT.—

5               “(A) IN GENERAL.—If the amount made  
6       available to carry out this section for any fiscal  
7       year is not sufficient to pay in full the amounts  
8       that local educational agencies are eligible to re-  
9       ceive under paragraph (1) for such year, the  
10      Secretary shall ratably reduce such amounts for  
11      such year.

12           “(B) ADDITIONAL AMOUNTS.—If addi-  
13      tional funds become available for making pay-  
14      ments under paragraph (1) for such fiscal year,  
15      payments that were reduced under subpara-  
16      graph (A) shall be increased on the same basis  
17      as such payments were reduced.

18           “(c) DISBURSEMENT.—The Secretary shall disburse  
19      the funds awarded to a local educational agency under this  
20      section for a fiscal year not later than July 1 of that fiscal  
21      year.

22           “(d) ELIGIBILITY.—

23               “(1) IN GENERAL.—A local educational agency  
24      shall be eligible to use the applicable funding in ac-  
25      cordance with subsection (a) if—

1           “(A)(i)(I) the total number of students in  
2           average daily attendance at all of the schools  
3           served by the local educational agency is fewer  
4           than 600; or

5           “(II) each county in which a school served  
6           by the local educational agency is located has a  
7           total population density of fewer than 10 per-  
8           sons per square mile; and

9           “(ii) all of the schools served by the local  
10          educational agency are designated with a school  
11          locale code of 41, 42, or 43, as determined by  
12          the Secretary; or

13          “(B) the agency meets the criteria estab-  
14          lished in subparagraph (A)(i) and the Sec-  
15          retary, in accordance with paragraph (2),  
16          grants the local educational agency’s request to  
17          waive the criteria described in subparagraph  
18          (A)(ii).

19          “(2) CERTIFICATION.—The Secretary shall de-  
20          termine whether to waive the criteria described in  
21          paragraph (1)(A)(ii) based on a demonstration by  
22          the local educational agency, and concurrence by the  
23          State educational agency, that the local educational  
24          agency is located in an area defined as rural by a  
25          governmental agency of the State.

1           “(3) HOLD HARMLESS.—For a local edu-  
2           cational agency that is not eligible under this chap-  
3           ter but met the eligibility requirements under this  
4           subsection as it was in effect prior to the date of the  
5           enactment of the Student Success Act, the agency  
6           shall receive—

7                   “(A) for fiscal year 2014, 75 percent of  
8                   the amount such agency received for fiscal year  
9                   2013;

10                   “(B) for fiscal year 2015, 50 percent of  
11                   the amount such agency received for fiscal year  
12                   2013; and

13                   “(C) for fiscal year 2016, 25 percent of  
14                   the amount such agency received for fiscal year  
15                   2013.

16           “(e) SPECIAL ELIGIBILITY RULE.—A local edu-  
17           cational agency that receives a grant under this chapter  
18           for a fiscal year is not eligible to receive funds for such  
19           fiscal year under chapter B.

20           **“CHAPTER B—RURAL AND LOW-INCOME**  
21                   **SCHOOL PROGRAM**

22           **“SEC. 1235. PROGRAM AUTHORIZED.**

23                   “(a) GRANTS TO STATES.—

24                           “(1) IN GENERAL.—From amounts appro-  
25                           priated under section 3(a)(1) for a fiscal year, the

1 Secretary shall reserve 0.54 of one percent for this  
2 chapter for a fiscal year that are not reserved under  
3 subsection (c) to award grants (from allotments  
4 made under paragraph (2)) for the fiscal year to  
5 State educational agencies that have applications  
6 submitted under section 1237 approved to enable the  
7 State educational agencies to award grants to eligi-  
8 ble local educational agencies for local authorized ac-  
9 tivities described in section 1236(a).

10 “(2) ALLOTMENT.—From amounts described in  
11 paragraph (1) for a fiscal year, the Secretary shall  
12 allot to each State educational agency for that fiscal  
13 year an amount that bears the same ratio to those  
14 amounts as the number of students in average daily  
15 attendance served by eligible local educational agen-  
16 cies in the State for that fiscal year bears to the  
17 number of all such students served by eligible local  
18 educational agencies in all States for that fiscal  
19 year.

20 “(3) SPECIALLY QUALIFIED AGENCIES.—

21 “(A) ELIGIBILITY AND APPLICATION.—If a  
22 State educational agency elects not to partici-  
23 pate in the program under this subpart or does  
24 not have an application submitted under section  
25 1237 approved, a specially qualified agency in



1 such State desiring a grant under this subpart  
2 may submit an application under such section  
3 directly to the Secretary to receive an award  
4 under this subpart.

5 “(B) DIRECT AWARDS.—The Secretary  
6 may award, on a competitive basis or by for-  
7 mula, the amount the State educational agency  
8 is eligible to receive under paragraph (2) di-  
9 rectly to a specially qualified agency in the  
10 State that has submitted an application in ac-  
11 cordance with subparagraph (A) and obtained  
12 approval of the application.

13 “(C) SPECIALLY QUALIFIED AGENCY DE-  
14 FINED.—In this subpart, the term ‘specially  
15 qualified agency’ means an eligible local edu-  
16 cational agency served by a State educational  
17 agency that does not participate in a program  
18 under this subpart in a fiscal year, that may  
19 apply directly to the Secretary for a grant in  
20 such year under this subsection.

21 “(b) LOCAL AWARDS.—

22 “(1) ELIGIBILITY.—A local educational agency  
23 shall be eligible to receive a grant under this subpart  
24 if—

1           “(A) 20 percent or more of the children  
2           ages 5 through 17 years served by the local  
3           educational agency are from families with in-  
4           comes below the poverty line; and

5           “(B) all of the schools served by the agen-  
6           cy are designated with a school locale code of  
7           32, 33, 41, 42, 43, as determined by the Sec-  
8           retary.

9           “(2) AWARD BASIS.—A State educational agen-  
10          cy shall award grants to eligible local educational  
11          agencies—

12           “(A) on a competitive basis;

13           “(B) according to a formula based on the  
14          number of students in average daily attendance  
15          served by the eligible local educational agencies  
16          or schools in the State; or

17           “(C) according to an alternative formula,  
18          if, prior to awarding the grants, the State edu-  
19          cational agency demonstrates, to the satisfac-  
20          tion of the Secretary, that the alternative for-  
21          mula enables the State educational agency to  
22          allot the grant funds in a manner that serves  
23          equal or greater concentrations of children from  
24          families with incomes below the poverty line,  
25          relative to the concentrations that would be

1 served if the State educational agency used the  
2 formula described in subparagraph (B).

3 “(c) RESERVATIONS.—From amounts reserved under  
4 section 1235(a)(1) for this chapter for a fiscal year, the  
5 Secretary shall reserve—

6 “(1) one-half of 1 percent to make awards to el-  
7 ementary schools or secondary schools operated or  
8 supported by the Bureau of Indian Education, to  
9 carry out the activities authorized under this chap-  
10 ter; and

11 “(2) one-half of 1 percent to make awards to  
12 the outlying areas in accordance with their respec-  
13 tive needs, to carry out the activities authorized  
14 under this chapter.

15 **“SEC. 1236. USES OF FUNDS.**

16 “(a) LOCAL AWARDS.—Grant funds awarded to local  
17 educational agencies under this chapter shall be used for  
18 activities authorized under any of the following:

19 “(1) Part A of title I.

20 “(2) Title II.

21 “(3) Title III.

22 “(b) ADMINISTRATIVE COSTS.—A State educational  
23 agency receiving a grant under this chapter may not use  
24 more than 5 percent of the amount of the grant for State

1 administrative costs and to provide technical assistance to  
2 eligible local educational agencies.

3 **“SEC. 1237. APPLICATIONS.**

4 “(a) IN GENERAL.—Each State educational agency  
5 or specially qualified agency desiring to receive a grant  
6 under this chapter shall submit an application to the Sec-  
7 retary at such time and in such manner as the Secretary  
8 may require.

9 “(b) CONTENTS.—Each application submitted under  
10 subsection (a) shall include—

11 “(1) a description of how the State educational  
12 agency or specially qualified agency will ensure eligi-  
13 ble local educational agencies receiving a grant  
14 under this chapter will use such funds to help stu-  
15 dents meet the State academic standards under sec-  
16 tion 1111(b)(1);

17 “(2) if the State educational agency or specially  
18 qualified agency will competitively award grants to  
19 eligible local educational agencies, as described in  
20 section 1235(b)(2)(A), the application under the sec-  
21 tion shall include—

22 “(A) the methods and criteria the State  
23 educational agency or specially qualified agency  
24 will use for reviewing applications and awarding

1 funds to local educational agencies on a com-  
2 petitive basis; and

3 “(B) how the State educational agency or  
4 specially qualified agency will notify eligible  
5 local educational agencies of the grant competi-  
6 tion; and

7 “(3) a description of how the State educational  
8 agency or specially qualified agency will provide  
9 technical assistance to eligible local educational  
10 agencies to help such agencies implement the activi-  
11 ties described in section 1236(a).

12 **“SEC. 1238. ACCOUNTABILITY.**

13 “Each State educational agency or specially qualified  
14 agency that receives a grant under this chapter shall pre-  
15 pare and submit an annual report to the Secretary. The  
16 report shall describe—

17 “(1) the methods and criteria the State edu-  
18 cational agency or specially qualified agency used to  
19 award grants to eligible local educational agencies,  
20 and to provide assistance to schools, under this  
21 chapter;

22 “(2) how local educational agencies and schools  
23 used funds provided under this chapter; and



1 through grade 12 at the schools served by the agen-  
2 cy; and

3 “(2) not later than March 1 of each year, sub-  
4 mit the number described in paragraph (1) to the  
5 Secretary (and to the State educational agency, in  
6 the case of a local educational agency seeking a  
7 grant under subpart 2).

8 “(b) PENALTY.—If the Secretary determines that a  
9 local educational agency or specially qualified agency has  
10 knowingly submitted false information under subsection  
11 (a) for the purpose of gaining additional funds under sec-  
12 tion 1231 or chapter B, then the agency shall be fined  
13 an amount equal to twice the difference between the  
14 amount the agency received under this section and the cor-  
15 rect amount the agency would have received under section  
16 1231 or chapter B if the agency had submitted accurate  
17 information under subsection (a).

18 **“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

19 “Funds made available under chapter A or chapter  
20 B shall be used to supplement, and not supplant, any  
21 other Federal, State, or local education funds.

22 **“SEC. 1243. RULE OF CONSTRUCTION.**

23 “Nothing in this subpart shall be construed to pro-  
24 hibit a local educational agency that enters into coopera-  
25 tive arrangements with other local educational agencies for

1 the provision of special, compensatory, or other education  
2 services, pursuant to State law or a written agreement,  
3 from entering into similar arrangements for the use, or  
4 the coordination of the use, of the funds made available  
5 under this subpart.

6 **“Subpart 6—Indian Education**

7 **“SEC. 1251. STATEMENT OF POLICY.**

8 “It is the policy of the United States to fulfill the  
9 Federal Government’s unique and continuing trust rela-  
10 tionship with and responsibility to the Indian people for  
11 the education of Indian children. The Federal Government  
12 will continue to work with local educational agencies, In-  
13 dian tribes and organizations, postsecondary institutions,  
14 and other entities toward the goal of ensuring that pro-  
15 grams that serve Indian children are of the highest quality  
16 and provide for not only the basic elementary and sec-  
17 ondary educational needs, but also the unique educational  
18 and culturally related academic needs of these children.

19 **“SEC. 1252. PURPOSE.**

20 “It is the purpose of this subpart to support the ef-  
21 forts of local educational agencies, Indian tribes and orga-  
22 nizations, postsecondary institutions, and other entities—

23 “(1) to meet the unique educational and cul-  
24 turally related academic needs of American Indian  
25 and Alaska Native students, so that such students



1 can meet the State academic standards that all stu-  
2 dents are expected to meet; and

3 “(2) to ensure that school leaders, teachers, and  
4 other staff who serve Indian and Alaska Native stu-  
5 dents have the ability and training to provide appro-  
6 priate instruction to meet the unique academic needs  
7 of such students.

8 **“CHAPTER A—FORMULA GRANTS TO**  
9 **LOCAL EDUCATIONAL AGENCIES**

10 **“SEC. 1261. PURPOSE.**

11 “It is the purpose of this chapter to support local  
12 educational agencies in their efforts to reform elementary  
13 school and secondary school programs that serve Indian  
14 students in order to ensure that such programs are de-  
15 signed to—

16 “(1) meet the unique educational needs of such  
17 students; and

18 “(2) ensure that such students have the oppor-  
19 tunity to meet the State academic standards.

20 **“SEC. 1262. GRANTS TO LOCAL EDUCATIONAL AGENCIES**  
21 **AND TRIBES.**

22 “(a) IN GENERAL.—From amounts appropriated  
23 under section 3(a)(1), the Secretary shall reserve 0.59 of  
24 one percent to local educational agencies and Indian tribes  
25 in accordance with this section and section 1263.

1 “(b) LOCAL EDUCATIONAL AGENCIES.—

2 “(1) ENROLLMENT REQUIREMENTS.—A local  
3 educational agency shall be eligible for a grant under  
4 this chapter for any fiscal year if the number of In-  
5 dian children eligible under section 1267 who were  
6 enrolled in the schools of the agency, and to whom  
7 the agency provided free public education, during  
8 the preceding fiscal year—

9 “(A) was at least 10; or

10 “(B) constituted not less than 25 percent  
11 of the total number of individuals enrolled in  
12 the schools of such agency.

13 “(2) EXCLUSION.—The requirement of para-  
14 graph (1) shall not apply in Alaska, California, or  
15 Oklahoma, or with respect to any local educational  
16 agency located on, or in proximity to, an Indian res-  
17 ervation.

18 “(c) INDIAN TRIBES.—

19 “(1) IN GENERAL.—If a local educational agen-  
20 cy that is otherwise eligible for a grant under this  
21 chapter does not establish a committee under section  
22 1264(e)(4) for such grant, an Indian tribe or a con-  
23 sortium of such entities that represents not less than  
24  $\frac{1}{3}$  of the eligible Indian children who are served by

1 such local educational agency may apply for such  
2 grant.

3 “(2) SPECIAL RULE.—The Secretary shall treat  
4 each Indian tribe or consortium of such entities ap-  
5 plying for a grant pursuant to paragraph (1) as if  
6 such Indian tribe were a local educational agency for  
7 purposes of this chapter, except that any such tribe  
8 is not subject to section 1264(c)(4) or section 1269.

9 “(3) ELIGIBILITY.—If more than 1 Indian tribe  
10 qualifies to apply for a grant under paragraph (1),  
11 the entity that represents the most eligible Indian  
12 children who are served by the local educational  
13 agency shall be eligible to receive the grant or the  
14 tribes may choose to apply in consortium.

15 **“SEC. 1263. AMOUNT OF GRANTS.**

16 “(a) AMOUNT OF GRANT AWARDS.—

17 “(1) IN GENERAL.—Except as provided in sub-  
18 section (b) and paragraph (2), the Secretary shall  
19 allocate to each local educational agency that has an  
20 approved application under this chapter an amount  
21 equal to the product of—

22 “(A) the number of Indian children who  
23 are eligible under section 1267 and served by  
24 such agency; and

25 “(B) the greater of—

1                   “(i) the average per pupil expenditure  
2                   of the State in which such agency is lo-  
3                   cated; or

4                   “(ii) 80 percent of the average per  
5                   pupil expenditure of all the States.

6                   “(2) REDUCTION.—The Secretary shall reduce  
7                   the amount of each allocation otherwise determined  
8                   under this section in accordance with subsection (e).

9                   “(b) MINIMUM GRANT.—

10                  “(1) IN GENERAL.—Notwithstanding subsection  
11                  (e), an entity that is eligible for a grant under sec-  
12                  tion 1262, and a school that is operated or sup-  
13                  ported by the Bureau of Indian Education that is el-  
14                  igible for a grant under subsection (d), that submits  
15                  an application that is approved by the Secretary,  
16                  shall, subject to appropriations, receive a grant  
17                  under this chapter in an amount that is not less  
18                  than \$3,000.

19                  “(2) CONSORTIA.—Local educational agencies  
20                  may form a consortium with other local educational  
21                  agencies or Indian tribes for the purpose of obtain-  
22                  ing grants under this chapter.

23                  “(3) INCREASE.—The Secretary may increase  
24                  the minimum grant under paragraph (1) to not  
25                  more than \$4,000 for all grantees if the Secretary

1 determines such an increase is necessary to ensure  
2 the quality of the programs provided.

3 “(c) DEFINITION.—For the purpose of this section,  
4 the term ‘average per pupil expenditure’, used with respect  
5 to a State, means an amount equal to—

6 “(1) the sum of the aggregate current expendi-  
7 tures of all the local educational agencies in the  
8 State, plus any direct current expenditures by the  
9 State for the operation of such agencies, without re-  
10 gard to the sources of funds from which such local  
11 or State expenditures were made, during the second  
12 fiscal year preceding the fiscal year for which the  
13 computation is made; divided by

14 “(2) the aggregate number of children who  
15 were included in average daily attendance for whom  
16 such agencies provided free public education during  
17 such preceding fiscal year.

18 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE  
19 BUREAU OF INDIAN EDUCATION.—

20 “(1) IN GENERAL.—Subject to subsection (e),  
21 in addition to the grants awarded under subsection  
22 (a), the Secretary shall allocate to the Secretary of  
23 the Interior an amount equal to the product of—

24 “(A) the total number of Indian children  
25 enrolled in schools that are operated by—

1 “(i) the Bureau of Indian Education;

2 or

3 “(ii) an Indian tribe, or an organiza-  
4 tion controlled or sanctioned by an Indian  
5 tribal government, for the children of that  
6 tribe under a contract with, or grant from,  
7 the Department of the Interior under the  
8 Indian Self-Determination Act or the Trib-  
9 ally Controlled Schools Act of 1988; and

10 “(B) the greater of—

11 “(i) the average per pupil expenditure  
12 of the State in which the school is located;

13 or

14 “(ii) 80 percent of the average per  
15 pupil expenditure of all the States.

16 “(2) SPECIAL RULE.—Any school described in  
17 paragraph (1)(A) that wishes to receive an allocation  
18 under this chapter shall submit an application in ac-  
19 cordance with section 1264, and shall otherwise be  
20 treated as a local educational agency for the purpose  
21 of this chapter, except that such school shall not be  
22 subject to section 1264(c)(4) or section 1269.

23 “(e) RATABLE REDUCTIONS.—If the sums reserved  
24 for any fiscal year under section 1262(a) are insufficient  
25 to pay in full the amounts determined for local educational

1 agencies under subsection (a)(1) and for the Secretary of  
2 the Interior under subsection (d), each of those amounts  
3 shall be ratably reduced.

4 **“SEC. 1264. APPLICATIONS.**

5       “(a) APPLICATION REQUIRED.—Each local edu-  
6 cational agency that desires to receive a grant under this  
7 chapter shall submit an application to the Secretary at  
8 such time and in such manner as the Secretary may rea-  
9 sonably require.

10       “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each  
11 application submitted under subsection (a) shall include  
12 a description of a comprehensive program for meeting the  
13 needs of Indian children served by the local educational  
14 agency, including the language and cultural needs of the  
15 children, that—

16               “(1) describes how the comprehensive program  
17 will offer programs and activities to meet the cul-  
18 turally related academic needs of American Indian  
19 and Alaska Native students;

20               “(2)(A) is aligned with and supports the State  
21 and local plans submitted under other provisions of  
22 this Act; and

23               “(B) includes academic standards for such chil-  
24 dren that are based on the State academic standards  
25 adopted under subpart 1 for all children;

1           “(3) explains how the local educational agency  
2 will use the funds made available under this chapter  
3 to supplement other Federal, State, and local pro-  
4 grams, especially programs carried out under sub-  
5 part 1, to meet the needs of such students;

6           “(4) demonstrates how funds made available  
7 under this chapter will be used for activities de-  
8 scribed in section 1265;

9           “(5) describes the professional development op-  
10 portunities that will be provided, as needed, to en-  
11 sure that—

12           “(A) teachers, school leaders, and other  
13 school professionals who are new to the Indian  
14 community are prepared to work with Indian  
15 children; and

16           “(B) all teachers who will be involved in  
17 programs assisted under this chapter have been  
18 properly trained to carry out such programs;  
19 and

20           “(6) describes how the local educational agen-  
21 cy—

22           “(A) will periodically assess the progress of  
23 all Indian children enrolled in the schools of the  
24 local educational agency, including Indian chil-  
25 dren who do not participate in programs as-



1           sisted under this chapter, in meeting the stand-  
2           ards described in paragraph (2);

3           “(B) will provide the results of each as-  
4           sessment referred to in subparagraph (A) to—

5                   “(i) the committee described in sub-  
6                   section (c)(4); and

7                   “(ii) the community, including Indian  
8                   tribes, whose children are served by the  
9                   local educational agency; and

10           “(C) is responding to findings of any pre-  
11           vious assessments that are similar to the as-  
12           sessments described in subparagraph (A); and

13           “(7) describes the processes the local edu-  
14           cational agency used to collaborate with Indian  
15           tribes in the community in the development of the  
16           comprehensive programs.

17           “(c) ASSURANCES.—Each application submitted  
18           under subsection (a) shall include assurances that—

19                   “(1) the local educational agency will use funds  
20                   received under this chapter only to supplement the  
21                   funds that, in the absence of the Federal funds  
22                   made available under this chapter, such agency  
23                   would make available for the education of Indian  
24                   children, and not to supplant such funds;

1           “(2) the local educational agency will prepare  
2           and submit to the Secretary such reports in such  
3           form as the Secretary may require to—

4                   “(A) carry out the functions of the Sec-  
5           retary under this chapter; and

6                   “(B) determine the extent to which activi-  
7           ties carried out with funds provided to the local  
8           educational agency under this chapter are effec-  
9           tive in improving the educational achievement  
10          of Indian students served by such agency;

11          “(3) the program for which assistance is  
12          sought—

13                   “(A) is based on a comprehensive local as-  
14          sessment and prioritization of the unique edu-  
15          cational and culturally related academic needs  
16          of the American Indian and Alaska Native stu-  
17          dents for whom the local educational agency is  
18          providing an education;

19                   “(B) will use the best available talents and  
20          resources, including individuals from the Indian  
21          community; and

22                   “(C) was developed by such agency in open  
23          consultation with parents of Indian children  
24          and teachers, and, if appropriate, Indian stu-  
25          dents from secondary schools, including through

1 public hearings held by such agency to provide  
2 to the individuals described in this subpara-  
3 graph a full opportunity to understand the pro-  
4 gram and to offer recommendations regarding  
5 the program; and

6 “(4) the local educational agency developed the  
7 program with the participation and written approval  
8 of a committee—

9 “(A) that is composed of, and selected  
10 by—

11 “(i) parents of Indian children in the  
12 local educational agency’s schools;

13 “(ii) teachers in the schools; and

14 “(iii) if appropriate, Indian students  
15 attending secondary schools of the agency;

16 “(B) a majority of whose members are  
17 parents of Indian children;

18 “(C) that has set forth such policies and  
19 procedures, including policies and procedures  
20 relating to the hiring of personnel, as will en-  
21 sure that the program for which assistance is  
22 sought will be operated and evaluated in con-  
23 sultation with, and with the involvement of,  
24 parents of the children, and representatives of  
25 the area, to be served;

1           “(D) with respect to an application de-  
2           scribing a schoolwide program in accordance  
3           with section 1265(c), that has—

4                   “(i) reviewed in a timely fashion the  
5                   program; and

6                   “(ii) determined that the program will  
7                   not diminish the availability of culturally  
8                   related activities for American Indian and  
9                   Alaska Native students; and

10           “(E) that has adopted reasonable bylaws  
11           for the conduct of the activities of the com-  
12           mittee and abides by such bylaws.

13   **“SEC. 1265. AUTHORIZED SERVICES AND ACTIVITIES.**

14           “(a) GENERAL REQUIREMENTS.—Each local edu-  
15           cational agency that receives a grant under this chapter  
16           shall use the grant funds, in a manner consistent with the  
17           purpose specified in section 1261, for services and activi-  
18           ties that—

19                   “(1) are designed to carry out the comprehen-  
20                   sive program of the local educational agency for In-  
21                   dian students, and described in the application of  
22                   the local educational agency submitted to the Sec-  
23                   retary under section 1264(a);

1           “(2) are designed with special regard for the  
2           language and cultural needs of the Indian students;  
3           and

4           “(3) supplement and enrich the regular school  
5           program of such agency.

6           “(b) PARTICULAR ACTIVITIES.—The services and ac-  
7           tivities referred to in subsection (a) may include—

8           “(1) culturally related activities that support  
9           the program described in the application submitted  
10          by the local educational agency;

11          “(2) early childhood and family programs that  
12          emphasize school readiness;

13          “(3) enrichment programs that focus on prob-  
14          lem solving and cognitive skills development and di-  
15          rectly support the attainment of State academic  
16          standards;

17          “(4) integrated educational services in combina-  
18          tion with other programs that meet the needs of In-  
19          dian children and their families;

20          “(5) programs that help engage parents and  
21          tribes to meet the unique educational needs of In-  
22          dian children;

23          “(6) career preparation activities to enable In-  
24          dian students to participate in programs such as the

1 programs supported by the Carl D. Perkins Career  
2 and Technical Education Act of 2006;

3 “(7) activities to educate individuals concerning  
4 the prevention of substance abuse, violence, and sui-  
5 cide;

6 “(8) the acquisition of equipment, but only if  
7 the acquisition of the equipment is essential to  
8 achieve the purpose described in section 1261;

9 “(9) activities that promote the incorporation of  
10 culturally responsive teaching and learning strategies  
11 into the educational program of the local educational  
12 agency;

13 “(10) activities that incorporate American In-  
14 dian and Alaska Native specific curriculum content,  
15 consistent with State academic standards into the  
16 curriculum used by the local educational agency;

17 “(11) family literacy services; and

18 “(12) activities that recognize and support the  
19 unique cultural and educational needs of Indian chil-  
20 dren, and incorporate appropriately qualified tribal  
21 elders and seniors.

22 “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding  
23 any other provision of law, a local educational agency may  
24 use funds made available to such agency under this chap-

1 ter to support a schoolwide program under section 1114  
2 if—

3 “(1) the committee established pursuant to sec-  
4 tion 1264(c)(4) approves the use of the funds for  
5 the schoolwide program; and

6 “(2) the schoolwide program is consistent with  
7 the purpose described in section 1261.

8 “(d) **LIMITATION ON ADMINISTRATIVE COSTS.**—Not  
9 more than 5 percent of the funds provided to a grantee  
10 under this chapter for any fiscal year may be used for  
11 administrative purposes.

12 “(e) **LIMITATION ON USE OF FUNDS.**—Funds pro-  
13 vided to a grantee under this chapter may not be used  
14 for long-distance travel expenses for training activities  
15 available locally or regionally.

16 **“SEC. 1266. INTEGRATION OF SERVICES AUTHORIZED.**

17 “(a) **PLAN.**—An entity receiving funds under this  
18 chapter may submit a plan to the Secretary for the inte-  
19 gration of education and related services provided to In-  
20 dian students.

21 “(b) **CONSOLIDATION OF PROGRAMS.**—Upon the re-  
22 ceipt of an acceptable plan under subsection (a), the Sec-  
23 retary, in cooperation with each Federal agency providing  
24 grants for the provision of education and related services  
25 to the entity, shall authorize the entity to consolidate, in

1 accordance with such plan, the federally funded education  
2 and related services programs of the entity and the Fed-  
3 eral programs, or portions of the programs, serving Indian  
4 students in a manner that integrates the program services  
5 involved into a single, coordinated, comprehensive pro-  
6 gram and reduces administrative costs by consolidating  
7 administrative functions.

8       “(c) PROGRAMS AFFECTED.—The funds that may be  
9 consolidated in a demonstration project under any such  
10 plan referred to in subsection (a) shall include funds for  
11 any Federal program exclusively serving Indian children,  
12 or the funds reserved under any Federal program to exclu-  
13 sively serve Indian children, under which the entity is eligi-  
14 ble for receipt of funds under a statutory or administrative  
15 formula for the purposes of providing education and re-  
16 lated services that would be used to serve Indian students.

17       “(d) PLAN REQUIREMENTS.—For a plan to be ac-  
18 ceptable pursuant to subsection (b), the plan shall—

19               “(1) identify the programs or funding sources  
20 to be consolidated;

21               “(2) be consistent with the objectives of this  
22 section concerning authorizing the services to be in-  
23 tegrated in a demonstration project;

24               “(3) describe a comprehensive strategy that  
25 identifies the full range of potential educational op-



1       portunities and related services to be provided to as-  
2       sist Indian students to achieve the objectives set  
3       forth in this chapter;

4             “(4) describe the way in which services are to  
5       be integrated and delivered and the results expected  
6       from the plan;

7             “(5) identify the projected expenditures under  
8       the plan in a single budget;

9             “(6) identify the State, tribal, or local agency  
10      or agencies to be involved in the delivery of the serv-  
11      ices integrated under the plan;

12            “(7) identify any statutory provisions, regula-  
13      tions, policies, or procedures that the entity believes  
14      need to be waived in order to implement the plan;

15            “(8) set forth measures for student academic  
16      achievement consistent with State academic stand-  
17      ards under section 1111(b)(1); and

18            “(9) be approved by a committee formed in ac-  
19      cordance with section 1264(c)(4), if such a com-  
20      mittee exists.

21            “(e) PLAN REVIEW.—Upon receipt of the plan from  
22      an eligible entity, the Secretary shall consult with the Sec-  
23      retary of each Federal department providing funds to be  
24      used to implement the plan, and with the entity submit-  
25      ting the plan. The parties so consulting shall identify any

1 waivers of statutory requirements or of Federal depart-  
2 mental regulations, policies, or procedures necessary to en-  
3 able the entity to implement the plan. Notwithstanding  
4 any other provision of law, the Secretary of the affected  
5 department shall have the authority to waive any regula-  
6 tion, policy, or procedure promulgated by that department  
7 that has been so identified by the entity or department,  
8 unless the Secretary of the affected department deter-  
9 mines that such a waiver is inconsistent with the objectives  
10 of this chapter or those provisions of the statute from  
11 which the program involved derives authority that are spe-  
12 cifically applicable to Indian students.

13       “(f) PLAN APPROVAL.—Within 90 days after the re-  
14 ceipt of an entity’s plan by the Secretary, the Secretary  
15 shall inform the entity, in writing, of the Secretary’s ap-  
16 proval or disapproval of the plan. If the plan is dis-  
17 approved, the entity shall be informed, in writing, of the  
18 reasons for the disapproval and shall be given an oppor-  
19 tunity to amend the plan or to petition the Secretary to  
20 reconsider such disapproval.

21       “(g) RESPONSIBILITIES OF DEPARTMENT OF EDU-  
22 CATION.—The Secretary of Education, the Secretary of  
23 the Interior, and the head of any other Federal depart-  
24 ment or agency identified by the Secretary of Education,  
25 shall enter into an interdepartmental memorandum of

1 agreement providing for the implementation and coordina-  
2 tion of the demonstration projects authorized under this  
3 section. The lead agency head for a demonstration project  
4 under this section shall be—

5           “(1) the Secretary of the Interior, in the case  
6           of an entity meeting the definition of a contract or  
7           grant school under title XI of the Education Amend-  
8           ments of 1978; or

9           “(2) the Secretary of Education, in the case of  
10          any other entity.

11          “(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-  
12          sponsibilities of the lead agency shall include—

13               “(1) the use of a single report format related  
14               to the plan for the individual project, which shall be  
15               used by an eligible entity to report on the activities  
16               undertaken under the project;

17               “(2) the use of a single report format related  
18               to the projected expenditures for the individual  
19               project which shall be used by an eligible entity to  
20               report on all project expenditures;

21               “(3) the development of a single system of Fed-  
22               eral oversight for the project, which shall be imple-  
23               mented by the lead agency; and

24               “(4) the provision of technical assistance to an  
25               eligible entity appropriate to the project, except that

1 an eligible entity shall have the authority to accept  
2 or reject the plan for providing such technical assist-  
3 ance and the technical assistance provider.

4 “(i) REPORT REQUIREMENTS.—A single report for-  
5 mat shall be developed by the Secretary, consistent with  
6 the requirements of this section. Such report format shall  
7 require that reports described in subsection (h), together  
8 with records maintained on the consolidated program at  
9 the local level, shall contain such information as will allow  
10 a determination that the eligible entity has complied with  
11 the requirements incorporated in its approved plan, in-  
12 cluding making a demonstration of student academic  
13 achievement, and will provide assurances to each Sec-  
14 retary that the eligible entity has complied with all directly  
15 applicable statutory requirements and with those directly  
16 applicable regulatory requirements that have not been  
17 waived.

18 “(j) NO REDUCTION IN AMOUNTS.—In no case shall  
19 the amount of Federal funds available to an eligible entity  
20 involved in any demonstration project be reduced as a re-  
21 sult of the enactment of this section.

22 “(k) INTERAGENCY FUND TRANSFERS AUTHOR-  
23 IZED.—The Secretary is authorized to take such action  
24 as may be necessary to provide for an interagency transfer

1 of funds otherwise available to an eligible entity in order  
2 to further the objectives of this section.

3 “(1) ADMINISTRATION OF FUNDS.—

4 “(1) IN GENERAL.—Program funds for the con-  
5 solidated programs shall be administered in such a  
6 manner as to allow for a determination that funds  
7 from a specific program are spent on allowable ac-  
8 tivities authorized under such program, except that  
9 the eligible entity shall determine the proportion of  
10 the funds granted that shall be allocated to such  
11 program.

12 “(2) SEPARATE RECORDS NOT REQUIRED.—

13 Nothing in this section shall be construed as requir-  
14 ing the eligible entity to maintain separate records  
15 tracing any services or activities conducted under  
16 the approved plan to the individual programs under  
17 which funds were authorized for the services or ac-  
18 tivities, nor shall the eligible entity be required to al-  
19 locate expenditures among such individual programs.

20 “(m) OVERAGE.—The eligible entity may commingle  
21 all administrative funds from the consolidated programs  
22 and shall be entitled to the full amount of such funds  
23 (under each program’s or agency’s regulations). The over-  
24 age (defined as the difference between the amount of the  
25 commingled funds and the actual administrative cost of

1 the programs) shall be considered to be properly spent for  
2 Federal audit purposes, if the overage is used for the pur-  
3 poses provided for under this section.

4 “(n) FISCAL ACCOUNTABILITY.—Nothing in this  
5 subpart shall be construed so as to interfere with the abil-  
6 ity of the Secretary or the lead agency to fulfill the respon-  
7 sibilities for the safeguarding of Federal funds pursuant  
8 to chapter 75 of title 31, United States Code.

9 “(o) REPORT ON STATUTORY OBSTACLES TO PRO-  
10 GRAM INTEGRATION.—

11 “(1) IN GENERAL.—The Secretary of Education  
12 shall annually submit a report to the Committee on  
13 Health, Education, Labor, and Pensions and the  
14 Committee on Indian Affairs of the Senate, and the  
15 Committee on Education and the Workforce and the  
16 Committee on Natural Resources of the House of  
17 Representatives on the status of the implementation  
18 of the demonstration projects authorized under this  
19 section.

20 “(2) CONTENTS.—Such report shall identify—

21 “(A) statutory barriers to the ability of  
22 participants to more effectively integrate their  
23 education and related services to Indian stu-  
24 dents in a manner consistent with the objectives  
25 of this section; and

1                   “(B) the effective practices for program in-  
2                   tegration that result in increased student  
3                   achievement and other relevant outcomes for  
4                   Indian students.

5                   “(p) DEFINITIONS.—For the purposes of this section,  
6 the term ‘Secretary’ means—

7                   “(1) the Secretary of the Interior, in the case  
8                   of an entity meeting the definition of a contract or  
9                   grant school under title XI of the Education Amend-  
10                  ments of 1978; or

11                  “(2) the Secretary of Education, in the case of  
12                  any other entity.

13 **“SEC. 1267. STUDENT ELIGIBILITY FORMS.**

14                  “(a) IN GENERAL.—The Secretary shall require that,  
15 as part of an application for a grant under this chapter,  
16 each applicant shall maintain a file, with respect to each  
17 Indian child for whom the local educational agency pro-  
18 vides a free public education, that contains a form that  
19 sets forth information establishing the status of the child  
20 as an Indian child eligible for assistance under this chap-  
21 ter, and that otherwise meets the requirements of sub-  
22 section (b).

23                  “(b) FORMS.—The form described in subsection (a)  
24 shall include—

25                  “(1) either—

1           “(A)(i) the name of the tribe or band of  
2           Indians (as defined in section 1291) with re-  
3           spect to which the child claims membership;

4           “(ii) the enrollment number establishing  
5           the membership of the child (if readily avail-  
6           able); and

7           “(iii) the name and address of the organi-  
8           zation that maintains updated and accurate  
9           membership data for such tribe or band of Indi-  
10          ans; or

11          “(B) the name, the enrollment number (if  
12          readily available), and the name and address of  
13          the organization responsible for maintaining up-  
14          dated and accurate membership data, of any  
15          parent or grandparent of the child from whom  
16          the child claims eligibility under this chapter, if  
17          the child is not a member of the tribe or band  
18          of Indians (as so defined);

19          “(2) a statement of whether the tribe or band  
20          of Indians (as so defined), with respect to which the  
21          child, or parent or grandparent of the child, claims  
22          membership, is federally recognized;

23          “(3) the name and address of the parent or  
24          legal guardian of the child; and



1           “(4) a signature of the parent or legal guardian  
2           of the child that verifies the accuracy of the informa-  
3           tion supplied.

4           “(c) STATUTORY CONSTRUCTION.—Nothing in this  
5           section shall be construed to affect a definition contained  
6           in section 1291.

7           “(d) FORMS AND STANDARDS OF PROOF.—The  
8           forms and the standards of proof (including the standard  
9           of good faith compliance) that were in use during the  
10          1985–1986 academic year to establish the eligibility of a  
11          child for entitlement under the Indian Elementary and  
12          Secondary School Assistance Act shall be the forms and  
13          standards of proof used—

14                 “(1) to establish eligibility under this chapter;  
15          and

16                 “(2) to meet the requirements of subsection (a).

17          “(e) DOCUMENTATION.—For purposes of deter-  
18          mining whether a child is eligible to be counted for the  
19          purpose of computing the amount of a grant award under  
20          section 1263, the membership of the child, or any parent  
21          or grandparent of the child, in a tribe or band of Indians  
22          (as so defined) may be established by proof other than  
23          an enrollment number, notwithstanding the availability of  
24          an enrollment number for a member of such tribe or band.

1 Nothing in subsection (b) shall be construed to require  
2 the furnishing of an enrollment number.

3 “(f) MONITORING AND EVALUATION REVIEW.—

4 “(1) IN GENERAL.—

5 “(A) REVIEW.—For each fiscal year, in  
6 order to provide such information as is nec-  
7 essary to carry out the responsibility of the Sec-  
8 retary to provide technical assistance under this  
9 chapter, the Secretary shall conduct a moni-  
10 toring and evaluation review of a sampling of  
11 the recipients of grants under this chapter. The  
12 sampling conducted under this subparagraph  
13 shall take into account the size of and the geo-  
14 graphic location of each local educational agen-  
15 cy.

16 “(B) EXCEPTION.—A local educational  
17 agency may not be held liable to the United  
18 States or be subject to any penalty, by reason  
19 of the findings of an audit that relates to the  
20 date of completion, or the date of submission,  
21 of any forms used to establish, before April 28,  
22 1988, the eligibility of a child for an entitle-  
23 ment under the Indian Elementary and Sec-  
24 ondary School Assistance Act.

1           “(2) FALSE INFORMATION.—Any local edu-  
2           cational agency that provides false information in an  
3           application for a grant under this chapter shall—

4                   “(A) be ineligible to apply for any other  
5           grant under this chapter; and

6                   “(B) be liable to the United States for any  
7           funds from the grant that have not been ex-  
8           pended.

9           “(3) EXCLUDED CHILDREN.—A student who  
10          provides false information for the form required  
11          under subsection (a) shall not be counted for the  
12          purpose of computing the amount of a grant under  
13          section 1263.

14          “(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—  
15          Notwithstanding any other provision of this section, in cal-  
16          culating the amount of a grant under this chapter to a  
17          tribal school that receives a grant or contract from the  
18          Bureau of Indian Education, the Secretary shall use only  
19          one of the following, as selected by the school:

20                   “(1) A count of the number of students in the  
21          schools certified by the Bureau.

22                   “(2) A count of the number of students for  
23          whom the school has eligibility forms that comply  
24          with this section.

1       “(h) TIMING OF CHILD COUNTS.—For purposes of  
2 determining the number of children to be counted in calcu-  
3 lating the amount of a local educational agency’s grant  
4 under this chapter (other than in the case described in  
5 subsection (g)(1)), the local educational agency shall—

6           “(1) establish a date on, or a period not longer  
7 than 31 consecutive days during, which the agency  
8 counts those children, if that date or period occurs  
9 before the deadline established by the Secretary for  
10 submitting an application under section 1264; and

11           “(2) determine that each such child was en-  
12 rolled, and receiving a free public education, in a  
13 school of the agency on that date or during that pe-  
14 riod, as the case may be.

15 **“SEC. 1268. PAYMENTS.**

16       “(a) IN GENERAL.—Subject to subsections (b) and  
17 (c), the Secretary shall pay to each local educational agen-  
18 cy that submits an application that is approved by the Sec-  
19 retary under this chapter the amount determined under  
20 section 1263. The Secretary shall notify the local edu-  
21 cational agency of the amount of the payment not later  
22 than June 1 of the year for which the Secretary makes  
23 the payment.

24       “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE  
25 STATE.—The Secretary may not make a grant under this

1 chapter to a local educational agency for a fiscal year if,  
2 for such fiscal year, the State in which the local edu-  
3 cational agency is located takes into consideration pay-  
4 ments made under this chapter in determining the eligi-  
5 bility of the local educational agency for State aid, or the  
6 amount of the State aid, with respect to the free public  
7 education of children during such fiscal year or the pre-  
8 ceding fiscal year.

9 “(c) REALLOCATIONS.—The Secretary may reallo-  
10 cate, in a manner that the Secretary determines will best  
11 carry out the purpose of this chapter, any amounts that—

12 “(1) based on estimates made by local edu-  
13 cational agencies or other information, the Secretary  
14 determines will not be needed by such agencies to  
15 carry out approved programs under this chapter; or

16 “(2) otherwise become available for reallocation  
17 under this chapter.

18 **“SEC. 1269. STATE EDUCATIONAL AGENCY REVIEW.**

19 “Before submitting an application to the Secretary  
20 under section 1264, a local educational agency shall sub-  
21 mit the application to the State educational agency, which  
22 may comment on such application. If the State educational  
23 agency comments on the application, the agency shall com-  
24 ment on all applications submitted by local educational  
25 agencies in the State and shall provide those comments

1 to the respective local educational agencies, with an oppor-  
2 tunity to respond.

3 **“CHAPTER B—SPECIAL PROGRAMS AND**  
4 **PROJECTS TO IMPROVE EDU-**  
5 **CATIONAL OPPORTUNITIES FOR IN-**  
6 **DIAN CHILDREN**

7 **“SEC. 1271. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**  
8 **TIES FOR INDIAN CHILDREN.**

9 “(a) PURPOSE.—

10 “(1) IN GENERAL.—It is the purpose of this  
11 section to support projects to develop, test, and dem-  
12 onstrate the effectiveness of services and programs  
13 to improve educational opportunities and achieve-  
14 ment of Indian children.

15 “(2) COORDINATION.—The Secretary shall take  
16 the necessary actions to achieve the coordination of  
17 activities assisted under this chapter with—

18 “(A) other programs funded under this  
19 Act; and

20 “(B) other Federal programs operated for  
21 the benefit of American Indian and Alaska Na-  
22 tive children.

23 “(b) ELIGIBLE ENTITIES.—In this section, the term  
24 ‘eligible entity’ means a State educational agency, local  
25 educational agency, Indian tribe, Indian organization, fed-

1 erally supported elementary school or secondary school for  
2 Indian students, Indian institution (including an Indian  
3 institution of higher education), or a consortium of such  
4 entities.

5 “(c) GRANTS AUTHORIZED.—

6 “(1) IN GENERAL.—From amounts appro-  
7 priated under section 3(a)(1), the Secretary shall re-  
8 serve 0.2 of one percent to award grants to eligible  
9 entities to enable such entities to carry out activities  
10 under this section and section 1272.

11 “(2) USES OF FUNDS.—An eligible entity that  
12 receives a grant under this section shall use the  
13 funds for one or more activities, including—

14 “(A) innovative programs related to the  
15 educational needs of educationally disadvan-  
16 taged children;

17 “(B) educational services that are not  
18 available to such children in sufficient quantity  
19 or quality, including remedial instruction, to  
20 raise the achievement of Indian children in one  
21 or more of the core academic subjects of  
22 English, mathematics, science, foreign lan-  
23 guages, art, history, and geography;

24 “(C) bilingual and bicultural programs and  
25 projects;

1           “(D) special health and nutrition services,  
2           and other related activities, that address the  
3           special health, social, and psychological prob-  
4           lems of Indian children;

5           “(E) special compensatory and other pro-  
6           grams and projects designed to assist and en-  
7           courage Indian children to enter, remain in, or  
8           reenter school, and to increase the rate of high  
9           school graduation for Indian children;

10          “(F) comprehensive guidance, counseling,  
11          and testing services;

12          “(G) early childhood and kindergarten pro-  
13          grams, including family-based preschool pro-  
14          grams that emphasize school readiness and pa-  
15          rental skills, and the provision of services to In-  
16          dian children with disabilities;

17          “(H) partnership projects between local  
18          educational agencies and institutions of higher  
19          education that allow secondary school students  
20          to enroll in courses at the postsecondary level to  
21          aid such students in the transition from sec-  
22          ondary to postsecondary education;

23          “(I) partnership projects between schools  
24          and local businesses for career preparation pro-  
25          grams designed to provide Indian youth with



1 the knowledge and skills such youth need to  
2 make an effective transition from school to a  
3 high-skill, high-wage career;

4 “(J) programs designed to encourage and  
5 assist Indian students to work toward, and gain  
6 entrance into, an institution of higher edu-  
7 cation;

8 “(K) family literacy services;

9 “(L) activities that recognize and support  
10 the unique cultural and educational needs of In-  
11 dian children, and incorporate appropriately  
12 qualified tribal elders and seniors; or

13 “(M) other services that meet the purpose  
14 described in this section.

15 “(3) PROFESSIONAL DEVELOPMENT.—Evidence  
16 based professional development of teaching profes-  
17 sionals and paraprofessionals may be a part of any  
18 program assisted under this section.

19 “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

20 “(1) GRANT REQUIREMENTS.—

21 “(A) IN GENERAL.—The Secretary may  
22 make multiyear grants under subsection (c) for  
23 the planning, development, pilot operation, or  
24 demonstration of any activity described in sub-  
25 section (c) for a period not to exceed 5 years.

1           “(B) PRIORITY.—In making multiyear  
2 grants described in this paragraph, the Sec-  
3 retary shall give priority to entities submitting  
4 applications that present a plan for combining  
5 two or more of the activities described in sub-  
6 section (c) over a period of more than 1 year.

7           “(C) PROGRESS.—The Secretary shall  
8 make a grant payment for a grant described in  
9 this paragraph to an eligible entity after the  
10 initial year of the multiyear grant only if the  
11 Secretary determines that the eligible entity has  
12 made substantial progress in carrying out the  
13 activities assisted under the grant in accordance  
14 with the application submitted under paragraph  
15 (3) and any subsequent modifications to such  
16 application.

17           “(2) DISSEMINATION GRANTS.—

18           “(A) IN GENERAL.—In addition to award-  
19 ing the multiyear grants described in paragraph  
20 (1), the Secretary may award grants under sub-  
21 section (c) to eligible entities for the dissemina-  
22 tion of exemplary materials or programs as-  
23 sisted under this section.

24           “(B) DETERMINATION.—The Secretary  
25 may award a dissemination grant described in

1           this paragraph if, prior to awarding the grant,  
2           the Secretary determines that the material or  
3           program to be disseminated—

4                   “(i) has been adequately reviewed;

5                   “(ii) has demonstrated educational  
6                   merit; and

7                   “(iii) can be replicated.

8           “(3) APPLICATION.—

9                   “(A) IN GENERAL.—Any eligible entity  
10           that desires to receive a grant under this sec-  
11           tion shall submit an application to the Sec-  
12           retary at such time and in such manner as the  
13           Secretary may reasonably require.

14                   “(B) CONTENTS.—Each application sub-  
15           mitted to the Secretary under subparagraph  
16           (A), other than an application for a dissemina-  
17           tion grant under paragraph (2), shall contain—

18                   “(i) a description of how parents of  
19           Indian children and representatives of In-  
20           dian tribes have been, and will be, involved  
21           in developing and implementing the activi-  
22           ties for which assistance is sought;

23                   “(ii) assurances that the applicant will  
24           participate, at the request of the Secretary,

1 in any national evaluation of activities as-  
2 sisted under this section;

3 “(iii) information demonstrating that  
4 the proposed program for the activities is  
5 an evidence-based program, which may in-  
6 clude a program that has been modified to  
7 be culturally appropriate for students who  
8 will be served; and

9 “(iv) a description of how the appli-  
10 cant will incorporate the proposed activities  
11 into the ongoing school program involved  
12 once the grant period is over.

13 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-  
14 cent of the funds provided to a grantee under this chapter  
15 for any fiscal year may be used for administrative pur-  
16 poses.

17 **“SEC. 1272. PROFESSIONAL DEVELOPMENT FOR TEACHERS**  
18 **AND EDUCATION PROFESSIONALS.**

19 “(a) PURPOSES.—The purposes of this section are—

20 “(1) to increase the number of qualified Indian  
21 teachers, school leaders, or other education profes-  
22 sionals serving Indian students, including through  
23 recruitment strategies;

24 “(2) to provide training to qualified Indian indi-  
25 viduals to enable such individuals to become effective

1 teachers, school leaders, administrators, teacher  
2 aides, social workers, and ancillary educational per-  
3 sonnel; and

4 “(3) to improve the skills of qualified Indian in-  
5 dividuals who serve in the capacities described in  
6 paragraph (2).

7 “(b) ELIGIBLE ENTITIES.—For the purpose of this  
8 section, the term ‘eligible entity’ means—

9 “(1) an institution of higher education, includ-  
10 ing an Indian institution of higher education;

11 “(2) a State educational agency or local edu-  
12 cational agency, in consortium with an institution of  
13 higher education;

14 “(3) an Indian tribe or organization, in consor-  
15 tium with an institution of higher education; and

16 “(4) a Bureau-funded school (as defined in sec-  
17 tion 1146 of the Education Amendments of 1978).

18 “(c) PROGRAM AUTHORIZED.—The Secretary is au-  
19 thorized to award grants from funds reserved under sec-  
20 tion 1271(c)(1) to eligible entities having applications ap-  
21 proved under this section to enable those entities to carry  
22 out the activities described in subsection (d).

23 “(d) AUTHORIZED ACTIVITIES.—

24 “(1) IN GENERAL.—Grant funds under this sec-  
25 tion shall be used for activities to provide support

1 and training for Indian individuals in a manner con-  
2 sistent with the purposes of this section.

3 “(2) SPECIAL RULES.—

4 “(A) TYPE OF TRAINING.—For education  
5 personnel, the training received pursuant to a  
6 grant under this section may be inservice or  
7 preservice training.

8 “(B) PROGRAM.—For individuals who are  
9 being trained to enter any education-related  
10 field other than teaching, the training received  
11 pursuant to a grant under this section shall be  
12 in a program that results in a graduate degree.

13 “(e) APPLICATION.—Each eligible entity desiring a  
14 grant under this section shall submit an application to the  
15 Secretary at such time and in such manner as the Sec-  
16 retary may reasonably require. An application shall in-  
17 clude how the eligible entity will—

18 “(1) recruit qualified Indian individuals, such  
19 as students who may not be of traditional college  
20 age, to become teachers or school leaders;

21 “(2) use funds made available under the grant  
22 to support the recruitment, preparation, and profes-  
23 sional development of Indian teachers or school lead-  
24 ers in local educational agencies that serve a high  
25 proportion of Indian students; and

1           “(3) assist participants in meeting the require-  
2           ments under subsection (h).

3           “(f) SPECIAL RULE.—In awarding grants under this  
4           section, the Secretary—

5           “(1) shall consider the prior performance of the  
6           eligible entity; and

7           “(2) may not limit eligibility to receive a grant  
8           under this section on the basis of—

9           “(A) the number of previous grants the  
10           Secretary has awarded such entity; or

11           “(B) the length of any period during which  
12           such entity received such grants.

13           “(g) GRANT PERIOD.—Each grant under this section  
14           shall be awarded for an initial period of not more than  
15           three years, and may be renewed for not more than an  
16           additional two years if the Secretary finds that the grantee  
17           is meeting the grant objectives.

18           “(h) SERVICE OBLIGATION.—

19           “(1) IN GENERAL.—The Secretary shall re-  
20           quire, by regulation, that an individual who receives  
21           training pursuant to a grant made under this sec-  
22           tion—

23           “(A) perform work—

24           “(i) related to the training received  
25           under this section; and

1 “(ii) that benefits Indian people; or

2 “(B) repay all or a prorated part of the as-  
3 sistance received.

4 “(2) REPORTING.—The Secretary shall estab-  
5 lish, by regulation, a reporting procedure under  
6 which a grant recipient under this section shall, not  
7 later than 12 months after the date of completion of  
8 the training, and periodically thereafter, provide in-  
9 formation concerning compliance with the work re-  
10 quirement under paragraph (1).

11 **“CHAPTER C—FEDERAL ADMINISTRATION**

12 **“SEC. 1281. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-  
13 CATION.**

14 “(a) MEMBERSHIP.—There is established a National  
15 Advisory Council on Indian Education (hereafter in this  
16 section referred to as the ‘Council’), which shall—

17 “(1) consist of 15 Indian members, who shall  
18 be appointed by the President from lists of nominees  
19 furnished, from time to time, by Indian tribes and  
20 organizations; and

21 “(2) represent different geographic areas of the  
22 United States.

23 “(b) DUTIES.—The Council shall—

24 “(1) advise the Secretary concerning the fund-  
25 ing and administration (including the development of



1 regulations and administrative policies and prac-  
2 tices) of any program, including any program estab-  
3 lished under this subpart—

4 “(A) with respect to which the Secretary  
5 has jurisdiction; and

6 “(B)(i) that includes Indian children or  
7 adults as participants; or

8 “(ii) that may benefit Indian children  
9 or adults;

10 “(2) make recommendations to the Secretary  
11 for filling the position of Director of Indian Edu-  
12 cation whenever a vacancy occurs; and

13 “(3) submit to Congress, not later than June  
14 30 of each year, a report on the activities of the  
15 Council, including—

16 “(A) any recommendations that the Coun-  
17 cil considers appropriate for the improvement of  
18 Federal education programs that include Indian  
19 children or adults as participants, or that may  
20 benefit Indian children or adults; and

21 “(B) recommendations concerning the  
22 funding of any program described in subpara-  
23 graph (A).

1 **“SEC. 1282. PEER REVIEW.**

2 “The Secretary may use a peer review process to re-  
3 view applications submitted to the Secretary under chap-  
4 ter B.

5 **“SEC. 1283. PREFERENCE FOR INDIAN APPLICANTS.**

6 “In making grants and entering into contracts or co-  
7 operative agreements under chapter B, the Secretary shall  
8 give a preference to Indian tribes, organizations, and insti-  
9 tutions of higher education under any program with re-  
10 spect to which Indian tribes, organizations, and institu-  
11 tions are eligible to apply for grants, contracts, or coopera-  
12 tive agreements.

13 **“SEC. 1284. MINIMUM GRANT CRITERIA.**

14 “The Secretary may not approve an application for  
15 a grant, contract, or cooperative agreement under chapter  
16 B unless the application is for a grant, contract, or cooper-  
17 ative 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 **“CHAPTER D—DEFINITIONS**

23 **“SEC. 1291. DEFINITIONS.**

24 “For the purposes of this subpart:

25 “(1) ADULT.—The term ‘adult’ means an indi-  
26 vidual who—

1           “(A) has attained the age of 16 years; or

2           “(B) has attained an age that is greater  
3 than the age of compulsory school attendance  
4 under an applicable State law.

5           “(2) ALASKA NATIVE.—The term ‘Alaska Na-  
6 tive’ has the same meaning as the term ‘Native’ has  
7 in section 3(b) of the Alaska Native Claims Settle-  
8 ment Act.

9           “(3) FREE PUBLIC EDUCATION.—The term  
10 ‘free public education’ means education that is—

11           “(A) provided at public expense, under  
12 public supervision and direction, and without  
13 tuition charge; and

14           “(B) provided as elementary or secondary  
15 education in the applicable State or to preschool  
16 children.

17           “(4) INDIAN.—The term ‘Indian’ means an in-  
18 dividual who is—

19           “(A) a member of an Indian tribe or band,  
20 as membership is defined by the tribe or band,  
21 including—

22           “(i) any tribe or band terminated  
23 since 1940; and

1                   “(ii) any tribe or band recognized by  
2                   the State in which the tribe or band re-  
3                   sides;

4                   “(B) a descendant, in the first or second  
5                   degree, of an individual described in subpara-  
6                   graph (A);

7                   “(C) considered by the Secretary of the In-  
8                   terior to be an Indian for any purpose;

9                   “(D) an Eskimo, Aleut, or other Alaska  
10                  Native; or

11                  “(E) a member of an organized Indian  
12                  group that received a grant under the Indian  
13                  Education Act of 1988 as in effect the day pre-  
14                  ceding the date of enactment of the Improving  
15                  America’s Schools Act of 1994.”.

16                  (b) STRIKE.—The Act is amended by striking title  
17                  VII (20 U.S.C. 7401 et seq.).

## 18                  **Subtitle D—National Assessment**

### 19                  **SEC. 141. NATIONAL ASSESSMENT OF TITLE I.**

20                  (a) IN GENERAL.—Part E of title I (20 U.S.C. 6491  
21                  et seq.) is redesignated as part B of title I.

22                  (b) REPEALS.—Sections 1502 and 1504 (20 U.S.C.  
23                  6492; 6494) are repealed.

1           (c) REDESIGNATIONS.—Sections 1501 and 1503 (20  
2 U.S.C. 6491; 6493) are redesignated as sections 1301 and  
3 1302, respectively.

4           (d) AMENDMENTS TO SECTION 1301.—Section 1301  
5 (20 U.S.C. 6491), as so redesignated, is amended—

6                 (1) in subsection (a)—

7                     (A) in paragraph (1), by inserting “, act-  
8 ing through the Director of the Institute of  
9 Education Sciences (in this section and section  
10 1302 referred to as the ‘Director’),” after “The  
11 Secretary”;

12                    (B) in paragraph (2)—

13                         (i) by striking “Secretary” and insert-  
14 ing “Director”;

15                         (ii) in subparagraph (A), by striking  
16 “reaching the proficient level” and all that  
17 follows and inserting “graduating high  
18 school prepared for postsecondary edu-  
19 cation or the workforce.”;

20                         (iii) in subparagraph (B), by striking  
21 “reach the proficient” and all that follows  
22 and inserting “meet State academic stand-  
23 ards.”;

24                         (iv) by striking subparagraphs (D)  
25 and (G) and redesignating subparagraphs

1 (E), (F), and (H) through (O) as subpara-  
2 graphs (D) through (M), respectively;

3 (v) in subparagraph (D)(v) (as so re-  
4 designated), by striking “help schools in  
5 which” and all that follows and inserting  
6 “address disparities in the percentages of  
7 effective teachers teaching in low-income  
8 schools.”

9 (vi) in subparagraph (G) (as so reded-  
10 igned)—

11 (I) by striking “section 1116”  
12 and inserting “section  
13 1111(b)(3)(B)(iii)”; and

14 (II) by striking “, including the  
15 following” and all that follows and in-  
16 serting a period;

17 (vii) in subparagraph (I) (as so reded-  
18 igned), by striking “qualifications” and  
19 inserting “effectiveness”;

20 (viii) in subparagraph (J) (as so re-  
21 designated), by striking “, including funds  
22 under section 1002,”;

23 (ix) in subparagraph (L) (as so reded-  
24 igned), by striking “section

1 1111(b)(2)(C)(v)(II)” and inserting “sec-  
2 tion 1111(b)(3)(B)(ii)(II)”;

3 (x) in subparagraph (M) (as so redes-  
4 ignated), by striking “Secretary” and in-  
5 serting “Director”;

6 (C) in paragraph (3), by striking “Sec-  
7 retary” and inserting “Director”;

8 (D) in paragraph (4), by striking “Sec-  
9 retary” and inserting “Director”;

10 (E) in paragraph (5), by striking “Sec-  
11 retary” and inserting “Director”; and

12 (F) in paragraph (6)—

13 (i) by striking “No Child Left Behind  
14 Act of 2001” each place it appears and in-  
15 serting “Student Success Act”; and

16 (ii) by striking “Secretary” each place  
17 it appears and inserting “Director”;

18 (2) in subsection (b), by striking “Secretary”  
19 each place it appears and inserting “Director”;

20 (3) in subsection (c)—

21 (A) in paragraph (1)—

22 (i) by striking “Secretary” and insert-  
23 ing “Director”; and

24 (ii) by striking “part A” and inserting  
25 “subpart 1 of part A”;

1 (B) in paragraph (2)—

2 (i) by striking “Secretary” and insert-  
3 ing “Director”;

4 (ii) in subparagraph (B), by striking  
5 “challenging academic achievement stand-  
6 ards” and inserting “State academic  
7 standards”;

8 (iii) in subparagraph (E), by striking  
9 “effects of the availability” and all that  
10 follows and inserting “extent to which ac-  
11 tions authorized under section  
12 1111(b)(3)(B)(iii) improve the academic  
13 achievement of disadvantaged students and  
14 low-performing schools.”; and

15 (iv) in subparagraph (F), by striking  
16 “Secretary” and inserting “Director”; and  
17 (C) in paragraph (3)—

18 (i) by striking “Secretary” and insert-  
19 ing “Director”; and

20 (ii) by striking subparagraph (C) and  
21 inserting the following:

22 “(C) analyzes varying models or strategies  
23 for delivering school services, including  
24 schoolwide and targeted services.”; and



1           (4) in subsection (d), by striking “Secretary”  
2           each place it appears and inserting “Director”.

3           (e) AMENDMENTS TO SECTION 1302.—Section 1302  
4 (20 U.S.C. 6493), as so redesignated, is amended—

5           (1) in subsection (a)—

6                 (A) by striking “Secretary” and inserting  
7                 “Director”; and

8                 (B) by striking “and for making decisions  
9                 about the promotion and graduation of stu-  
10                dents”;

11           (2) in subsection (b)—

12                 (A) by striking “Secretary” the first place  
13                 it appears and inserting “Director”;

14                 (B) by striking “process,” and inserting  
15                 “process consistent with section 1206,”; and

16                 (C) by striking “Assistant Secretary of  
17                 Educational Research and Improvement” and  
18                 inserting “Director”;

19           (3) in subsection (d)—

20                 (A) in paragraph (1)—

21                         (i) in subparagraph (A), by striking  
22                         “to the State-defined level of proficiency”  
23                         and inserting “toward meeting the State  
24                         academic standards”; and

1 (ii) in subparagraph (C), by striking  
2 “pupil-services” and inserting “specialized  
3 instructional support services”;

4 (B) in paragraph (3), by striking “limited  
5 and nonlimited English proficient students”  
6 and inserting “English learners”; and

7 (C) in paragraph (6), by striking “Sec-  
8 retary” and inserting “Director”; and  
9 (4) in subsection (f)—

10 (A) by striking “Secretary” and inserting  
11 “Director”; and

12 (B) by striking “authorized to be appro-  
13 priated for this part” and inserting “appro-  
14 priated under section 3(a)(2)”.

## 15 **Subtitle E—Title I General** 16 **Provisions**

### 17 **SEC. 151. GENERAL PROVISIONS FOR TITLE I.**

18 Part I of title I (20 U.S.C. 6571 et seq.)—

19 (1) is transferred to and redesignated as part  
20 C of title I of the Act; and

21 (2) is amended to read as follows:

#### 22 **“PART C—GENERAL PROVISIONS**

#### 23 **“SEC. 1401. FEDERAL REGULATIONS.**

24 “(a) IN GENERAL.—The Secretary may, in accord-  
25 ance with subsections (b) through (d), issue such regula-

1 tions as are necessary to reasonably ensure there is com-  
2 pliance with this title.

3 “(b) NEGOTIATED RULEMAKING PROCESS.—

4 “(1) IN GENERAL.—Before publishing in the  
5 Federal Register proposed regulations to carry out  
6 this title, the Secretary shall obtain the advice and  
7 recommendations of representatives of Federal,  
8 State, and local administrators, parents, teachers,  
9 and members of local school boards and other orga-  
10 nizations involved with the implementation and oper-  
11 ation of programs under this title.

12 “(2) MEETINGS AND ELECTRONIC EX-  
13 CHANGE.—Such advice and recommendations may  
14 be obtained through such mechanisms as regional  
15 meetings and electronic exchanges of information.

16 “(3) PROPOSED REGULATIONS.—After obtain-  
17 ing such advice and recommendations, and before  
18 publishing proposed regulations, the Secretary  
19 shall—

20 “(A) establish a negotiated rulemaking  
21 process;

22 “(B) select individuals to participate in  
23 such process from among individuals or groups  
24 that provided advice and recommendations, in-  
25 cluding representation from all geographic re-

1           gions of the United States, in such numbers as  
2           will provide an equitable balance between rep-  
3           representatives of parents and students and rep-  
4           representatives of educators and education offi-  
5           cials; and

6                   “(C) prepare a draft of proposed policy op-  
7           tions that shall be provided to the individuals  
8           selected by the Secretary under subparagraph  
9           (B) not less than 15 days before the first meet-  
10          ing under such process.

11          “(c) PROPOSED RULEMAKING.—If the Secretary de-  
12       termines that a negotiated rulemaking process is unneces-  
13       sary or the individuals selected to participate in the proc-  
14       ess under paragraph (3)(B) fail to reach unanimous agree-  
15       ment, the Secretary may propose regulations under the  
16       following procedure:

17               “(1) Not less than 30 days prior to beginning  
18       a rulemaking process, the Secretary shall provide to  
19       Congress, including the Committee on Education  
20       and the Workforce of the House of Representatives  
21       and the Committee on Health, Education, Labor,  
22       and Pensions of the Senate, notice that shall in-  
23       clude—

24                   “(A) a copy of the proposed regulations;

25                   “(B) the need to issue regulations;

1           “(C) the anticipated burden, including the  
2           time, cost, and paperwork burden, the regula-  
3           tions will have on State educational agencies,  
4           local educational agencies, schools, and other  
5           entities that may be impacted by the regula-  
6           tions; and

7           “(D) any regulations that will be repealed  
8           when the new regulations are issued.

9           “(2) 30 days after giving notice of the proposed  
10          rule to Congress, the Secretary may proceed with  
11          the rulemaking process after all comments received  
12          from the Congress have been addressed and pub-  
13          lishing how such comments are addressed with the  
14          proposed rule.

15          “(3) The comment and review period for any  
16          proposed regulation shall be 90 days unless an emer-  
17          gency requires a shorter period, in which case such  
18          period shall be not less than 45 days and the Sec-  
19          retary shall—

20          “(A) designate the proposed regulation as  
21          an emergency with an explanation of the emer-  
22          gency in the notice and report to Congress  
23          under paragraph (1); and

1           “(B) publish the length of the comment  
2           and review period in such notice and in the  
3           Federal Register.

4           “(4) No regulation shall be made final after the  
5           comment and review period until the Secretary has  
6           published in the Federal Register an independent as-  
7           sessment of—

8           “(A) the burden, including the time, cost,  
9           and paperwork burden, the regulation will im-  
10          pose on State educational agencies, local edu-  
11          cational agencies, schools and other entities  
12          that may be impacted by the regulation; and

13          “(B) an explanation of how the entities de-  
14          scribed in subparagraph (A) may cover the cost  
15          of the burden assessed under subparagraph (A).

16          “(d) LIMITATION.—Regulations to carry out this title  
17          may not require local programs to follow a particular in-  
18          structional model, such as the provision of services outside  
19          the regular classroom or school program.

20          **“SEC. 1402. AGREEMENTS AND RECORDS.**

21          “(a) AGREEMENTS.—In the case in which a nego-  
22          tiated rule making process is established under subsection  
23          (b) of section 1401, all published proposed regulations  
24          shall conform to agreements that result from the rule-

1 making described in section 1401 unless the Secretary re-  
2 opens the negotiated rulemaking process.

3 “(b) RECORDS.—The Secretary shall ensure that an  
4 accurate and reliable record of agreements reached during  
5 the negotiations process is maintained.

6 **“SEC. 1403. STATE ADMINISTRATION.**

7 “(a) RULEMAKING.—

8 “(1) IN GENERAL.—Each State that receives  
9 funds under this title shall—

10 “(A) ensure that any State rules, regula-  
11 tions, and policies relating to this title conform  
12 to the purposes of this title and provide any  
13 such proposed rules, regulations, and policies to  
14 the committee of practitioners created under  
15 subsection (b) for review and comment;

16 “(B) minimize such rules, regulations, and  
17 policies to which the State’s local educational  
18 agencies and schools are subject;

19 “(C) eliminate or modify State and local  
20 fiscal accounting requirements in order to facili-  
21 tate the ability of schools to consolidate funds  
22 under schoolwide programs;

23 “(D) identify any such rule, regulation, or  
24 policy as a State-imposed requirement; and

1           “(E)(i) identify any duplicative or con-  
2           trasting requirements between the State and  
3           Federal rules or regulations;

4           “(ii) eliminate the rules and regulations  
5           that are duplicative of Federal requirements;  
6           and

7           “(iii) report any conflicting requirements  
8           to the Secretary and determine which Federal  
9           or State rule or regulation shall be followed.

10          “(2) SUPPORT AND FACILITATION.—State  
11          rules, regulations, and policies under this title shall  
12          support and facilitate local educational agency and  
13          school-level systemic reform designed to enable all  
14          children to meet the State academic standards.

15          “(b) COMMITTEE OF PRACTITIONERS.—

16                 “(1) IN GENERAL.—Each State educational  
17                 agency that receives funds under this title shall cre-  
18                 ate a State committee of practitioners to advise the  
19                 State in carrying out its responsibilities under this  
20                 title.

21                 “(2) MEMBERSHIP.—Each such committee  
22                 shall include—

23                         “(A) as a majority of its members, rep-  
24                         resentatives from local educational agencies;



1           “(B) administrators, including the admin-  
2           istrators of programs described in other parts  
3           of this title;

4           “(C) teachers from public charter schools,  
5           traditional public schools, and career and tech-  
6           nical educators;

7           “(D) parents;

8           “(E) members of local school boards;

9           “(F) representatives of private school chil-  
10          dren; and

11          “(G) specialized instructional support per-  
12          sonnel.

13          “(3) DUTIES.—The duties of such committee  
14          shall include a review, before publication, of any pro-  
15          posed or final State rule or regulation pursuant to  
16          this title. In an emergency situation where such rule  
17          or regulation must be issued within a very limited  
18          time to assist local educational agencies with the op-  
19          eration of the program under this title, the State  
20          educational agency may issue a regulation without  
21          prior consultation, but shall immediately thereafter  
22          convene the State committee of practitioners to re-  
23          view the emergency regulation before issuance in  
24          final form.

1 **“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED**  
2 **SPENDING.**

3 “Nothing in this title shall be construed to mandate  
4 equalized spending per pupil for a State, local educational  
5 agency, or school.”.

6 **TITLE II—TEACHER PREPARA-**  
7 **TION AND EFFECTIVENESS**

8 **SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.**

9 (a) **HEADING.**—The title heading for title II (20  
10 U.S.C. 6601 et seq.) is amended to read as follows:

11 **“TITLE II—TEACHER PREPARA-**  
12 **TION AND EFFECTIVENESS”.**

13 (b) **PART A.**—Part A of title II (20 U.S.C. 6601 et  
14 seq.) is amended to read as follows:

15 **“PART A—SUPPORTING EFFECTIVE**  
16 **INSTRUCTION**

17 **“SEC. 2101. PURPOSE.**

18 “The purpose of this part is to provide grants to  
19 State educational agencies and subgrants to local edu-  
20 cational agencies to—

21 “(1) increase student achievement consistent  
22 with State academic standards under section 1111;

23 “(2) improve teacher and school leader effec-  
24 tiveness in classrooms and schools respectively;

25 “(3) provide evidence-based, job-embedded, con-  
26 tinuous professional development; and

1           “(4) develop and implement teacher evaluation  
2           systems that use, in part, student achievement data  
3           to determine teacher effectiveness.

4                           **“Subpart 1—Grants to States**

5           **“SEC. 2111. ALLOTMENTS TO STATES.**

6           “(a) IN GENERAL.—Of the amounts appropriated  
7           under section 3(b), the Secretary shall reserve 75 percent  
8           to make grants to States with applications approved under  
9           section 2112 to pay for the Federal share of the cost of  
10          carrying out the activities specified in section 2113. Each  
11          grant shall consist of the allotment determined for a State  
12          under subsection (b).

13          “(b) DETERMINATION OF ALLOTMENTS.—

14                       “(1) RESERVATION OF FUNDS.—Of the amount  
15          reserved under subsection (a) for a fiscal year, the  
16          Secretary shall reserve—

17                           “(A) not more than 1 percent to carry out  
18          national activities under section 2132;

19                           “(B) one-half of 1 percent for allotments  
20          to outlying areas on the basis of their relative  
21          need, as determined by the Secretary, in ac-  
22          cordance with the purpose of this part; and

23                           “(C) one-half of 1 percent for the Sec-  
24          retary of the Interior for programs under this

1 part in schools operated or funded by the Bu-  
2 reau of Indian Education.

3 “(2) STATE ALLOTMENTS.—

4 “(A) IN GENERAL.—Subject to subpara-  
5 graph (B), from the funds reserved under sub-  
6 section (a) for any fiscal year and not reserved  
7 under paragraph (1), the Secretary shall allot  
8 to each State the sum of—

9 “(i) an amount that bears the same  
10 relationship to 50 percent of the funds as  
11 the number of individuals age 5 through  
12 17 in the State, as determined by the Sec-  
13 retary on the basis of the most recent sat-  
14 isfactory data, bears to the number of  
15 those individuals in all such States, as so  
16 determined; and

17 “(ii) an amount that bears the same  
18 relationship to 50 percent of the funds as  
19 the number of individuals age 5 through  
20 17 from families with incomes below the  
21 poverty line in the State, as determined by  
22 the Secretary on the basis of the most re-  
23 cent satisfactory data, bears to the number  
24 of those individuals in all such States, as  
25 so determined.

1           “(B) SMALL STATE MINIMUM.—No State  
2           receiving an allotment under subparagraph (A)  
3           may receive less than one-half of 1 percent of  
4           the total amount of funds allotted under such  
5           subparagraph for a fiscal year.

6           “(c) ALTERNATE DISTRIBUTION OF FUNDS.—

7           “(1) IN GENERAL.—Subject to paragraphs (2)  
8           through (5), if a State does not apply to the Sec-  
9           retary for an allotment under this section, a local  
10          educational agency located in such State may apply  
11          to the Secretary for a portion of the funds that  
12          would have been allotted to the State had such State  
13          applied for an allotment under this section to carry  
14          out the activities under this part.

15          “(2) APPLICATION.—In order to receive an al-  
16          lotment under paragraph (1), a local educational  
17          agency shall submit to the Secretary an application  
18          at such time, in such manner, and containing the in-  
19          formation described in section 2122.

20          “(3) USE OF FUNDS.—A local educational  
21          agency receiving an allotment under paragraph  
22          (1)—

23                  “(A) shall use such funds to carry out the  
24                  activities described in section 2123(1); and

1           “(B) may use such funds to carry out the  
2           activities described in section 2123(2).

3           “(4) REPORTING REQUIREMENTS.—A local edu-  
4           cational agency receiving an allotment under para-  
5           graph (1) shall carry out the reporting requirements  
6           described in section 2131(a), except that annual re-  
7           ports shall be submitted to the Secretary and not a  
8           State educational agency.

9           “(5) AMOUNT OF ALLOTMENT.—An allotment  
10          made to a local educational agency under paragraph  
11          (1) for a fiscal year shall be equal to the amount of  
12          subgrant funds that the local educational agency  
13          would have received under subpart 2 had such agen-  
14          cy applied for a subgrant under such subpart for  
15          such fiscal year.

16          “(d) REALLOTMENT.—If a State does not apply for  
17          an allotment under this section for any fiscal year or only  
18          a portion of the State’s allotment is allotted under sub-  
19          section (c), the Secretary shall reallocate the State’s entire  
20          allotment or the remaining portion of its allotment, as the  
21          case may be, to the remaining States in accordance with  
22          subsection (b).

23          **“SEC. 2112. STATE APPLICATION.**

24          “(a) IN GENERAL.—For a State to be eligible to re-  
25          ceive a grant under this subpart, the State educational

1 agency shall submit an application to the Secretary at  
2 such time and in such a manner as the Secretary may  
3 reasonably require, which shall include the following:

4           “(1) A description of how the State educational  
5 agency will meet the requirements of this subpart.

6           “(2) A description of how the State educational  
7 agency will use a grant received under section 2111,  
8 including the grant funds the State will reserve for  
9 State-level activities under section 2113(a)(2).

10           “(3) A description of how the State educational  
11 agency will facilitate the sharing of evidence-based  
12 and other effective strategies among local edu-  
13 cational agencies.

14           “(4) A description of how, and under what  
15 timeline, the State educational agency will allocate  
16 subgrants under subpart 2 to local educational agen-  
17 cies.

18           “(5) In the case of a State educational agency  
19 that is not developing or implementing a statewide  
20 teacher evaluation system, a description of how the  
21 State educational agency will ensure that each local  
22 educational agency in the State receiving a subgrant  
23 under subpart 2 will implement a teacher evaluation  
24 system that meets the requirements of clauses (i)  
25 through (v) of section 2123(1)(A).

1           “(6) In the case of a State educational agency  
2           that is developing or implementing a statewide  
3           teacher evaluation system—

4                   “(A) a description of how the State edu-  
5                   cational agency will work with local educational  
6                   agencies in the State to implement the state-  
7                   wide teacher evaluation system within 3 years  
8                   of the date of enactment of the Student Success  
9                   Act; and

10                   “(B) an assurance that the statewide  
11                   teacher evaluation system complies with clauses  
12                   (i) through (v) of section 2123(1)(A).

13           “(7) An assurance that the State educational  
14           agency will comply with section 5501 (regarding par-  
15           ticipation by private school children and teachers).

16           “(b) DEEMED APPROVAL.—An application submitted  
17           by a State educational agency under subsection (a) shall  
18           be deemed to be approved by the Secretary unless the Sec-  
19           retary makes a written determination, prior to the expira-  
20           tion of the 120-day period beginning on the date on which  
21           the Secretary received the application, that the application  
22           is not in compliance with this subpart.

23           “(c) DISAPPROVAL.—The Secretary shall not finally  
24           disapprove an application, except after giving the State



1 educational agency notice and an opportunity for a hear-  
2 ing.

3 “(d) NOTIFICATION.—If the Secretary finds that an  
4 application is not in compliance, in whole or in part, with  
5 this subpart, the Secretary shall—

6 “(1) give the State educational agency notice  
7 and an opportunity for a hearing; and

8 “(2) notify the State educational agency of the  
9 finding of noncompliance and, in such notification,  
10 shall—

11 “(A) cite the specific provisions in the ap-  
12 plication that are not in compliance; and

13 “(B) request additional information, only  
14 as to the noncompliant provisions, needed to  
15 make the application compliant.

16 “(e) RESPONSE.—If a State educational agency re-  
17 sponds to a notification from the Secretary under sub-  
18 section (d)(2) during the 45-day period beginning on the  
19 date on which the agency received the notification, and  
20 resubmits the application with the requested information

21 described in subsection (d)(2)(B), the Secretary shall ap-  
22 prove or disapprove such application prior to the later of—

23 “(1) the expiration of the 45-day period begin-  
24 ning on the date on which the application is resub-  
25 mitted; or

1           “(2) the expiration of the 120-day period de-  
2           scribed in subsection (b).

3           “(f) FAILURE TO RESPOND.—If a State educational  
4           agency does not respond to a notification from the Sec-  
5           retary under subsection (d)(2) during the 45-day period  
6           beginning on the date on which the agency received the  
7           notification, such application shall be deemed to be dis-  
8           approved.

9           **“SEC. 2113. STATE USE OF FUNDS.**

10          “(a) IN GENERAL.—A State educational agency that  
11          receives a grant under section 2111 shall—

12                 “(1) reserve 95 percent of the grant funds to  
13                 make subgrants to local educational agencies under  
14                 subpart 2; and

15                 “(2) use the remainder of the funds, after re-  
16                 serving funds under paragraph (1), for the State ac-  
17                 tivities described in subsection (b), except that the  
18                 State may reserve not more than 1 percent of the  
19                 grant funds for planning and administration related  
20                 to carrying out activities described in subsection (b).

21          “(b) STATE-LEVEL ACTIVITIES.—A State educational  
22          agency that receives a grant under section 2111—

23                 “(1) shall 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 that meets the requirements of  
9           clauses (i) through (v) of section  
10          2123(1)(A); and

11                           “(II) training school leaders in  
12          using such evaluation system; or

13                           “(ii) in the case of a State educational  
14          agency implementing a statewide teacher  
15          evaluation system, implementing such eval-  
16          uation system; and

17           “(B) fulfill the State educational agency’s  
18          responsibilities with respect to the proper and  
19          efficient administration of the subgrant pro-  
20          gram carried out under this part; and

21          “(2) may use the amount described in sub-  
22          section (a)(2) to—

23                           “(A) disseminate and share evidence-based  
24          and other effective practices related to teacher

1 and school leader effectiveness and professional  
2 development;

3 “(B) provide professional development for  
4 teachers and school leaders in the State con-  
5 sistent with section 2123(2)(D); and

6 “(C) provide training and technical assist-  
7 ance to local educational agencies on—

8 “(i) in the case of a State educational  
9 agency not implementing a statewide  
10 school leader evaluation system, the devel-  
11 opment and implementation of a school  
12 leader evaluation system; and

13 “(ii) in the case of a State educational  
14 agency implementing a statewide school  
15 leader evaluation system, implementing  
16 such evaluation system.

17 **“Subpart 2—Subgrants to Local Educational**  
18 **Agencies**

19 **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**  
20 **CIES.**

21 “(a) IN GENERAL.—Each State receiving a grant  
22 under section 2111 shall use the funds reserved under sec-  
23 tion 2113(a)(1) to award subgrants to local educational  
24 agencies under this section.

1       “(b) ALLOCATION OF FUNDS.—From the funds re-  
2 served by a State under section 2113(a)(1), the State edu-  
3 cational agency shall allocate to each local educational  
4 agency in the State the sum of—

5           “(1) an amount that bears the same relation-  
6 ship to 50 percent of the funds as the number of in-  
7 dividuals age 5 through 17 in the geographic area  
8 served by the local educational agency, as deter-  
9 mined by the State on the basis of the most recent  
10 satisfactory data, bears to the number of those indi-  
11 viduals in the geographic areas served by all the  
12 local educational agencies in the State, as so deter-  
13 mined; and

14           “(2) an amount that bears the same relation-  
15 ship to 50 percent of the funds as the number of in-  
16 dividuals age 5 through 17 from families with in-  
17 comes below the poverty line in the geographic area  
18 served by the local educational agency, as deter-  
19 mined by the State on the basis of the most recent  
20 satisfactory data, bears to the number of those indi-  
21 viduals in the geographic areas served by all the  
22 local educational agencies in the State, as so deter-  
23 mined.

1 **“SEC. 2122. LOCAL APPLICATIONS.**

2 “To be eligible to receive a subgrant under this sub-  
3 part, a local educational agency shall submit an applica-  
4 tion to the State educational agency involved at such time,  
5 in such a manner, and containing such information as the  
6 State educational agency may reasonably require that, at  
7 a minimum, shall include the following:

8 “(1) A description of—

9 “(A) how the local educational agency will  
10 meet the requirements of this subpart;

11 “(B) how the activities to be carried out by  
12 the local educational agency under this subpart  
13 will be evidence-based, improve student aca-  
14 demic achievement, and improve teacher and  
15 school leader effectiveness;

16 “(C) in the case of a local educational  
17 agency not in a State with a statewide teacher  
18 evaluation system, the teacher evaluation sys-  
19 tem that will be developed and implemented  
20 under section 2123(1) and how such system will  
21 meet the requirements described in clauses (i)  
22 through (v) of section 2123(1)(A);

23 “(D) how, in developing and implementing  
24 such a teacher evaluation system, the local edu-  
25 cational agency will work with parents, teach-  
26 ers, school leaders, and other staff of the

1 schools served by the local educational agency;  
2 and

3 “(E) how the local educational agency will  
4 develop and implement such a teacher evalua-  
5 tion system within 3 years of the date of enact-  
6 ment of the Student Success Act.

7 “(2) In the case of a local educational agency  
8 in a State with a statewide teacher evaluation sys-  
9 tem, a description of how the local educational agen-  
10 cy will work with the State educational agency to  
11 implement the statewide teacher evaluation system  
12 within 3 years of the date of enactment of the Stu-  
13 dent Success Act.

14 “(3) An assurance that the local educational  
15 agency will comply with section 5501 (regarding par-  
16 ticipation by private school children and teachers).

17 **“SEC. 2123. LOCAL USE OF FUNDS.**

18 “A local educational agency receiving a subgrant  
19 under this subpart—

20 “(1) shall use such funds—

21 “(A) to develop and implement a teacher  
22 evaluation system that—

23 “(i) uses student achievement data  
24 derived from a variety of sources as a sig-  
25 nificant factor in determining a teacher’s

1 evaluation, with the weight given to such  
2 data defined by the local educational agen-  
3 cy;

4 “(ii) uses multiple measures of evalua-  
5 tion for evaluating teachers;

6 “(iii) has more than 2 categories for  
7 rating the performance of teachers;

8 “(iv) shall be used to make personnel  
9 decisions, as determined by the local edu-  
10 cational agency; and

11 “(v) is based on input from parents,  
12 school leaders, teachers, and other staff of  
13 schools served by the local educational  
14 agency; or

15 “(B) in the case of a local educational  
16 agency located in a State implementing a state-  
17 wide teacher evaluation system, to implement  
18 such evaluation system; and

19 “(2) may use such funds for—

20 “(A) the training of school leaders or other  
21 individuals for the purpose of evaluating teach-  
22 ers under a teacher evaluation system described  
23 in subparagraph (A) or (B) of paragraph (1),  
24 as appropriate;



1           “(B) in the case of a local educational  
2 agency located in a State implementing a state-  
3 wide school leader evaluation system, to imple-  
4 ment such evaluation system;

5           “(C) in the case of a local educational  
6 agency located in a State not implementing a  
7 statewide school leader evaluation system, the  
8 development and implementation of a school  
9 leader evaluation system;

10           “(D) professional development for teachers  
11 and school leaders that is evidence-based, job-  
12 embedded, and continuous, such as—

13           “(i) subject-based professional devel-  
14 opment for teachers;

15           “(ii) professional development aligned  
16 with the State’s academic standards;

17           “(iii) professional development to as-  
18 sist teachers in meeting the needs of stu-  
19 dents with different learning styles, par-  
20 ticularly students with disabilities and  
21 English learners;

22           “(iv) professional development for  
23 teachers identified as in need of additional  
24 support through data provided by a teach-  
25 er evaluation system described in subpara-

1 graph (A) or (B) of paragraph (1), as ap-  
2 propriate;

3 “(v) professional development based  
4 on the current science of learning, which  
5 includes research on positive brain change  
6 and cognitive skill development;

7 “(vi) professional development for  
8 school leaders, including evidence-based  
9 mentorship programs for such leaders; or

10 “(vii) professional development on in-  
11 tegrated, interdisciplinary, and project-  
12 based teaching strategies, including for ca-  
13 reer and technical education teachers;

14 “(E) partnering with a public or private  
15 organization or a consortium of such organiza-  
16 tions to develop and implement a teacher eval-  
17 uation system described in subparagraph (A) or  
18 (B) of paragraph (1), or to administer profes-  
19 sional development, as appropriate;

20 “(F) any activities authorized under sec-  
21 tion 2222(a); or

22 “(G) class size reduction, except that the  
23 local educational agency may use not more than  
24 10 percent of such funds for this purpose.

1                   **“Subpart 3—General Provisions**

2   **“SEC. 2131. REPORTING REQUIREMENTS.**

3           “(a) LOCAL EDUCATIONAL AGENCIES.—Each local  
4 educational agency receiving a subgrant under subpart 2  
5 shall submit to the State educational agency involved, on  
6 an annual basis until the last year in which the local edu-  
7 cational agency receives such subgrant funds, a report  
8 on—

9                   “(1) how the local educational agency is meet-  
10           ing the purposes of this part described in section  
11           2101;

12                   “(2) how the local educational agency is using  
13           such subgrant funds;

14                   “(3) the number and percentage of teachers in  
15           each category established under clause (iii) of sec-  
16           tion 2123(1)(A), except that such report shall not  
17           reveal personally identifiable information about an  
18           individual teacher; and

19                   “(4) any such other information as the State  
20           educational agency may require.

21           “(b) STATE EDUCATIONAL AGENCIES.—Each State  
22 educational agency receiving a grant under subpart 1 shall  
23 submit to the Secretary a report, on an annual basis until  
24 the last year in which the State educational agency re-  
25 ceives such grant funds, on—

1           “(1) how the State educational agency is meet-  
2           ing the purposes of this part described in section  
3           2101; and

4           “(2) how the State educational agency is using  
5           such grant funds.

6   **“SEC. 2132. NATIONAL ACTIVITIES.**

7           “From the funds reserved by the Secretary under sec-  
8           tion 2111(b)(1)(A), the Secretary shall, directly or  
9           through grants and contracts—

10           “(1) provide technical assistance to States and  
11           local educational agencies in carrying out activities  
12           under this part; and

13           “(2) acting through the Institute of Education  
14           Sciences, conduct national evaluations of activities  
15           carried out by State educational agencies and local  
16           educational agencies under this part.

17   **“SEC. 2133. STATE DEFINED.**

18           “In this part, the term ‘State’ means each of the 50  
19           States, the District of Columbia, and the Commonwealth  
20           of Puerto Rico.”.

21           (c) PART B.—Part B of title II (20 U.S.C. 6661 et  
22           seq.) is amended to read as follows:

1           **“PART B—TEACHER AND SCHOOL LEADER**  
2   **FLEXIBLE GRANT**

3   **“SEC. 2201. PURPOSE.**

4           “The purpose of this part is to improve student aca-  
5   demic achievement in the core academic subjects by—

6                   “(1) supporting all State educational agencies,  
7           local educational agencies, schools, teachers, and  
8           school leaders to pursue innovative and evidence-  
9           based practices to help all students meet the State’s  
10          academic standards; and

11                   “(2) increasing the number of teachers and  
12          school leaders who are effective in increasing student  
13          academic achievement.

14                   **“Subpart 1—Formula Grants to States**

15   **“SEC. 2211. STATE ALLOTMENTS.**

16           “(a) RESERVATIONS.—From the amount appro-  
17   priated under section 3(b) for any fiscal year, the Sec-  
18   retary—

19                   “(1) shall reserve 25 percent to award grants to  
20          States under this subpart; and

21                   “(2) of the amount reserved under paragraph  
22          (1), shall reserve—

23                                   “(A) not more than 1 percent for national  
24           activities described in section 2233;

25                                   “(B) one-half of 1 percent for allotments  
26          to outlying areas on the basis of their relative

1           need, as determined by the Secretary, in ac-  
2           cordance with the purpose of this part; and

3                   “(C) one-half of 1 percent for the Sec-  
4           retary of the Interior for programs under this  
5           part in schools operated or funded by the Bu-  
6           reau of Indian Education.

7           “(b) STATE ALLOTMENTS.—

8                   “(1) IN GENERAL.—From the total amount re-  
9           served under subsection (a)(1) for each fiscal year  
10          and not reserved under subparagraphs (A) through  
11          (C) of subsection (a)(2), the Secretary shall allot,  
12          and make available in accordance with this section,  
13          to each State an amount that bears the same ratio  
14          to such sums as the school-age population of the  
15          State bears to the school-age population of all  
16          States.

17                   “(2) SMALL STATE MINIMUM.—No State receiv-  
18          ing an allotment under paragraph (1) may receive  
19          less than one-half of 1 percent of the total amount  
20          allotted under such paragraph.

21                   “(3) REALLOTMENT.—If a State does not re-  
22          ceive an allotment under this subpart for a fiscal  
23          year, the Secretary shall reallocate the amount of the  
24          State’s allotment to the remaining States in accord-  
25          ance with this section.

1           “(c) STATE APPLICATION.—In order to receive an al-  
2 lotment under this section for any fiscal year, a State shall  
3 submit an application to the Secretary, at such time and  
4 in such manner as the Secretary may reasonably require.  
5 Such application shall—

6           “(1) designate the State educational agency as  
7 the agency responsible for the administration and  
8 supervision of programs assisted under this part;

9           “(2) describe how the State educational agency  
10 will use funds received under this section for State  
11 level activities described in subsection (d)(3);

12           “(3) describe the procedures and criteria the  
13 State educational agency will use for reviewing appli-  
14 cations and awarding subgrants in a timely manner  
15 to eligible entities under section 2221 on a competi-  
16 tive basis;

17           “(4) describe how the State educational agency  
18 will ensure that subgrants made under section 2221  
19 are of sufficient size and scope to support effective  
20 programs that will help increase academic achieve-  
21 ment in the classroom and are consistent with the  
22 purposes of this part;

23           “(5) describe the steps the State educational  
24 agency will take to ensure that eligible entities use  
25 subgrants received under section 2221 to carry out

1 programs that implement effective strategies, includ-  
2 ing by providing ongoing technical assistance and  
3 training, and disseminating evidence-based and other  
4 effective strategies to such eligible entities;

5 “(6) describe how programs under this part will  
6 be coordinated with other programs under this Act;  
7 and

8 “(7) include an assurance that, other than pro-  
9 viding technical and advisory assistance and moni-  
10 toring compliance with this part, the State edu-  
11 cational agency has not exercised, and will not exer-  
12 cise, any influence in the decision-making processes  
13 of eligible entities as to the expenditure of funds  
14 made pursuant to an application submitted under  
15 section 2221(b).

16 “(d) STATE USE OF FUNDS.—

17 “(1) IN GENERAL.—Each State that receives an  
18 allotment under this section shall reserve not less  
19 than 92 percent of the amount allotted to such State  
20 under subsection (b), for each fiscal year, for sub-  
21 grants to eligible entities under subpart 2.

22 “(2) STATE ADMINISTRATION.—A State edu-  
23 cational agency may reserve not more than 1 percent  
24 of the amount made available to the State under  
25 subsection (b) for the administrative costs of car-



1       rying out such State educational agency’s respon-  
2       sibilities under this subpart.

3               “(3) STATE-LEVEL ACTIVITIES.—

4                       “(A) INNOVATIVE TEACHER AND SCHOOL  
5       LEADER ACTIVITIES.—A State educational  
6       agency shall reserve not more than 4 percent of  
7       the amount made available to the State under  
8       subsection (b) to carry out, solely, or in part-  
9       nership with State agencies of higher education,  
10      1 or more of the following activities:

11                      “(i) Reforming teacher and school  
12                      leader certification, recertification, licens-  
13                      ing, and tenure systems to ensure that  
14                      such systems are rigorous and that—

15                               “(I) each teacher has the subject  
16                               matter knowledge and teaching skills  
17                               necessary to help students meet the  
18                               State’s academic standards; and

19                               “(II) school leaders have the in-  
20                               structional leadership skills to help  
21                               teachers instruct and students learn.

22                               “(ii) Carrying out programs that es-  
23                               tablish, expand, or improve alternative  
24                               routes for State certification or licensure of

1 teachers and school leaders, including such  
2 programs for—

3 “(I) mid-career professionals  
4 from other occupations, including  
5 science, technology, engineering, and  
6 math fields;

7 “(II) former military personnel;  
8 and

9 “(III) recent graduates of an in-  
10 stitution of higher education, with a  
11 record of academic distinction, who  
12 demonstrate the potential to become  
13 effective teachers or school leaders.

14 “(iii) Developing, or assisting eligible  
15 entities in developing—

16 “(I) performance-based pay sys-  
17 tems for teachers and school leaders;

18 “(II) strategies that provide dif-  
19 ferential, incentive, or bonus pay for  
20 teachers; or

21 “(III) teacher advancement ini-  
22 tiatives that promote professional  
23 growth and emphasize multiple career  
24 paths and pay differentiation.

1           “(iv) Developing, or assisting eligible  
2           entities in developing, new, evidence-based  
3           teacher and school leader induction and  
4           mentoring programs that are designed  
5           to—

6                   “(I) improve instruction and stu-  
7                   dent learning and achievement; and

8                   “(II) increase the retention of ef-  
9                   fective teachers and school leaders.

10           “(v) Providing professional develop-  
11           ment for teachers and school leaders that  
12           is focused on—

13                   “(I) improving teaching and stu-  
14                   dent learning and achievement in the  
15                   core academic subjects; and

16                   “(II) improving teaching, student  
17                   learning, and achievement for stu-  
18                   dents with different learning styles,  
19                   particularly students with disabilities,  
20                   English learners, and other special  
21                   populations.

22           “(vi) Providing training and technical  
23           assistance to eligible entities that receive a  
24           subgrant under section 2221.

1           “(vii) Other activities identified by the  
2           State educational agency that meet the  
3           purposes of this part, including those ac-  
4           tivities authorized under subparagraph  
5           (B).

6           “(B) TEACHER OR SCHOOL LEADER PREP-  
7           ARATION ACADEMIES.—

8           “(i) IN GENERAL.—In the case of a  
9           State in which teacher or school leader  
10          preparation academies are allowable under  
11          State law, a State educational agency may  
12          reserve not more than 3 percent of the  
13          amount made available to the State under  
14          subsection (b) to support the establishment  
15          or expansion of one or more teacher or  
16          school leader preparation academies and,  
17          subject to the limitation under clause (iii),  
18          to support State authorizers for such acad-  
19          emies.

20          “(ii) MATCHING REQUIREMENT.—A  
21          State educational agency shall not provide  
22          funds under this subparagraph to support  
23          the establishment or expansion of a teach-  
24          er or school leader preparation academy  
25          unless the academy agrees to provide, ei-

1           ther directly or through private contribu-  
2           tions, non-Federal matching funds equal to  
3           not less than 10 percent of the amount of  
4           the funds the academy will receive under  
5           this subparagraph.

6           “(iii) FUNDING FOR STATE AUTHOR-  
7           IZERS.—Not more than 5 percent of funds  
8           provided to a teacher or school leader prep-  
9           aration academy under this subparagraph  
10          may be used to support activities of State  
11          authorizers for such academy.

12   **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**  
13                   **CATIONS.**

14          “(a) DEEMED APPROVAL.—An application submitted  
15          by a State pursuant to section 2211(c) shall be deemed  
16          to be approved by the Secretary unless the Secretary  
17          makes a written determination, prior to the expiration of  
18          the 120-day period beginning on the date on which the  
19          Secretary received the application, that the application is  
20          not in compliance with section 2211(c).

21          “(b) DISAPPROVAL PROCESS.—

22                  “(1) IN GENERAL.—The Secretary shall not fi-  
23          nally disapprove an application submitted under sec-  
24          tion 2211(c), except after giving the State edu-

1 cational agency notice and an opportunity for a  
2 hearing.

3 “(2) NOTIFICATION.—If the Secretary finds  
4 that an application is not in compliance, in whole or  
5 in part, with section 2211(c) the Secretary shall—

6 “(A) give the State educational agency no-  
7 tice and an opportunity for a hearing; and

8 “(B) notify the State educational agency of  
9 the finding of noncompliance and, in such noti-  
10 fication, shall—

11 “(i) cite the specific provisions in the  
12 application that are not in compliance; and

13 “(ii) request additional information,  
14 only as to the noncompliant provisions,  
15 needed to make the application compliant.

16 “(3) RESPONSE.—If a State educational agency  
17 responds to a notification from the Secretary under  
18 paragraph (2)(B) during the 45-day period begin-  
19 ning on the date on which the State educational  
20 agency received the notification, and resubmits the  
21 application with the requested information described  
22 in paragraph (2)(B)(ii), the Secretary shall approve  
23 or disapprove such application prior to the later of—

1           “(A) the expiration of the 45-day period  
2           beginning on the date on which the application  
3           is resubmitted; or

4           “(B) the expiration of the 120-day period  
5           described in subsection (a).

6           “(4) FAILURE TO RESPOND.—If the State edu-  
7           cational agency does not respond to a notification  
8           from the Secretary under paragraph (2)(B) during  
9           the 45-day period beginning on the date on which  
10          the State educational agency received the notifica-  
11          tion, such application shall be deemed to be dis-  
12          approved.

13          **“Subpart 2—Local Competitive Grant Program**

14          **“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

15          “(a) IN GENERAL.—A State that receives an allot-  
16          ment under section 2211(b) for a fiscal year shall use the  
17          amount reserved under section 2211(d)(1) to award sub-  
18          grants, on a competitive basis, to eligible entities in ac-  
19          cordance with this section to enable such entities to carry  
20          out the programs and activities described in section 2222.

21          “(b) APPLICATION.—

22                 “(1) IN GENERAL.—To be eligible to receive a  
23                 subgrant under this section, an eligible entity shall  
24                 submit an application to the State educational agen-  
25                 cy at such time, in such manner, and including such

1 information as the State educational agency may  
2 reasonably require.

3 “(2) CONTENTS.—Each application submitted  
4 under paragraph (1) shall include—

5 “(A) a description of the programs and ac-  
6 tivities to be funded and how they are con-  
7 sistent with the purposes of this part; and

8 “(B) an assurance that the eligible entity  
9 will comply with section 5501 (regarding par-  
10 ticipation by private school children and teach-  
11 ers).

12 “(c) PEER REVIEW.—In reviewing applications under  
13 this section, a State educational agency shall use a peer  
14 review process or other methods of assuring the quality  
15 of such applications but the review shall only judge the  
16 likelihood of the activity to increase student academic  
17 achievement. The reviewers shall not make a determina-  
18 tion based on the policy of the proposed activity.

19 “(d) GEOGRAPHIC DIVERSITY.—A State educational  
20 agency shall distribute funds under this section equitably  
21 among geographic areas within the State, including rural,  
22 suburban, and urban communities.

23 “(e) DURATION OF AWARDS.—A State educational  
24 agency may award subgrants under this section for a pe-  
25 riod of not more than 5 years.



1       “(f) MATCHING.—An eligible entity receiving a  
2 subgrant under this section shall provide, either directly  
3 or through private contributions, non-Federal matching  
4 funds equal to not less than 10 percent of the amount  
5 of the subgrant.

6       **“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

7       “(a) IN GENERAL.—Each eligible entity receiving a  
8 subgrant under section 2221 shall use such subgrant  
9 funds to develop, implement, and evaluate comprehensive  
10 programs and activities, that are in accordance with the  
11 purpose of this part and—

12               “(1) are consistent with the principles of effec-  
13 tiveness described in subsection (b); and

14               “(2) may include, among other programs and  
15 activities—

16                       “(A) developing and implementing initia-  
17 tives to assist in recruiting, hiring, and retain-  
18 ing highly effective teachers and school leaders,  
19 including initiatives that provide—

20                               “(i) differential, incentive, or bonus  
21 pay for teachers;

22                               “(ii) performance-based pay systems  
23 for teachers and school leaders;

24                               “(iii) teacher advancement initiatives  
25 that promote professional growth and em-

1           phasize multiple career paths and pay dif-  
2           ferentiation;

3           “(iv) new teacher and school leader  
4           induction and mentoring programs that  
5           are designed to improve instruction, stu-  
6           dent learning and achievement, and to in-  
7           crease teacher and school leader retention;  
8           and

9           “(v) teacher residency programs, and  
10          school leader residency programs, designed  
11          to develop and support new teachers or  
12          new school leaders, respectively;

13          “(B) supporting the establishment or ex-  
14          pansion of teacher or school leader preparation  
15          academies under section 2211(d)(3)(B);

16          “(C) recruiting qualified individuals from  
17          other fields, including individuals from science,  
18          technology, engineering, and math fields, mid-  
19          career professionals from other occupations,  
20          and former military personnel;

21          “(D) establishing, improving, or expanding  
22          model instructional programs in the core aca-  
23          demic subjects to ensure that all children meet  
24          the State’s academic standards;

1           “(E) providing evidence-based, job embed-  
2 ded, continuous professional development for  
3 teachers and school leaders focused on improv-  
4 ing teaching and student learning and achieve-  
5 ment in the core academic subjects;

6           “(F) implementing programs based on the  
7 current science of learning, which includes re-  
8 search on positive brain change and cognitive  
9 skill development; and

10           “(G) other activities and programs identi-  
11 fied as necessary by the local educational agen-  
12 cy that meet the purpose of this part.

13           “(b) PRINCIPLES OF EFFECTIVENESS.—For a pro-  
14 gram or activity developed pursuant to this section to meet  
15 the principles of effectiveness, such program or activity  
16 shall—

17           “(1) be based upon an assessment of objective  
18 data regarding the need for programs and activities  
19 in the elementary schools and secondary schools  
20 served to increase the number of teachers and school  
21 leaders who are effective in improving student aca-  
22 demic achievement;

23           “(2) reflect evidence-based research, or in the  
24 absence of a strong research base, reflect effective  
25 strategies in the field, that provide evidence that the

1 program or activity will improve student academic  
2 achievement in the core academic subjects; and

3 “(3) include meaningful and ongoing consulta-  
4 tion with, and input from, teachers, school leaders,  
5 and parents, in the development of the application  
6 and administration of the program or activity.

7 **“Subpart 3—General Provisions**

8 **“SEC. 2231. PERIODIC EVALUATION.**

9 “(a) IN GENERAL.—Each eligible entity and each  
10 teacher or school leader preparation academy that receives  
11 funds under this part shall undergo a periodic evaluation  
12 by the State educational agency involved to assess such  
13 entity’s or such academy’s progress toward achieving the  
14 purposes of this part.

15 “(b) USE OF RESULTS.—The results of an evaluation  
16 described in subsection (a) of an eligible entity or academy  
17 shall be—

18 “(1) used to refine, improve, and strengthen  
19 such eligible entity or such academy, respectively;  
20 and

21 “(2) made available to the public upon request,  
22 with public notice of such availability provided.

23 **“SEC. 2232. REPORTING REQUIREMENTS.**

24 “(a) ELIGIBLE ENTITIES AND ACADEMIES.—Each  
25 eligible entity and each teacher or school leader prepara-

1 tion academy that receives funds from a State educational  
2 agency under this part shall prepare and submit annually  
3 to such State educational agency a report that includes—

4 “(1) a description of the progress of the eligible  
5 entity or teacher or school leader preparation acad-  
6 emy, respectively, in meeting the purposes of this  
7 part;

8 “(2) a description of the programs and activi-  
9 ties conducted by the eligible entity or teacher or  
10 school leader preparation academy, respectively, with  
11 funds received under this part;

12 “(3) how the eligible entity or teacher or school  
13 leader preparation academy, respectively, is using  
14 such funds; and

15 “(4) any such other information as the State  
16 educational agency may require.

17 “(b) STATE EDUCATIONAL AGENCIES.—Each State  
18 educational agency that receives a grant under this part  
19 shall prepare and submit, annually, to the Secretary a re-  
20 port that includes—

21 “(1) a description of the programs and activi-  
22 ties conducted by the State educational agency with  
23 grant funds received under this part;

1           “(2) a description of the progress of the State  
2 educational agency in meeting the purposes of this  
3 part described in section 2201;

4           “(3) how the State educational agency is using  
5 grant funds received under this part;

6           “(4) the methods and criteria the State edu-  
7 cational agency used to award subgrants in a timely  
8 manner to eligible entities under section 2221 and,  
9 if applicable, funds in a timely manner to teacher or  
10 school leader academies under section  
11 2211(d)(3)(B); and

12           “(5) the results of the periodic evaluations con-  
13 ducted under section 2231.

14 **“SEC. 2233. NATIONAL ACTIVITIES.**

15           “From the funds reserved by the Secretary under sec-  
16 tion 2211(a)(2)(A), the Secretary shall, directly or  
17 through grants and contracts—

18           “(1) provide technical assistance to States and  
19 eligible entities in carrying out activities under this  
20 part; and

21           “(2) acting through the Institute of Education  
22 Sciences, conduct national evaluations of activities  
23 carried out by States and eligible entities under this  
24 part.

1 **“SEC. 2234. DEFINITIONS.**

2 “In this part:

3 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
4 tity’ means—

5 “(A) a local educational agency or consor-  
6 tium of local educational agencies;

7 “(B) an institution of higher education or  
8 consortium of such institutions in partnership  
9 with a local educational agency or consortium  
10 of local educational agencies;

11 “(C) a for-profit organization, a nonprofit  
12 organization, or a consortium of for-profit or  
13 nonprofit organizations in partnership with a  
14 local educational agency or consortium of local  
15 educational agencies; or

16 “(D) a consortium of the entities described  
17 in subparagraphs (B) and (C).

18 “(2) STATE.—The term ‘State’ means each of  
19 the 50 States, the District of Columbia, and the  
20 Commonwealth of Puerto Rico.

21 “(3) STATE AUTHORIZER.—The term ‘State au-  
22 thorizer’ means an entity designated by the Gov-  
23 ernor of a State to authorize teacher or school leader  
24 preparation academies within the State that—

1           “(A) enters into an agreement with a  
2 teacher or school leader preparation academy  
3 that—

4           “(i) specifies the goals expected of the  
5 academy, which, at a minimum, include the  
6 goals described in paragraph (4); and

7           “(ii) does not reauthorize the academy  
8 if such goals are not met; and

9           “(B) may be a nonprofit organization, a  
10 State educational agency, or other public entity,  
11 or consortium of such entities (including a con-  
12 sortium of State educational agencies).

13           “(4) TEACHER OR SCHOOL LEADER PREPARA-  
14 TION ACADEMY.—The term ‘teacher or school leader  
15 preparation academy’ means a public or private enti-  
16 ty, or a nonprofit or for-profit organization, which  
17 may be an institution of higher education or an or-  
18 ganization affiliated with an institution of higher  
19 education, that will prepare teachers or school lead-  
20 ers to serve in schools, and that—

21           “(A) enters into an agreement with a State  
22 authorizer that specifies the goals expected of  
23 the academy, including—

24           “(i) a requirement that prospective  
25 teachers or school leaders who are enrolled



1 in a teacher or school leader preparation  
2 academy receive a significant part of their  
3 training through clinical preparation that  
4 partners the prospective candidate with an  
5 effective teacher or school leader, respec-  
6 tively, with a demonstrated record of in-  
7 creasing student achievement, while also  
8 receiving concurrent instruction from the  
9 academy in the content area (or areas) in  
10 which the prospective teacher or school  
11 leader will become certified or licensed;

12 “(ii) the number of effective teachers  
13 or school leaders, respectively, who will  
14 demonstrate success in increasing student  
15 achievement that the academy will  
16 produce; and

17 “(iii) a requirement that a teacher or  
18 school leader preparation academy will only  
19 award a certificate of completion after the  
20 graduate demonstrates that the graduate is  
21 an effective teacher or school leader, re-  
22 spectively, with a demonstrated record of  
23 increasing student achievement, except  
24 that an academy may award a provisional  
25 certificate for the period necessary to allow

1 the graduate to demonstrate such effective-  
2 ness;

3 “(B) does not have restrictions on the  
4 methods the academy will use to train prospec-  
5 tive teacher or school leader candidates, includ-  
6 ing—

7 “(i) obligating (or prohibiting) the  
8 academy’s faculty to hold advanced degrees  
9 or conduct academic research;

10 “(ii) restrictions related to the acad-  
11 emy’s physical infrastructure;

12 “(iii) restrictions related to the num-  
13 ber of course credits required as part of  
14 the program of study;

15 “(iv) restrictions related to the under-  
16 graduate coursework completed by teachers  
17 teaching or working on alternative certifi-  
18 cates, licenses, or credentials, as long as  
19 such teachers have successfully passed all  
20 relevant State-approved content area ex-  
21 aminations; or

22 “(v) restrictions related to obtaining  
23 accreditation from an accrediting body for  
24 purposes of becoming an academy;

1           “(C) limits admission to its program to  
2           prospective teacher or school leader candidates  
3           who demonstrate strong potential to improve  
4           student achievement, based on a rigorous selec-  
5           tion process that reviews a candidate’s prior  
6           academic achievement or record of professional  
7           accomplishment; and

8           “(D) results in a certificate of completion  
9           that the State may recognize as at least the  
10          equivalent of a master’s degree in education for  
11          the purposes of hiring, retention, compensation,  
12          and promotion in the State.

13          “(5) **TEACHER RESIDENCY PROGRAM.**—The  
14          term ‘teacher residency program’ means a school-  
15          based teacher preparation program in which a pro-  
16          spective teacher—

17                 “(A) for one academic year, teaches along-  
18                 side an effective teacher, as determined by a  
19                 teacher evaluation system implemented under  
20                 part A, who is the teacher of record;

21                 “(B) receives concurrent instruction during  
22                 the year described in subparagraph (A) from  
23                 the partner institution (as defined in section  
24                 200 of the Higher Education Act of 1965 (20  
25                 U.S.C. 1021)), which courses may be taught by

1 local educational agency personnel or residency  
2 program faculty, in the teaching of the content  
3 area in which the teacher will become certified  
4 or licensed; and

5 “(C) acquires effective teaching skills.”.

6 (d) PART C.—Part C of title II (20 U.S.C. 6671 et  
7 seq.) is amended—

8 (1) by striking subparts 1 through 4;

9 (2) by striking the heading relating to subpart  
10 5;

11 (3) by striking sections 2361 and 2368;

12 (4) in section 2362, by striking “principals”  
13 and inserting “school leaders”;

14 (5) in section 2363(6)(A), by striking “prin-  
15 cipal” and inserting “school leader”;

16 (6) in section 2366(b), by striking “ate law”  
17 and inserting “(3) A State law”;

18 (7) by redesignating section 2362 as section  
19 2361;

20 (8) by redesignating sections 2364 through  
21 2367 as sections 2362 through 2365, respectively;  
22 and

23 (9) by redesignating section 2363 as section  
24 2366 and transferring such section to appear after  
25 section 2365 (as so redesignated).

1 (e) PART D.—Part D of title II (20 U.S.C. 6751 et  
2 seq.) is amended to read as follows:

3 **“PART D—GENERAL PROVISIONS**

4 **“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

5 “In this title, the term ‘local educational agency’ in-  
6 cludes a charter school (as defined in section 5101) that,  
7 in the absence of this section, would not have received  
8 funds under this title.

9 **“SEC. 2402. PARENTS’ RIGHT TO KNOW.**

10 “At the beginning of each school year, a local edu-  
11 cational agency that receives funds under this title shall  
12 notify the parents of each student attending any school  
13 receiving funds under this title that the parents may re-  
14 quest, and the agency will provide the parents on request  
15 (and in a timely manner), information regarding the pro-  
16 fessional qualifications of the student’s classroom teach-  
17 ers.

18 **“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

19 “Funds received under this title shall be used to sup-  
20 plement, and not supplant, non-Federal funds that would  
21 otherwise be used for activities authorized under this  
22 title.”.

1 **SEC. 202. CONFORMING REPEALS.**

2 (a) CONFORMING REPEALS.—Title II of the Higher  
3 Education Act of 1965 (20 U.S.C. 1021 et seq.) is amend-  
4 ed by repealing sections 201 through 204.

5 (b) EFFECTIVE DATE.—The repeals made by sub-  
6 section (a) shall take effect October 1, 2013.

7 **TITLE III—PARENTAL ENGAGE-**  
8 **MENT AND LOCAL FLEXI-**  
9 **BILITY**

10 **SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**  
11 **BILITY.**

12 Title III (20 U.S.C. 6801 et seq.) is amended to read  
13 as follows:

14 **“TITLE III—PARENTAL ENGAGE-**  
15 **MENT AND LOCAL FLEXI-**  
16 **BILITY**

17 **“PART A—PARENTAL ENGAGEMENT**

18 **“Subpart 1—Charter School Program**

19 **“SEC. 3101. PURPOSE.**

20 “It is the purpose of this subpart to—

21 “(1) improve the United States education sys-  
22 tem and educational opportunities for all Americans  
23 by supporting innovation in public education in pub-  
24 lic school settings that prepare students to compete  
25 and contribute to the global economy;

1           “(2) provide financial assistance for the plan-  
2           ning, program design, and initial implementation of  
3           charter schools;

4           “(3) expand the number of high-quality charter  
5           schools available to students across the Nation;

6           “(4) evaluate the impact of such schools on stu-  
7           dent achievement, families, and communities, and  
8           share best practices between charter schools and  
9           other public schools;

10          “(5) encourage States to provide support to  
11          charter schools for facilities financing in an amount  
12          more nearly commensurate to the amount the States  
13          have typically provided for traditional public schools;

14          “(6) improve student services to increase oppor-  
15          tunities for students with disabilities, English learn-  
16          ers, and other traditionally underserved students to  
17          attend charter schools and meet challenging State  
18          academic achievement standards; and

19          “(7) support efforts to strengthen the charter  
20          school authorizing process to improve performance  
21          management, including transparency, monitoring,  
22          and evaluation of such schools.

23   **“SEC. 3102. PROGRAM AUTHORIZED.**

24          “(a) IN GENERAL.—From the amounts appropriated  
25          under section 3(c)(1)(A), the Secretary shall carry out a

1 charter school program under this subpart that supports  
2 charter schools that serve elementary school and sec-  
3 ondary school students by—

4 “(1) supporting the startup, replication, and ex-  
5 pansion of charter schools;

6 “(2) assisting charter schools in accessing cred-  
7 it to acquire and renovate facilities for school use;  
8 and

9 “(3) carrying out national activities to sup-  
10 port—

11 “(A) charter school development;

12 “(B) the dissemination of best practices of  
13 charter schools for all schools; and

14 “(C) the evaluation of the impact of the  
15 program on schools participating in the pro-  
16 gram.

17 “(b) FUNDING ALLOTMENT.—From the amount  
18 made available under section 3(c)(1)(A) for a fiscal year,  
19 the Secretary shall—

20 “(1) reserve 15 percent to support charter  
21 school facilities assistance under section 3104;

22 “(2) reserve not more than 5 percent to carry  
23 out national activities under section 3105; and



1           “(3) use the remaining amount after the Sec-  
2           retary reserves funds under paragraphs (1) and (2)  
3           to carry out section 3103.

4           “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-  
5           ent of a grant or subgrant under this subpart or subpart  
6           2, as such subpart was in effect on the day before the  
7           date of enactment of the Student Success Act, shall con-  
8           tinue to receive funds in accordance with the terms and  
9           conditions of such grant or subgrant.

10       **“SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**  
11                               **SCHOOLS.**

12           “(a) IN GENERAL.—From the amount reserved  
13           under section 3102(b)(3), the Secretary shall award  
14           grants to State entities having applications approved pur-  
15           suant to subsection (f) to enable such entities to—

16           “(1) award subgrants to eligible applicants  
17           for—

18                               “(A) opening new charter schools;

19                               “(B) opening replicable, high-quality char-  
20           ter school models; or

21                               “(C) expanding high-quality charter  
22           schools; and

23           “(2) provide technical assistance to eligible ap-  
24           plicants and authorized public chartering agencies in  
25           carrying out the activities described in paragraph (1)

1 and work with authorized public chartering agencies  
2 in the State to improve authorizing quality.

3 “(b) STATE USES OF FUNDS.—

4 “(1) IN GENERAL.—A State entity receiving a  
5 grant under this section shall—

6 “(A) use 90 percent of the grant funds to  
7 award subgrants to eligible applicants, in ac-  
8 cordance with the quality charter school pro-  
9 gram described in the entity’s application ap-  
10 proved pursuant to subsection (f), for the pur-  
11 poses described in subparagraphs (A) through  
12 (C) of subsection (a)(1); and

13 “(B) reserve 10 percent of such funds to  
14 carry out the activities described in subsection  
15 (a)(2), of which not more than 30 percent may  
16 be used for administrative costs which may in-  
17 clude technical assistance.

18 “(2) CONTRACTS AND GRANTS.—A State entity  
19 may use a grant received under this section to carry  
20 out the activities described in subparagraphs (A)  
21 and (B) of paragraph (1) directly or through grants,  
22 contracts, or cooperative agreements.

23 “(c) PROGRAM PERIODS; PEER REVIEW; GRANT  
24 NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIV-  
25 ERS.—

1           “(1) PROGRAM PERIODS.—

2                   “(A) GRANTS.—A grant awarded by the  
3           Secretary to a State entity under this section  
4           shall be for a period of not more than 5 years.

5                   “(B) SUBGRANTS.—A subgrant awarded  
6           by a State entity under this section shall be for  
7           a period of not more than 5 years, of which an  
8           eligible applicant may use not more than 18  
9           months for planning and program design.

10           “(2) PEER REVIEW.—The Secretary, and each  
11           State entity receiving a grant under this section,  
12           shall use a peer review process to review applications  
13           for assistance under this section.

14           “(3) GRANT NUMBER AND AMOUNT.—The Sec-  
15           retary shall ensure that the number of grants award-  
16           ed under this section and the award amounts will  
17           allow for a sufficient number of new grants to be  
18           awarded under this section for each succeeding fiscal  
19           year.

20           “(4) DIVERSITY OF PROJECTS.—Each State en-  
21           tity receiving a grant under this section shall award  
22           subgrants under this section in a manner that, to  
23           the extent possible, ensures that such subgrants—

1           “(A) are distributed throughout different  
2           areas, including urban, suburban, and rural  
3           areas; and

4           “(B) will assist charter schools rep-  
5           resenting a variety of educational approaches.

6           “(5) WAIVERS.—The Secretary may waive any  
7           statutory or regulatory requirement without requir-  
8           ing the adoption of any unrelated requirements over  
9           which the Secretary exercises administrative author-  
10          ity except any such requirement relating to the ele-  
11          ments of a charter school described in section  
12          5101(3), if—

13           “(A) the waiver is requested in an ap-  
14           proved application under this section; and

15           “(B) the Secretary determines that grant-  
16           ing such a waiver will promote the purpose of  
17           this subpart.

18          “(d) LIMITATIONS.—

19           “(1) GRANTS.—A State entity may not receive  
20           more than 1 grant under this section for a 5-year  
21           period.

22           “(2) SUBGRANTS.—An eligible applicant may  
23           not receive more than 1 subgrant under this section  
24           for an individual charter school for a 5-year period,  
25           unless the eligible applicant demonstrates to the

1 State entity not less than 3 years of improved edu-  
2 cational results in the areas described in subpara-  
3 graphs (A) and (D) of section 3110(5) for students  
4 enrolled in such charter school.

5 “(e) APPLICATIONS.—A State entity desiring to re-  
6 ceive a grant under this section shall submit an application  
7 to the Secretary at such time and in such manner as the  
8 Secretary may require. The application shall include the  
9 following:

10 “(1) DESCRIPTION OF PROGRAM.—A descrip-  
11 tion of the State entity’s objectives in running a  
12 quality charter school program under this section  
13 and how the objectives of the program will be car-  
14 ried out, including a description—

15 “(A) of how the entity—

16 “(i) will support both new charter  
17 school startup and the expansion and rep-  
18 lication of high-quality charter school mod-  
19 els;

20 “(ii) will inform eligible charter  
21 schools, developers, and authorized public  
22 chartering agencies of the availability of  
23 funds under the program;

24 “(iii) will work with eligible applicants  
25 to ensure that the applicants access all

1 Federal funds that they are eligible to re-  
2 ceive, and help the charter schools sup-  
3 ported by the applicants and the students  
4 attending the charter schools—

5 “(I) participate in the Federal  
6 programs in which the schools and  
7 students are eligible to participate;  
8 and

9 “(II) receive the commensurate  
10 share of Federal funds the schools  
11 and students are eligible to receive  
12 under such programs;

13 “(iv) in the case in which the entity is  
14 not a State educational agency—

15 “(I) will work with the State edu-  
16 cational agency and the charter  
17 schools in the State to maximize char-  
18 ter school participation in Federal and  
19 State programs for charter schools;  
20 and

21 “(II) will work with the State  
22 educational agency to adequately op-  
23 erate the entity’s program under this  
24 section, where applicable;

1           “(v) will ensure eligible applicants  
2           that receive a subgrant under the entity’s  
3           program are prepared to continue to oper-  
4           ate the charter schools receiving the  
5           subgrant funds once the funds have ex-  
6           pired;

7           “(vi) will support charter schools in  
8           local educational agencies with large num-  
9           bers of schools implementing requirements  
10          under the State’s school improvement sys-  
11          tem under section 1111(b)(3)(B)(iii);

12          “(vii) will work with charter schools to  
13          promote inclusion of all students and sup-  
14          port all students once they are enrolled to  
15          promote retention;

16          “(viii) will work with charter schools  
17          on recruitment practices, including efforts  
18          to engage groups that may otherwise have  
19          limited opportunities to participate in char-  
20          ter schools;

21          “(ix) will share best and promising  
22          practices between charter schools and  
23          other public schools, including, where ap-  
24          propriate, instruction and professional de-

1                   velopment in science, math, technology,  
2                   and engineering education;

3                   “(x) will ensure the charter schools  
4                   receiving funds under the entity’s program  
5                   can meet the educational needs of their  
6                   students, including students with disabil-  
7                   ities and English learners; and

8                   “(xi) will support efforts to increase  
9                   quality initiatives, including meeting the  
10                  quality authorizing elements described in  
11                  paragraph (2)(E);

12                 “(B) of the extent to which the entity—

13                   “(i) is able to meet and carry out the  
14                   priorities listed in subsection (f)(2); and

15                   “(ii) is working to develop or  
16                   strengthen a cohesive statewide system to  
17                   support the opening of new charter schools  
18                   and replicable, high-quality charter school  
19                   models, and the expansion of high-quality  
20                   charter schools;

21                 “(C) of how the entity will carry out the  
22                 subgrant competition, including—

23                   “(i) a description of the application  
24                   each eligible applicant desiring to receive a  
25                   subgrant will submit, including—



1           “(I) a description of the roles  
2           and responsibilities of eligible appli-  
3           cants, partner organizations, and  
4           management organizations, including  
5           the administrative and contractual  
6           roles and responsibilities;

7           “(II) a description of the quality  
8           controls agreed to between the eligible  
9           applicant and the authorized public  
10          chartering agency involved, such as a  
11          contract or performance agreement,  
12          and how a school’s performance in the  
13          State’s academic accountability sys-  
14          tem will be a primary factor for re-  
15          newal; and

16          “(III) a description of how the el-  
17          igible applicant will solicit and con-  
18          sider input from parents and other  
19          members of the community on the im-  
20          plementation and operation of each  
21          charter school receiving funds under  
22          the entity’s program; and

23          “(ii) a description of how the entity  
24          will review applications;

1           “(D) in the case of an entity that partners  
2           with an outside organization to carry out the  
3           entity’s quality charter school program, in  
4           whole or in part, of the roles and responsibil-  
5           ities of this partner;

6           “(E) of how the entity will help the charter  
7           schools receiving funds under the entity’s pro-  
8           gram consider the transportation needs of the  
9           schools’ students; and

10           “(F) of how the entity will support diverse  
11           charter school models, including models that  
12           serve rural communities.

13           “(2) ASSURANCES.—Assurances, including a  
14           description of how the assurances will be met,  
15           that—

16           “(A) each charter school receiving funds  
17           under the entity’s program will have a high de-  
18           gree of autonomy over budget and operations;

19           “(B) the entity will support charter schools  
20           in meeting the educational needs of their stu-  
21           dents as described in paragraph (1)(A)(x);

22           “(C) the entity will ensure that the author-  
23           ized public chartering agency of any charter  
24           school that receives funds under the entity’s  
25           program—

1           “(i) ensures that each charter school  
2           is meeting the obligations under this Act,  
3           part B of the Individuals with Disabilities  
4           Education Act, title VI of the Civil Rights  
5           Act of 1964, section 504 of the Rehabilita-  
6           tion Act of 1973, the Age Discrimination  
7           Act of 1975, and title IX of the Education  
8           Amendments of 1972;

9           “(ii) adequately monitors and helps  
10          each charter school in recruiting, enrolling,  
11          and meeting the needs of all students, in-  
12          cluding students with disabilities and  
13          English learners; and

14          “(iii) ensures that each charter school  
15          solicits and considers input from parents  
16          and other members of the community on  
17          the implementation and operation of the  
18          school;

19          “(D) the entity will provide adequate tech-  
20          nical assistance to eligible applicants to—

21                 “(i) meet the objectives described in  
22                 clauses (vii), (viii), and (x) of paragraph  
23                 (1)(A); and

24                 “(ii) enroll traditionally underserved  
25                 students, including students with disabil-

1           ities and English learners, to promote an  
2           inclusive education environment;

3           “(E) the entity will promote quality au-  
4           thorizing, such as through providing technical  
5           assistance, to support all authorized public  
6           chartering agencies in the State to improve the  
7           monitoring of their charter schools, including  
8           by—

9                   “(i) assessing annual performance  
10                  data of the schools, including, as appro-  
11                  priate, graduation rates and student  
12                  growth; and

13                   “(ii) reviewing the schools’ inde-  
14                  pendent, annual audits of financial state-  
15                  ments conducted in accordance with gen-  
16                  erally accepted accounting principles, and  
17                  ensuring any such audits are publically re-  
18                  ported;

19           “(F) the entity will work to ensure that  
20           charter schools are included with the traditional  
21           public schools in decision-making about the  
22           public school system in the State; and

23           “(G) the entity will ensure that each char-  
24           ter school in the State make publicly available,  
25           consistent with the dissemination requirements

1 of the annual State report card, the information  
2 parents need to make informed decisions about  
3 the education options available to their children,  
4 including information on the educational pro-  
5 gram, student support services, and annual per-  
6 formance and enrollment data for the groups of  
7 students described in section  
8 1111(b)(3)(B)(ii)(II).

9 “(3) REQUESTS FOR WAIVERS.—A request and  
10 justification for waivers of any Federal statutory or  
11 regulatory provisions that the entity believes are nec-  
12 essary for the successful operation of the charter  
13 schools that will receive funds under the entity’s pro-  
14 gram under this section, and a description of any  
15 State or local rules, generally applicable to public  
16 schools, that will be waived, or otherwise not apply  
17 to such schools.

18 “(f) SELECTION CRITERIA; PRIORITY.—

19 “(1) SELECTION CRITERIA.—The Secretary  
20 shall award grants to State entities under this sec-  
21 tion on the basis of the quality of the applications  
22 submitted under subsection (e), after taking into  
23 consideration—

24 “(A) the degree of flexibility afforded by  
25 the State’s public charter school law and how

1 the entity will work to maximize the flexibility  
2 provided to charter schools under the law;

3 “(B) the ambitiousness of the entity’s ob-  
4 jectives for the quality charter school program  
5 carried out under this section;

6 “(C) the quality of the strategy for assess-  
7 ing achievement of those objectives;

8 “(D) the likelihood that the eligible appli-  
9 cants receiving subgrants under the program  
10 will meet those objectives and improve edu-  
11 cational results for students;

12 “(E) the proposed number of new charter  
13 schools to be opened, and the proposed number  
14 of high-quality charter schools to be replicated  
15 or expanded under the program;

16 “(F) the entity’s plan to—

17 “(i) adequately monitor the eligible  
18 applicants receiving subgrants under the  
19 entity’s program; and

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;

24 “(G) the entity’s plan to provide adequate  
25 technical assistance, as described in the entity’s

1 application under subsection (e), for the eligible  
2 applicants receiving subgrants under the enti-  
3 ty's program under this section;

4 “(H) the entity's plan to support quality  
5 authorizing efforts in the State, consistent with  
6 the objectives described in subparagraph (B);  
7 and

8 “(I) the entity's plan to solicit and con-  
9 sider input from parents and other members of  
10 the community on the implementation and oper-  
11 ation of the charter schools in the State.

12 “(2) PRIORITY.—In awarding grants under this  
13 section, the Secretary shall give priority to State en-  
14 tities to the extent that they meet the following cri-  
15 teria:

16 “(A) In the case of a State entity located  
17 in a State that allows an entity other than a  
18 local educational agency to be an authorized  
19 public chartering agency, the State has a qual-  
20 ity authorized public chartering agency that is  
21 an entity other than a local educational agency.

22 “(B) The State entity is located in a State  
23 that does not impose any limitation on the  
24 number or percentage of charter schools that  
25 may exist or the number or percentage of stu-

1           dents that may attend charter schools in the  
2           State.

3           “(C) The State entity is located in a State  
4           that ensures equitable financing, as compared  
5           to traditional public schools, for charter schools  
6           and students in a prompt manner.

7           “(D) The State entity is located in a State  
8           that uses charter schools and best practices  
9           from charter schools to help improve struggling  
10          schools and local educational agencies.

11          “(E) The State entity partners with an or-  
12          ganization that has a demonstrated record of  
13          success in developing management organiza-  
14          tions to support the development of charter  
15          schools in the State.

16          “(F) The State entity demonstrates quality  
17          policies and practices to support and monitor  
18          charter schools through factors including—

19                 “(i) the proportion of high-quality  
20                 charter schools in the State; and

21                 “(ii) the proportion of charter schools  
22                 enrolling, at a rate similar to traditional  
23                 public schools, traditionally underserved  
24                 students, including students with disabil-  
25                 ities and English learners.



1           “(G) The State entity supports charter  
2 schools that support at-risk students through  
3 activities such as dropout prevention or dropout  
4 recovery.

5           “(H) The State entity authorizes all char-  
6 ter schools in the State to serve as school food  
7 authorities.

8           “(g) LOCAL USES OF FUNDS.—An eligible applicant  
9 receiving a subgrant under this section shall use such  
10 funds to open new charter schools, open replicable, high-  
11 quality charter school models, or expand existing high-  
12 quality charter schools.

13          “(h) REPORTING REQUIREMENTS.—Each State enti-  
14 ty receiving a grant under this section shall submit to the  
15 Secretary, at the end of the third year of the 5-year grant  
16 period and at the end of such grant period, a report on—

17           “(1) the number of students served under each  
18 subgrant awarded under this section and, if applica-  
19 ble, how many new students were served during each  
20 year of the subgrant period;

21           “(2) the number of subgrants awarded under  
22 this section to carry out each of the following—

23           “(A) the opening of new charter schools;

24           “(B) the opening of replicable, high-quality  
25 charter school models; and

1                   “(C) the expansion of high-quality charter  
2                   schools;

3                   “(3) the progress the entity made toward meet-  
4                   ing the priorities described in subsection (f)(2), as  
5                   applicable;

6                   “(4) how the entity met the objectives of the  
7                   quality charter school program described in the enti-  
8                   ty’s application under subsection (e);

9                   “(5) how the entity complied with, and ensured  
10                  that eligible applicants complied with, the assurances  
11                  described in the entity’s application; and

12                  “(6) how the entity worked with authorized  
13                  public chartering agencies and how such agencies  
14                  worked with the management company or leadership  
15                  of the schools that received subgrants under this  
16                  section.

17                  “(i) STATE ENTITY DEFINED.—For purposes of this  
18                  section, the term ‘State entity’ means—

19                         “(1) a State educational agency;

20                         “(2) a State charter school board; or

21                         “(3) a Governor of a State.

22                  **“SEC. 3104. FACILITIES FINANCING ASSISTANCE.**

23                         “(a) GRANTS TO ELIGIBLE ENTITIES.—

24                                 “(1) IN GENERAL.—From the amount reserved  
25                                 under section 3102(b)(1), the Secretary shall award

1 grants to eligible entities that have the highest-quality  
2 applications approved under subsection (d), after  
3 considering the diversity of such applications, to  
4 demonstrate innovative methods of assisting charter  
5 schools to address the cost of acquiring, constructing,  
6 and renovating facilities by enhancing the  
7 availability of loans or bond financing.

8 “(2) ELIGIBLE ENTITY DEFINED.—For purposes of this section,  
9 the term ‘eligible entity’ means—  
10

11 “(A) a public entity, such as a State or  
12 local governmental entity;

13 “(B) a private nonprofit entity; or

14 “(C) a consortium of entities described in  
15 subparagraphs (A) and (B).

16 “(b) GRANTEE SELECTION.—The Secretary shall  
17 evaluate each application submitted under subsection (d),  
18 and shall determine whether the application is sufficient  
19 to merit approval.

20 “(c) GRANT CHARACTERISTICS.—Grants under sub-  
21 section (a) shall be of a sufficient size, scope, and quality  
22 so as to ensure an effective demonstration of an innovative  
23 means of enhancing credit for the financing of charter  
24 school acquisition, construction, or renovation.

25 “(d) APPLICATIONS.—

1           “(1) IN GENERAL.—To receive a grant under  
2 subsection (a), an eligible entity shall submit to the  
3 Secretary an application in such form as the Sec-  
4 retary may reasonably require.

5           “(2) CONTENTS.—An application submitted  
6 under paragraph (1) shall contain—

7           “(A) a statement identifying the activities  
8 proposed to be undertaken with funds received  
9 under subsection (a), including how the eligible  
10 entity will determine which charter schools will  
11 receive assistance, and how much and what  
12 types of assistance charter schools will receive;

13           “(B) a description of the involvement of  
14 charter schools in the application’s development  
15 and the design of the proposed activities;

16           “(C) a description of the eligible entity’s  
17 expertise in capital market financing;

18           “(D) a description of how the proposed ac-  
19 tivities will leverage the maximum amount of  
20 private-sector financing capital relative to the  
21 amount of Federal, State, or local government  
22 funding used and otherwise enhance credit  
23 available to charter schools, including how the  
24 entity will offer a combination of rates and  
25 terms more favorable than the rates and terms

1           that a charter school could receive without as-  
2           sistance from the entity under this section;

3           “(E) a description of how the eligible enti-  
4           ty possesses sufficient expertise in education to  
5           evaluate the likelihood of success of a charter  
6           school program for which facilities financing is  
7           sought; and

8           “(F) in the case of an application sub-  
9           mitted by a State governmental entity, a de-  
10          scription of the actions that the entity has  
11          taken, or will take, to ensure that charter  
12          schools within the State receive the funding the  
13          charter schools need to have adequate facilities.

14          “(e) CHARTER SCHOOL OBJECTIVES.—An eligible  
15          entity receiving a grant under this section shall use the  
16          funds deposited in the reserve account established under  
17          subsection (f) to assist one or more charter schools to ac-  
18          cess private sector capital to accomplish one or both of  
19          the following objectives:

20                 “(1) The acquisition (by purchase, lease, dona-  
21                 tion, or otherwise) of an interest (including an inter-  
22                 est held by a third party for the benefit of a charter  
23                 school) in improved or unimproved real property  
24                 that is necessary to commence or continue the oper-  
25                 ation of a charter school.

1           “(2) The construction of new facilities, includ-  
2           ing predevelopment costs, or the renovation, repair,  
3           or alteration of existing facilities, necessary to com-  
4           mence or continue the operation of a charter school.

5           “(f) RESERVE ACCOUNT.—

6           “(1) USE OF FUNDS.—To assist charter schools  
7           to accomplish the objectives described in subsection  
8           (e), an eligible entity receiving a grant under sub-  
9           section (a) shall, in accordance with State and local  
10          law, directly or indirectly, alone or in collaboration  
11          with others, deposit the funds received under sub-  
12          section (a) (other than funds used for administrative  
13          costs in accordance with subsection (g)) in a reserve  
14          account established and maintained by the eligible  
15          entity for this purpose. Amounts deposited in such  
16          account shall be used by the eligible entity for one  
17          or more of the following purposes:

18                 “(A) Guaranteeing, insuring, and rein-  
19                 suring bonds, notes, evidences of debt, loans,  
20                 and interests therein, the proceeds of which are  
21                 used for an objective described in subsection  
22                 (e).

23                 “(B) Guaranteeing and insuring leases of  
24                 personal and real property for an objective de-  
25                 scribed in subsection (e).

1           “(C) Facilitating financing by identifying  
2           potential lending sources, encouraging private  
3           lending, and other similar activities that di-  
4           rectly promote lending to, or for the benefit of,  
5           charter schools.

6           “(D) Facilitating the issuance of bonds by  
7           charter schools, or by other public entities for  
8           the benefit of charter schools, by providing  
9           technical, administrative, and other appropriate  
10          assistance (including the recruitment of bond  
11          counsel, underwriters, and potential investors  
12          and the consolidation of multiple charter school  
13          projects within a single bond issue).

14          “(2) INVESTMENT.—Funds received under this  
15          section and deposited in the reserve account estab-  
16          lished under paragraph (1) shall be invested in obli-  
17          gations issued or guaranteed by the United States or  
18          a State, or in other similarly low-risk securities.

19          “(3) REINVESTMENT OF EARNINGS.—Any earn-  
20          ings on funds received under subsection (a) shall be  
21          deposited in the reserve account established under  
22          paragraph (1) and used in accordance with such  
23          paragraph.

24          “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An  
25          eligible entity may use not more than 2.5 percent of the

1 funds received under subsection (a) for the administrative  
2 costs of carrying out its responsibilities under this section  
3 (excluding subsection (k)).

4 “(h) AUDITS AND REPORTS.—

5 “(1) FINANCIAL RECORD MAINTENANCE AND  
6 AUDIT.—The financial records of each eligible entity  
7 receiving a grant under subsection (a) shall be main-  
8 tained in accordance with generally accepted ac-  
9 counting principles and shall be subject to an annual  
10 audit by an independent public accountant.

11 “(2) REPORTS.—

12 “(A) GRANTEE ANNUAL REPORTS.—Each  
13 eligible entity receiving a grant under sub-  
14 section (a) annually shall submit to the Sec-  
15 retary a report of its operations and activities  
16 under this section.

17 “(B) CONTENTS.—Each annual report  
18 submitted under subparagraph (A) shall in-  
19 clude—

20 “(i) a copy of the most recent finan-  
21 cial statements, and any accompanying  
22 opinion on such statements, prepared by  
23 the independent public accountant review-  
24 ing the financial records of the eligible en-  
25 tity;



1           “(ii) a copy of any report made on an  
2           audit of the financial records of the eligible  
3           entity that was conducted under paragraph  
4           (1) during the reporting period;

5           “(iii) an evaluation by the eligible en-  
6           tity of the effectiveness of its use of the  
7           Federal funds provided under subsection  
8           (a) in leveraging private funds;

9           “(iv) a listing and description of the  
10          charter schools served during the reporting  
11          period, including the amount of funds used  
12          by each school, the type of project facili-  
13          tated by the grant, and the type of assist-  
14          ance provided to the charter schools;

15          “(v) a description of the activities car-  
16          ried out by the eligible entity to assist  
17          charter schools in meeting the objectives  
18          set forth in subsection (e); and

19          “(vi) a description of the characteris-  
20          tics of lenders and other financial institu-  
21          tions participating in the activities under-  
22          taken by the eligible entity under this sec-  
23          tion (excluding subsection (k)) during the  
24          reporting period.

1           “(C) SECRETARIAL REPORT.—The Sec-  
2           retary shall review the reports submitted under  
3           subparagraph (A) and shall provide a com-  
4           prehensive annual report to Congress on the ac-  
5           tivities conducted under this section (excluding  
6           subsection (k)).

7           “(i) NO FULL FAITH AND CREDIT FOR GRANTEE  
8           OBLIGATION.—No financial obligation of an eligible entity  
9           entered into pursuant to this section (such as an obliga-  
10          tion under a guarantee, bond, note, evidence of debt, or  
11          loan) shall be an obligation of, or guaranteed in any re-  
12          spect by, the United States. The full faith and credit of  
13          the United States is not pledged to the payment of funds  
14          which may be required to be paid under any obligation  
15          made by an eligible entity pursuant to any provision of  
16          this section.

17          “(j) RECOVERY OF FUNDS.—

18                 “(1) IN GENERAL.—The Secretary, in accord-  
19                 ance with chapter 37 of title 31, United States  
20                 Code, shall collect—

21                         “(A) all of the funds in a reserve account  
22                         established by an eligible entity under sub-  
23                         section (f)(1) if the Secretary determines, not  
24                         earlier than 2 years after the date on which the  
25                         eligible entity first received funds under this

1 section (excluding subsection (k)), that the eli-  
2 gible entity has failed to make substantial  
3 progress in carrying out the purposes described  
4 in subsection (f)(1); or

5 “(B) all or a portion of the funds in a re-  
6 serve account established by an eligible entity  
7 under subsection (f)(1) if the Secretary deter-  
8 mines that the eligible entity has permanently  
9 ceased to use all or a portion of the funds in  
10 such account to accomplish any purpose de-  
11 scribed in subsection (f)(1).

12 “(2) EXERCISE OF AUTHORITY.—The Secretary  
13 shall not exercise the authority provided in para-  
14 graph (1) to collect from any eligible entity any  
15 funds that are being properly used to achieve one or  
16 more of the purposes described in subsection (f)(1).

17 “(3) PROCEDURES.—The provisions of sections  
18 451, 452, and 458 of the General Education Provi-  
19 sions Act (20 U.S.C. 1234, 1234a, 1234g) shall  
20 apply to the recovery of funds under paragraph (1).

21 “(4) CONSTRUCTION.—This subsection shall  
22 not be construed to impair or affect the authority of  
23 the Secretary to recover funds under part D of the  
24 General Education Provisions Act (20 U.S.C. 1234  
25 et seq.).

1 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

2 “(1) DEFINITION OF PER-PUPIL FACILITIES AID  
3 PROGRAM.—In this subsection, the term ‘per-pupil  
4 facilities aid program’ means a program in which a  
5 State makes payments, on a per-pupil basis, to char-  
6 ter schools to provide the schools with financing—

7 “(A) that is dedicated solely for funding  
8 charter school facilities; or

9 “(B) a portion of which is dedicated for  
10 funding charter school facilities.

11 “(2) GRANTS.—

12 “(A) IN GENERAL.—From the amount re-  
13 served under section 3102(b)(1) and remaining  
14 after the Secretary makes grants under sub-  
15 section (a), the Secretary shall make grants, on  
16 a competitive basis, to States to pay for the  
17 Federal share of the cost of establishing or en-  
18 hancing, and administering per-pupil facilities  
19 aid programs.

20 “(B) PERIOD.—The Secretary shall award  
21 grants under this subsection for periods of not  
22 more than 5 years.

23 “(C) FEDERAL SHARE.—The Federal  
24 share of the cost described in subparagraph (A)

1 for a per-pupil facilities aid program shall be  
2 not more than—

3 “(i) 90 percent of the cost, for the  
4 first fiscal year for which the program re-  
5 ceives assistance under this subsection;

6 “(ii) 80 percent in the second such  
7 year;

8 “(iii) 60 percent in the third such  
9 year;

10 “(iv) 40 percent in the fourth such  
11 year; and

12 “(v) 20 percent in the fifth such year.

13 “(D) STATE SHARE.—A State receiving a  
14 grant under this subsection may partner with 1  
15 or more organizations to provide up to 50 per-  
16 cent of the State share of the cost of estab-  
17 lishing or enhancing, and administering the per-  
18 pupil facilities aid program.

19 “(E) MULTIPLE GRANTS.—A State may  
20 receive more than 1 grant under this sub-  
21 section, so long as the amount of such funds  
22 provided to charter schools increases with each  
23 successive grant.

24 “(3) USE OF FUNDS.—

1           “(A) IN GENERAL.—A State that receives  
2 a grant under this subsection shall use the  
3 funds made available through the grant to es-  
4 tablish or enhance, and administer, a per-pupil  
5 facilities aid program for charter schools in the  
6 State of the applicant.

7           “(B) EVALUATIONS; TECHNICAL ASSIST-  
8 ANCE; DISSEMINATION.—From the amount  
9 made available to a State through a grant  
10 under this subsection for a fiscal year, the State  
11 may reserve not more than 5 percent to carry  
12 out evaluations, to provide technical assistance,  
13 and to disseminate information.

14           “(C) SUPPLEMENT, NOT SUPPLANT.—  
15 Funds made available under this subsection  
16 shall be used to supplement, and not supplant,  
17 State, and local public funds expended to pro-  
18 vide per pupil facilities aid programs, oper-  
19 ations financing programs, or other programs,  
20 for charter schools.

21           “(4) REQUIREMENTS.—

22           “(A) VOLUNTARY PARTICIPATION.—No  
23 State may be required to participate in a pro-  
24 gram carried out under this subsection.

25           “(B) STATE LAW.—

1           “(i) IN GENERAL.—Except as pro-  
2           vided in clause (ii), to be eligible to receive  
3           a grant under this subsection, a State shall  
4           establish or enhance, and administer, a  
5           per-pupil facilities aid program for charter  
6           schools in the State, that—

7                       “(I) is specified in State law; and  
8                       “(II) provides annual financing,  
9           on a per-pupil basis, for charter  
10          school facilities.

11          “(ii) SPECIAL RULE.—Notwith-  
12          standing clause (i), a State that is required  
13          under State law to provide its charter  
14          schools with access to adequate facility  
15          space, but which does not have a per-pupil  
16          facilities aid program for charter schools  
17          specified in State law, may be eligible to  
18          receive a grant under this subsection if the  
19          State agrees to use the funds to develop a  
20          per-pupil facilities aid program consistent  
21          with the requirements of this subsection.

22          “(5) APPLICATIONS.—To be eligible to receive a  
23          grant under this subsection, a State shall submit an  
24          application to the Secretary at such time, in such

1 manner, and containing such information as the Sec-  
2 retary may require.

3 **“SEC. 3105. NATIONAL ACTIVITIES.**

4 “(a) IN GENERAL.—From the amount reserved  
5 under section 3102(b)(2), the Secretary shall—

6 “(1) use not less than 50 percent of such funds  
7 to award grants in accordance with subsection (b);  
8 and

9 “(2) use the remainder of such funds to—

10 “(A) disseminate technical assistance to  
11 State entities in awarding subgrants under sec-  
12 tion 3103, and eligible entities and States re-  
13 ceiving grants under section 3104;

14 “(B) disseminate best practices; and

15 “(C) evaluate the impact of the charter  
16 school program, including the impact on stu-  
17 dent achievement, carried out under this sub-  
18 part.

19 “(b) GRANTS.—

20 “(1) IN GENERAL.—The Secretary shall make  
21 grants, on a competitive basis, to eligible applicants  
22 for the purpose of carrying out the activities de-  
23 scribed in section 3102(a)(1), subparagraphs (A)  
24 through (C) of section 3103(a)(1), and section  
25 3103(g).



1           “(2) TERMS AND CONDITIONS.—Except as oth-  
2           erwise provided in this subsection, grants awarded  
3           under this subsection shall have the same terms and  
4           conditions as grants awarded to State entities under  
5           section 3103.

6           “(3) ELIGIBLE APPLICANT DEFINED.—For pur-  
7           poses of this subsection, the term ‘eligible applicant’  
8           means an eligible applicant that desires to open a  
9           charter school in—

10                   “(A) a State that did not apply for a grant  
11                   under section 3103;

12                   “(B) a State that did not receive a grant  
13                   under section 3103; or

14                   “(C) a State that received a grant under  
15                   section 3103 and is in the 4th or 5th year of  
16                   the grant period for such grant.

17           “(c) CONTRACTS AND GRANTS.—The Secretary may  
18           carry out any of the activities described in this section di-  
19           rectly or through grants, contracts, or cooperative agree-  
20           ments.

21           **“SEC. 3106. FEDERAL FORMULA ALLOCATION DURING**  
22                   **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**  
23                   **MENT EXPANSIONS.**

24           “(a) IN GENERAL.—For purposes of the allocation  
25           to schools by the States or their agencies of funds under

1 part A of title I, and any other Federal funds which the  
2 Secretary allocates to States on a formula basis, the Sec-  
3 retary and each State educational agency shall take such  
4 measures as are necessary to ensure that every charter  
5 school receives the Federal funding for which the charter  
6 school is eligible not later than 5 months after the charter  
7 school first opens, notwithstanding the fact that the iden-  
8 tity and characteristics of the students enrolling in that  
9 charter school are not fully and completely determined  
10 until that charter school actually opens. The measures  
11 similarly shall ensure that every charter school expanding  
12 its enrollment in any subsequent year of operation receives  
13 the Federal funding for which the charter school is eligible  
14 not later than 5 months after such expansion.

15 “(b) ADJUSTMENT AND LATE OPENINGS.—

16 “(1) IN GENERAL.—The measures described in  
17 subsection (a) shall include provision for appropriate  
18 adjustments, through recovery of funds or reduction  
19 of payments for the succeeding year, in cases where  
20 payments made to a charter school on the basis of  
21 estimated or projected enrollment data exceed the  
22 amounts that the school is eligible to receive on the  
23 basis of actual or final enrollment data.

24 “(2) RULE.—For charter schools that first  
25 open after November 1 of any academic year, the

1 State, in accordance with guidance provided by the  
2 Secretary and applicable Federal statutes and regu-  
3 lations, shall ensure that such charter schools that  
4 are eligible for the funds described in subsection (a)  
5 for such academic year have a full and fair oppor-  
6 tunity to receive those funds during the charter  
7 schools' first year of operation.

8 **“SEC. 3107. SOLICITATION OF INPUT FROM CHARTER**  
9 **SCHOOL OPERATORS.**

10 “To the extent practicable, the Secretary shall ensure  
11 that administrators, teachers, and other individuals di-  
12 rectly involved in the operation of charter schools are con-  
13 sulted in the development of any rules or regulations re-  
14 quired to implement this subpart, as well as in the devel-  
15 opment of any rules or regulations relevant to charter  
16 schools that are required to implement part A of title I,  
17 the Individuals with Disabilities Education Act, or any  
18 other program administered by the Secretary that provides  
19 education funds to charter schools or regulates the activi-  
20 ties of charter schools.

21 **“SEC. 3108. RECORDS TRANSFER.**

22 “State educational agencies and local educational  
23 agencies, as quickly as possible and to the extent prac-  
24 ticable, shall ensure that a student's records and, if appli-  
25 cable, a student's individualized education program as de-

1 fined in section 602(14) of the Individuals with Disabil-  
2 ities Education Act, are transferred to a charter school  
3 upon the transfer of the student to the charter school, and  
4 to another public school upon the transfer of the student  
5 from a charter school to another public school, in accord-  
6 ance with applicable State law.

7 **“SEC. 3109. PAPERWORK REDUCTION.**

8 “To the extent practicable, the Secretary and each  
9 authorized public chartering agency shall ensure that im-  
10 plementation of this subpart results in a minimum of pa-  
11 perwork for any eligible applicant or charter school.

12 **“SEC. 3110. DEFINITIONS.**

13 “In this subpart:

14 “(1) DEVELOPER.—The term ‘developer’ means  
15 an individual or group of individuals (including a  
16 public or private nonprofit organization), which may  
17 include teachers, administrators and other school  
18 staff, parents, or other members of the local commu-  
19 nity in which a charter school project will be carried  
20 out.

21 “(2) ELIGIBLE APPLICANT.—The term ‘eligible  
22 applicant’ means a developer that has—

23 “(A) applied to an authorized public char-  
24 tering authority to operate a charter school;  
25 and

1                   “(B) provided adequate and timely notice  
2                   to that authority.

3                   “(3) AUTHORIZED PUBLIC CHARTERING AGEN-  
4                   CY.—The term ‘authorized public chartering agency’  
5                   means a State educational agency, local educational  
6                   agency, or other public entity that has the authority  
7                   pursuant to State law and approved by the Sec-  
8                   retary to authorize or approve a charter school.

9                   “(4) EXPANSION OF A HIGH-QUALITY CHARTER  
10                  SCHOOL.—The term ‘expansion of a high-quality  
11                  charter school’ means to significantly increase the  
12                  enrollment of, or add one or more grades to, a high-  
13                  quality charter school.

14                  “(5) HIGH-QUALITY CHARTER SCHOOL.—The  
15                  term ‘high-quality charter school’ means a charter  
16                  school that—

17                         “(A) shows evidence of strong academic re-  
18                         sults, which may include strong academic  
19                         growth as determined by a State;

20                         “(B) has no significant issues in the areas  
21                         of student safety, financial management, or  
22                         statutory or regulatory compliance;

23                         “(C) has demonstrated success in signifi-  
24                         cantly increasing student academic achievement

1 and attainment for all students served by the  
2 charter school; and

3 “(D) has demonstrated success in increas-  
4 ing student academic achievement for the  
5 groups of students described in section  
6 1111(b)(3)(B)(ii)(II), except that such dem-  
7 onstration is not required in a case in which the  
8 number of students in a group is insufficient to  
9 yield statistically reliable information or the re-  
10 sults would reveal personally identifiable infor-  
11 mation about an individual student.

12 “(6) REPLICABLE, HIGH-QUALITY CHARTER  
13 SCHOOL MODEL.—The term ‘replicable, high-quality  
14 charter school model’ means a high-quality charter  
15 school that has the capability of opening another  
16 such charter school under an existing charter.

17 **“Subpart 2—Magnet School Assistance**

18 **“SEC. 3121. PURPOSE.**

19 “The purpose of this subpart is to assist in the deseg-  
20 regation of schools served by local educational agencies by  
21 providing financial assistance to eligible local educational  
22 agencies for—

23 “(1) the elimination, reduction, or prevention of  
24 minority group isolation in elementary schools and  
25 secondary schools with substantial proportions of mi-

1        nority students, which shall include assisting in the  
2        efforts of the United States to achieve voluntary de-  
3        segregation in public schools;

4            “(2) the development and implementation of  
5        magnet school programs that will assist local edu-  
6        cational agencies in achieving systemic reforms and  
7        providing all students the opportunity to meet State  
8        academic standards;

9            “(3) the development and design of innovative  
10       educational methods and practices that promote di-  
11       versity and increase choices in public elementary  
12       schools and public secondary schools and public edu-  
13       cational programs;

14           “(4) courses of instruction within magnet  
15       schools that will substantially strengthen the knowl-  
16       edge of academic subjects and the attainment of tan-  
17       gible and marketable career, technical, and profes-  
18       sional skills of students attending such schools;

19           “(5) improving the ability of local educational  
20       agencies, including through professional develop-  
21       ment, to continue operating magnet schools at a  
22       high performance level after Federal funding for the  
23       magnet schools is terminated; and

24           “(6) ensuring that students enrolled in the  
25       magnet school programs have equitable access to a

1       quality education that will enable the students to  
2       succeed academically and continue with postsec-  
3       ondary education or employment.

4       **“SEC. 3122. DEFINITION.**

5       “For the purpose of this subpart, the term ‘magnet  
6 school’ means a public elementary school, public secondary  
7 school, public elementary education center, or public sec-  
8 ondary education center that offers a special curriculum  
9 capable of attracting substantial numbers of students of  
10 different racial backgrounds.

11       **“SEC. 3123. PROGRAM AUTHORIZED.**

12       “From the amount appropriated under section  
13 3(c)(1)(B), the Secretary, in accordance with this subpart,  
14 is authorized to award grants to eligible local educational  
15 agencies, and consortia of such agencies where appro-  
16 priate, to carry out the purpose of this subpart for magnet  
17 schools that are—

18               “(1) part of an approved desegregation plan;

19       and

20               “(2) designed to bring students from different  
21 social, economic, ethnic, and racial backgrounds to-  
22 gether.

23       **“SEC. 3124. ELIGIBILITY.**

24       “A local educational agency, or consortium of such  
25 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) An assurance that the applicant will—

24                       “(A) establish a special advisory com-  
25       mittee, the membership of which includes—

1                   “(i) parents, who shall constitute a  
2                   majority of the members of the special ad-  
3                   visory committee;

4                   “(ii) representatives of education pro-  
5                   fessionals with expertise in improving serv-  
6                   ices for disadvantaged children;

7                   “(iii) representatives of local elemen-  
8                   tary schools and secondary schools, includ-  
9                   ing students;

10                  “(iv) representatives of the business  
11                  community; and

12                  “(v) representatives of State edu-  
13                  cational agencies and local educational  
14                  agencies;

15                  “(B) use not less than 65 percent of the  
16                  funds received under this subpart in each fiscal  
17                  year to serve local educational agencies, schools,  
18                  and community-based organizations that serve  
19                  high concentrations of disadvantaged students,  
20                  including English learners, minorities, parents  
21                  of students with disabilities, parents of home-  
22                  less students, foster parents and students, and  
23                  parents of migratory students;

24                  “(C) operate a Statewide Family Engage-  
25                  ment Center of sufficient size, scope, and qual-

1           ity to ensure that the Center is adequate to  
2           serve the State educational agency, local edu-  
3           cational agencies, and community-based organi-  
4           zations;

5           “(D) ensure that the Center will retain  
6           staff with the requisite training and experience  
7           to serve parents in the State;

8           “(E) serve urban, suburban, and rural  
9           local educational agencies and schools;

10          “(F) work with—

11                 “(i) other Statewide Family Engage-  
12                 ment Centers assisted under this subpart;  
13                 and

14                 “(ii) parent training and information  
15                 centers and community parent resource  
16                 centers assisted under sections 671 and  
17                 672 of the Individuals with Disabilities  
18                 Education Act;

19          “(G) use not less than 30 percent of the  
20          funds received under this subpart for each fiscal  
21          year to establish or expand technical assistance  
22          for evidence-based parent education programs;

23          “(H) provide assistance to State edu-  
24          cational agencies and local educational agencies  
25          and community-based organizations that sup-

1 port family members in supporting student aca-  
2 demic achievement;

3 “(I) work with State educational agencies,  
4 local educational agencies, schools, educators,  
5 and parents to determine parental needs and  
6 the best means for delivery of services to ad-  
7 dress such needs; and

8 “(J) conduct sufficient outreach to assist  
9 parents, including parents who the applicant  
10 may have a difficult time engaging with a  
11 school or local educational agency.

12 **“SEC. 3144. USES OF FUNDS.**

13 “(a) IN GENERAL.—Grantees shall use grant funds  
14 received under this subpart, based on the needs deter-  
15 mined under section 3143(b)(5)(I), to provide training  
16 and technical assistance to State educational agencies,  
17 local educational agencies, and organizations that support  
18 family-school partnerships, and activities, services, and  
19 training for local educational agencies, school leaders, edu-  
20 cators, and parents—

21 “(1) to assist parents in participating effectively  
22 in their children’s education and to help their chil-  
23 dren meet State standards, such as assisting par-  
24 ents—

1           “(A) to engage in activities that will im-  
2           prove student academic achievement, including  
3           understanding how they can support learning in  
4           the classroom with activities at home and in  
5           afterschool and extracurricular programs;

6           “(B) to communicate effectively with their  
7           children, teachers, school leaders, counselors,  
8           administrators, and other school personnel;

9           “(C) to become active participants in the  
10          development, implementation, and review of  
11          school-parent compacts, family engagement in  
12          education policies, and school planning and im-  
13          provement;

14          “(D) to participate in the design and pro-  
15          vision of assistance to students who are not  
16          making academic progress;

17          “(E) to participate in State and local deci-  
18          sionmaking;

19          “(F) to train other parents; and

20          “(G) to help the parents learn and use  
21          technology applied in their children’s education;

22          “(2) to develop and implement, in partnership  
23          with the State educational agency, statewide family  
24          engagement in education policy and systemic initia-  
25          tives that will provide for a continuum of services to



1       remove barriers for family engagement in education  
2       and support school reform efforts; and

3               “(3) to develop and implement parental involve-  
4       ment policies under this Act.

5       “(b) MATCHING FUNDS FOR GRANT RENEWAL.—  
6 For each fiscal year after the first fiscal year for which  
7 an organization or consortium receives assistance under  
8 this section, the organization or consortium shall dem-  
9 onstrate in the application that a portion of the services  
10 provided by the organization or consortium is supported  
11 through non-Federal contributions, which may be in cash  
12 or in-kind.

13       “(c) TECHNICAL ASSISTANCE.—The Secretary shall  
14 reserve not more than 2 percent of the funds appropriated  
15 under section 3(c)(1)(C) to carry out this subpart to pro-  
16 vide technical assistance, by competitive grant or contract,  
17 for the establishment, development, and coordination of  
18 Statewide Family Engagement Centers.

19       “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
20 tion shall be construed to prohibit a Statewide Family En-  
21 gagement Center from—

22               “(1) having its employees or agents meet with  
23       a parent at a site that is not on school grounds; or

24               “(2) working with another agency that serves  
25       children.

1       “(e) PARENTAL RIGHTS.—Notwithstanding any  
2 other provision of this section—

3           “(1) no person (including a parent who edu-  
4 cates a child at home, a public school parent, or a  
5 private school parent) shall be required to partici-  
6 pate in any program of parent education or develop-  
7 mental screening under this section; and

8           “(2) no program or center assisted under this  
9 section shall take any action that infringes in any  
10 manner on the right of a parent to direct the edu-  
11 cation of their children.

12 **“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

13       “The Secretary of the Interior, in consultation with  
14 the Secretary of Education, shall establish, or enter into  
15 contracts and cooperative agreements with local Indian  
16 nonprofit parent organizations to establish and operate  
17 Family Engagement Centers.

18 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

19 **“SEC. 3201. PURPOSE.**

20       “The purpose of this part is to—

21           “(1) provide local educational agencies with the  
22 opportunity to access funds to support the initiatives  
23 important to their schools and students to improve  
24 academic achievement, including protecting student  
25 safety; and

1           “(2) provide nonprofit and for-profit entities  
2           the opportunity to work with students to improve  
3           academic achievement, including student safety.

4   **“SEC. 3202. ALLOTMENTS TO STATES.**

5           “(a) RESERVATIONS.—From the funds appropriated  
6           under section 3(c)(2) for any fiscal year, the Secretary  
7           shall reserve—

8           “(1) not more than one-half of 1 percent for  
9           national activities to provide technical assistance to  
10          eligible entities in carrying out programs under this  
11          part; and

12          “(2) not more than one-half of 1 percent for  
13          payments to the outlying areas and the Bureau of  
14          Indian Education, to be allotted in accordance with  
15          their respective needs for assistance under this part,  
16          as determined by the Secretary, to enable the out-  
17          lying areas and the Bureau to carry out the purpose  
18          of this part.

19          “(b) STATE ALLOTMENTS.—

20          “(1) DETERMINATION.—From the funds appro-  
21          priated under section 3(c)(2) for any fiscal year and  
22          remaining after the Secretary makes reservations  
23          under subsection (a), the Secretary shall allot to  
24          each State for the fiscal year an amount that bears  
25          the same relationship to the remainder as the

1 amount the State received under chapter B of sub-  
2 part 1 of part A of title I for the preceding fiscal  
3 year bears to the amount all States received under  
4 that chapter for the preceding fiscal year, except  
5 that no State shall receive less than an amount  
6 equal to one-half of 1 percent of the total amount  
7 made available to all States under this subsection.

8 “(2) REALLOTMENT OF UNUSED FUNDS.—If a  
9 State does not receive an allotment under this part  
10 for a fiscal year, the Secretary shall reallocate the  
11 amount of the State’s allotment to the remaining  
12 States in accordance with this section.

13 “(c) STATE USE OF FUNDS.—

14 “(1) IN GENERAL.—Each State that receives an  
15 allotment under this part shall reserve not less than  
16 75 percent of the amount allotted to the State under  
17 subsection (b) for each fiscal year for awards to eli-  
18 gible entities under section 3204.

19 “(2) AWARDS TO NONGOVERNMENTAL ENTI-  
20 TIES TO IMPROVE STUDENT ACADEMIC ACHIEVE-  
21 MENT.—Each State that receives an allotment under  
22 subsection (b) for each fiscal year shall reserve not  
23 less than 10 percent of the amount allotted to the  
24 State for awards to nongovernmental entities under  
25 section 3205.

1           “(3) STATE ACTIVITIES AND STATE ADMINIS-  
2           TRATION.—A State educational agency may reserve  
3           not more than 15 percent of the amount allotted to  
4           the State under subsection (b) for each fiscal year  
5           for the following:

6                   “(A) Enabling the State educational agen-  
7           cy—

8                           “(i) to pay the costs of developing the  
9                           State assessments and standards required  
10                          under section 1111(b), which may include  
11                          the costs of working, at the sole discretion  
12                          of the State, in voluntary partnerships  
13                          with other States to develop such assess-  
14                          ments and standards; or

15                           “(ii) if the State has developed the as-  
16                           sessments and standards required under  
17                           section 1111(b), to administer those as-  
18                           sessments or carry out other activities re-  
19                           lated to ensuring that the State’s schools  
20                           and local educational agencies are helping  
21                           students meet the State’s academic stand-  
22                           ards under such section.

23                           “(B) The administrative costs of carrying  
24           out its responsibilities under this part, except

1           that not more than 5 percent of the reserved  
2           amount may be used for this purpose.

3           “(C) Monitoring and evaluation of pro-  
4           grams and activities assisted under this part.

5           “(D) Providing training and technical as-  
6           sistance under this part.

7           “(E) Statewide academic focused pro-  
8           grams.

9           “(F) Sharing evidence-based and other ef-  
10          fective strategies with eligible entities.

11 **“SEC. 3203. STATE APPLICATION.**

12          “(a) IN GENERAL.—In order to receive an allotment  
13          under section 3202 for any fiscal year, a State shall sub-  
14          mit to the Secretary, at such time as the Secretary may  
15          require, an application that—

16               “(1) designates the State educational agency as  
17          the agency responsible for the administration and  
18          supervision of programs assisted under this part;

19               “(2) describes how the State educational agency  
20          will use funds reserved for State-level activities, in-  
21          cluding how, if any, of the funds will be used to sup-  
22          port student safety;

23               “(3) describes the procedures and criteria the  
24          State educational agency will use for reviewing appli-  
25          cations and awarding funds to eligible entities on a

1 competitive basis, which shall include reviewing how  
2 the proposed project will help increase student aca-  
3 demic achievement;

4 “(4) describes how the State educational agency  
5 will ensure that awards made under this part are—

6 “(A) of sufficient size and scope to support  
7 high-quality, effective programs that are con-  
8 sistent with the purpose of this part; and

9 “(B) in amounts that are consistent with  
10 section 3204(f);

11 “(5) describes the steps the State educational  
12 agency will take to ensure that programs implement  
13 effective strategies, including providing ongoing  
14 technical assistance and training, and dissemination  
15 of evidence-based and other effective strategies;

16 “(6) describes how the State educational agency  
17 will consider students across all grades when making  
18 these awards;

19 “(7) an assurance that, other than providing  
20 technical and advisory assistance and monitoring  
21 compliance with this part, the State educational  
22 agency has not exercised and will not exercise any  
23 influence in the decision-making process of eligible  
24 entities as to the expenditure of funds received by  
25 the eligible entities under this part;

1           “(8) describes how programs under this part  
2 will be coordinated with programs under this Act,  
3 and other programs as appropriate;

4           “(9) contains an assurance that the State edu-  
5 cational agency—

6           “(A) will make awards for programs for a  
7 period of not more than 5 years; and

8           “(B) will require each eligible entity seek-  
9 ing such an award to submit a plan describing  
10 how the project to be funded through the award  
11 will continue after funding under this part  
12 ends, if applicable; and

13           “(10) contains an assurance that funds appro-  
14 priated to carry out this part will be used to supple-  
15 ment, and not supplant, State and local public funds  
16 expended to provide programs and activities author-  
17 ized under this part and other similar programs.

18           “(b) DEEMED APPROVAL.—An application submitted  
19 by a State educational agency pursuant to subsection (a)  
20 shall be deemed to be approved by the Secretary unless  
21 the Secretary makes a written determination, prior to the  
22 expiration of the 120-day period beginning on the date on  
23 which the Secretary received the application, that the ap-  
24 plication is not in compliance with this part.



1           “(c) DISAPPROVAL.—The Secretary shall not finally  
2 disapprove the application, except after giving the State  
3 educational agency notice and an opportunity for a hear-  
4 ing.

5           “(d) NOTIFICATION.—If the Secretary finds that the  
6 application is not in compliance, in whole or in part, with  
7 this part, the Secretary shall—

8                   “(1) give the State educational agency notice  
9 and an opportunity for a hearing; and

10                   “(2) notify the State educational agency of the  
11 finding of noncompliance, and, in such notification,  
12 shall—

13                           “(A) cite the specific provisions in the ap-  
14 plication that are not in compliance; and

15                           “(B) request additional information, only  
16 as to the noncompliant provisions, needed to  
17 make the application compliant.

18           “(e) RESPONSE.—If the State educational agency re-  
19 sponds to the Secretary’s notification described in sub-  
20 section (d)(2) during the 45-day period beginning on the  
21 date on which the agency received the notification, and  
22 resubmits the application with the requested information  
23 described in subsection (d)(2)(B), the Secretary shall ap-  
24 prove or disapprove such application prior to the later of—

1           “(1) the expiration of the 45-day period begin-  
2           ning on the date on which the application is resub-  
3           mitted; or

4           “(2) the expiration of the 120-day period de-  
5           scribed in subsection (b).

6           “(f) FAILURE TO RESPOND.—If the State edu-  
7           cational agency does not respond to the Secretary’s notifi-  
8           cation described in subsection (d)(2) during the 45-day pe-  
9           riod beginning on the date on which the agency received  
10          the notification, such application shall be deemed to be  
11          disapproved.

12          “(g) RULE OF CONSTRUCTION.—An application sub-  
13          mitted by a State educational agency pursuant to sub-  
14          section (a) shall not be approved or disapproved based  
15          upon the activities for which the agency may make funds  
16          available to eligible entities under section 3204 if the agen-  
17          cy’s use of funds is consistent with section 3204(b).

18          **“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

19          “(a) IN GENERAL.—A State that receives funds  
20          under this part for a fiscal year shall provide the amount  
21          made available under section 3202(c)(1) to eligible entities  
22          in accordance with this section.

23          “(b) USE OF FUNDS.—

1           “(1) IN GENERAL.—An eligible entity that re-  
2           ceives an award under this part shall use the funds  
3           for activities that—

4                   “(A) are evidence-based;

5                   “(B) will improve student academic  
6           achievement;

7                   “(C) are allowable under State law; and

8                   “(D) focus on one or more projects from  
9           the following two categories:

10                   “(i) Supplemental student support ac-  
11           tivities such as before, after, or summer  
12           school activities, tutoring, and expanded  
13           learning time, but not including athletics  
14           or in-school learning activities.

15                   “(ii) Activities designed to support  
16           students, such as academic subject specific  
17           programs, adjunct teacher programs, ex-  
18           tended learning time programs, and parent  
19           engagement, but not including activities  
20           to—

21                           “(I) support smaller class sizes  
22                           or construction; or

23                           “(II) provide compensation or  
24                           benefits to teachers, school leaders,

1                   other school officials, or local edu-  
2                   cational agency staff.

3                   “(2) PARTICIPATION OF CHILDREN ENROLLED  
4                   IN PRIVATE SCHOOLS.—An eligible entity that re-  
5                   ceives an award under this part shall ensure compli-  
6                   ance with section 5501 (relating to participation of  
7                   children enrolled in private schools).

8                   “(c) APPLICATION.—

9                   “(1) IN GENERAL.—To be eligible to receive an  
10                  award under this part, an eligible entity shall submit  
11                  an application to the State educational agency at  
12                  such time, in such manner, and including such infor-  
13                  mation as the State educational agency may reason-  
14                  ably require, including the contents required by  
15                  paragraph (2).

16                  “(2) CONTENTS.—Each application submitted  
17                  under paragraph (1) shall include—

18                         “(A) a description of the activities to be  
19                         funded and how they are consistent with sub-  
20                         section (b);

21                         “(B) an assurance that funds under this  
22                         part will be used to increase the level of State,  
23                         local, and other non-Federal funds that would,  
24                         in the absence of funds under this part, be  
25                         made available for programs and activities au-

1           thorized under this part, and in no case sup-  
2           plant State, local, or non-Federal funds;

3           “(C) an assurance that the community will  
4           be given notice of an intent to submit an appli-  
5           cation with an opportunity for comment, and  
6           that the application will be available for public  
7           review after submission of the application; and

8           “(D) an assurance that students who ben-  
9           efit from any activity funded under this part  
10          shall continue to maintain enrollment in a pub-  
11          lic elementary or secondary school, until grad-  
12          uation or transfer to another school.

13          “(d) REVIEW.—In reviewing local applications under  
14          this section, a State educational agency shall use a peer  
15          review process or other methods of assuring the quality  
16          of such applications but the review shall be limited to the  
17          likelihood that the project will increase student academic  
18          achievement.

19          “(e) GEOGRAPHIC DIVERSITY.—A State educational  
20          agency shall distribute funds under this part equitably  
21          among geographic areas within the State, including rural,  
22          suburban, and urban communities.

23          “(f) AWARD.—A grant shall be awarded to all eligible  
24          entities that submit an application that meets the require-  
25          ments of this section in an amount that is not less than

1 \$10,000, but there shall be only one award granted to any  
2 one local educational agency, but such award may be for  
3 multiple projects or programs with the local educational  
4 agency.

5 “(g) DURATION OF AWARDS.—Grants under this  
6 part may be awarded for a period of not more than 5  
7 years.

8 “(h) ELIGIBLE ENTITY DEFINED.—In this section,  
9 the term ‘eligible entity’ means—

10 “(1) a local educational agency in partnership  
11 with a community-based organization, business enti-  
12 ty, or nongovernmental entity;

13 “(2) a consortium of local educational agencies  
14 working in partnership with a community-based or-  
15 ganization, business entity, or nongovernmental enti-  
16 ty;

17 “(3) a community-based organization in part-  
18 nership with a local educational agency and, if appli-  
19 cable, a business entity or nongovernmental entity;  
20 or

21 “(4) a business entity in partnership with a  
22 local educational agency and, if applicable, a commu-  
23 nity-based organization or nongovernmental entity.

1 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**  
2 **IMPROVE ACADEMIC ACHIEVEMENT.**

3 “(a) IN GENERAL.—From the amount reserved  
4 under section 3202(c)(2), a State educational agency shall  
5 award grants to nongovernmental entities, including pub-  
6 lic or private organizations, community-based or faith-  
7 based organizations, and business entities for a program  
8 or project to increase the academic achievement of public  
9 school students attending public elementary or secondary  
10 schools (or both) in compliance with the requirements in  
11 this section. Subject to the availability of funds, the State  
12 educational agency shall award a grant to each eligible ap-  
13 plicant that meets the requirements in a sufficient size and  
14 scope to support the program.

15 “(b) APPLICATION.—The State educational agency  
16 shall require an application that includes the following in-  
17 formation:

18 “(1) A description of the program or project  
19 the applicant will use the funds to support.

20 “(2) A description of how the applicant is using  
21 or will use other State, local, or private funding to  
22 support the program or project.

23 “(3) A description of how the program or  
24 project will help increase student academic achieve-  
25 ment, including the evidence to support this claim.

1           “(4) A description of the student population the  
2           program or project is targeting to impact, and if the  
3           program will prioritize students in high-need local  
4           educational agencies.

5           “(5) A description of how the applicant will  
6           conduct sufficient outreach to ensure students can  
7           participate in the program or project.

8           “(6) A description of any partnerships the ap-  
9           plicant has entered into with local educational agen-  
10          cies or other entities the applicant will work with, if  
11          applicable.

12          “(7) A description of how the applicant will  
13          work to share evidence-based and other effective  
14          strategies from the program or project with local  
15          educational agencies and other entities working with  
16          students to increase academic achievement.

17          “(8) An assurance that students who benefit  
18          from any program or project funded under this sec-  
19          tion shall continue to maintain enrollment in a pub-  
20          lic elementary or secondary school, until graduation  
21          or transfer to another school.

22          “(c) MATCHING CONTRIBUTION.—An eligible appli-  
23          cant receiving a grant under this section shall provide, ei-  
24          ther directly or through private contributions, non-Federal



1 matching funds equal to not less than 50 percent of the  
2 amount of the grant.

3 “(d) REVIEW.—The State educational agency shall  
4 review the application to ensure that—

5 “(1) the applicant is an eligible applicant;

6 “(2) the application clearly describes the re-  
7 quired elements in subsection (b);

8 “(3) the entity meets the matching requirement  
9 described in subsection (c); and

10 “(4) the program is allowable and complies with  
11 Federal, State, and local laws.

12 “(e) DISTRIBUTION OF FUNDS.—If the application  
13 requests exceed the funds available, the State educational  
14 agency shall prioritize projects that support students in  
15 high-need local educational agencies and ensure geo-  
16 graphic diversity, including serving rural, suburban, and  
17 urban areas.

18 “(f) ADMINISTRATIVE COSTS.—Not more than 1 per-  
19 cent of a grant awarded under this section may be used  
20 for administrative costs.

21 **“SEC. 3206. REPORT.**

22 “Each recipient of a grant under section 3204 or  
23 3205 shall report to the State educational agency on—

24 “(1) the success of the program in reaching the  
25 goals of the program;

1           “(2) a description of the students served by the  
2           program and how the students’ academic achieve-  
3           ment improved; and

4           “(3) the results of any evaluation conducted on  
5           the success of the program.”.

## 6           **TITLE IV—IMPACT AID**

### 7           **SEC. 401. PURPOSE.**

8           Section 8001 (20 U.S.C. 7701) is amended by strik-  
9           ing “challenging State standards” and inserting “State  
10          academic standards”.

### 11          **SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION** 12          **OF REAL PROPERTY.**

13          Section 8002 (20 U.S.C. 7702) is amended—

14                 (1) in subsection (b)(1)(B), by striking “section  
15                 8014(a)” and inserting “section 3(d)(1)”; and

16                 (2) by amending subsection (f) to read as fol-  
17                 lows:

18                 “(f) **SPECIAL RULE.**—Beginning with fiscal year  
19                 2014, a local educational agency shall be deemed to meet  
20                 the requirements of subsection (a)(1)(C) if records to de-  
21                 termine eligibility under such subsection were destroyed  
22                 prior to fiscal year 2000 and the agency received funds  
23                 under subsection (b) in the previous year.”;

24                 (3) by amending subsection (g) to read as fol-  
25                 lows:

1 “(g) FORMER DISTRICTS.—

2 “(1) CONSOLIDATIONS.—For fiscal year 2006  
3 and each succeeding fiscal year, if a local edu-  
4 cational agency described in paragraph (2) is formed  
5 at any time after 1938 by the consolidation of two  
6 or more former school districts, the local educational  
7 agency may elect to have the Secretary determine its  
8 eligibility and any amount for which the local edu-  
9 cational agency is eligible under this section for such  
10 fiscal year on the basis of one or more of those  
11 former districts, as designated by the local edu-  
12 cational agency.

13 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
14 CIES.—A local educational agency described in this  
15 paragraph is—

16 “(A) any local educational agency that, for  
17 fiscal year 1994 or any preceding fiscal year,  
18 applied for, and was determined to be eligible  
19 under section 2(e) of the Act of September 20,  
20 1950 (Public Law 874, 81st Congress) as that  
21 section was in effect for that fiscal year; or

22 “(B) a local educational agency formed by  
23 the consolidation of 2 or more school districts,  
24 at least one of which was eligible for assistance

1 under this section for the fiscal year preceding  
2 the year of the consolidation, if—

3 “(i) for fiscal years 2006 through  
4 2013, the local educational agency notifies  
5 the Secretary not later than 30 days after  
6 the date of enactment of the Student Suc-  
7 cess Act of the designation described in  
8 paragraph (1); and

9 “(ii) for fiscal year 2014, and each  
10 subsequent fiscal year, the local edu-  
11 cational agency includes the designation in  
12 its application under section 8005 or any  
13 timely amendment to such application.

14 “(3) AVAILABILITY OF FUNDS.—Notwith-  
15 standing any other provision of law limiting the pe-  
16 riod during which the Secretary may obligate funds  
17 appropriated for any fiscal year after fiscal year  
18 2005, the Secretary may obligate funds remaining  
19 after final payments have been made for any of such  
20 fiscal years to carry out this subsection.”;

21 (4) in subsection (h)—

22 (A) in paragraph (2)—

23 (i) in subparagraph (C)(ii), by strik-  
24 ing “section 8014(a)” and inserting “sec-  
25 tion 3(d)(1)”;

1 (ii) in subparagraph (D), by striking  
2 “section 8014(a)” and inserting “section  
3 3(d)(1)”; and  
4 (B) in paragraph (4), by striking “Impact  
5 Aid Improvement Act of 2012” and inserting  
6 “Student Success Act”;  
7 (5) by repealing subsection (k);  
8 (6) by redesignating subsection (l) as subsection  
9 (k);  
10 (7) by amending subsection (k) (as so redesign-  
11 nated) by striking “(h)(4)(B)” and inserting  
12 “(h)(2)”;  
13 (8) by repealing subsection (m); and  
14 (9) by redesignating subsection (n) as sub-  
15 section (j).

16 **SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**  
17 **NECTED CHILDREN.**

18 (a) COMPUTATION OF PAYMENT.—Section 8003(a)  
19 (20 U.S.C. 7703(a)) is amended—

20 (1) in the matter preceding subparagraph (A)  
21 of paragraph (1), by inserting after “schools of such  
22 agency” the following: “(including those children en-  
23 rolled in such agency as a result of the open enroll-  
24 ment policy of the State in which the agency is lo-  
25 cated, but not including children who are enrolled in

1 a distance education program at such agency and  
2 who are not residing within the geographic bound-  
3 aries of such agency)”; and

4 (2) in paragraph (5)(A), by striking “1984”  
5 and all that follows through “situated” and inserting  
6 “1984, or under lease of off-base property under  
7 subchapter IV of chapter 169 of title 10, United  
8 States Code, to be children described under para-  
9 graph (1)(B) if the property described is within the  
10 fenced security perimeter of the military facility or  
11 attached to and under any type of force protection  
12 agreement with the military installation upon which  
13 such housing is situated.”

14 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-  
15 PACTED LOCAL EDUCATIONAL AGENCIES.—Section  
16 8003(b) (20 U.S.C. 7703(b)) is amended—

17 (1) by striking “section 8014(b)” each place it  
18 appears and inserting “section 3(d)(2)”;

19 (2) in paragraph (1), by repealing subpara-  
20 graph (E);

21 (3) in paragraph (2)—

22 (A) in subparagraph (A), by inserting at  
23 the end the following:

24 “(iii) The Secretary shall—

1                   “(I) deem each local educational  
2                   agency that received a basic support  
3                   payment under this paragraph for fis-  
4                   cal year 2009 as eligible to receive a  
5                   basic support payment under this  
6                   paragraph for each of fiscal years  
7                   2012, 2013, and 2014; and

8                   “(II) make a payment to each  
9                   such local educational agency under  
10                  this paragraph for each of fiscal years  
11                  2012, 2013, and 2014.”; and

12                  (B) in subparagraph (B)—

13                   (i) by striking “CONTINUING” in the  
14                  heading;

15                   (ii) by amending clause (i) to read as  
16                  follows:

17                   “(i) IN GENERAL.—A heavily im-  
18                  pacted local educational agency is eligible  
19                  to receive a basic support payment under  
20                  subparagraph (A) with respect to a num-  
21                  ber of children determined under sub-  
22                  section (a)(1) if the agency—

23                   “(I) is a local educational agen-  
24                  cy—

1                   “(aa) whose boundaries are  
2                   the same as a Federal military  
3                   installation or an island property  
4                   designated by the Secretary of  
5                   the Interior to be property that is  
6                   held in trust by the Federal Gov-  
7                   ernment; and

8                   “(bb) that has no taxing au-  
9                   thority;

10                   “(II) is a local educational agen-  
11                   cy that—

12                   “(aa) has an enrollment of  
13                   children described in subsection  
14                   (a)(1) that constitutes a percent-  
15                   age of the total student enroll-  
16                   ment of the agency that is not  
17                   less than 45 percent;

18                   “(bb) has a per-pupil ex-  
19                   penditure that is less than—

20                   “(AA) for an agency  
21                   that has a total student en-  
22                   rollment of 500 or more stu-  
23                   dents, 125 percent of the av-  
24                   erage per-pupil expenditure



1 of the State in which the  
2 agency is located; or

3 “(BB) for any agency  
4 that has a total student en-  
5 rollment less than 500, 150  
6 percent of the average per-  
7 pupil expenditure of the  
8 State in which the agency is  
9 located or the average per-  
10 pupil expenditure of 3 or  
11 more comparable local edu-  
12 cational agencies in the  
13 State in which the agency is  
14 located; and

15 “(cc) is an agency that—

16 “(AA) has a tax rate  
17 for general fund purposes  
18 that is not less than 95 per-  
19 cent of the average tax rate  
20 for general fund purposes of  
21 comparable local educational  
22 agencies in the State; or

23 “(BB) was eligible to  
24 receive a payment under this  
25 subsection for fiscal year

1                   2013 and is located in a  
2                   State that by State law has  
3                   eliminated ad valorem tax as  
4                   a revenue for local edu-  
5                   cational agencies;

6                   “(III) is a local educational agen-  
7                   cy that—

8                   “(aa) has an enrollment of  
9                   children described in subsection  
10                  (a)(1) that constitutes a percent-  
11                  age of the total student enroll-  
12                  ment of the agency that is not  
13                  less than 20 percent;

14                  “(bb) for the 3 fiscal years  
15                  preceding the fiscal year for  
16                  which the determination is made,  
17                  the average enrollment of chil-  
18                  dren who are not described in  
19                  subsection (a)(1) and who are eli-  
20                  gible for a free or reduced price  
21                  lunch under the Richard B. Rus-  
22                  sell National School Lunch Act  
23                  constitutes a percentage of the  
24                  total student enrollment of the

1 agency that is not less than 65  
2 percent; and

3 “(cc) has a tax rate for gen-  
4 eral fund purposes which is not  
5 less than 125 percent of the aver-  
6 age tax rate for general fund  
7 purposes for comparable local  
8 educational agencies in the State;

9 “(IV) is a local educational agen-  
10 cy that has a total student enrollment  
11 of not less than 25,000 students, of  
12 which—

13 “(aa) not less than 50 per-  
14 cent are children described in  
15 subsection (a)(1); and

16 “(bb) not less than 5,500 of  
17 such children are children de-  
18 scribed in subparagraphs (A) and  
19 (B) of subsection (a)(1); or

20 “(V) is a local educational agency  
21 that—

22 “(aa) has an enrollment of  
23 children described in subsection  
24 (a)(1) including, for purposes of  
25 determining eligibility, those chil-

1                   dren described in subparagraphs  
2                   (F) and (G) of such subsection,  
3                   that is not less than 35 percent  
4                   of the total student enrollment of  
5                   the agency; and

6                   “(bb) was eligible to receive  
7                   assistance under subparagraph  
8                   (A) for fiscal year 2001.”; and

9                   (iii) in clause (ii)—

10                   (I) by striking “A heavily” and  
11                   inserting the following:

12                   “(I) IN GENERAL.—Subject to  
13                   subclause (II), a heavily”; and

14                   (II) by adding at the end the fol-  
15                   lowing:

16                   “(II) LOSS OF ELIGIBILITY DUE  
17                   TO FALLING BELOW 95 PERCENT OF  
18                   THE AVERAGE TAX RATE FOR GEN-  
19                   ERAL FUND PURPOSES.—In a case of  
20                   a heavily impacted local educational  
21                   agency that fails to meet the require-  
22                   ments of clause (i) for a fiscal year by  
23                   reason of having a tax rate for gen-  
24                   eral fund purposes that falls below 95  
25                   percent of the average tax rate for

1           general fund purposes of comparable  
2           local educational agencies in the  
3           State, subclause (I) shall be applied  
4           as if ‘and the subsequent fiscal year’  
5           were inserted before the period at the  
6           end.”;

7           (C) by striking subparagraph (C);

8           (D) by redesignating subparagraphs (D)  
9           through (H) as subparagraphs (C) through (G),  
10          respectively;

11          (E) in subparagraph (C) (as so redesign-  
12          ated)—

13           (i) in the heading, by striking “REG-  
14           ULAR”;

15           (ii) by striking “Except as provided in  
16           subparagraph (E)” and inserting “Except  
17           as provided in subparagraph (D)”;

18           (iii) by amending subclause (I) of  
19           clause (ii) to read as follows:

20           “(ii)(I)(aa) For a local educational agency  
21           with respect to which 35 percent or more of the  
22           total student enrollment of the schools of the  
23           agency are children described in subparagraph  
24           (D) or (E) (or a combination thereof) of sub-  
25           section (a)(1), and that has an enrollment of

1 children described in subparagraphs (A), (B),  
2 or (C) of such subsection equal to at least 10  
3 percent of the agency's total enrollment, the  
4 Secretary shall calculate the weighted student  
5 units of those children described in subpara-  
6 graph (D) or (E) of such subsection by multi-  
7 plying the number of such children by a factor  
8 of 0.55.

9 “(bb) Notwithstanding subitem (aa), a  
10 local educational agency that received a pay-  
11 ment under this paragraph for fiscal year 2012  
12 shall not be required to have an enrollment of  
13 children described in subparagraphs (A), (B),  
14 or (C) of subsection (a)(1) equal to at least 10  
15 percent of the agency's total enrollment.”; and

16 (iv) by amending subclause (III) of  
17 clause (ii) by striking “(B)(i)(II)(aa)” and  
18 inserting “subparagraph (B)(i)(I)”;

19 (F) in subparagraph (D)(i)(II) (as so re-  
20 designated), by striking “6,000” and inserting  
21 “5,500”;

22 (G) in subparagraph (E) (as so redesign-  
23 nated)—

1 (i) by striking “Secretary” and all  
2 that follows through “shall use” and in-  
3 serting “Secretary shall use”;

4 (ii) by striking “; and” and inserting  
5 a period; and

6 (iii) by striking clause (ii);

7 (H) in subparagraph (F) (as so redesign-  
8 nated), by striking “subparagraph  
9 (C)(i)(II)(bb)” and inserting “subparagraph  
10 (B)(i)(II)(bb)(BB)”;

11 (I) in subparagraph (G) (as so redesign-  
12 nated)—

13 (i) in clause (i)—

14 (I) by striking “subparagraph  
15 (B), (C), (D), or (E)” and inserting  
16 “subparagraph (B), (C), or (D)”;

17 (II) by striking “by reason of”  
18 and inserting “due to”;

19 (III) by inserting after “clause  
20 (iii)” the following “, or as the direct  
21 result of base realignment and closure  
22 or modularization as determined by  
23 the Secretary of Defense and force  
24 structure change or force relocation”;  
25 and

1 (IV) by inserting before the pe-  
2 riod, the following: “or during such  
3 time as activities associated with base  
4 closure and realignment,  
5 modularization, force structure  
6 change, or force relocation are ongo-  
7 ing”; and

8 (ii) in clause (ii), by striking “(D) or  
9 (E)” each place it appears and inserting  
10 “(C) or (D)”;

11 (4) in paragraph (3)—

12 (A) in subparagraph (B)—

13 (i) by amending clause (iii) to read as  
14 follows:

15 “(iii) In the case of a local educational  
16 agency providing a free public education to stu-  
17 dents enrolled in kindergarten through grade  
18 12, but which enrolls students described in sub-  
19 paragraphs (A), (B), and (D) of subsection  
20 (a)(1) only in grades 9 through 12, and which  
21 received a final payment in fiscal year 2009 cal-  
22 culated under this paragraph (as this para-  
23 graph was in effect on the day before the date  
24 of enactment of the Student Success Act) for  
25 students in grades 9 through 12, the Secretary



1 shall, in calculating the agency's payment, con-  
2 sider only that portion of such agency's total  
3 enrollment of students in grades 9 through 12  
4 when calculating the percentage under clause  
5 (i)(I) and only that portion of the total current  
6 expenditures attributed to the operation of  
7 grades 9 through 12 in such agency when cal-  
8 culating the percentage under clause (i)(II).";  
9 and

10 (ii) by adding at the end the fol-  
11 lowing:

12 "(v) In the case of a local educational  
13 agency that is providing a program of distance  
14 education to children not residing within the ge-  
15 ographic boundaries of the agency, the Sec-  
16 retary shall—

17 "(I) for purposes of the calculation  
18 under clause (i)(I), disregard such children  
19 from the total number of children in aver-  
20 age daily attendance at the schools served  
21 by such agency; and

22 "(II) for purposes of the calculation  
23 under clause (i)(II), disregard any funds  
24 received for such children from the total  
25 current expenditures for such agency.";

1 (B) in subparagraph (C), by striking “sub-  
2 paragraph (D) or (E) of paragraph (2), as the  
3 case may be” and inserting “paragraph  
4 (2)(D)”; and

5 (C) by amending subparagraph (D) to read  
6 as follows:

7 “(D) RATABLE DISTRIBUTION.—For any  
8 fiscal year described in subparagraph (A) for  
9 which the sums available exceed the amount re-  
10 quired to pay each local educational agency 100  
11 percent of its threshold payment, the Secretary  
12 shall distribute the excess sums to each eligible  
13 local educational agency that has not received  
14 its full amount computed under paragraph (1)  
15 or (2) (as the case may be) by multiplying—

16 “(i) a percentage, the denominator of  
17 which is the difference between the full  
18 amount computed under paragraph (1) or  
19 (2) (as the case may be) for all local edu-  
20 cational agencies and the amount of the  
21 threshold payment (as calculated under  
22 subparagraphs (B) and (C)) of all local  
23 educational agencies, and the numerator of  
24 which is the aggregate of the excess sums,  
25 by;

1           “(ii) the difference between the full  
2           amount computed under paragraph (1) or  
3           (2) (as the case may be) for the agency  
4           and the amount of the threshold payment  
5           as calculated under subparagraphs (B) and  
6           (C) of the agency.”; and

7           (D) by inserting at the end the following  
8           new subparagraphs:

9           “(E) INSUFFICIENT PAYMENTS.—For each  
10          fiscal year described in subparagraph (A) for  
11          which the sums appropriated under section  
12          3(d)(2) are insufficient to pay each local edu-  
13          cational agency all of the local educational  
14          agency’s threshold payment described in sub-  
15          paragraph (D), the Secretary shall ratably re-  
16          duce the payment to each local educational  
17          agency under this paragraph.

18          “(F) INCREASES.—If the sums appro-  
19          priated under section 3(d)(2) are sufficient to  
20          increase the threshold payment above the 100  
21          percent threshold payment described in sub-  
22          paragraph (D), then the Secretary shall in-  
23          crease payments on the same basis as such pay-  
24          ments were reduced, except no local educational  
25          agency may receive a payment amount greater

1 than 100 percent of the maximum payment cal-  
2 culated under this subsection.”; and

3 (5) in paragraph (4)—

4 (A) in subparagraph (A), by striking  
5 “through (D)” and inserting “and (C)”; and

6 (B) in subparagraph (B), by striking “sub-  
7 paragraph (D) or (E)” and inserting “subpara-  
8 graph (C) or (D)”.

9 (c) PRIOR YEAR DATA.—Paragraph (2) of section  
10 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-  
11 lows:

12 “(2) EXCEPTION.—Calculation of payments for  
13 a local educational agency shall be based on data  
14 from the fiscal year for which the agency is making  
15 an application for payment if such agency—

16 “(A) is newly established by a State, for  
17 the first year of operation of such agency only;

18 “(B) was eligible to receive a payment  
19 under this section for the previous fiscal year  
20 and has had an overall increase in enrollment  
21 (as determined by the Secretary in consultation  
22 with the Secretary of Defense, the Secretary of  
23 Interior, or the heads of other Federal agen-  
24 cies)—

1                   “(i) of not less than 10 percent, or  
2                   100 students, of children described in—

3                   “(I) subparagraph (A), (B), (C),  
4                   or (D) of subsection (a)(1); or

5                   “(II) subparagraph (F) and (G)  
6                   of subsection (a)(1), but only to the  
7                   extent such children are civilian de-  
8                   pendents of employees of the Depart-  
9                   ment of Defense or the Department of  
10                  Interior; and

11                  “(ii) that is the direct result of closure  
12                  or realignment of military installations  
13                  under the base closure process or the relo-  
14                  cation of members of the Armed Forces  
15                  and civilian employees of the Department  
16                  of Defense as part of the force structure  
17                  changes or movements of units or per-  
18                  sonnel between military installations or be-  
19                  cause of actions initiated by the Secretary  
20                  of the Interior or the head of another Fed-  
21                  eral agency; or

22                  “(C) was eligible to receive a payment  
23                  under this section for the previous fiscal year  
24                  and has had an increase in enrollment (as de-  
25                  termined by the Secretary)—

1           “(i) of not less than 10 percent of  
2           children described in subsection (a)(1) or  
3           not less than 100 of such children; and

4           “(ii) that is the direct result of the  
5           closure of a local educational agency that  
6           received a payment under subsection (b)(1)  
7           or (b)(2) in the previous fiscal year.”.

8           (d) CHILDREN WITH DISABILITIES.—Section  
9           8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking  
10          “section 8014(c)” and inserting “section 3(d)(3)”.

11          (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.  
12          7703(e)) is amended—

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

15                 “(1) IN GENERAL.—Subject to paragraph (2),  
16          the total amount the Secretary shall pay a local edu-  
17          cational agency under subsection (b)—

18                         “(A) for fiscal year 2014, shall not be less  
19                         than 90 percent of the total amount that the  
20                         local educational agency received under sub-  
21                         section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal  
22                         year 2013;

23                         “(B) for fiscal year 2015, shall not be less  
24                         than 85 percent of the total amount that the  
25                         local educational agency received under sub-

1 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal  
2 year 2013; and

3 “(C) for fiscal year 2016, shall not be less  
4 than 80 percent of the total amount that the  
5 local educational agency received under sub-  
6 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal  
7 year 2013.”; and

8 (2) by amending paragraph (2) to read as fol-  
9 lows:

10 “(2) **MAXIMUM AMOUNT.**—The total amount  
11 provided to a local educational agency under sub-  
12 paragraph (A), (B), or C of paragraph (1) for a fis-  
13 cal year shall not exceed the maximum basic support  
14 payment amount for such agency determined under  
15 paragraph (1) or (2) of subsection (b), as the case  
16 may be, for such fiscal year.”.

17 (f) **MAINTENANCE OF EFFORT.**—Section 8003 (20  
18 U.S.C. 7703) is amended by striking subsection (g).

19 **SEC. 404. POLICIES AND PROCEDURES RELATING TO CHIL-**  
20 **DREN RESIDING ON INDIAN LANDS.**

21 Section 8004(e)(9) is amended by striking “Bureau  
22 of Indian Affairs” and inserting “Bureau of Indian Edu-  
23 cation”.

1 **SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS**  
2 **8002 AND 8003.**

3 Section 8005(b) (20 U.S.C. 7705(b)) is amended in  
4 the matter preceding paragraph (1) by striking “and shall  
5 contain such information,”.

6 **SEC. 406. CONSTRUCTION.**

7 Section 8007 (20 U.S.C. 7707) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by striking “section  
10 8014(e)” and inserting “section 3(d)(4)”;

11 (B) in paragraph (2), by adding at the end  
12 the following:

13 “(C) The agency is eligible under section  
14 4003(b)(2) or is receiving basic support pay-  
15 ments under circumstances described in section  
16 4003(b)(2)(B)(ii).”; and

17 (C) in paragraph (3), by striking “section  
18 8014(e)” each place it appears and inserting  
19 “section 3(d)(4)”;

20 (2) in subsection (b)—

21 (A) in paragraph (1), by striking “section  
22 8014(e)” and inserting “section 3(d)(4)”;

23 (B) in paragraph (3)—

24 (i) in subparagraph (C)(i)(I), by add-  
25 ing at the end the following:



1                   “(cc) At least 10 percent of the  
2                   property in the agency is exempt from  
3                   State and local taxation under Fed-  
4                   eral law.”; and

5                   (ii) by adding at the end the fol-  
6                   lowing:

7                   “(F) LIMITATIONS ON ELIGIBILITY RE-  
8                   QUIREMENTS.—The Secretary shall not limit  
9                   eligibility—

10                   “(i) under subparagraph (C)(i)(I)(aa),  
11                   to those local educational agencies in which  
12                   the number of children determined under  
13                   section 8003(a)(1)(C) for each such agency  
14                   for the preceding school year constituted  
15                   more than 40 percent of the total student  
16                   enrollment in the schools of each such  
17                   agency during the preceding school year;  
18                   and

19                   “(ii) under subparagraph (C)(i)(I)(cc),  
20                   to those local educational agencies in which  
21                   more than 10 percent of the property in  
22                   each such agency is exempt from State and  
23                   local taxation under Federal law.”;

24                   (C) in paragraph (6)—

1 (i) in the matter preceding subpara-  
2 graph (A), by striking “in such manner,  
3 and accompanied by such information”  
4 and inserting “and in such manner”; and  
5 (ii) by striking subparagraph (F); and  
6 (D) by striking paragraph (7).

7 **SEC. 407. FACILITIES.**

8 Section 8008 (20 U.S.C. 7708) is amended in sub-  
9 section (a), by striking “section 8014(f)” and inserting  
10 “section 3(d)(5)”.

11 **SEC. 408. STATE CONSIDERATION OF PAYMENTS PRO-**  
12 **VIDING STATE AID.**

13 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is  
14 amended by striking “and contain the information”.

15 **SEC. 409. FEDERAL ADMINISTRATION.**

16 Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amend-  
17 ed, by striking “section 8014” and inserting “section  
18 3(d)”.

19 **SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**  
20 **VIEW.**

21 Section 8011(a) (20 U.S.C. 7711(a)) is amended by  
22 striking “or under the Act” and all the follows through  
23 “1994”.

24 **SEC. 411. DEFINITIONS.**

25 Section 8013 (20 U.S.C. 7713) is amended—

1 (1) in paragraph (1), by striking “and Marine  
2 Corps” and inserting “Marine Corps, and Coast  
3 Guard”;

4 (2) in paragraph (4), by striking “and title VI”;

5 (3) in paragraph (5)(A)(iii)—

6 (A) in subclause (II), by striking “Stewart  
7 B. McKinney Homeless Assistance Act” and in-  
8 serting “McKinney-Vento Homeless Assistance  
9 Act (42 U.S.C. 11411)”;

10 (B) in subclause (III), by inserting before  
11 the semicolon, “(25 U.S.C. 4101 et seq.)”;

12 (4) in paragraph (8)(A), by striking “and  
13 verified by” and inserting “, and verified by,”; and

14 (5) in paragraph (9)(B), by inserting a comma  
15 before “on a case-by-case basis”.

16 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 8014 (20 U.S.C. 7801) is repealed.

18 **SEC. 413. CONFORMING AMENDMENTS.**

19 (a) **IMPACT AID IMPROVEMENT ACT OF 2012.**—Sub-  
20 section (c) of the Impact Aid Improvement Act of 2012  
21 (20 U.S.C. 6301 note) is amended—

22 (1) by striking paragraphs (1) and (4); and

23 (2) by redesignating paragraphs (2) and (3), as  
24 paragraphs (1) and (2), respectively.

1 (b) TRANSFER AND REDESIGNATION.—Title VIII (20  
2 U.S.C. 7701 et seq.), as amended by this title, is redesign-  
3 nated as title IV (20 U.S.C. 7101 et seq.), and transferred  
4 and inserted after title III (as amended by this Act).

5 (c) TITLE IV.—The heading relating to title IV of  
6 such Act (20 U.S.C. 7101 et seq.) is amended to read as  
7 follows:

8 **“TITLE IV—IMPACT AID”.**

9 (d) TITLE VIII REFERENCES.—The Act (20 U.S.C.  
10 6301 et seq.) is amended—

11 (1) by redesignating sections 8001 through  
12 8005 as sections 4001 through 4005, respectively;

13 (2) by redesignating sections 8007 through  
14 8013 as sections 4007 through 4013, respectively;

15 (3) by striking “section 8002” each place it ap-  
16 pears and inserting “section 4002”;

17 (4) by striking “section 8002(b)” each place it  
18 appears and inserting “section 4002(b)”;

19 (5) by striking “section 8003” each place it ap-  
20 pears and inserting “section 4003”, respectively;

21 (6) by striking “section 8003(a)” each place it  
22 appears and inserting “section 4003(a)”;

23 (7) by striking “section 8003(a)(1)” each place  
24 it appears and inserting “section 4003(a)(1)”;

1 (8) by striking “section 8003(a)(1)(C)” each  
2 place it appears and inserting “section  
3 4003(a)(1)(C)”;

4 (9) by striking “section 8002(a)(2)” each place  
5 it appears and inserting “section 4002(a)(2)”;

6 (10) by striking “section 8003(b)” each place it  
7 appears and inserting “section 4003(b)”;

8 (11) by striking “section 8003(b)(1)” each  
9 place it appears and inserting “section 4003(b)(1)”;

10 (12) in section 4002(b)(1)(C), by striking “sec-  
11 tion 8003(b)(1)(C)” and inserting “section  
12 4003(b)(1)(C)”;

13 (13) in section 4002(j)(1) (as so redesignated),  
14 by striking “section 8013(5)(C)(iii)” and inserting  
15 “section 4013(5)(C)(iii)”;

16 (14) in section 4005 (as so redesignated)—

17 (A) in the section heading, by striking  
18 “**8002 AND 8003**” and inserting “**4002 AND**  
19 **4003**”;

20 (B) by striking “or 8003” each place it ap-  
21 pears and inserting “or 4003”;

22 (C) in subsection (b)(2), by striking “sec-  
23 tion 8004” and inserting “section 4004”; and

24 (D) in subsection (d)(2), by striking “sec-  
25 tion 8003(e)” and inserting “section 4003(e)”;

1           (15) in section 4007(a)(3)(A)(i) (as so redesignig-  
2           nated), by striking “section 8008(a)” and inserting  
3           “section 4008(a)”;

4           (16) in section 4007(a)(4) (as so redesignated),  
5           by striking “section 8013(3)” and inserting “section  
6           4013(3)”;

7           (17) in section 4009 (as so redesignated)—

8           (A) in subsection (b)(1)—

9           (i) by striking “or 8003(b)” and in-  
10          serting “or 4003(b)”;

11          (ii) by striking “section  
12          8003(a)(2)(B)” and inserting “section  
13          4003(a)(2)(B)”;

14          (iii) by striking “section 8003(b)(2)”  
15          and inserting “section 4003(b)(2)”;

16          (B) by striking “section 8011(a)” each  
17          place it appears and inserting “section  
18          4011(a)”;

19          (18) in section 4010(c)(2)(D) (as so redesignig-  
20          nated) by striking “section 8009(b)” and inserting  
21          “section 4009(b)”.

1 **TITLE V—GENERAL PROVISIONS**  
2 **FOR THE ACT**

3 **SEC. 501. GENERAL PROVISIONS FOR THE ACT.**

4 (a) AMENDING TITLE V.—Title V (20 U.S.C. 7201  
5 et seq.) is amended to read as follows:

6 “TITLE V—GENERAL PROVISIONS

7 “PART A—DEFINITIONS

8 “SEC. 5101. DEFINITIONS.

9 “Except as otherwise provided, in this Act:

10 “(1) AVERAGE DAILY ATTENDANCE.—

11 “(A) IN GENERAL.—Except as provided  
12 otherwise by State law or this paragraph, the  
13 term ‘average daily attendance’ means—

14 “(i) the aggregate number of days of  
15 attendance of all students during a school  
16 year; divided by

17 “(ii) the number of days school is in  
18 session during that year.

19 “(B) CONVERSION.—The Secretary shall  
20 permit the conversion of average daily member-  
21 ship (or other similar data) to average daily at-  
22 tendance for local educational agencies in  
23 States that provide State aid to local edu-  
24 cational agencies on the basis of average daily  
25 membership (or other similar data).

1           “(C) SPECIAL RULE.—If the local edu-  
2           cational agency in which a child resides makes  
3           a tuition or other payment for the free public  
4           education of the child in a school located in an-  
5           other school district, the Secretary shall, for the  
6           purpose of this Act—

7                   “(i) consider the child to be in attend-  
8                   ance at a school of the agency making the  
9                   payment; and

10                   “(ii) not consider the child to be in at-  
11                   tendance at a school of the agency receiv-  
12                   ing the payment.

13           “(D) CHILDREN WITH DISABILITIES.—If a  
14           local educational agency makes a tuition pay-  
15           ment to a private school or to a public school  
16           of another local educational agency for a child  
17           with a disability, as defined in section 602 of  
18           the Individuals with Disabilities Education Act,  
19           the Secretary shall, for the purpose of this Act,  
20           consider the child to be in attendance at a  
21           school of the agency making the payment.

22           “(2) AVERAGE PER-PUPIL EXPENDITURE.—The  
23           term ‘average per-pupil expenditure’ means, in the  
24           case of a State or of the United States—



1           “(A) without regard to the source of  
2 funds—

3           “(i) the aggregate current expendi-  
4 tures, during the third fiscal year pre-  
5 ceding the fiscal year for which the deter-  
6 mination is made (or, if satisfactory data  
7 for that year are not available, during the  
8 most recent preceding fiscal year for which  
9 satisfactory data are available) of all local  
10 educational agencies in the State or, in the  
11 case of the United States, for all States  
12 (which, for the purpose of this paragraph,  
13 means the 50 States and the District of  
14 Columbia); plus

15           “(ii) any direct current expenditures  
16 by the State for the operation of those  
17 agencies; divided by

18           “(B) the aggregate number of children in  
19 average daily attendance to whom those agen-  
20 cies provided free public education during that  
21 preceding year.

22           “(3) CHARTER SCHOOL.—The term ‘charter  
23 school’ means a public school that—

24           “(A) in accordance with a specific State  
25 statute authorizing the granting of charters to

1 schools, is exempt from significant State or  
2 local rules that inhibit the flexible operation  
3 and management of public schools, but not  
4 from any rules relating to the other require-  
5 ments of this paragraph;

6 “(B) is created by a developer as a public  
7 school, or is adapted by a developer from an ex-  
8 isting public school, and is operated under pub-  
9 lic supervision and direction;

10 “(C) operates in pursuit of a specific set of  
11 educational objectives determined by the  
12 school’s developer and agreed to by the author-  
13 ized public chartering agency;

14 “(D) provides a program of elementary or  
15 secondary education, or both;

16 “(E) is nonsectarian in its programs, ad-  
17 missions policies, employment practices, and all  
18 other operations, and is not affiliated with a  
19 sectarian school or religious institution;

20 “(F) does not charge tuition;

21 “(G) complies with the Age Discrimination  
22 Act of 1975, title VI of the Civil Rights Act of  
23 1964, title IX of the Education Amendments of  
24 1972, section 504 of the Rehabilitation Act of

1           1973, and part B of the Individuals with Dis-  
2           abilities Education Act;

3           “(H) is a school to which parents choose to  
4           send their children, and that admits students  
5           on the basis of a lottery, if more students apply  
6           for admission than can be accommodated;

7           “(I) agrees to comply with the same Fed-  
8           eral and State audit requirements as do other  
9           elementary schools and secondary schools in the  
10          State, unless such requirements are specifically  
11          waived for the purpose of this program;

12          “(J) meets all applicable Federal, State,  
13          and local health and safety requirements;

14          “(K) operates in accordance with State  
15          law;

16          “(L) has a written performance contract  
17          with the authorized public chartering agency in  
18          the State that includes a description of how  
19          student performance will be measured in char-  
20          ter schools pursuant to State assessments that  
21          are required of other schools and pursuant to  
22          any other assessments mutually agreeable to  
23          the authorized public chartering agency and the  
24          charter school; and

1           “(M) may serve prekindergarten or post  
2           secondary students.

3           “(4) CHILD.—The term ‘child’ means any per-  
4           son within the age limits for which the State pro-  
5           vides free public education.

6           “(5) CHILD WITH A DISABILITY.—The term  
7           ‘child with a disability’ has the same meaning given  
8           that term in section 602 of the Individuals with Dis-  
9           abilities Education Act.

10          “(6) COMMUNITY-BASED ORGANIZATION.—The  
11          term ‘community-based organization’ means a public  
12          or private nonprofit organization of demonstrated ef-  
13          fectiveness that—

14                 “(A) is representative of a community or  
15                 significant segments of a community; and

16                 “(B) provides educational or related serv-  
17                 ices to individuals in the community.

18          “(7) CONSOLIDATED LOCAL APPLICATION.—  
19          The term ‘consolidated local application’ means an  
20          application submitted by a local educational agency  
21          pursuant to section 5305.

22          “(8) CONSOLIDATED LOCAL PLAN.—The term  
23          ‘consolidated local plan’ means a plan submitted by  
24          a local educational agency pursuant to section 5305.

1           “(9) CONSOLIDATED STATE APPLICATION.—  
2           The term ‘consolidated State application’ means an  
3           application submitted by a State educational agency  
4           pursuant to section 5302.

5           “(10) CONSOLIDATED STATE PLAN.—The term  
6           ‘consolidated State plan’ means a plan submitted by  
7           a State educational agency pursuant to section  
8           5302.

9           “(11) CORE ACADEMIC SUBJECTS.—The term  
10          ‘core academic subjects’ means English, reading or  
11          language arts, mathematics, science, foreign lan-  
12          guages, civics and government, economics, arts, his-  
13          tory, and geography.

14          “(12) 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          “(13) 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) title III.

1           “(14) 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           “(15) DEPARTMENT.—The term ‘Department’  
15           means the Department of Education.

16           “(16) 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           “(17) 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 “(18) EDUCATIONAL SERVICE AGENCY.—The  
4 term ‘educational service agency’ means a regional  
5 public multiservice agency authorized by State stat-  
6 ute to develop, manage, and provide services or pro-  
7 grams to local educational agencies.

8 “(19) ELEMENTARY SCHOOL.—The term ‘ele-  
9 mentary school’ means a nonprofit institutional day  
10 or residential school, including a public elementary  
11 charter school, that provides elementary education,  
12 as determined under State law.

13 “(20) ENGLISH LEARNER.—The term ‘English  
14 learner’, when used with respect to an individual,  
15 means an individual—

16 “(A) who is aged 3 through 21;

17 “(B) who is enrolled or preparing to enroll  
18 in an elementary school or secondary school;

19 “(C)(i) who was not born in the United  
20 States or whose native language is a language  
21 other than English;

22 “(ii)(I) who is a Native American or Alas-  
23 ka Native, or a native resident of the outlying  
24 areas; and

1           “(II) who comes from an environment  
2 where a language other than English has had  
3 a significant impact on the individual’s level of  
4 English language proficiency; or

5           “(iii) who is migratory, whose native  
6 language is a language other than English,  
7 and who comes from an environment where  
8 a language other than English is domi-  
9 nant; and

10          “(D) whose difficulties in speaking, read-  
11 ing, writing, or understanding the English lan-  
12 guage may be sufficient to deny the indi-  
13 vidual—

14           “(i) the ability to meet the State’s  
15 academic standards described in section  
16 1111;

17           “(ii) the ability to successfully achieve  
18 in classrooms where the language of in-  
19 struction is English; or

20           “(iii) the opportunity to participate  
21 fully in society.

22          “(21) EXTENDED-YEAR ADJUSTED COHORT  
23 GRADUATION RATE.—



1           “(A) IN GENERAL.—The term ‘extended-  
2           year adjusted cohort graduation rate’ means the  
3           ratio where—

4                   “(i) the denominator consists of the  
5                   number of students who form the original  
6                   cohort of students who entered the entry  
7                   grade together in the entry year of high  
8                   school, adjusted by—

9                           “(I) adding the students who  
10                           joined that cohort, after the time of  
11                           the determination of the original co-  
12                           hort; and

13                           “(II) subtracting only those stu-  
14                           dents who left that cohort, after the  
15                           time of the determination of the origi-  
16                           nal cohort, as described in subpara-  
17                           graph (B); and

18                           “(ii) the numerator consists of the  
19                           number of students in the cohort, as ad-  
20                           justed under clause (i), who earned a reg-  
21                           ular high school diploma before, during, or  
22                           at the conclusion of—

23                                   “(I) one or more additional years  
24                                   beyond the fourth year of high school;  
25                                   or

1                   “(II) a summer session imme-  
2                   diately following the additional year of  
3                   high school.

4                   “(B) COHORT REMOVAL.—To remove a  
5                   student from a cohort, a school or local edu-  
6                   cational agency shall require documentation to  
7                   confirm that the student has transferred out,  
8                   emigrated to another country, transferred to a  
9                   prison or juvenile facility, or is deceased.

10                  “(C) TRANSFERRED OUT.—

11                   “(i) IN GENERAL.—For purposes of  
12                   this paragraph, the term ‘transferred out’  
13                   means a student who the high school or  
14                   local educational agency has confirmed, ac-  
15                   cording to clause (ii), has transferred—

16                   “(I) to another school from which  
17                   the student is expected to receive a  
18                   regular high school diploma; or

19                   “(II) to another educational pro-  
20                   gram from which the student is ex-  
21                   pected to receive a regular high school  
22                   diploma.

23                   “(ii) CONFIRMATION REQUIRE-  
24                   MENTS.—

1                   “(I)     DOCUMENTATION     RE-  
2                   QUIRED.—The confirmation of a stu-  
3                   dent’s transfer to another school or  
4                   educational program described in  
5                   clause (i) requires documentation  
6                   from the receiving school or program  
7                   that the student enrolled in the receiv-  
8                   ing school or program.

9                   “(II) LACK OF CONFIRMATION.—  
10                  A student who was enrolled, but for  
11                  whom there is no confirmation of the  
12                  student having transferred out, shall  
13                  remain in the extended-year adjusted  
14                  cohort.

15                  “(iii) PROGRAMS NOT PROVIDING  
16                  CREDIT.—A student who is retained in  
17                  grade or who is enrolled in a GED or other  
18                  alternative educational program that does  
19                  not issue or provide credit toward the  
20                  issuance of a regular high school diploma  
21                  shall not be considered transferred out and  
22                  shall remain in the extended-year adjusted  
23                  cohort.

24                  “(D) SPECIAL RULE.—For those high  
25                  schools that start after grade 9, the original co-

1           hort shall be calculated for the earliest high  
2           school grade students attend no later than the  
3           effective date for student membership data sub-  
4           mitted annually by State educational agencies  
5           to the National Center for Education Statistics  
6           pursuant to section 153 of the Education  
7           Sciences Reform Act.

8           “(22) FAMILY LITERACY SERVICES.—The term  
9           ‘family literacy services’ means services provided to  
10          participants on a voluntary basis that are of suffi-  
11          cient intensity in terms of hours, and of sufficient  
12          duration, to make sustainable changes in a family,  
13          and that integrate all of the following activities:

14                 “(A) Interactive literacy activities between  
15                 parents and their children.

16                 “(B) Training for parents regarding how  
17                 to be the primary teacher for their children and  
18                 full partners in the education of their children.

19                 “(C) Parent literacy training that leads to  
20                 economic self-sufficiency.

21                 “(D) An age-appropriate education to pre-  
22                 pare children for success in school and life ex-  
23                 periences.

24           “(23) FOUR-YEAR ADJUSTED COHORT GRADUA-  
25          TION RATE.—

1           “(A) IN GENERAL.—The term ‘four-year  
2 adjusted cohort graduation rate’ means the  
3 ratio where—

4                   “(i) the denominator consists of the  
5 number of students who form the original  
6 cohort of entering first-time 9th grade stu-  
7 dents enrolled in the high school no later  
8 than the effective date for student mem-  
9 bership data submitted annually by State  
10 educational agencies to the National Cen-  
11 ter for Education Statistics pursuant to  
12 section 153 of the Education Sciences Re-  
13 form Act, adjusted by—

14                           “(I) adding the students who  
15 joined that cohort, after the time of  
16 the determination of the original co-  
17 hort; and

18                           “(II) subtracting only those stu-  
19 dents who left that cohort, after the  
20 time of the determination of the origi-  
21 nal cohort, as described in subpara-  
22 graph (B); and

23                           “(ii) the numerator consists of the  
24 number of students in the cohort, as ad-  
25 justed under clause (i), who earned a reg-

1           ular high school diploma before, during, or  
2           at the conclusion of—

3                   “(I) the fourth year of high  
4                   school; or

5                   “(II) a summer session imme-  
6                   diately following the fourth year of  
7                   high school.

8                   “(B) COHORT REMOVAL.—To remove a  
9           student from a cohort, a school or local edu-  
10          cational agency shall require documentation to  
11          confirm that the student has transferred out,  
12          emigrated to another country, transferred to a  
13          prison or juvenile facility, or is deceased.

14                   “(C) TRANSFERRED OUT.—

15                   “(i) IN GENERAL.—For purposes of  
16          this paragraph, the term ‘transferred out’  
17          means a student who the high school or  
18          local educational agency has confirmed, ac-  
19          cording to clause (ii), has transferred—

20                   “(I) to another school from which  
21          the student is expected to receive a  
22          regular high school diploma; or

23                   “(II) to another educational pro-  
24          gram from which the student is ex-

1                   pected to receive a regular high school  
2                   diploma.

3                   “(ii)     CONFIRMATION     REQUIRE-  
4                   MENTS.—

5                   “(I)     DOCUMENTATION     RE-  
6                   QUIRED.—The confirmation of a stu-  
7                   dent’s transfer to another school or  
8                   educational program described in  
9                   clause (i) requires documentation  
10                  from the receiving school or program  
11                  that the student enrolled in the receiv-  
12                  ing school or program.

13                  “(II) LACK OF CONFIRMATION.—  
14                  A student who was enrolled, but for  
15                  whom there is no confirmation of the  
16                  student having transferred out, shall  
17                  remain in the adjusted cohort.

18                  “(iii) PROGRAMS NOT PROVIDING  
19                  CREDIT.—A student who is retained in  
20                  grade or who is enrolled in a GED or other  
21                  alternative educational program that does  
22                  not issue or provide credit toward the  
23                  issuance of a regular high school diploma  
24                  shall not be considered transferred out and  
25                  shall remain in the adjusted 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           “(24) FREE PUBLIC EDUCATION.—The term  
11 ‘free public education’ means education that is pro-  
12 vided—

13           “(A) at public expense, under public super-  
14 vision and direction, and without tuition charge;  
15 and

16           “(B) as elementary school or secondary  
17 school education as determined under applicable  
18 State law, except that the term does not include  
19 any education provided beyond grade 12.

20           “(25) HIGH-QUALITY ACADEMIC TUTORING.—  
21 The term ‘high-quality academic tutoring’ means  
22 supplemental academic services that—

23           “(A) are in addition to instruction pro-  
24 vided during the school day;



1           “(B) are provided by a non-governmental  
2           entity or local educational agency that—

3                   “(i) is included on a State educational  
4                   agency approved provider list after dem-  
5                   onstrating to the State educational agency  
6                   that its program consistently improves the  
7                   academic achievement of students; and

8                   “(ii) agrees to provide parents of chil-  
9                   dren receiving high-quality academic tutor-  
10                  ing, the appropriate local educational agen-  
11                  cy, and school with information on partici-  
12                  pating students increases in academic  
13                  achievement, in a format, and to the extent  
14                  practicable, a language that such parent  
15                  can understand, and in a manner that pro-  
16                  tects the privacy of individuals consistent  
17                  with section 444 of the General Education  
18                  Provisions Act (20 U.S.C. 1232g);

19                  “(C) are selected by the parents of stu-  
20                  dents who are identified by the local educational  
21                  agency as being eligible for such services from  
22                  among providers on the approved provider list  
23                  described in subparagraph (B)(i);

1           “(D) meet all applicable Federal, State,  
2           and local health, safety, and civil rights laws;  
3           and

4           “(E) ensure that all instruction and con-  
5           tent are secular, neutral, and non-ideological.

6           “(26) HIGH SCHOOL.—The term ‘high school’  
7           means a secondary school that—

8           “(A) grants a diploma, as defined by the  
9           State; and

10          “(B) includes, at least, grade 12.

11          “(27) INSTITUTION OF HIGHER EDUCATION.—  
12          The term ‘institution of higher education’ has the  
13          meaning given that term in section 101(a) of the  
14          Higher Education Act of 1965.

15          “(28) LOCAL EDUCATIONAL AGENCY.—

16          “(A) IN GENERAL.—The term ‘local edu-  
17          cational agency’ means a public board of edu-  
18          cation or other public authority legally con-  
19          stituted within a State for either administrative  
20          control or direction of, or to perform a service  
21          function for, public elementary schools or sec-  
22          ondary schools in a city, county, township,  
23          school district, or other political subdivision of  
24          a State, or of or for a combination of school  
25          districts or counties that is recognized in a

1 State as an administrative agency for its public  
2 elementary schools or secondary schools.

3 “(B) ADMINISTRATIVE CONTROL AND DI-  
4 RECTION.—The term includes any other public  
5 institution or agency having administrative con-  
6 trol and direction of a public elementary school  
7 or secondary school.

8 “(C) BIE SCHOOLS.—The term includes  
9 an elementary school or secondary school fund-  
10 ed by the Bureau of Indian Education but only  
11 to the extent that including the school makes  
12 the school eligible for programs for which spe-  
13 cific eligibility is not provided to the school in  
14 another provision of law and the school does not  
15 have a student population that is smaller than  
16 the student population of the local educational  
17 agency receiving assistance under this Act with  
18 the smallest student population, except that the  
19 school shall not be subject to the jurisdiction of  
20 any State educational agency other than the  
21 Bureau of Indian Education.

22 “(D) EDUCATIONAL SERVICE AGENCIES.—  
23 The term includes educational service agencies  
24 and consortia of those agencies.

1           “(E) STATE EDUCATIONAL AGENCY.—The  
2           term includes the State educational agency in a  
3           State in which the State educational agency is  
4           the sole educational agency for all public  
5           schools.

6           “(29) NATIVE AMERICAN AND NATIVE AMER-  
7           ICAN LANGUAGE.—The terms ‘Native American’ and  
8           ‘Native American language’ have the same meaning  
9           given those terms in section 103 of the Native  
10          American Languages Act of 1990.

11          “(30) OTHER STAFF.—The term ‘other staff’  
12          means specialized instructional support personnel, li-  
13          brarians, career guidance and counseling personnel,  
14          education aides, and other instructional and admin-  
15          istrative personnel.

16          “(31) OUTLYING AREA.—The term ‘outlying  
17          area’—

18                 “(A) means American Samoa, the Com-  
19                 monwealth of the Northern Mariana Islands,  
20                 Guam, and the United States Virgin Islands;

21                 “(B) means the Republic of Palau, to the  
22                 extent permitted under section 105(f)(1)(B)(ix)  
23                 of the Compact of Free Association Amend-  
24                 ments Act of 2003 (Public Law 99–658; 117  
25                 Stat. 2751) and until an agreement for the ex-

1           tension of United States education assistance  
2           under the Compact of Free Association becomes  
3           effective for the Republic of Palau; and

4                   “(C) for the purpose of any discretionary  
5           grant program under this Act, includes the Re-  
6           public of the Marshall Islands and the Fed-  
7           erated States of Micronesia, to the extent per-  
8           mitted under section 105(f)(1)(B)(viii) of the  
9           Compact of Free Association Amendments Act  
10          of 2003 (Public Law 108–188; 117 Stat.  
11          2751).

12                   “(32) PARENT.—The term ‘parent’ includes a  
13          legal guardian or other person standing in loco  
14          parentis (such as a grandparent, stepparent, or fos-  
15          ter parent with whom the child lives, or a person  
16          who is legally responsible for the child’s welfare).

17                   “(33) PARENTAL INVOLVEMENT.—The term  
18          ‘parental involvement’ means the participation of  
19          parents in regular, two-way, and meaningful commu-  
20          nication involving student academic learning and  
21          other school activities, including ensuring—

22                           “(A) that parents play an integral role in  
23                   assisting in their child’s learning;

1           “(B) that parents are encouraged to be ac-  
2           tively involved in their child’s education at  
3           school;

4           “(C) that parents are full partners in their  
5           child’s education and are included, as appro-  
6           priate, in decisionmaking and on advisory com-  
7           mittees to assist in the education of their child;  
8           and

9           “(D) the carrying out of other activities,  
10          such as those described in section 1118.

11          “(34) POVERTY LINE.—The term ‘poverty line’  
12          means the poverty line (as defined by the Office of  
13          Management and Budget and revised annually in ac-  
14          cordance with section 673(2) of the Community  
15          Services Block Grant Act) applicable to a family of  
16          the size involved.

17          “(35) PROFESSIONAL DEVELOPMENT.—The  
18          term ‘professional development’—

19                 “(A) includes evidence-based, job-embed-  
20                 ded, continuous activities that—

21                         “(i) improve and increase teachers’  
22                         knowledge of the academic subjects the  
23                         teachers teach, and enable teachers to be-  
24                         come effective educators;

1           “(ii) are an integral part of broad  
2 schoolwide and districtwide educational im-  
3 provement plans;

4           “(iii) give teachers, school leaders,  
5 other staff, and administrators the knowl-  
6 edge and skills to provide students with  
7 the opportunity to meet State academic  
8 standards;

9           “(iv) improve classroom management  
10 skills;

11           “(v)(I) have a positive and lasting im-  
12 pact on classroom instruction and the  
13 teacher’s performance in the classroom;  
14 and

15           “(II) are not 1-day or short-term  
16 workshops or conferences;

17           “(vi) support the recruiting, hiring,  
18 and training of effective teachers, including  
19 teachers who became certified or licensed  
20 through State and local alternative routes  
21 to certification;

22           “(vii) advance teacher understanding  
23 of effective instructional strategies that are  
24 strategies for improving student academic  
25 achievement or substantially increasing the

1 knowledge and teaching skills of teachers,  
2 including through addressing the social  
3 and emotional development needs of stu-  
4 dents;

5 “(viii) are aligned with and directly  
6 related to—

7 “(I) State academic standards  
8 and assessments; and

9 “(II) the curricula and programs  
10 tied to the standards described in sub-  
11 clause (I);

12 “(ix) are developed with extensive par-  
13 ticipation of teachers, school leaders, par-  
14 ents, and administrators of schools to be  
15 served under this Act;

16 “(x) are designed to give teachers of  
17 English learners and other teachers and  
18 instructional staff, the knowledge and  
19 skills to provide instruction and appro-  
20 priate language and academic support  
21 services to those children, including the ap-  
22 propriate use of curricula and assessments;

23 “(xi) to the extent appropriate, pro-  
24 vide training for teachers, other staff, and  
25 school leaders in the use of technology so



1 that technology and technology applica-  
2 tions are effectively used to improve teach-  
3 ing and learning in the curricula and core  
4 academic subjects in which the students re-  
5 ceive instruction;

6 “(xii) as a whole, are regularly evalu-  
7 ated for their impact on increased teacher  
8 effectiveness and improved student aca-  
9 demic achievement, with the findings of  
10 the evaluations used to improve the quality  
11 of the professional development;

12 “(xiii) provide instruction in methods  
13 of teaching children with special needs;

14 “(xiv) include instruction in the use of  
15 data and assessments to inform and in-  
16 struct classroom practice; and

17 “(xv) include instruction in ways that  
18 teachers, school leaders, specialized in-  
19 structional support personnel, other staff,  
20 and school administrators may work more  
21 effectively with parents; and

22 “(B) may include evidence-based, job-em-  
23 bedded, continuous activities that—

24 “(i) involve the forming of partner-  
25 ships with institutions of higher education

1 to establish school-based teacher training  
2 programs that provide prospective teachers  
3 and new teachers with an opportunity to  
4 work under the guidance of experienced  
5 teachers and college faculty;

6 “(ii) create programs to enable para-  
7 professionals (assisting teachers employed  
8 by a local educational agency receiving as-  
9 sistance under subpart 1 of part A of title  
10 I) to obtain the education necessary for  
11 those paraprofessionals to become certified  
12 and licensed teachers; and

13 “(iii) provide follow-up training to in-  
14 dividuals who have participated in activi-  
15 ties described in subparagraph (A) or an-  
16 other clause of this subparagraph that are  
17 designed to ensure that the knowledge and  
18 skills learned by the teachers are imple-  
19 mented in the classroom.

20 “(36) REGULAR HIGH SCHOOL DIPLOMA.—

21 “(A) IN GENERAL.—The term ‘regular  
22 high school diploma’ means the standard high  
23 school diploma awarded to the preponderance of  
24 students in the State that is fully aligned with  
25 State standards, or a higher diploma. Such

1 term shall not include a GED or other recog-  
2 nized equivalent of a diploma, a certificate of  
3 attendance, or any lesser diploma award.

4 “(B) EXCEPTION FOR STUDENTS WITH  
5 SIGNIFICANT COGNITIVE DISABILITIES.—For a  
6 student who is assessed using an alternate as-  
7 sessment aligned to alternate academic stand-  
8 ards under section 1111(b)(1)(D), receipt of a  
9 regular high school diploma as defined under  
10 subparagraph (A) or a State-defined alternate  
11 diploma obtained within the time period for  
12 which the State ensures the availability of a  
13 free appropriate public education and in accord-  
14 ance with section 612(a)(1) of the Individuals  
15 with Disabilities Education Act shall be counted  
16 as graduating with a regular high school di-  
17 ploma for the purposes of this Act.

18 “(37) SCHOOL LEADER.—The term ‘school  
19 leader’ means a principal, assistant principal, or  
20 other individual who is—

21 “(A) an employee or officer of a school,  
22 local educational agency, or other entity oper-  
23 ating the school; and

24 “(B) responsible for—

1                   “(i) the daily instructional leadership  
2                   and managerial operations of the school;  
3                   and

4                   “(ii) creating the optimum conditions  
5                   for student learning.

6                   “(38) SECONDARY SCHOOL.—The term ‘sec-  
7                   ondary school’ means a nonprofit institutional day or  
8                   residential school, including a public secondary char-  
9                   ter school, that provides secondary education, as de-  
10                  termined under State law, except that the term does  
11                  not include any education beyond grade 12.

12                  “(39) SECRETARY.—The term ‘Secretary’  
13                  means the Secretary of Education.

14                  “(40) SPECIALIZED INSTRUCTIONAL SUPPORT  
15                  PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT  
16                  SERVICES.—

17                  “(A) SPECIALIZED INSTRUCTIONAL SUP-  
18                  PORT PERSONNEL.—The term ‘specialized in-  
19                  structional support personnel’ means school  
20                  counselors, school social workers, school psy-  
21                  chologists, and other qualified professional per-  
22                  sonnel involved in providing assessment, diag-  
23                  nosis, counseling, educational, therapeutic, and  
24                  other necessary services (including related serv-  
25                  ices as that term is defined in section 602 of

1 the Individuals with Disabilities Education Act)  
2 as part of a comprehensive program to meet  
3 student needs.

4 “(B) SPECIALIZED INSTRUCTIONAL SUP-  
5 PORT SERVICES.—The term ‘specialized instruc-  
6 tional support services’ means the services pro-  
7 vided by specialized instructional support per-  
8 sonnel.

9 “(41) STATE.—The term ‘State’ means each of  
10 the 50 States, the District of Columbia, the Com-  
11 monwealth of Puerto Rico, and each of the outlying  
12 areas.

13 “(42) STATE EDUCATIONAL AGENCY.—The  
14 term ‘State educational agency’ means the agency  
15 primarily responsible for the State supervision of  
16 public elementary schools and secondary schools.

17 “(43) TECHNOLOGY.—The term ‘technology’  
18 means modern information, computer and commu-  
19 nication technology products, services, or tools, in-  
20 cluding, but not limited to, the Internet and other  
21 communications networks, computer devices and  
22 other computer and communications hardware, soft-  
23 ware applications, data systems, and other electronic  
24 content and data storage.

1 **“SEC. 5102. APPLICABILITY OF TITLE.**

2 “Parts B, C, D, and E of this title do not apply to  
3 title IV of this Act.

4 **“SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDU-  
5 CATION OPERATED SCHOOLS.**

6 “For the purpose of any competitive program under  
7 this Act—

8 “(1) a consortium of schools operated by the  
9 Bureau of Indian Education;

10 “(2) a school operated under a contract or  
11 grant with the Bureau of Indian Education in con-  
12 sortium with another contract or grant school or a  
13 tribal or community organization; or

14 “(3) a Bureau of Indian Education school in  
15 consortium with an institution of higher education,  
16 a contract or grant school, or a tribal or community  
17 organization,

18 shall be given the same consideration as a local edu-  
19 cational agency.

20 **“PART B—FLEXIBILITY IN THE USE OF  
21 ADMINISTRATIVE AND OTHER FUNDS**

22 **“SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE  
23 FUNDS FOR ELEMENTARY AND SECONDARY  
24 EDUCATION PROGRAMS.**

25 **“(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—**

1           “(1) IN GENERAL.—A State educational agency  
2           may consolidate the amounts specifically made avail-  
3           able to it for State administration under one or  
4           more of the programs under paragraph (2).

5           “(2) APPLICABILITY.—This section applies to  
6           any program under this Act under which funds are  
7           authorized to be used for administration, and such  
8           other programs as the Secretary may designate.

9           “(b) USE OF FUNDS.—

10           “(1) IN GENERAL.—A State educational agency  
11           shall use the amount available under this section for  
12           the administration of the programs included in the  
13           consolidation under subsection (a).

14           “(2) ADDITIONAL USES.—A State educational  
15           agency may also use funds available under this sec-  
16           tion for administrative activities designed to enhance  
17           the effective and coordinated use of funds under pro-  
18           grams included in the consolidation under subsection  
19           (a), such as—

20                   “(A) the coordination of those programs  
21                   with other Federal and non-Federal programs;

22                   “(B) the establishment and operation of  
23                   peer-review mechanisms under this Act;

24                   “(C) the administration of this title;

1           “(D) the dissemination of information re-  
2           garding model programs and practices;

3           “(E) technical assistance under any pro-  
4           gram under this Act;

5           “(F) State-level activities designed to carry  
6           out this title;

7           “(G) training personnel engaged in audit  
8           and other monitoring activities; and

9           “(H) implementation of the Cooperative  
10          Audit Resolution and Oversight Initiative of the  
11          Department.

12         “(c) RECORDS.—A State educational agency that  
13         consolidates administrative funds under this section shall  
14         not be required to keep separate records, by individual  
15         program, to account for costs relating to the administra-  
16         tion of programs included in the consolidation under sub-  
17         section (a).

18         “(d) REVIEW.—To determine the effectiveness of  
19         State administration under this section, the Secretary may  
20         periodically review the performance of State educational  
21         agencies in using consolidated administrative funds under  
22         this section and take such steps as the Secretary finds  
23         appropriate to ensure the effectiveness of that administra-  
24         tion.



1           “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State  
2 educational agency does not use all of the funds available  
3 to the agency under this section for administration, the  
4 agency may use those funds during the applicable period  
5 of availability as funds available under one or more pro-  
6 grams included in the consolidation under subsection (a).

7           “(f) CONSOLIDATION OF FUNDS FOR STANDARDS  
8 AND ASSESSMENT DEVELOPMENT.—In order to develop  
9 State academic standards and assessments, a State edu-  
10 cational agency may consolidate the amounts described in  
11 subsection (a) for those purposes under title I.

12 **“SEC. 5202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

13           “A State educational agency that also serves as a  
14 local educational agency shall, in its applications or plans  
15 under this Act, describe how the agency will eliminate du-  
16 plication in conducting administrative functions.

17 **“SEC. 5203. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**  
18 **OF THE INTERIOR FUNDS.**

19           “(a) GENERAL AUTHORITY.—

20                 “(1) TRANSFER.—The Secretary shall transfer  
21 to the Department of the Interior, as a consolidated  
22 amount for covered programs, the Indian education  
23 programs under subpart 6 of part A of title I, and  
24 the education for homeless children and youth pro-  
25 gram under subtitle B of title VII of the McKinney-

1 Vento Homeless Assistance Act, the amounts allotted  
2 ted to the Department of the Interior under those  
3 programs.

4 “(2) AGREEMENT.—

5 “(A) IN GENERAL.—The Secretary and the  
6 Secretary of the Interior shall enter into an  
7 agreement, consistent with the requirements of  
8 the programs specified in paragraph (1), for the  
9 distribution and use of those program funds  
10 under terms that the Secretary determines best  
11 meet the purposes of those programs.

12 “(B) CONTENTS.—The agreement shall—

13 “(i) set forth the plans of the Sec-  
14 retary of the Interior for the use of the  
15 amount transferred and the achievement  
16 measures to assess program effectiveness;  
17 and

18 “(ii) be developed in consultation with  
19 Indian tribes.

20 “(b) ADMINISTRATION.—The Department of the In-  
21 terior may use not more than 1.5 percent of the funds  
22 consolidated under this section for its costs related to the  
23 administration of the funds transferred under this section.

1 “PART C—COORDINATION OF PROGRAMS; CONSOLI-  
2 DATED STATE AND LOCAL PLANS AND APPLICA-  
3 TIONS

4 **“SEC. 5301. PURPOSES.**

5 “The purposes of this part are—

6 “(1) to improve teaching and learning by en-  
7 couraging greater cross-program coordination, plan-  
8 ning, and service delivery;

9 “(2) to provide greater flexibility to State and  
10 local authorities through consolidated plans, applica-  
11 tions, and reporting; and

12 “(3) to enhance the integration of programs  
13 under this Act with State and local programs.

14 **“SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR**  
15 **APPLICATIONS.**

16 “(a) GENERAL AUTHORITY.—

17 “(1) SIMPLIFICATION.—In order to simplify ap-  
18 plication requirements and reduce the burden for  
19 State educational agencies under this Act, the Sec-  
20 retary, in accordance with subsection (b), shall es-  
21 tablish procedures and criteria under which, after  
22 consultation with the Governor, a State educational  
23 agency may submit a consolidated State plan or a  
24 consolidated State application meeting the require-  
25 ments of this section for—

1           “(A) each of the covered programs in  
2           which the State participates; and

3           “(B) such other programs as the Secretary  
4           may designate.

5           “(2) CONSOLIDATED APPLICATIONS AND  
6           PLANS.—After consultation with the Governor, a  
7           State educational agency that submits a consolidated  
8           State plan or a consolidated State application under  
9           this section shall not be required to submit separate  
10          State plans or applications under any of the pro-  
11          grams to which the consolidated State plan or con-  
12          solidated State application under this section ap-  
13          plies.

14          “(b) COLLABORATION.—

15           “(1) IN GENERAL.—In establishing criteria and  
16           procedures under this section, the Secretary shall  
17           collaborate with State educational agencies and, as  
18           appropriate, with other State agencies, local edu-  
19           cational agencies, public and private agencies, orga-  
20           nizations, and institutions, private schools, and par-  
21           ents, students, and teachers.

22           “(2) CONTENTS.—Through the collaborative  
23           process described in paragraph (1), the Secretary  
24           shall establish, for each program under this Act to  
25           which this section applies, the descriptions, informa-

1       tion, assurances, and other material required to be  
2       included in a consolidated State plan or consolidated  
3       State application.

4               “(3) NECESSARY MATERIALS.—The Secretary  
5       shall require only descriptions, information, assur-  
6       ances (including assurances of compliance with ap-  
7       plicable provisions regarding participation by private  
8       school children and teachers), and other materials  
9       that are absolutely necessary for the consideration of  
10      the consolidated State plan or consolidated State ap-  
11      plication.

12   **“SEC. 5303. CONSOLIDATED REPORTING.**

13           “(a) IN GENERAL.—In order to simplify reporting re-  
14      quirements and reduce reporting burdens, the Secretary  
15      shall establish procedures and criteria under which a State  
16      educational agency, in consultation with the Governor of  
17      the State, may submit a consolidated State annual report.

18           “(b) CONTENTS.—The report shall contain informa-  
19      tion about the programs included in the report, including  
20      the performance of the State under those programs, and  
21      other matters as the Secretary determines are necessary,  
22      such as monitoring activities.

23           “(c) REPLACEMENT.—The report shall replace sepa-  
24      rate individual annual reports for the programs included  
25      in the consolidated State annual report.

1 **“SEC. 5304. GENERAL APPLICABILITY OF STATE EDU-**  
2 **CATIONAL AGENCY ASSURANCES.**

3 “(a) ASSURANCES.—A State educational agency, in  
4 consultation with the Governor of the State, that submits  
5 a consolidated State plan or consolidated State application  
6 under this Act, whether separately or under section 5302,  
7 shall have on file with the Secretary a single set of assur-  
8 ances, applicable to each program for which the plan or  
9 application is submitted, that provides that—

10 “(1) each such program will be administered in  
11 accordance with all applicable statutes, regulations,  
12 program plans, and applications;

13 “(2)(A) the control of funds provided under  
14 each such program and title to property acquired  
15 with program funds will be in a public agency, an  
16 eligible private agency, institution, or organization,  
17 or an Indian tribe, if the law authorizing the pro-  
18 gram 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 those funds and property to the extent re-  
22 quired by the authorizing law;

23 “(3) the State will adopt and use proper meth-  
24 ods of administering each such program, including—

25 “(A) the enforcement of any obligations  
26 imposed by law on agencies, institutions, orga-

1           nizations, and other recipients responsible for  
2           carrying out each program;

3           “(B) the correction of deficiencies in pro-  
4           gram operations that are identified through au-  
5           dits, monitoring, or evaluation; and

6           “(C) the adoption of written procedures for  
7           the receipt and resolution of complaints alleging  
8           violations of law in the administration of the  
9           programs;

10          “(4) the State will cooperate in carrying out  
11          any evaluation of each such program conducted by  
12          or for the Secretary or other Federal officials;

13          “(5) the State will use such fiscal control and  
14          fund accounting procedures that will ensure proper  
15          disbursement of, and accounting for, Federal funds  
16          paid to the State under each such program;

17          “(6) the State will—

18                 “(A) make reports to the Secretary as may  
19                 be necessary to enable the Secretary to perform  
20                 the Secretary’s duties under each such pro-  
21                 gram; and

22                 “(B) maintain such records, provide such  
23                 information to the Secretary, and afford such  
24                 access to the records as the Secretary may find

1           necessary to carry out the Secretary's duties;  
2           and

3           “(7) before the plan or application was sub-  
4           mitted to the Secretary, the State afforded a reason-  
5           able opportunity for public comment on the plan or  
6           application and considered such comment.

7           “(b) GEPA PROVISION.—Section 441 of the General  
8           Education Provisions Act shall not apply to programs  
9           under this Act.

10       **“SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICA-**  
11                               **TIONS.**

12       “(a) GENERAL AUTHORITY.—

13           “(1) CONSOLIDATED PLAN.—A local edu-  
14           cational agency receiving funds under more than one  
15           covered program may submit plans or applications  
16           to the State educational agency under those pro-  
17           grams on a consolidated basis.

18           “(2) AVAILABILITY TO GOVERNOR.—The State  
19           educational agency shall make any consolidated local  
20           plans and applications available to the Governor.

21       “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-  
22       TIONS.—A State educational agency that has an approved  
23       consolidated State plan or application under section 5302  
24       may require local educational agencies in the State receiv-  
25       ing funds under more than one program included in the



1 consolidated State plan or consolidated State application  
2 to submit consolidated local plans or applications under  
3 those programs, but may not require those agencies to  
4 submit separate plans.

5 “(c) COLLABORATION.—A State educational agency,  
6 in consultation with the Governor, shall collaborate with  
7 local educational agencies in the State in establishing pro-  
8 cedures for the submission of the consolidated State plans  
9 or consolidated State applications under this section.

10 “(d) NECESSARY MATERIALS.—The State edu-  
11 cational agency shall require only descriptions, informa-  
12 tion, assurances, and other material that are absolutely  
13 necessary for the consideration of the local educational  
14 agency plan or application.

15 **“SEC. 5306. OTHER GENERAL ASSURANCES.**

16 “(a) ASSURANCES.—Any applicant, other than a  
17 State educational agency that submits a plan or applica-  
18 tion under this Act, shall have on file with the State edu-  
19 cational agency a single set of assurances, applicable to  
20 each program for which a plan or application is submitted,  
21 that provides that—

22 “(1) each such program will be administered in  
23 accordance with all applicable statutes, regulations,  
24 program plans, and applications;

1           “(2)(A) the control of funds provided under  
2 each such program and title to property acquired  
3 with program funds will be in a public agency or in  
4 an eligible private agency, institution, organization,  
5 or Indian tribe, if the law authorizing the program  
6 provides for assistance to those entities; and

7           “(B) the public agency, eligible private agency,  
8 institution, or organization, or Indian tribe will ad-  
9 minister the funds and property to the extent re-  
10 quired by the authorizing statutes;

11           “(3) the applicant will adopt and use proper  
12 methods of administering each such program, in-  
13 cluding—

14           “(A) the enforcement of any obligations  
15 imposed by law on agencies, institutions, orga-  
16 nizations, and other recipients responsible for  
17 carrying out each program; and

18           “(B) the correction of deficiencies in pro-  
19 gram operations that are identified through au-  
20 dits, monitoring, or evaluation;

21           “(4) the applicant will cooperate in carrying out  
22 any evaluation of each such program conducted by  
23 or for the State educational agency, the Secretary,  
24 or other Federal officials;

1           “(5) the applicant will use such fiscal control  
2           and fund accounting procedures as will ensure prop-  
3           er disbursement of, and accounting for, Federal  
4           funds paid to the applicant under each such pro-  
5           gram;

6           “(6) the applicant will—

7                   “(A) submit such reports to the State edu-  
8                   cational agency (which shall make the reports  
9                   available to the Governor) and the Secretary as  
10                  the State educational agency and Secretary may  
11                  require to enable the State educational agency  
12                  and the Secretary to perform their duties under  
13                  each such program; and

14                   “(B) maintain such records, provide such  
15                   information, and afford such access to the  
16                   records as the State educational agency (after  
17                   consultation with the Governor) or the Sec-  
18                   retary may reasonably require to carry out the  
19                   State educational agency’s or the Secretary’s  
20                   duties; and

21           “(7) before the application was submitted, the  
22           applicant afforded a reasonable opportunity for pub-  
23           lic comment on the application and considered such  
24           comment.

1       “(b) GEPA PROVISION.—Section 442 of the General  
2 Education Provisions Act shall not apply to programs  
3 under this Act.

4                                   “PART D—WAIVERS

5       **“SEC. 5401. WAIVERS OF STATUTORY AND REGULATORY RE-**  
6                                   **QUIREMENTS.**

7       “(a) IN GENERAL.—

8               “(1) REQUEST FOR WAIVER.—A State edu-  
9 cational agency, local educational agency, or Indian  
10 tribe that receives funds under a program authorized  
11 under this Act may submit a request to the Sec-  
12 retary to waive any statutory or regulatory require-  
13 ment of this Act.

14               “(2) RECEIPT OF WAIVER.—Except as provided  
15 in subsection (c) and subject to the limits in sub-  
16 section (b)(5)(A), the Secretary shall waive any stat-  
17 utory or regulatory requirement of this Act for a  
18 State educational agency, local educational agency,  
19 Indian tribe, or school (through a local educational  
20 agency), that submits a waiver request pursuant to  
21 this subsection.

22       “(b) PLAN.—

23               “(1) IN GENERAL.—A State educational agen-  
24 cy, local educational agency, or Indian tribe that de-  
25 sires a waiver under this section shall submit a waiv-

1 er request to the Secretary, which shall include a  
2 plan that—

3 “(A) identifies the Federal programs af-  
4 fected by the requested waiver;

5 “(B) describes which Federal statutory or  
6 regulatory requirements are to be waived;

7 “(C) reasonably demonstrates that the  
8 waiver will improve instruction for students and  
9 advance student academic achievement;

10 “(D) describes the methods the State edu-  
11 cational agency, local educational agency, or In-  
12 dian tribe will use to monitor the effectiveness  
13 of the implementation of the plan; and

14 “(E) describes how schools will continue to  
15 provide assistance to the same populations  
16 served by programs for which the waiver is re-  
17 quested.

18 “(2) ADDITIONAL INFORMATION.—A waiver re-  
19 quest under this section—

20 “(A) may provide for waivers of require-  
21 ments applicable to State educational agencies,  
22 local educational agencies, Indian tribes, and  
23 schools; and

24 “(B) shall be developed and submitted—

1           “(i)(I) by local educational agencies  
2           (on behalf of those agencies and schools)  
3           to State educational agencies; and

4           “(II) by State educational agencies  
5           (on their own behalf, or on behalf of, and  
6           based on the requests of, local educational  
7           agencies in the State) to the Secretary; or

8           “(ii) by Indian tribes (on behalf of  
9           schools operated by the tribes) to the Sec-  
10          retary.

11          “(3) GENERAL REQUIREMENTS.—

12           “(A) STATE EDUCATIONAL AGENCIES.—In  
13          the case of a waiver request submitted by a  
14          State educational agency acting on its own be-  
15          half, or on behalf of local educational agencies  
16          in the State, the State educational agency  
17          shall—

18           “(i) provide the public and local edu-  
19          cational agencies in the State with notice  
20          and a reasonable opportunity to comment  
21          and provide input on the request;

22           “(ii) submit the comments and input  
23          to the Secretary, with a description of how  
24          the State addressed the comments and  
25          input; and

1           “(iii) provide notice and a reasonable  
2           time to comment to the public and local  
3           educational agencies in the manner in  
4           which the applying agency customarily pro-  
5           vides similar notice and opportunity to  
6           comment to the public.

7           “(B) LOCAL EDUCATIONAL AGENCIES.—In  
8           the case of a waiver request submitted by a  
9           local educational agency that receives funds  
10          under this Act—

11           “(i) the request shall be reviewed by  
12           the State educational agency and be ac-  
13           companied by the comments, if any, of the  
14           State educational agency and the public;  
15           and

16           “(ii) notice and a reasonable oppor-  
17           tunity to comment regarding the waiver re-  
18           quest shall be provided to the State edu-  
19           cational agency and the public by the agen-  
20           cy requesting the waiver in the manner in  
21           which that agency customarily provides  
22           similar notice and opportunity to comment  
23           to the public.

24          “(4) PEER REVIEW.—

1           “(A) ESTABLISHMENT.—The Secretary  
2 shall establish a multi-disciplinary peer review  
3 team, which shall meet the requirements of sec-  
4 tion 5543, to review waiver requests under this  
5 section.

6           “(B) APPLICABILITY.—The Secretary may  
7 approve a waiver request under this section  
8 without conducting a peer review of the request,  
9 but shall use the peer review process under this  
10 paragraph before disapproving such a request.

11           “(C) STANDARD AND NATURE OF RE-  
12 VIEW.—Peer reviewers shall conduct a good  
13 faith review of waiver requests submitted to  
14 them under this section. Peer reviewers shall re-  
15 view such waiver requests—

16                   “(i) in their totality;

17                   “(ii) in deference to State and local  
18 judgment; and

19                   “(iii) with the goal of promoting  
20 State- and local-led innovation.

21           “(5) WAIVER DETERMINATION, DEMONSTRA-  
22 TION, AND REVISION.—

23           “(A) IN GENERAL.—The Secretary shall  
24 approve a waiver request not more than 60  
25 days after the date on which such request is



1 submitted, unless the Secretary determines and  
2 demonstrates that—

3 “(i) the waiver request does not meet  
4 the requirements of this section;

5 “(ii) the waiver is not permitted under  
6 subsection (c);

7 “(iii) the plan that is required under  
8 paragraph (1)(C), and reviewed with def-  
9 erence to State and local judgment, pro-  
10 vides no reasonable evidence to determine  
11 that a waiver will enhance student aca-  
12 demic achievement; or

13 “(iv) the waiver request does not pro-  
14 vide for adequate evaluation to ensure re-  
15 view and continuous improvement of the  
16 plan.

17 “(B) WAIVER DETERMINATION AND REVI-  
18 SION.—If the Secretary determines and dem-  
19 onstrates that the waiver request does not meet  
20 the requirements of this section, the Secretary  
21 shall—

22 “(i) immediately—

23 “(I) notify the State educational  
24 agency, local educational agency, or

1 Indian tribe of such determination;  
2 and

3 “(II) at the request of the State  
4 educational agency, local educational  
5 agency, or Indian tribe, provide de-  
6 tailed reasons for such determination  
7 in writing;

8 “(ii) offer the State educational agen-  
9 cy, local educational agency, or Indian  
10 tribe an opportunity to revise and resubmit  
11 the waiver request not more than 60 days  
12 after the date of such determination; and

13 “(iii) if the Secretary determines that  
14 the resubmission does not meet the re-  
15 quirements of this section, at the request  
16 of the State educational agency, local edu-  
17 cational agency, or Indian tribe, conduct a  
18 public hearing not more than 30 days after  
19 the date of such resubmission.

20 “(C) WAIVER DISAPPROVAL.—The Sec-  
21 retary may disapprove a waiver request if—

22 “(i) the State educational agency,  
23 local educational agency, or Indian tribe  
24 has been notified and offered an oppor-  
25 tunity to revise and resubmit the waiver

1 request, as described under clauses (i) and  
2 (ii) of subparagraph (B); and

3 “(ii) the State educational agency,  
4 local educational agency, or Indian tribe—

5 “(I) does not revise and resubmit  
6 the waiver request; or

7 “(II) revises and resubmits the  
8 waiver request, and the Secretary de-  
9 termines that such waiver request  
10 does not meet the requirements of this  
11 section after a hearing conducted  
12 under subparagraph (B)(iii), if re-  
13 quested.

14 “(D) EXTERNAL CONDITIONS.—The Sec-  
15 retary shall not, directly or indirectly, require or  
16 impose new or additional requirements in ex-  
17 change for receipt of a waiver if such require-  
18 ments are not specified in this Act.

19 “(c) RESTRICTIONS.—The Secretary shall not waive  
20 under this section any statutory or regulatory require-  
21 ments relating to—

22 “(1) the allocation or distribution of funds to  
23 States, local educational agencies, Indian tribes, or  
24 other recipients of funds under this Act;

25 “(2) comparability of services;

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

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

5           “(5) parental participation and involvement;

6           “(6) applicable civil rights requirements;

7           “(7) the prohibitions—

8                 “(A) in subpart 2 of part E;

9                 “(B) regarding use of funds for religious  
10           worship or instruction in section 5505; and

11                 “(C) regarding activities in section 5524;

12           or

13           “(8) the selection of a school attendance area or  
14           school under subsections (a) and (b) of section 1113,  
15           except that the Secretary may grant a waiver to  
16           allow a school attendance area or school to partici-  
17           pate in activities under subpart 1 of part A of title  
18           I if the percentage of children from low-income fami-  
19           lies in the school attendance area or who attend the  
20           school is not more than 10 percentage points below  
21           the lowest percentage of those children for any  
22           school attendance area or school of the local edu-  
23           cational agency that meets the requirements of sub-  
24           sections (a) and (b) of section 1113.

1           “(d) DURATION AND EXTENSION OF WAIVER; LIM-  
2 TATIONS.—

3           “(1) IN GENERAL.—Except as provided in para-  
4 graph (2), a waiver approved by the Secretary under  
5 this section may be for a period not to exceed 3  
6 years.

7           “(2) EXTENSION.—The Secretary may extend  
8 the period described in paragraph (1) if the State  
9 demonstrates that—

10           “(A) the waiver has been effective in ena-  
11 bling the State or affected recipient to carry out  
12 the activities for which the waiver was re-  
13 quested and the waiver has contributed to im-  
14 proved student achievement; and

15           “(B) the extension is in the public interest.

16           “(3) SPECIFIC LIMITATIONS.—The Secretary  
17 shall not require a State educational agency, local  
18 educational agency, or Indian tribe, as a condition of  
19 approval of a waiver request, to—

20           “(A) include in, or delete from, such re-  
21 quest, specific academic standards;

22           “(B) use specific academic assessment in-  
23 struments or items; or

24           “(C) include in, or delete from, such waiv-  
25 er request any criterion that specifies, defines,

1 describes, or prescribes the standards or meas-  
2 ures that a State or local educational agency or  
3 Indian tribe uses to establish, implement, or im-  
4 prove—

5 “(i) State academic standards;

6 “(ii) academic assessments;

7 “(iii) State accountability systems; or

8 “(iv) teacher and school leader evalua-  
9 tion systems.

10 “(e) REPORTS.—

11 “(1) WAIVER REPORTS.—A State educational  
12 agency, local educational agency, or Indian tribe  
13 that receives a waiver under this section shall, at the  
14 end of the second year for which a waiver is received  
15 under this section and each subsequent year, submit  
16 a report to the Secretary that—

17 “(A) describes the uses of the waiver by  
18 the agency or by schools;

19 “(B) describes how schools continued to  
20 provide assistance to the same populations  
21 served by the programs for which waivers were  
22 granted; and

23 “(C) evaluates the progress of the agency  
24 and schools, or Indian tribe, in improving the

1           quality of instruction or the academic achieve-  
2           ment of students.

3           “(2) REPORT TO CONGRESS.—The Secretary  
4           shall annually submit to the Committee on Edu-  
5           cation and the Workforce of the House of Rep-  
6           resentatives and the Committee on Health, Edu-  
7           cation, Labor, and Pensions of the Senate a re-  
8           port—

9                   “(A) summarizing the uses of waivers by  
10           State educational agencies, local educational  
11           agencies, Indian tribes, and schools; and

12                   “(B) describing the status of the waivers  
13           in improving academic achievement.

14           “(f) TERMINATION OF WAIVERS.—The Secretary  
15           shall terminate a waiver under this section if the Secretary  
16           determines, after notice and an opportunity for a hearing,  
17           that the performance of the State or other recipient af-  
18           fected by the waiver has been inadequate to justify a con-  
19           tinuation of the waiver and the recipient of the waiver has  
20           failed to make revisions needed to carry out the purpose  
21           of the waiver, or if the waiver is no longer necessary to  
22           achieve its original purpose.

23           “(g) PUBLICATION.—A notice of the Secretary’s deci-  
24           sion to grant each waiver under subsection (a) shall be  
25           published in the Federal Register and the Secretary shall

1 provide for the dissemination of the notice to State edu-  
2 cational agencies, interested parties, including educators,  
3 parents, students, advocacy and civil rights organizations,  
4 and the public.

5 “PART E—UNIFORM PROVISIONS

6 “SUBPART 1—PRIVATE SCHOOLS

7 “**SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHIL-**  
8 **DREN AND TEACHERS.**

9 “(a) PRIVATE SCHOOL PARTICIPATION.—

10 “(1) IN GENERAL.—Except as otherwise pro-  
11 vided in this Act, to the extent consistent with the  
12 number of eligible children in areas served by a  
13 State educational agency, local educational agency,  
14 educational service agency, consortium of those  
15 agencies, or another entity receiving financial assist-  
16 ance under a program specified in subsection (b),  
17 who are enrolled in private elementary schools and  
18 secondary schools in areas served by such agency,  
19 consortium, or entity, the agency, consortium, or en-  
20 tity shall, after timely and meaningful consultation  
21 with appropriate private school officials or their rep-  
22 resentatives, provide to those children and their  
23 teachers or other educational personnel, on an equi-  
24 table basis, special educational services or other ben-  
25 efits that address their needs under the program.



1           “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-  
2           ICAL SERVICES OR BENEFITS.—Educational services  
3           or other benefits, including materials and equipment,  
4           provided under this section, shall be secular, neutral,  
5           and nonideological.

6           “(3) SPECIAL RULE.—Educational services and  
7           other benefits provided under this section for private  
8           school children, teachers, and other educational per-  
9           sonnel shall be equitable in comparison to services  
10          and other benefits for public school children, teach-  
11          ers, and other educational personnel participating in  
12          the program and shall be provided in a timely man-  
13          ner.

14          “(4) EXPENDITURES.—

15                 “(A) IN GENERAL.—Expenditures for edu-  
16                 cational services and other benefits to eligible  
17                 private school children, teachers, and other  
18                 service personnel shall be equal to the expendi-  
19                 tures for participating public school children,  
20                 taking into account the number and educational  
21                 needs, of the children to be served.

22                 “(B) OBLIGATION OF FUNDS.—Funds allo-  
23                 cated to a local educational agency for edu-  
24                 cational services and other benefits to eligible  
25                 private school children shall—

1                   “(i) be obligated in the fiscal year for  
2                   which the funds are received by the agen-  
3                   cy; and

4                   “(ii) with respect to any such funds  
5                   that cannot be so obligated, be used to  
6                   serve such children in the following fiscal  
7                   year.

8                   “(C) NOTICE OF ALLOCATION.—Each  
9                   State educational agency shall—

10                   “(i) determine, in a timely manner,  
11                   the proportion of funds to be allocated to  
12                   each local educational agency in the State  
13                   for educational services and other benefits  
14                   under this subpart to eligible private school  
15                   children; and

16                   “(ii) provide notice, simultaneously, to  
17                   each such local educational agency and the  
18                   appropriate private school officials or their  
19                   representatives in the State of such alloca-  
20                   tion of funds.

21                   “(5) PROVISION OF SERVICES.—An agency,  
22                   consortium, or entity described in subsection (a)(1)  
23                   of this section may provide those services directly or  
24                   through contracts with public and private agencies,  
25                   organizations, and institutions.

1 “(b) APPLICABILITY.—

2 “(1) IN GENERAL.—This section applies to pro-  
3 grams under—

4 “(A) subpart 2 of part A of title I;

5 “(B) subpart 4 of part A of title I;

6 “(C) part A of title II;

7 “(D) part B of title II; and

8 “(E) part B of title III.

9 “(2) DEFINITION.—For the purpose of this sec-  
10 tion, the term ‘eligible children’ means children eligi-  
11 ble for services under a program described in para-  
12 graph (1).

13 “(c) CONSULTATION.—

14 “(1) IN GENERAL.—To ensure timely and  
15 meaningful consultation, a State educational agency,  
16 local educational agency, educational service agency,  
17 consortium of those agencies, or entity shall consult,  
18 in order to reach an agreement, with appropriate  
19 private school officials or their representatives dur-  
20 ing the design and development of the programs  
21 under this Act, on issues such as—

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

24 “(B) what services will be offered;

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

3           “(D) how the services will be assessed and  
4 how the results of the assessment will be used  
5 to improve those services;

6           “(E) the size and scope of the equitable  
7 services to be provided to the eligible private  
8 school children, teachers, and other educational  
9 personnel and the amount of funds available for  
10 those services;

11           “(F) how and when the agency, consor-  
12 tium, or entity will make decisions about the  
13 delivery of services, including a thorough con-  
14 sideration and analysis of the views of the pri-  
15 vate school officials or their representatives on  
16 the provision of services through potential  
17 third-party providers or contractors; and

18           “(G) how, if the agency disagrees with the  
19 views of the private school officials or their rep-  
20 resentatives on the provision of services through  
21 a contract, the local educational agency will  
22 provide in writing to such private school offi-  
23 cials or their representatives an analysis of the  
24 reasons why the local educational agency has  
25 chosen not to use a contractor.

1           “(2) DISAGREEMENT.—If the agency, consor-  
2           tium, or entity disagrees with the views of the pri-  
3           vate school officials or their representatives with re-  
4           spect to an issue described in paragraph (1), the  
5           agency, consortium, or entity shall provide to the  
6           private school officials or their representatives a  
7           written explanation of the reasons why the local edu-  
8           cational agency has chosen not to adopt the course  
9           of action requested by such officials or their rep-  
10          resentatives.

11          “(3) TIMING.—The consultation required by  
12          paragraph (1) shall occur before the agency, consor-  
13          tium, or entity makes any decision that affects the  
14          opportunities of eligible private school children,  
15          teachers, and other educational personnel to partici-  
16          pate in programs under this Act, and shall continue  
17          throughout the implementation and assessment of  
18          activities under this section.

19          “(4) DISCUSSION REQUIRED.—The consultation  
20          required by paragraph (1) shall include a discussion  
21          of service delivery mechanisms that the agency, con-  
22          sortium, or entity could use to provide equitable  
23          services to eligible private school children, teachers,  
24          administrators, and other staff.

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

18           “(6) COMPLIANCE.—

19           “(A) IN GENERAL.—If the consultation re-  
20          quired under this section is with a local edu-  
21          cational agency or educational service agency, a  
22          private school official or representative shall  
23          have the right to file a complaint with the State  
24          educational agency that the consultation re-  
25          quired under this section was not meaningful

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

6 “(B) PROCEDURE.—If the private school  
7 official or representative wishes to file a com-  
8 plaint, the private school official or representa-  
9 tive shall provide the basis of the noncompli-  
10 ance with this section and all parties shall pro-  
11 vide the appropriate documentation to the ap-  
12 propriate officials or representatives.

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

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

20 “(I) requested that the State  
21 educational agency provide such serv-  
22 ices directly; and

23 “(II) demonstrated that the local  
24 educational agency or Education Serv-

1 ice Agency involved has not met the  
2 requirements of this section; or

3 “(ii) in a case in which—

4 “(I) a local educational agency  
5 has more than 10,000 children from  
6 low-income families who attend pri-  
7 vate elementary schools or secondary  
8 schools in such agency’s school at-  
9 tendance areas, as defined in section  
10 1113(a)(2)(A), that are not being  
11 served by the agency’s program under  
12 this section; or

13 “(II) 90 percent of the eligible  
14 private school students in a school at-  
15 tendance area, as defined in section  
16 1113(a)(2)(A), are not being served  
17 by the agency’s program under this  
18 section.

19 “(d) PUBLIC CONTROL OF FUNDS.—

20 “(1) IN GENERAL.—The control of funds used  
21 to provide services under this section, and title to  
22 materials, equipment, and property purchased with  
23 those funds, shall be in a public agency for the uses  
24 and purposes provided in this Act, and a public  
25 agency shall administer the funds and property.



1           “(2) PROVISION OF SERVICES.—

2                   “(A) IN GENERAL.—The provision of serv-  
3           ices under this section shall be provided—

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

5                           or

6                           “(ii) through contract by the public  
7           agency with an individual, association,  
8           agency, organization, or other entity.

9           “(B) INDEPENDENCE; PUBLIC AGENCY.—

10           In the provision of those services, the employee,  
11           person, association, agency, organization, or  
12           other entity shall be independent of the private  
13           school and of any religious organization, and  
14           the employment or contract shall be under the  
15           control and supervision of the public agency.

16                   “(C) COMMINGLING OF FUNDS PROHIB-  
17           ITED.—Funds used to provide services under  
18           this section shall not be commingled with non-  
19           Federal funds.

20   **“SEC. 5502. STANDARDS FOR BY-PASS.**

21           “(a) IN GENERAL.—If, by reason of any provision of  
22   law, a State educational agency, local educational agency,  
23   educational service agency, consortium of those agencies,  
24   or other entity is prohibited from providing for the partici-  
25   pation in programs of children enrolled in, or teachers or



1 concerning violations of section 5501 by a State edu-  
2 cational agency, local educational agency, educational  
3 service agency, consortium of those agencies, or entity.  
4 The individual or organization shall submit the complaint  
5 to the State educational agency for a written resolution  
6 by the State educational agency within 45 days.

7 “(b) APPEALS TO SECRETARY.—The resolution may  
8 be appealed by an interested party to the Secretary not  
9 later than 30 days after the State educational agency re-  
10 solves the complaint or fails to resolve the complaint with-  
11 in the 45-day time limit. The appeal shall be accompanied  
12 by a copy of the State educational agency’s resolution,  
13 and, if there is one, a complete statement of the reasons  
14 supporting the appeal. The Secretary shall investigate and  
15 resolve the appeal not later than 90 days after receipt of  
16 the appeal.

17 “SUBPART 2—PROHIBITIONS

18 “**SEC. 5521. PROHIBITION AGAINST FEDERAL MANDATES,**  
19 **DIRECTION, OR CONTROL.**

20 “(a) IN GENERAL.—No officer or employee of the  
21 Federal Government shall, directly or indirectly, through  
22 grants, contracts, or other cooperative agreements, man-  
23 date, direct, or control a State, local educational agency,  
24 or school’s specific instructional content, academic stand-  
25 ards and assessments, curricula, or program of instruc-

1 tion, nor shall anything in this Act be construed to author-  
2 ize such officer or employee to do so.

3 “(b) FINANCIAL SUPPORT.—No officer or employee  
4 of the Federal Government shall, directly or indirectly,  
5 through grants, contracts, or other cooperative agree-  
6 ments, make financial support available in a manner that  
7 is conditioned upon a State, local educational agency, or  
8 school’s adoption of specific instructional content, aca-  
9 demic standards and assessments, curriculum, or program  
10 of instruction even if such requirements are specified in  
11 an Act other than this Act, nor shall anything in this Act  
12 be construed to authorize such officer or employee to do  
13 so.

14 **“SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**  
15 **USE OF FEDERAL FUNDS.**

16 “(a) GENERAL PROHIBITION.—Nothing in this Act  
17 shall be construed to authorize an officer or employee of  
18 the Federal Government directly or indirectly, whether  
19 through a grant, contract, or cooperative agreement, to  
20 mandate, direct, or control a State, local educational agen-  
21 cy, or school’s curriculum, program of instruction, or allo-  
22 cation of State or local resources, or mandate a State or  
23 any subdivision thereof to spend any funds or incur any  
24 costs not paid for under this Act.

1       “(b) PROHIBITION ON ENDORSEMENT OF CUR-  
2 RICULUM.—Notwithstanding any other prohibition of Fed-  
3 eral law, no funds provided to the Department under this  
4 Act may be used by the Department directly or indirectly  
5 – whether through a grant, contract, or cooperative agree-  
6 ment – to endorse, approve, develop, require, or sanction  
7 any curriculum designed to be used in an elementary  
8 school or secondary school.

9       “(c) LOCAL CONTROL.—Nothing in this Act shall be  
10 construed to—

11           “(1) authorize an officer or employee of the  
12 Federal Government directly or indirectly – whether  
13 through a grant, contract, or cooperative agreement  
14 – to mandate, direct, review, or control a State, local  
15 educational agency, or school’s instructional content,  
16 curriculum, and related activities;

17           “(2) limit the application of the General Edu-  
18 cation Provisions Act;

19           “(3) require the distribution of scientifically or  
20 medically false or inaccurate materials or to prohibit  
21 the distribution of scientifically or medically true or  
22 accurate materials; or

23           “(4) create any legally enforceable right.

24       “(d) PROHIBITION ON REQUIRING FEDERAL AP-  
25 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-

1 standing any other provision of Federal law, no State shall  
2 be required to have academic standards approved or cer-  
3 tified by the Federal Government, in order to receive as-  
4 sistance under this Act.

5 “(e) **RULE OF CONSTRUCTION ON BUILDING STAND-**  
6 **ARDS.**—Nothing in this Act shall be construed to mandate  
7 national school building standards for a State, local edu-  
8 cational agency, or school.

9 **“SEC. 5523. PROHIBITION ON FEDERALLY SPONSORED**  
10 **TESTING.**

11 “(a) **GENERAL PROHIBITION.**—Notwithstanding any  
12 other provision of Federal law and except as provided in  
13 subsection (b), no funds provided under this Act to the  
14 Secretary or to the recipient of any award may be used  
15 to develop, pilot test, field test, implement, administer, or  
16 distribute any federally sponsored national test or testing  
17 materials in reading, mathematics, or any other subject,  
18 unless specifically and explicitly authorized by law.

19 “(b) **EXCEPTIONS.**—Subsection (a) shall not apply to  
20 international comparative assessments developed under  
21 the authority of section 153(a)(5) of the Education  
22 Sciences Reform Act of 2002 and administered to only a  
23 representative sample of pupils in the United States and  
24 in foreign nations.

1 **“SEC. 5524. LIMITATIONS ON NATIONAL TESTING OR CER-**  
2 **TIFICATION FOR TEACHERS.**

3 “(a) MANDATORY NATIONAL TESTING OR CERTIFI-  
4 CATION OF TEACHERS.—Notwithstanding any other pro-  
5 vision of this Act or any other provision of law, no funds  
6 available to the Department or otherwise available under  
7 this Act may be used for any purpose relating to a manda-  
8 tory nationwide test or certification of teachers or edu-  
9 cation paraprofessionals, including any planning, develop-  
10 ment, implementation, or administration of such test or  
11 certification.

12 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The  
13 Secretary is prohibited from withholding funds from any  
14 State educational agency or local educational agency if the  
15 State educational agency or local educational agency fails  
16 to adopt a specific method of teacher or paraprofessional  
17 certification.

18 **“SEC. 5525. PROHIBITED USES OF FUNDS.**

19 “No funds under this Act may be used—

20 “(1) for construction, renovation, or repair of  
21 any school facility, except as authorized under title  
22 IV or otherwise authorized under this Act;

23 “(2) for medical services, drug treatment or re-  
24 habilitation, except for specialized instructional sup-  
25 port services or referral to treatment for students

1 who are victims of, or witnesses to, crime or who il-  
2 legally use drugs;

3 “(3) for transportation unless otherwise author-  
4 ized under this Act;

5 “(4) to develop or distribute materials, or oper-  
6 ate programs or courses of instruction directed at  
7 youth, that are designed to promote or encourage  
8 sexual activity, whether homosexual or heterosexual;

9 “(5) to distribute or to aid in the distribution  
10 by any organization of legally obscene materials to  
11 minors on school grounds;

12 “(6) to provide sex education or HIV-prevention  
13 education in schools unless that instruction is age  
14 appropriate and includes the health benefits of absti-  
15 nence; or

16 “(7) to operate a program of contraceptive dis-  
17 tribution in schools.

18 **“SEC. 5526. PROHIBITION REGARDING STATE AID.**

19 “A State shall not take into consideration payments  
20 under this Act (other than under title IV) in determining  
21 the eligibility of any local educational agency in that State  
22 for State aid, or the amount of State aid, with respect  
23 to free public education of children.



1                   “SUBPART 3—OTHER PROVISIONS

2   **“SEC. 5541. ARMED FORCES RECRUITER ACCESS TO STU-**  
3                   **DENTS AND STUDENT RECRUITING INFORMA-**  
4                   **TION.**

5           “(a) POLICY.—

6                   “(1) ACCESS TO STUDENT RECRUITING INFOR-

7                   MATION.—Notwithstanding section 444(a)(5)(B) of

8                   the General Education Provisions Act, each local

9                   educational agency receiving assistance under this

10                  Act shall provide, upon a request made by a military

11                  recruiter or an institution of higher education, ac-

12                  cess to the name, address, and telephone listing of

13                  each secondary school student served by the local

14                  educational agency, unless the parent of such stu-

15                  dent has submitted the prior consent request under

16                  paragraph (2).

17                  “(2) CONSENT.—

18                           “(A) OPT-OUT PROCESS.—A parent of a

19                           secondary school student may submit a written

20                           request, to the local educational agency, that

21                           the student’s name, address, and telephone list-

22                           ing not be released for purposes of paragraph

23                           (1) without prior written consent of the parent.

24                           Upon receiving such request, the local edu-

25                           cational agency may not release the student’s

1 name, address, and telephone listing for such  
2 purposes without the prior written consent of  
3 the parent.

4 “(B) NOTIFICATION OF OPT-OUT PROC-  
5 ESS.—Each local educational agency shall no-  
6 tify the parents of the students served by the  
7 agency of the option to make a request de-  
8 scribed in subparagraph (A).

9 “(3) SAME ACCESS TO STUDENTS.—Each local  
10 educational agency receiving assistance under this  
11 Act shall provide military recruiters the same access  
12 to secondary school students as is provided generally  
13 to institutions of higher education or to prospective  
14 employers of those students.

15 “(4) RULE OF CONSTRUCTION PROHIBITING  
16 OPT-IN PROCESSES.—Nothing in this subsection  
17 shall be construed to allow a local educational agen-  
18 cy to withhold access to a student’s name, address,  
19 and telephone listing from a military recruiter or in-  
20 stitution of higher education by implementing an  
21 opt-in process or any other process other than the  
22 written consent request process under paragraph  
23 (2)(A).

24 “(5) PARENTAL CONSENT.—For purposes of  
25 this subsection, whenever a student has attained 18

1 years of age, the permission or consent required of  
2 and the rights accorded to the parents of the stu-  
3 dent shall only be required of and accorded to the  
4 student.

5 “(b) NOTIFICATION.—The Secretary, in consultation  
6 with the Secretary of Defense, shall, not later than 120  
7 days after the date of enactment of the Student Success  
8 Act, notify school leaders, school administrators, and other  
9 educators about the requirements of this section.

10 “(c) EXCEPTION.—The requirements of this section  
11 do not apply to a private secondary school that maintains  
12 a religious objection to service in the Armed Forces if the  
13 objection is verifiable through the corporate or other orga-  
14 nizational documents or materials of that school.

15 **“SEC. 5542. RULEMAKING.**

16 “The Secretary shall issue regulations under this Act  
17 as prescribed under section 1401 only to the extent that  
18 such regulations are necessary to ensure that there is com-  
19 pliance with the specific requirements and assurances re-  
20 quired by this Act.

21 **“SEC. 5543. PEER REVIEW.**

22 “(a) IN GENERAL.—If the Secretary uses a peer re-  
23 view panel to evaluate an application for any program re-  
24 quired under this Act, the Secretary shall conduct the  
25 panel in accordance with this section.

1 “(b) MAKEUP.—The Secretary shall—

2 “(1) solicit nominations for peers to serve on  
3 the panel from States that are—

4 “(A) practitioners in the subject matter; or

5 “(B) experts in the subject matter; and

6 “(2) select the peers from such nominees, ex-  
7 cept that there shall be at least 75 percent practi-  
8 tioners on each panel and in each group formed  
9 from the panel.

10 “(c) GUIDANCE.—The Secretary shall issue the peer  
11 review guidance concurrently with the notice of the grant.

12 “(d) REPORTING.—The Secretary shall—

13 “(1) make the names of the peer reviewers  
14 available to the public before the final deadline for  
15 the application of the grant;

16 “(2) make the peer review notes publically  
17 available once the review has concluded; and

18 “(3) make any deviations from the peer review-  
19 ers’ recommendations available to the public with an  
20 explanation of the deviation.

21 “(e) APPLICANT REVIEWS.—An applicant shall have  
22 an opportunity within 30 days to review the peer review  
23 notes and appeal the score to the Secretary prior to the  
24 Secretary making any final determination.

1           “(f) PROHIBITION.—The Secretary, and the Sec-  
2 retary’s staff, may not attempt to participate in, or influ-  
3 ence, the peer review process. No Federal employee may  
4 participate in, or attempt to influence the peer review  
5 process, except to respond to questions of a technical na-  
6 ture, which shall be publicly reported.

7   **“SEC. 5544. PARENTAL CONSENT.**

8           “Upon receipt of written notification from the par-  
9 ents or legal guardians of a student, the local educational  
10 agency shall withdraw such student from any program  
11 funded under part B of title III. The local educational  
12 agency shall make reasonable efforts to inform parents or  
13 legal guardians of the content of such programs or activi-  
14 ties funded under this Act, other than classroom instruc-  
15 tion.

16   **“SEC. 5548. SEVERABILITY.**

17           “If any provision of this Act is held invalid, the re-  
18 mainder of this Act shall be unaffected thereby.

19   **“SEC. 5549. DEPARTMENT STAFF.**

20           “The Secretary shall—

21                   “(1) not later than 60 days after the date of  
22 the enactment of the Student Success Act, identify  
23 the number of Department employees who worked  
24 on or administered each education program and  
25 project authorized under this Act, as such program

1 or project was in effect on the day before such en-  
2 actment date, and publish such information on the  
3 Department's website;

4 “(2) not later than 60 days after such enact-  
5 ment date, identify the number of full-time equiva-  
6 lent employees who work on or administer programs  
7 or projects authorized under this Act, as in effect on  
8 the day before such enactment date, that have been  
9 eliminated or consolidated since such date;

10 “(3) not later than 1 year after such enactment  
11 date, reduce the workforce of the Department by the  
12 number of full-time equivalent employees the De-  
13 partment calculated under paragraph (2); and

14 “(4) not later than 1 year after such enactment  
15 date, report to the Congress on—

16 “(A) the number of employees associated  
17 with each program or project authorized under  
18 this Act administered by the Department;

19 “(B) the number of full-time equivalent  
20 employees who were determined to be associated  
21 with eliminated or consolidated programs or  
22 projects under paragraph (2); and

23 “(C) how the Secretary reduced the num-  
24 ber of employees at the Department under  
25 paragraph (3).

1                                   “PART F—EVALUATIONS

2   **“SEC. 5601. EVALUATIONS.**

3           “(a) RESERVATION OF FUNDS.—Except as provided  
4 in subsections (c) and (d), the Secretary may reserve not  
5 more than 0.5 percent of the amount appropriated to  
6 carry out each categorical program authorized under this  
7 Act. The reserved amounts shall be used by the Secretary,  
8 acting through the Director of the Institute of Education  
9 Sciences—

10                   “(1) to conduct—

11                           “(A) comprehensive evaluations of the pro-  
12 gram or project; and

13                           “(B) studies of the effectiveness of the pro-  
14 gram or project and its administrative impact  
15 on schools and local educational agencies;

16                   “(2) to evaluate the aggregate short- and long-  
17 term effects and cost efficiencies across Federal pro-  
18 grams assisted or authorized under this Act and re-  
19 lated Federal preschool, elementary, and secondary  
20 programs under any other Federal law; and

21                   “(3) to increase the usefulness of evaluations of  
22 grant recipients in order to ensure the continuous  
23 progress of the program or project by improving the  
24 quality, timeliness, efficiency, and use of information

1 relating to performance under the program or  
2 project.

3 “(b) REQUIRED PLAN.—The Secretary, acting  
4 through the Director of the Institute of Education  
5 Sciences, may use the reserved amount under subsection  
6 (a) only after completion of a comprehensive, multi-year  
7 plan—

8 “(1) for the periodic evaluation of each of the  
9 major categorical programs authorized under this  
10 Act, and as resources permit, the smaller categorical  
11 programs authorized under this Act;

12 “(2) that shall be developed and implemented  
13 with the involvement of other officials at the Depart-  
14 ment, as appropriate; and

15 “(3) that shall not be finalized until—

16 “(A) the publication of a notice in the Fed-  
17 eral Register seeking public comment on such  
18 plan and after review by the Secretary of such  
19 comments; and

20 “(B) the plan is submitted for comment to  
21 the Committee on Education and the Workforce  
22 of the House of Representatives and the Com-  
23 mittee on Health, Education, Labor, and Pen-  
24 sions of the Senate and after review by the Sec-  
25 retary of such comments.



1       “(c) TITLE I EXCLUDED.—The Secretary may not  
2 reserve under subsection (a) funds appropriated to carry  
3 out any program authorized under title I.

4       “(d) EVALUATION ACTIVITIES AUTHORIZED ELSE-  
5 WHERE.—If, under any other provision of this Act (other  
6 than title I), funds are authorized to be reserved or used  
7 for evaluation activities with respect to a program or  
8 project, the Secretary may not reserve additional funds  
9 under this section for the evaluation of that program or  
10 project.”.

11       (b) TECHNICAL AMENDMENTS.—

12           (1) TITLE IX.—

13               (A) SUBPART 1 OF PART E OF TITLE V.—

14                   (i) TRANSFER AND REDESIGNA-  
15 TION.—Sections 9504 through 9506 (20  
16 U.S.C. 7884; 7885; 7886) are—

17                       (I) transferred to title V, as  
18 amended by subsection (a) of this sec-  
19 tion;

20                       (II) inserted after section 5503  
21 of such title; and

22                       (III) redesignated as sections  
23 5504 through 5506, respectively.

24                   (ii) AMENDMENTS.—Section 5504 (as  
25 so redesignated) is amended—

1 (I) in subsection (a)(1)(A), by  
2 striking “section 9502” and inserting  
3 “section 5502”;

4 (II) in subsection (b), by striking  
5 “section 9501” and inserting “section  
6 5501”; and

7 (III) in subsection (d), by strik-  
8 ing “No Child Left Behind Act of  
9 2001” and inserting “Student Success  
10 Act”.

11 (B) SUBPART 2 OF PART E OF TITLE V.—

12 (i) TRANSFER AND REDESIGNA-  
13 TION.—Sections 9531, 9533, and 9534 (20  
14 U.S.C. 7911; 7913; 7914) are—

15 (I) transferred to title V, as  
16 amended by subparagraph (A) of this  
17 paragraph;

18 (II) inserted after section 5525  
19 of such title; and

20 (III) redesignated as sections  
21 5526 through 5528, respectively.

22 (ii) AMENDMENTS.—Section 5528 (as  
23 so redesignated) is amended—

1 (I) by striking “(a) IN GEN-  
2 ERAL.—Nothing” and inserting  
3 “Nothing”; and

4 (II) by striking subsection (b).

5 (C) SUBPART 3 OF PART E OF TITLE V.—  
6 Sections 9523, 9524, and 9525 (20 U.S.C.  
7 7903; 7904; 7905) are—

8 (i) transferred to title V, as amended  
9 by subparagraph (B) of this paragraph;

10 (ii) inserted after section 5544 of such  
11 title; and

12 (iii) redesignated as sections 5545  
13 through 5547, respectively.

14 (2) TITLE IV.—Sections 4141 and 4155 (20  
15 U.S.C. 7151; 7161) are—

16 (A) transferred to title V, as amended by  
17 paragraph (1) of this subsection;

18 (B) inserted after section 5548 (as so re-  
19 designated by paragraph (1)(C)(iii) of this sub-  
20 section); and

21 (C) redesignated as sections 5549 and  
22 5550, respectively.

23 **SEC. 502. REPEAL.**

24 Title IX (20 U.S.C. 7801 et seq.), as amended by  
25 section 201(b)(1) of this title, is repealed.

1 **SEC. 503. OTHER LAWS.**

2 Beginning on the date of the enactment of this Act,  
3 any reference in law to the term “highly qualified” as de-  
4 fined in section 9101 of the Elementary and Secondary  
5 Education Act of 1965 shall be treated as a reference to  
6 such term under section 9101 of the Elementary and Sec-  
7 ondary Education Act of 1965 as in effect on the day be-  
8 fore the date of the enactment of this Act.

9 **SEC. 504. AMENDMENT TO IDEA.**

10 Section 602 of the Individuals with Disabilities Edu-  
11 cation Act (20 U.S.C. 1401) is amended by striking para-  
12 graph (10).

13 **TITLE VI—REPEAL**

14 **SEC. 601. REPEAL OF TITLE VI.**

15 The Act is amended by striking title VI (20 U.S.C.  
16 7301 et seq.).

17 **TITLE VII—HOMELESS**  
18 **EDUCATION**

19 **SEC. 701. STATEMENT OF POLICY.**

20 Section 721 of the McKinney-Vento Homeless Assist-  
21 ance Act (42 U.S.C. 11431) is amended—

22 (1) by amending paragraph (2) to read as fol-  
23 lows:

24 “(2) In any State where compulsory residency  
25 requirements or other requirements, laws, regula-  
26 tions, practices, or policies may act as a barrier to

1 the identification, enrollment, attendance, or success  
2 in school of homeless children and youths, the State  
3 and local educational agencies will review and under-  
4 take steps to revise such laws, regulations, practices,  
5 or policies to ensure that homeless children and  
6 youths are afforded the same free, appropriate pub-  
7 lic education as is provided to other children and  
8 youths.”;

9 (2) in paragraph (3), by striking “alone”; and  
10 (3) in paragraph (4), by striking “challenging  
11 State student academic achievement” and inserting  
12 “State academic”.

13 **SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**  
14 **THE EDUCATION OF HOMELESS CHILDREN**  
15 **AND YOUTHS.**

16 Section 722 of such Act (42 U.S.C. 11432) is amend-  
17 ed—

18 (1) in subsection (a), by striking “(g).” and in-  
19 serting “(h).”;

20 (2) by striking subsection (b);

21 (3) in subsection (c)—

22 (A) in paragraph (1)(A)—

23 (i) in clause (i), by adding “or” at the  
24 end;

1 (ii) in clause (ii), by striking “; or” at  
2 the end and inserting a period; and

3 (iii) by striking clause (iii); and

4 (B) by striking paragraph (3);

5 (4) in subsection (d)—

6 (A) in the matter preceding paragraph (1),  
7 by striking “Grants” and inserting “Grant  
8 funds from a grant made to a State”;

9 (B) by amending paragraph (2) to read as  
10 follows:

11 “(2) To provide services and activities to im-  
12 prove the identification of homeless children (includ-  
13 ing preschool-aged homeless children and youths)  
14 that enable such children and youths to enroll in, at-  
15 tend, and succeed in school, or, if appropriate, in  
16 preschool programs.”;

17 (C) in paragraph (3), by inserting before  
18 the period at the end the following: “that can  
19 sufficiently carry out the duties described in  
20 this subtitle”;

21 (D) by amending paragraph (5) to read as  
22 follows:

23 “(5) To develop and implement professional de-  
24 velopment programs for liaisons designated under

1 subsection (g)(1)(J)(ii) and other local educational  
2 agency personnel—

3 “(A) to improve their identification of  
4 homeless children and youths; and

5 “(B) to heighten their awareness of, and  
6 capacity to respond to, specific needs in the  
7 education of homeless children and youths.”.

8 (5) in subsection (e)—

9 (A) in paragraph (1)—

10 (i) by striking “sums” and inserting  
11 “grant funds”; and

12 (ii) by inserting “a State under sub-  
13 section (a) to” after “each year to”;

14 (B) in paragraph (2), by striking “funds  
15 made available for State use under this sub-  
16 title” and inserting “the grant funds remaining  
17 after the State educational agency distributes  
18 subgrants under paragraph (1)”; and

19 (C) in paragraph (3)—

20 (i) in subparagraph (C)(iv)(II), by  
21 striking “sections 1111 and 1116” and in-  
22 serting “section 1111”;

23 (ii) in subparagraph (F)—

24 (I) in clause (i)—

1 (aa) in the matter preceding  
2 subclause (I), by striking “a re-  
3 port” and inserting “an annual  
4 report”;

5 (bb) by striking “and” at  
6 the end of subclause (II);

7 (cc) by striking the period at  
8 the end of subclause (III) and in-  
9 serting “; and”; and

10 (dd) by adding at the end  
11 the following:

12 “(IV) the progress the separate  
13 schools are making in helping all stu-  
14 dents meet the State academic stand-  
15 ards.”; and

16 (II) in clause (iii), by striking  
17 “Not later than 2 years after the date  
18 of enactment of the McKinney-Vento  
19 Homeless Education Assistance Im-  
20 provements Act of 2001, the” and in-  
21 serting “The”;

22 (6) by amending subsection (f) to read as fol-  
23 lows:



1           “(f) FUNCTIONS OF THE OFFICE OF COORDI-  
2 NATOR.—The Coordinator for Education of Homeless  
3 Children and Youths established in each State shall—

4                   “(1) gather and make publically available reli-  
5 able, valid, and comprehensive information on—

6                           “(A) the number of homeless children and  
7 youths identified in the State, posted annually  
8 on the State educational agency’s website;

9                           “(B) the nature and extent of the problems  
10 homeless children and youths have in gaining  
11 access to public preschool programs and to pub-  
12 lic elementary schools and secondary schools;

13                           “(C) the difficulties in identifying the spe-  
14 cial needs and barriers to the participation and  
15 achievement of such children and youths;

16                           “(D) any progress made by the State edu-  
17 cational agency and local educational agencies  
18 in the State in addressing such problems and  
19 difficulties; and

20                           “(E) the success of the programs under  
21 this subtitle in identifying homeless children  
22 and youths and allowing such children and  
23 youths to enroll in, attend, and succeed in,  
24 school;

1           “(2) develop and carry out the State plan de-  
2           scribed in subsection (g);

3           “(3) collect data for and transmit to the Sec-  
4           retary, at such time and in such manner as the Sec-  
5           retary may require, a report containing information  
6           necessary to assess the educational needs of home-  
7           less children and youths within the State, including  
8           data necessary for the Secretary to fulfill the respon-  
9           sibilities under section 724(h);

10          “(4) in order to improve the provision of com-  
11          prehensive education and related support services to  
12          homeless children and youths and their families, co-  
13          ordinate and collaborate with—

14                 “(A) educators, including teachers, special  
15                 education personnel, administrators, and child  
16                 development and preschool program personnel;

17                 “(B) providers of services to homeless chil-  
18                 dren and youths and their families, including  
19                 services of public and private child welfare and  
20                 social services agencies, law enforcement agen-  
21                 cies, juvenile and family courts, agencies pro-  
22                 viding mental health services, domestic violence  
23                 agencies, child care providers, runaway and  
24                 homeless youth centers, and providers of serv-  
25                 ices and programs funded under the Runaway

1 and Homeless Youth Act (42 U.S.C. 5701 et  
2 seq.);

3 “(C) providers of emergency, transitional,  
4 and permanent housing to homeless children  
5 and youths, and their families, including public  
6 housing agencies, shelter operators, operators of  
7 transitional housing facilities, and providers of  
8 transitional living programs for homeless  
9 youths;

10 “(D) local educational agency liaisons des-  
11 ignated under subsection (g)(1)(J)(ii) for home-  
12 less children and youths; and

13 “(E) community organizations and groups  
14 representing homeless children and youths and  
15 their families;

16 “(5) provide technical assistance to local edu-  
17 cational agencies, in coordination with local edu-  
18 cational agency liaisons designated under subsection  
19 (g)(1)(J)(ii), to ensure that local educational agen-  
20 cies comply with the requirements of subsection  
21 (e)(3), paragraphs (3) through (7) of subsection (g),  
22 and subsection (h);

23 “(6) provide professional development opportu-  
24 nities for local educational agency personnel and the  
25 homeless liaison designated under subsection

1 (g)(1)(J)(ii) to assist such personnel in meeting the  
2 needs of homeless children and youths; and

3 “(7) respond to inquiries from parents and  
4 guardians of homeless children and youths and un-  
5 accompanied youths to ensure that each child or  
6 youth who is the subject of such an inquiry receives  
7 the full protections and services provided by this  
8 subtitle.”;

9 (7) by amending subsection (g) to read as fol-  
10 lows:

11 “(g) STATE PLAN.—

12 “(1) IN GENERAL.—In order to be eligible to  
13 receive a grant under this section, each State edu-  
14 cational agency shall submit to the Secretary a plan  
15 to provide for the education of homeless children  
16 and youths within the State that includes the fol-  
17 lowing:

18 “(A) A description of how such children  
19 and youths are (or will be) given the oppor-  
20 tunity to meet the same State academic stand-  
21 ards that all students are expected to meet.

22 “(B) A description of the procedures the  
23 State educational agency will use to identify  
24 such children and youths in the State and to  
25 assess their needs.

1           “(C) A description of procedures for the  
2 prompt resolution of disputes regarding the  
3 educational placement of homeless children and  
4 youths.

5           “(D) A description of programs for school  
6 personnel (including liaisons, school leaders, at-  
7 tendance officers, teachers, enrollment per-  
8 sonnel, and specialized instructional support  
9 personnel) to heighten the awareness of such  
10 personnel of the specific needs of homeless ado-  
11 lescents, including runaway and homeless  
12 youths.

13           “(E) A description of procedures that en-  
14 sure that homeless children and youths who  
15 meet the relevant eligibility criteria are able to  
16 participate in Federal, State, or local nutrition  
17 programs.

18           “(F) A description of procedures that en-  
19 sure that—

20                   “(i) homeless children have equal ac-  
21 cess to public preschool programs, adminis-  
22 tered by the State educational agency or  
23 local educational agency, as provided to  
24 other children in the State;

1           “(ii) homeless youths and youths sep-  
2           arated from public schools are identified  
3           and accorded equal access to appropriate  
4           secondary education and support services;  
5           and

6           “(iii) homeless children and youth  
7           who meet the relevant eligibility criteria  
8           are able to participate in Federal, State, or  
9           local education programs.

10          “(G) Strategies to address problems identi-  
11          fied in the report provided to the Secretary  
12          under subsection (f)(3).

13          “(H) Strategies to address other problems  
14          with respect to the education of homeless chil-  
15          dren and youths, including problems resulting  
16          from enrollment delays that are caused by—

17                 “(i) immunization and other health  
18                 records requirements;

19                 “(ii) residency requirements;

20                 “(iii) lack of birth certificates, school  
21                 records, or other documentation;

22                 “(iv) guardianship issues; or

23                 “(v) uniform or dress code require-  
24                 ments.

1           “(I) A demonstration that the State edu-  
2           cational agency and local educational agencies  
3           in the State have developed, and shall review  
4           and revise, policies to remove barriers to the  
5           identification, enrollment, and retention of  
6           homeless children and youths in schools in the  
7           State.

8           “(J) Assurances that the following will be  
9           carried out:

10           “(i) The State educational agency and  
11           local educational agencies in the State will  
12           adopt policies and practices to ensure that  
13           homeless children and youths are not stig-  
14           matized or segregated on the basis of their  
15           status as homeless.

16           “(ii) Local educational agencies will  
17           designate an appropriate staff person, who  
18           may also be a coordinator for other Fed-  
19           eral programs, as a local educational agen-  
20           cy liaison for homeless children and  
21           youths, to carry out the duties described in  
22           paragraph (6)(A).

23           “(iii) The State and its local edu-  
24           cational agencies will adopt policies and  
25           practices to ensure that transportation is

1 provided, at the request of the parent or  
2 guardian (or in the case of an unaccom-  
3 panied youth, the liaison), to and from the  
4 school of origin, as determined in para-  
5 graph (3)(A), in accordance with the fol-  
6 lowing, as applicable:

7 “(I) If the child or youth con-  
8 tinues to live in the area served by the  
9 local educational agency in which the  
10 school of origin is located, the child’s  
11 or youth’s transportation to and from  
12 the school of origin shall be provided  
13 or arranged by the local educational  
14 agency in which the school of origin is  
15 located.

16 “(II) If the child’s or youth’s liv-  
17 ing arrangements in the area served  
18 by the local educational agency of ori-  
19 gin terminate and the child or youth,  
20 though continuing his or her edu-  
21 cation in the school of origin, begins  
22 living in an area served by another  
23 local educational agency, the local  
24 educational agency of origin and the  
25 local educational agency in which the



1 child or youth is living shall agree  
2 upon a method to apportion the re-  
3 sponsibility and costs for providing  
4 the child with transportation to and  
5 from the school of origin. If the local  
6 educational agencies are unable to  
7 agree upon such method, the responsi-  
8 bility and costs for transportation  
9 shall be shared equally.

10 “(2) COMPLIANCE.—

11 “(A) IN GENERAL.—Each plan adopted  
12 under this subsection shall also describe how  
13 the State will ensure that local educational  
14 agencies in the State will comply with the re-  
15 quirements of paragraphs (3) through (7).

16 “(B) COORDINATION.—Such plan shall in-  
17 dicate what technical assistance the State will  
18 furnish to local educational agencies and how  
19 compliance efforts will be coordinated with the  
20 local educational agency liaisons designated  
21 under paragraph (1)(J)(ii).

22 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-  
23 MENTS.—

24 “(A) IN GENERAL.—The local educational  
25 agency serving each child or youth to be as-

1           sisted under this subtitle shall, according to the  
2           child’s or youth’s best interest—

3                   “(i) continue the child’s or youth’s  
4                   education in the school of origin for the  
5                   duration of homelessness—

6                           “(I) in any case in which a fam-  
7                           ily becomes homeless between aca-  
8                           demic years or during an academic  
9                           year; or

10                           “(II) for the remainder of the  
11                           academic year, if the child or youth  
12                           becomes permanently housed during  
13                           an academic year; or

14                           “(ii) enroll the child or youth in any  
15                           public school that nonhomeless students  
16                           who live in the attendance area in which  
17                           the child or youth is actually living are eli-  
18                           gible to attend.

19                           “(B) SCHOOL STABILITY.—In determining  
20                           the best interest of the child or youth under  
21                           subparagraph (A), the local educational agency  
22                           shall—

23                           “(i) presume that keeping the child or  
24                           youth in the school of origin is in the child  
25                           or youth’s best interest, except when doing

1 so is contrary to the wishes of the child's  
2 or youth's parent or guardian, or the unac-  
3 companied youth;

4 “(ii) consider student-centered factors  
5 related to the child's or youth's best inter-  
6 est, including factors related to the impact  
7 of mobility on achievement, education,  
8 health, and safety of homeless children and  
9 youth, giving priority to the wishes of the  
10 homeless child's or youth's parent of  
11 guardian or the unaccompanied youth in-  
12 volved;

13 “(iii) if, after conducting the best in-  
14 terest determination based on consider-  
15 ation of the presumption in clause (i) and  
16 the student-centered factors in clause (ii),  
17 the local educational agency determines  
18 that it is not in the child's or youth's best  
19 interest to attend the school of origin or  
20 the school requested by the parent, guard-  
21 ian, or unaccompanied youth, provide the  
22 child's or youth's parent or guardian or  
23 the unaccompanied youth with a written  
24 explanation of the reasons for its deter-  
25 mination, in a manner and form under-

1 standable to such parent, guardian, or un-  
2 accompanied youth, including information  
3 regarding the right to appeal under sub-  
4 paragraph (E); and

5 “(iv) in the case of an unaccompanied  
6 youth, ensure that the homeless liaison  
7 designated under paragraph (1)(J)(ii) as-  
8 sists in placement or enrollment decisions  
9 under this subparagraph, gives priority to  
10 the views of such unaccompanied youth,  
11 and provides notice to such youth of the  
12 right to appeal under subparagraph (E).

13 “(C) ENROLLMENT.—

14 “(i) IN GENERAL.—The school se-  
15 lected in accordance with this paragraph  
16 shall immediately enroll the homeless child  
17 or youth, even if the child or youth—

18 “(I) is unable to produce records  
19 normally required for enrollment, such  
20 as previous academic records, records  
21 of immunization and other required  
22 health records, proof of residency, or  
23 other documentation; or

1                   “(II) has missed application or  
2                   enrollment deadlines during any pe-  
3                   riod of homelessness.

4                   “(ii)       RELEVANT       ACADEMIC  
5                   RECORDS.—The enrolling school shall im-  
6                   mediately contact the school last attended  
7                   by the child or youth to obtain relevant  
8                   academic and other records.

9                   “(iii) RELEVANT HEALTH RECORDS.—  
10                  If the child or youth needs to obtain immu-  
11                  nizations or other required health records,  
12                  the enrolling school shall immediately refer  
13                  the parent or guardian of the child or  
14                  youth, or the unaccompanied child or  
15                  youth, to the local educational agency liai-  
16                  son designated under paragraph (1)(J)(ii),  
17                  who shall assist in obtaining necessary im-  
18                  munizations or screenings, or immuniza-  
19                  tion or other required health records, in  
20                  accordance with subparagraph (D).

21                  “(D) RECORDS.—Any record ordinarily  
22                  kept by the school, including immunization or  
23                  other required health records, academic records,  
24                  birth certificates, guardianship records, and  
25                  evaluations for special services or programs, re-

1           garding each homeless child or youth shall be  
2           maintained—

3                   “(i) so that the records involved are  
4                   available, in a timely fashion, when a child  
5                   or youth enters a new school or school dis-  
6                   trict; and

7                   “(ii) in a manner consistent with sec-  
8                   tion 444 of the General Education Provi-  
9                   sions Act (20 U.S.C. 1232g).

10                   “(E) ENROLLMENT DISPUTES.—If a dis-  
11                   pute arises over school selection or enrollment  
12                   in a school—

13                           “(i) the child or youth shall be imme-  
14                           diately enrolled in the school in which en-  
15                           rollment is sought, pending final resolution  
16                           of the dispute, including all available ap-  
17                           peals;

18                           “(ii) the parent, guardian, or unac-  
19                           companied youth shall be provided with a  
20                           written explanation of any decisions made  
21                           by the school, the local educational agency,  
22                           or the State educational agency involved,  
23                           including the rights of the parent, guard-  
24                           ian, or youth to appeal such decisions;

1           “(iii) the parent, guardian, or unac-  
2           companied youth shall be referred to the  
3           local educational agency liaison designated  
4           under paragraph (1)(J)(ii), who shall carry  
5           out the dispute resolution process as de-  
6           scribed in paragraph (1)(C) as expedi-  
7           tiously as possible after receiving notice of  
8           the dispute; and

9           “(iv) in the case of an unaccompanied  
10          youth, the liaison shall ensure that the  
11          youth is immediately enrolled in school in  
12          which the youth seeks enrollment pending  
13          resolution of such dispute.

14          “(F) PLACEMENT CHOICE.—The choice re-  
15          garding placement shall be made regardless of  
16          whether the child or youth lives with the home-  
17          less parents or has been temporarily placed  
18          elsewhere.

19          “(G) SCHOOL OF ORIGIN DEFINED.—

20          “(i) IN GENERAL.—In this paragraph,  
21          the term ‘school of origin’ means the  
22          school that a child or youth attended when  
23          permanently housed or the school in which  
24          the child or youth was last enrolled.

1                   “(ii) RECEIVING SCHOOL.—When the  
2                   child or youth completes the final grade  
3                   level served by the school of origin, as de-  
4                   scribed in clause (i), the term “school of  
5                   origin” shall include the designated receiv-  
6                   ing school at the next grade level for all  
7                   feeder schools.

8                   “(H) CONTACT INFORMATION.—Nothing  
9                   in this subtitle shall prohibit a local educational  
10                  agency from requiring a parent or guardian of  
11                  a homeless child to submit contact information.

12                  “(I) PRIVACY.—Information about a home-  
13                  less child’s or youth’s living situation shall be  
14                  treated as a student education record under  
15                  section 444 of the General Education Provi-  
16                  sions Act (20 U.S.C. 1232g) and shall not be  
17                  released to housing providers, employers, law  
18                  enforcement personnel, or other persons or  
19                  agencies not authorized to have such informa-  
20                  tion under section 99.31 of title 34, Code of  
21                  Federal Regulations.

22                  “(J) ACADEMIC ACHIEVEMENT.—The  
23                  school selected in accordance with this para-  
24                  graph shall ensure that homeless children and  
25                  youth have opportunities to meet the same



1 State academic standards to which other stu-  
2 dents are held.

3 “(4) COMPARABLE SERVICES.—Each homeless  
4 child or youth to be assisted under this subtitle shall  
5 be provided services comparable to services offered  
6 to other students in the school selected under para-  
7 graph (3), including the following:

8 “(A) Transportation services.

9 “(B) Educational services for which the  
10 child or youth meets the eligibility criteria, such  
11 as services provided under title I of the Elemen-  
12 tary and Secondary Education Act of 1965 (20  
13 U.S.C. 6301 et seq.) or similar State or local  
14 programs, educational programs for children  
15 with disabilities, and educational programs for  
16 English learners.

17 “(C) Programs in career and technical  
18 education.

19 “(D) Programs for gifted and talented stu-  
20 dents.

21 “(E) School nutrition programs.

22 “(5) COORDINATION.—

23 “(A) IN GENERAL.—Each local educational  
24 agency serving homeless children and youths

1 that receives assistance under this subtitle shall  
2 coordinate—

3 “(i) the provision of services under  
4 this subtitle with local social services agen-  
5 cies and other agencies or entities pro-  
6 viding services to homeless children and  
7 youths and their families, including serv-  
8 ices and programs funded under the Run-  
9 away and Homeless Youth Act (42 U.S.C.  
10 5701 et seq.); and

11 “(ii) transportation, transfer of school  
12 records, and other interdistrict activities,  
13 with other local educational agencies.

14 “(B) HOUSING ASSISTANCE.—If applica-  
15 ble, each State educational agency and local  
16 educational agency that receives assistance  
17 under this subtitle shall coordinate with State  
18 and local housing agencies responsible for devel-  
19 oping the comprehensive housing affordability  
20 strategy described in section 105 of the Cran-  
21 ston-Gonzalez National Affordable Housing Act  
22 (42 U.S.C. 12705) to minimize educational dis-  
23 ruption for children and youths who become  
24 homeless.

1           “(C) COORDINATION PURPOSE.—The co-  
2           ordination required under subparagraphs (A)  
3           and (B) shall be designed to—

4                   “(i) ensure that all homeless children  
5                   and youths are promptly identified;

6                   “(ii) ensure that homeless children  
7                   and youths have access to, and are in rea-  
8                   sonable proximity to, available education  
9                   and related support services; and

10                   “(iii) raise the awareness of school  
11                   personnel and service providers of the ef-  
12                   fects of short-term stays in a shelter and  
13                   other challenges associated with homeless-  
14                   ness.

15           “(D) HOMELESS CHILDREN AND YOUTHS  
16           WITH DISABILITIES.—For children and youth  
17           who are to be assisted both under this subtitle,  
18           and under the Individuals with Disabilities  
19           Education Act (20 U.S.C. 1400 et seq.) or sec-  
20           tion 504 of the Rehabilitation Act of 1973 (29  
21           U.S.C. 794), each local educational agency shall  
22           coordinate the provision of services under this  
23           subtitle with the provision of programs for chil-  
24           dren with disabilities served by that local edu-

1           cational agency and other involved local edu-  
2           cational agencies.

3           “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

4                 “(A) DUTIES.—Each local educational  
5           agency liaison for homeless children and youths,  
6           designated under paragraph (1)(J)(ii), shall en-  
7           sure that—

8                     “(i) homeless children and youths are  
9                     identified by school personnel through out-  
10                    reach and coordination activities with other  
11                    entities and agencies;

12                    “(ii) homeless children and youths are  
13                    enrolled in, and have a full and equal op-  
14                    portunity to succeed in, schools of that  
15                    local educational agency;

16                    “(iii) homeless families, children, and  
17                    youths have access to and receive edu-  
18                    cational services for which such families,  
19                    children, and youths are eligible, including  
20                    services through Head Start, Early Head  
21                    Start, early intervention, and preschool  
22                    programs administered by the local edu-  
23                    cational agency;

24                    “(iv) homeless families, children, and  
25                    youths receive referrals to health care serv-

1           ices, dental services, mental health and  
2           substances abuse services, housing services,  
3           and other appropriate services;

4           “(v) the parents or guardians of  
5           homeless children and youths are informed  
6           of the educational and related opportuni-  
7           ties available to their children and are pro-  
8           vided with meaningful opportunities to par-  
9           ticipate in the education of their children;

10          “(vi) public notice of the educational  
11          rights of homeless children and youths is  
12          disseminated in locations frequented by  
13          parents or guardians of such children and  
14          youths, and unaccompanied youths, includ-  
15          ing schools, shelters, public libraries, and  
16          soup kitchens in a manner and form un-  
17          derstandable to the parents and guardians  
18          of homeless children and youths, and unac-  
19          companied youths;

20          “(vii) enrollment disputes are medi-  
21          ated in accordance with paragraph (3)(E);

22          “(viii) the parent or guardian of a  
23          homeless child or youth, and any unaccom-  
24          panied youth, is fully informed of all trans-  
25          portation services, including transportation

1 to the school of origin, as described in  
2 paragraph (1)(J)(iii), and is assisted in ac-  
3 cessing transportation to the school that is  
4 selected under paragraph (3)(A);

5 “(ix) school personnel providing serv-  
6 ices under this subtitle receive professional  
7 development and other support; and

8 “(x) unaccompanied youths—  
9 “(I) are enrolled in school;

10 “(II) have opportunities to meet  
11 the same State academic standards to  
12 which other students are held, includ-  
13 ing through implementation of the  
14 policies and practices required by  
15 paragraph (1)(F)(ii); and

16 “(III) are informed of their sta-  
17 tus as independent students under  
18 section 480 of the Higher Education  
19 Act of 1965 (20 U.S.C. 1087vv) and  
20 receive verification of such status for  
21 purposes of the Free Application for  
22 Federal Student Aid described in sec-  
23 tion 483 of such Act (20 U.S.C.  
24 1090).

1           “(B) NOTICE.—State coordinators estab-  
2           lished under subsection (d)(3) and local edu-  
3           cational agencies shall inform school personnel,  
4           service providers, advocates working with home-  
5           less families, parents and guardians of homeless  
6           children and youths, and homeless children and  
7           youths of the duties of the local educational  
8           agency liaisons, including publishing an annu-  
9           ally updated list of the liaisons on the State  
10          educational agency’s website.

11           “(C) LOCAL AND STATE COORDINATION.—  
12          Local educational agency liaisons for homeless  
13          children and youths shall, as a part of their du-  
14          ties, coordinate and collaborate with State coor-  
15          dinators and community and school personnel  
16          responsible for the provision of education and  
17          related services to homeless children and  
18          youths. Such coordination shall include col-  
19          lecting and providing to the State Coordinator  
20          the reliable, valid, and comprehensive data  
21          needed to meet the requirements of paragraphs  
22          (1) and (3) of subsection (f).

23           “(7) REVIEW AND REVISIONS.—

24           “(A) IN GENERAL.—Each State edu-  
25          cational agency and local educational agency

1 that receives assistance under this subtitle shall  
2 review and revise any policies that may act as  
3 barriers to the enrollment of homeless children  
4 and youths in schools that are selected under  
5 paragraph (3).

6 “(B) CONSIDERATION.—In reviewing and  
7 revising such policies, consideration shall be  
8 given to issues concerning transportation, im-  
9 munization, residency, birth certificates, school  
10 records and other documentation, and guard-  
11 ianship.

12 “(C) SPECIAL ATTENTION.—Special atten-  
13 tion shall be given to ensuring the enrollment  
14 and attendance of homeless children and youths  
15 who are not currently attending school.”;

16 (8) in subsection (h)(1)(A), by striking “fiscal  
17 year 2009,” and inserting “fiscal years 2014  
18 through 2019,”; and

19 (9) in subsection (h)(4), by striking “fiscal year  
20 2009” and inserting “fiscal years 2014 through  
21 2019”.



1 **SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**  
2 **THE EDUCATION OF HOMELESS CHILDREN**  
3 **AND YOUTHS.**

4 Section 723 of such Act (42 U.S.C. 11433) is amend-  
5 ed—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “facili-  
8 tating the enrollment,” and inserting “facili-  
9 tating the identification, enrollment,”;

10 (B) in paragraph (2)(A)—

11 (i) by adding “and” at the end of  
12 clause (i);

13 (ii) by striking “; and” and inserting  
14 a period at the end of clause (ii); and

15 (iii) by striking clause (iii); and

16 (C) by adding at the end the following:

17 “(4) DURATION OF GRANTS.—Subgrants  
18 awarded under this section shall be for terms of not  
19 to exceed 3 years.”;

20 (2) in subsection (b)—

21 (A) by striking paragraph (3) and redesign-  
22 ating paragraphs (4) and (5) as paragraphs  
23 (3) and (4), respectively; and

24 (B) by adding at the end the following:

25 “(5) An assurance that the local educational  
26 agency will collect and promptly provide data re-

1           requested by the State Coordinator pursuant to para-  
2           graphs (1) and (3) of section 722(f).

3           “(6) An assurance that the local educational  
4           agency has removed barriers to complying with the  
5           requirements of section 722(g)(1)(I).”;

6           (3) in subsection (c)—

7           (A) in paragraph (1), by striking “726”  
8           and inserting “722(a)”;

9           (B) in paragraph (2)—

10           (i) in subparagraph (A), by inserting  
11           “identification,” before “enrollment”;

12           (ii) by amending subparagraph (B) to  
13           read as follows:

14           “(B) The extent to which the application  
15           reflects coordination with other local and State  
16           agencies that serve homeless children and  
17           youths.”; and

18           (iii) in subparagraph (C), by inserting  
19           “(as of the date of submission of the appli-  
20           cation)” after “current practice”;

21           (C) in paragraph (3)—

22           (i) by amending subparagraph (C) to  
23           read as follows:

24           “(C) The extent to which the applicant will  
25           promote meaningful involvement of parents or

1 guardians of homeless children or youths in the  
2 education of their children.”;

3 (ii) in subparagraph (D), by striking  
4 “within” and inserting “into”;

5 (iii) in subparagraph (G)—

6 (I) by striking “Such” and in-  
7 serting “The extent to which the ap-  
8 plicant’s program meets such”; and

9 (II) by striking “case manage-  
10 ment or related”;

11 (iv) by redesignating subparagraph  
12 (G) as subparagraph (I) and inserting  
13 after subparagraph (F) the following:

14 “(G) The extent to which the local edu-  
15 cational agency will use the subgrant to lever-  
16 age resources, including by maximizing  
17 nonsubgrant funding for the position of the liai-  
18 son described in section 722(g)(1)(J)(ii) and  
19 the provision of transportation.

20 “(H) How the local educational agency  
21 uses funds to serve homeless children and  
22 youths under section 1113(c)(3) of the Elemen-  
23 tary and Secondary Education Act of 1965 (20  
24 U.S.C. 6313(c)(3)).”; and

25 (v) by adding at the end the following:

1           “(J) An assurance that the applicant will  
2 meet the requirements of section 722(g)(3).”;  
3 and

4           (D) by striking paragraph (4).

5           (4) in subsection (d)—

6           (A) in paragraph (1)—

7                 (i) by striking “challenging State aca-  
8 demic content standards” and inserting  
9 “State academic standards”; and

10                (ii) by striking “and challenging State  
11 student academic achievement standards”;

12           (B) in paragraph (2)—

13                 (i) by striking “students with limited  
14 English proficiency,” and inserting  
15 “English learners,” ; and

16                 (ii) by striking “vocational” and in-  
17 serting “career”;

18           (C) in paragraph (3), by striking “pupil  
19 services” and inserting “specialized instruc-  
20 tional support”;

21           (D) in paragraph (7), by striking “, and  
22 unaccompanied youths,” and inserting “, par-  
23 ticularly homeless children and youths who are  
24 not enrolled in school,”;

1 (E) in paragraph (9) by striking “medical”  
2 and inserting “other required health”;

3 (F) in paragraph (10), by inserting before  
4 the period at the end “, and other activities de-  
5 signed to increase the meaningful involvement  
6 of parents or guardians of homeless children or  
7 youths in the education of their children”;

8 (G) in paragraph (12), by striking “pupil”  
9 and inserting “specialized instructional sup-  
10 port”; and

11 (H) in paragraph (13), by inserting before  
12 the period at the end “and parental mental  
13 health or substance abuse problems”.

14 **SEC. 704. SECRETARIAL RESPONSIBILITIES.**

15 Section 724 of such Act (42 U.S.C. 11434) is amend-  
16 ed—

17 (1) by amending subsection (c) to read as fol-  
18 lows:

19 “(c) NOTICE.—

20 “(1) IN GENERAL.—The Secretary shall, before  
21 the next school year that begins after the date of the  
22 enactment of the Student Success Act, update and  
23 disseminate nationwide the public notice described in  
24 this subsection (as in effect prior to such date) of

1 the educational rights of homeless children and  
2 youths.

3 “(2) DISSEMINATION.—The Secretary shall dis-  
4 seminate the notice nationally to all Federal agen-  
5 cies, program grantees, and grant recipients serving  
6 homeless families, children, and youths.”;

7 (2) in subsection (d), by striking “and dissemi-  
8 nation” and inserting “, dissemination, and technical  
9 assistance”;

10 (3) in subsection (e)—

11 (A) by striking “applications for grants  
12 under this subtitle” and inserting “plans for  
13 the use of grant funds under section 722”;

14 (B) by striking “60-day” and inserting  
15 “120-day”; and

16 (C) by striking “120-day” and inserting  
17 “180-day”;

18 (4) in subsection (f), by adding at the end the  
19 following: “The Secretary shall provide support and  
20 technical assistance to State educational agencies in  
21 areas in which barriers to a free appropriate public  
22 education persist.”;

23 (5) by amending subsection (g) to read as fol-  
24 lows:

1       “(g) GUIDELINES.—The Secretary shall develop,  
2 issue, and publish in the Federal Register, not later than  
3 60 days after the date of the enactment of the Student  
4 Success Act, strategies by which a State—

5           “(1) may assist local educational agencies to  
6 implement the provisions amended by the Act; and

7           “(2) can review and revise State policies and  
8 procedures that may present barriers to the identi-  
9 fication, enrollment, attendance, and success of  
10 homeless children and youths in school.”;

11           (6) in subsection (h)(1)(A), by inserting “in all  
12 areas served by local educational agencies” before  
13 the semicolon at the end; and

14           (7) in subsection (i), by striking “McKinney-  
15 Vento Homeless Education Assistance Improvements  
16 Act of 2001” and inserting “Student Success Act”.

17 **SEC. 705. DEFINITIONS.**

18       Section 725 of such Act (42 U.S.C. 11434a) is  
19 amended—

20           (1) in paragraph (2)(B)(iv), by striking “1309”  
21 and inserting “1139” and

22           (2) in paragraph (3), by striking “9101” and  
23 inserting “5101”

1 **SEC. 706. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 726 of such Act (42 U.S.C. 11435) is amend-  
3 ed to read as follows:

4 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

5 “For the purpose of carrying out this subtitle, there  
6 are authorized to be appropriated \$61,771,000 for each  
7 of fiscal years 2014 through 2019.”.