

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3989  
OFFERED BY MR. KLINE OF MINNESOTA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**3 SEC. 2. TABLE OF CONTENTS.**

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

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

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—GENERAL PROVISIONS FOR THE ACT

- Sec. 201. General provisions for the Act.
- Sec. 202. Repeal.
- Sec. 203. Other laws.
- Sec. 204. Amendment to IDEA.

1 **SEC. 3. REFERENCES.**

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

8 **SEC. 4. TRANSITION.**

9       Unless otherwise provided in this Act, any person or  
10 agency that was awarded a grant under the Elementary  
11 and Secondary Education Act of 1965 (20 U.S.C. 6301  
12 et seq.) prior to the date of the enactment of this Act shall  
13 continue to receive funds in accordance with the terms of

1 such award, except that funds for such award may not  
2 continue more than one year after the date of the enact-  
3 ment of this Act.

4 **SEC. 5. EFFECTIVE DATES.**

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

8 (b) NONCOMPETITIVE PROGRAMS.—With respect to  
9 noncompetitive programs under which any funds are allot-  
10 ted by the Secretary of Education to recipients on the  
11 basis of a formula, this Act, and the amendments made  
12 by this Act, shall take effect on July 1, 2012.

13 (c) COMPETITIVE PROGRAMS.—With respect to pro-  
14 grams that are conducted by the Secretary on a competi-  
15 tive basis, this Act, and the amendments made by this Act,  
16 shall take effect with respect to appropriations for use  
17 under those programs for fiscal year 2013.

18 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

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

22 “(a) TITLE I.—

23 “(1) PART A.—There are authorized to be ap-  
24 propriated to carry out part A of title I  
25 \$16,651,768,000 for fiscal year 2013.

1           “(2) PART B.—There are authorized to be ap-  
2           propriated to carry out part B of title I \$3,194,000  
3           for fiscal year 2013.

4           “(b) OUT YEARS.—The amounts authorized by sub-  
5           section (a) shall be increased for each of fiscal years 2014  
6           through 2018 by a percentage equal to the percentage of  
7           inflation according to the Consumer Price Index, for the  
8           calendar year ending prior to the beginning of that fiscal  
9           year.”.

10                   **TITLE I—AID TO LOCAL**  
11                   **EDUCATIONAL AGENCIES**  
12                   **Subtitle A—In General**

13           **SEC. 101. TITLE HEADING.**

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

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

18           **SEC. 102. STATEMENT OF PURPOSE.**

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

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

22           “The purpose of this title is to provide all children  
23           the opportunity to graduate high school prepared for post-  
24           secondary education or the workforce. This purpose can  
25           be accomplished by—

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

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

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

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

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

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

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

22          “(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR  
23 STATE EDUCATIONAL AGENCIES.—

24                 “(1) IN GENERAL.—Subject to subsections (c)  
25                 and (d) and notwithstanding any other provision of

1 law, a State educational agency may use the applica-  
2 ble funding that the agency receives for a fiscal year  
3 to carry out any State activity authorized or re-  
4 quired under one or more of the following provisions:

5 “(A) Section 1003.

6 “(B) Section 1004.

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

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

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

10 “(F) Chapter B of subpart 6 of part A of  
11 title I.

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

17 “(3) APPLICABLE FUNDING DEFINED.—

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

23 “(i) Section 1003.

24 “(ii) Section 1004.

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

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

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

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

8 “(i) to reserve, allocate, or spend for  
9 required activities;

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

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

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

22 “(b) ALTERNATIVE USES OF FEDERAL FUNDS FOR  
23 LOCAL EDUCATIONAL AGENCIES.—

24 “(1) IN GENERAL.—Subject to subsections (c)  
25 and (d) and notwithstanding any other provision of

1 law, a local educational agency may use the applica-  
2 ble funding that the agency receives for a fiscal year  
3 to carry out any local activity authorized or required  
4 under one or more of the following provisions:

5 “(A) Section 1003.

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

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

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

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

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

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

17 “(3) APPLICABLE FUNDING DEFINED.—

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

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

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

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



1 “(iv) Chapter A of subpart 6 of part  
2 A of title I.

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

8 “(i) to reserve, allocate, or spend for  
9 required activities;

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

12 “(iii) to use for technical assistance or  
13 monitoring.

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

23 “(c) RULE FOR ADMINISTRATIVE COSTS.—A State  
24 educational agency or a local educational agency shall only  
25 use applicable funding (as defined in subsection (a)(3) or

1 (b)(3), respectively) for administrative costs incurred in  
2 carrying out a provision listed in subsection (a)(1) or  
3 (b)(1), respectively, to the extent that the agency, in the  
4 absence of this section, could have used funds for adminis-  
5 trative costs with respect to a program listed in subsection  
6 (a)(3) or (b)(3), respectively.

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

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

13 “(2) comparability of services;

14 “(3) equitable participation of private school  
15 students and teachers;

16 “(4) applicable civil rights requirements;

17 “(5) section 1113; or

18 “(6) section 1111.”.

19 **SEC. 104. SCHOOL IMPROVEMENT.**

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

21 (1) in subsection (a)—

22 (A) by striking “2 percent” and inserting  
23 “7 percent”; and

24 (B) by striking “subpart 2 of part A” and  
25 all that follows through “sections 1116 and

1           1117,” and inserting “chapter B of subpart 1  
2           of part A for each fiscal year to carry out sub-  
3           section (b),”;

4           (2) in subsection (b)(1), by striking “for schools  
5           identified for school improvement, corrective action,  
6           and restructuring, for activities under section  
7           1116(b)” and inserting “to carry out the State’s  
8           system of school improvement under section  
9           1111(b)(3)(B)(iii)”;

10          (3) in subsection (c)—

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

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

16           (C) by striking paragraph (3);

17          (4) in subsection (d)(1), by striking “subpart 2  
18          of part A;” and inserting “chapter B of subpart 1  
19          of part A;”;

20          (5) in subsection (e)—

21           (A) by striking “in any fiscal year” and in-  
22          serting “in fiscal year 2014 and each subse-  
23          quent fiscal year”;

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

1 (C) by striking “such subpart” and insert-  
2 ing “such chapter”;

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

6 (7) by striking subsection (g).

7 **SEC. 105. DIRECT STUDENT SERVICES.**

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

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

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

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

22 “(c) AWARDS.—The State educational agency shall  
23 award grants to geographically diverse local educational  
24 agencies including suburban, rural, and urban local edu-  
25 cational agencies. If there are not enough funds to award

1 all applicants in a sufficient size and scope to run an effec-  
2 tive direct student services program, the State shall  
3 prioritize awards to local educational agencies with the  
4 greatest number of low-performing schools.

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

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

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

14 “(3) shall use the remainder of the award to  
15 pay the transportation required to provide public  
16 school choice or the hourly rate for high-quality aca-  
17 demic tutoring services, as determined in the pro-  
18 vider approval process under subsection (f)(2).

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

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

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

4           “(3) ensure ample availability in the public  
5           schools the local educational agency will make avail-  
6           able for public school choice options;

7           “(4) determine the requirements or criteria for  
8           student eligibility for direct student services;

9           “(5) select a variety of providers of high quality  
10          academic tutoring from the list required under sub-  
11          section (f)(2) and ensure fair negotiations in select-  
12          ing such providers of high-quality academic tutoring,  
13          including online, on campus, and other models of tu-  
14          toring which provide meaningful choices to parents  
15          to find the best service for their child;

16          “(6) develop an estimated per pupil expenditure  
17          available for eligible students to use toward high  
18          quality academic tutoring which shall allow for ade-  
19          quate level of services to increase academic achieve-  
20          ment from a variety of high-quality academic tutor-  
21          ing providers.

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

23                 “(1) shall ensure that each local educational  
24                 agency receiving an award to provide public school

1 choice can provide an ample number of options to  
2 provide a meaningful choice for parents;

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

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

11 **SEC. 106. STATE ADMINISTRATION.**

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

14 **“SEC. 1004. STATE ADMINISTRATION.**

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

19 “(1) 1 percent of the amounts received under  
20 such subparts; or

21 “(2) \$400,000 (\$50,000 in the case of each  
22 outlying area).

23 “(b) EXCEPTION.—If the sum of the amounts re-  
24 served under subparts 1, 2, and 3 of part A of this title  
25 is equal to or greater than \$14,000,000,000, then the res-

1 ervation described in subsection (a)(1) shall not exceed 1  
2 percent of the amount the State would receive if  
3 \$14,000,000,000 were allocated among the States for sub-  
4 parts 1, 2, and 3 of part A of this title.”.

5 **Subtitle B—Improving the Aca-**  
6 **ademic Achievement of the Dis-**  
7 **advantaged**

8 **SEC. 111. PART A HEADINGS.**

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

12 **“PART A—IMPROVING THE ACADEMIC**  
13 **ACHIEVEMENT OF THE DISADVANTAGED”.**

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

17 **“Subpart 1—Improving Basic Programs Operated by**  
18 **Local Educational Agencies**

19 **“CHAPTER A—BASIC PROGRAM**  
20 **REQUIREMENTS”.**

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



1           **“CHAPTER B—ALLOCATIONS”.**

2   **SEC. 112. STATE PLANS.**

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

5   **“SEC. 1111. STATE PLANS.**

6           “(a) PLANS REQUIRED.—

7                   “(1) IN GENERAL.—For any State desiring to  
8 receive a grant under this subpart, the State edu-  
9 cational agency shall submit to the Secretary a plan,  
10 developed by the State educational agency, in con-  
11 sultation with local educational agencies, teachers,  
12 school leaders, specialized instructional support per-  
13 sonnel, other appropriate school personnel, and par-  
14 ents, that satisfies the requirements of this section  
15 and that is coordinated with other programs under  
16 this Act, the Individuals with Disabilities Education  
17 Act, the Carl D. Perkins Career and Technical Edu-  
18 cation Act of 2006, the Head Start Act, the Adult  
19 Education and Family Literacy Act, and the McKin-  
20 ney-Vento Homeless Assistance Act.

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

24           “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-  
25 MENTS, AND STATE ACCOUNTABILITY.—

1           “(1) ACADEMIC STANDARDS.—

2                   “(A) IN GENERAL.—Each State plan shall  
3 demonstrate that the State has adopted aca-  
4 demic content standards and academic achieve-  
5 ment standards aligned with such content  
6 standards that comply with the requirements of  
7 this paragraph.

8                   “(B) SUBJECTS.—The State shall have  
9 such academic standards for mathematics and  
10 reading or language arts, and may have such  
11 standards for any other subject determined by  
12 the State.

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

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

17                           “(ii) with respect to academic achieve-  
18 ment standards, include the same knowl-  
19 edge, skills, and levels of achievement ex-  
20 pected of all public school students in the  
21 State.

22                   “(D) ALTERNATE ACADEMIC ACHIEVE-  
23 MENT STANDARDS.—Notwithstanding any other  
24 provision of this paragraph, a State may,  
25 through a documented and validated standards-

1 setting process, adopt alternate academic  
2 achievement standards for students with the  
3 most significant cognitive disabilities, if—

4 “(i) the determination about whether  
5 the achievement of an individual student  
6 should be measured against such standards  
7 is made separately for each student; and

8 “(ii) such standards—

9 “(I) are aligned with the State  
10 academic standards required under  
11 subparagraph (A);

12 “(II) promote access to the gen-  
13 eral curriculum; and

14 “(III) reflect professional judg-  
15 ment as to the highest possible stand-  
16 ards achievable by such students.

17 “(E) ENGLISH LANGUAGE PROFICIENCY  
18 STANDARDS.—Each State plan shall describe  
19 how the State educational agency will establish  
20 English language proficiency standards that  
21 are—

22 “(i) derived from the four recognized  
23 domains of speaking, listening, reading,  
24 and writing; and

1                   “(ii) aligned with the State’s academic  
2                   content standards in reading or language  
3                   arts under subparagraph (A).

4                   “(2) ACADEMIC ASSESSMENTS.—

5                   “(A) IN GENERAL.—Each State plan shall  
6                   demonstrate that the State educational agency,  
7                   in consultation with local educational agencies,  
8                   has implemented a set of high-quality student  
9                   academic assessments in mathematics and read-  
10                  ing or language arts. At the State’s discretion,  
11                  the State plan may also demonstrate that the  
12                  State has implemented such assessments in any  
13                  other subject chosen by the State

14                  “(B) REQUIREMENTS.—Such assessments  
15                  shall—

16                         “(i) be used in determining the per-  
17                         formance of each local educational agency  
18                         and public school in the State in accord-  
19                         ance with the State’s accountability system  
20                         under paragraph (3);

21                         “(ii) be the same academic assess-  
22                         ments used to measure the academic  
23                         achievement of all public school students in  
24                         the State;

1                   “(iii) be aligned with the State’s aca-  
2                   demic standards and provide coherent and  
3                   timely information about student attain-  
4                   ment of such standards;

5                   “(iv) be used for purposes for which  
6                   such assessments are valid and reliable, be  
7                   of adequate technical quality for each pur-  
8                   pose required under this Act, and be con-  
9                   sistent with relevant, nationally recognized  
10                  professional and technical standards;

11                  “(v)(I) in the case of mathematics  
12                  and reading, be administered in each of  
13                  grades 3 through 8 and at least once in  
14                  grades 9 through 12;

15                  “(II) in the case of any other subject  
16                  chosen by the State, be administered at the  
17                  discretion of the State;

18                  “(vi) measure individual student aca-  
19                  demic proficiency and growth;

20                  “(vii) at the State’s discretion—

21                         “(I) be administered through a  
22                         single annual summative assessment;  
23                         or

24                         “(II) be administered through  
25                         multiple assessments during the

1 course of the academic year that re-  
2 sult in a single summative score that  
3 provides valid, reliable, and trans-  
4 parent information on student  
5 achievement;

6 “(viii) include measures that assess  
7 higher-order thinking skills and under-  
8 standing;

9 “(ix) provide for—

10 “(I) the participation in such as-  
11 sessments of all students;

12 “(II) the reasonable adaptations  
13 and accommodations for students with  
14 disabilities necessary to measure the  
15 academic achievement of such stu-  
16 dents relative to the State’s academic  
17 standards; and

18 “(III) the inclusion of English  
19 learners, who shall be assessed in a  
20 valid and reliable manner and pro-  
21 vided reasonable accommodations, in-  
22 cluding, to the extent practicable, as-  
23 sessments in the language and form  
24 most likely to yield accurate and reli-  
25 able information on what such stu-

1                   dents know and can do in academic  
2                   content areas, until such students  
3                   have achieved English language pro-  
4                   ficiency, as assessed by the State  
5                   under subparagraph (D);

6                   “(x) notwithstanding clause (ix)(III),  
7                   provide for the assessment of reading or  
8                   language arts in English for English learn-  
9                   ers who have attended school in the United  
10                  States (not including Puerto Rico) for 3 or  
11                  more consecutive school years, except that  
12                  a local educational agency may, on a case-  
13                  by-case basis, provide for the assessment of  
14                  reading or language arts for each such stu-  
15                  dent in a language other than English for  
16                  a period not to exceed 2 additional con-  
17                  secutive years if the assessment would be  
18                  more likely to yield accurate and reliable  
19                  information on what such student knows  
20                  and can do, provided that such student has  
21                  not yet reached a level of English language  
22                  proficiency sufficient to yield valid and reli-  
23                  able information on what such student  
24                  knows and can do on reading or language  
25                  arts assessments written in English;

1           “(xi) produce individual student inter-  
2           pretive, descriptive, and diagnostic reports  
3           regarding achievement on such assess-  
4           ments that allow parents, teachers, and  
5           school leaders to understand and address  
6           the specific academic needs of students,  
7           and that are provided to parents, teachers,  
8           and school leaders, as soon as is prac-  
9           ticable after the assessment is given, in an  
10          understandable and uniform format, and  
11          to the extent practicable, in a language  
12          that parents can understand;

13          “(xii) enable results to be  
14          disaggregated within each State, local edu-  
15          cational agency, and school by gender, by  
16          each major racial and ethnic group, by  
17          English language proficiency status, by mi-  
18          grant status, by status as a student with  
19          a disability, and by economically disadvan-  
20          taged status, except that, in the case of a  
21          local educational agency or a school, such  
22          disaggregation shall not be required in a  
23          case in which the number of students in a  
24          category is insufficient to yield statistically  
25          reliable information or the results would



1 reveal personally identifiable information  
2 about an individual student; and

3 “(xiii) be administered to not less  
4 than 95 percent of all students, and not  
5 less than 95 percent of each subgroup of  
6 students described in paragraph  
7 (3)(B)(ii)(II).

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

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

23 “(ii) ensures that the parents of such  
24 students are informed that—

1                   “(I) their child’s academic  
2 achievement will be measured against  
3 such alternate standards; and

4                   “(II) whether participation in  
5 such assessments precludes the stu-  
6 dent from completing the require-  
7 ments for a regular high school di-  
8 ploma as defined in section  
9 5101(35)(A);

10                  “(iii) demonstrates that such students  
11 are, to the extent practicable, included in  
12 the general curriculum and that such alter-  
13 nate assessments are aligned with such  
14 curriculum;

15                  “(iv) develops, disseminates informa-  
16 tion about, and promotes the use of appro-  
17 priate accommodations to increase the  
18 number of students with disabilities who  
19 are tested against academic achievement  
20 standards for the grade in which a student  
21 is enrolled; and

22                  “(v) ensures that regular and special  
23 education teachers and other appropriate  
24 staff know how to administer the alternate  
25 assessments, including making appropriate

1 use of accommodations for students with  
2 disabilities.

3 “(D) ASSESSMENTS OF ENGLISH LAN-  
4 GUAGE PROFICIENCY.—

5 “(i) IN GENERAL.—Each State plan  
6 shall demonstrate that local educational  
7 agencies in the State will provide for an  
8 annual assessment of English proficiency  
9 of all English learners in the schools  
10 served by the State educational agency.

11 “(ii) ALIGNMENT.—The assessments  
12 described in clause (i) shall be aligned with  
13 the State’s English language proficiency  
14 standards described in paragraph (1)(E).

15 “(E) LANGUAGE ASSESSMENTS.—Each  
16 State plan shall identify the languages other  
17 than English that are present in the partici-  
18 pating student population and indicate the lan-  
19 guages for which yearly student academic as-  
20 sessments are not available and are needed.  
21 The State shall make every effort to develop  
22 such assessments and may request assistance  
23 from the Secretary if linguistically accessible  
24 academic assessment measures are needed.  
25 Upon request, the Secretary shall assist with

1 the identification of appropriate academic as-  
2 sessment measures in the needed languages, but  
3 shall not mandate a specific academic assess-  
4 ment or mode of instruction.

5 “(F) ADAPTIVE ASSESSMENTS.—A State  
6 may develop and administer computer adaptive  
7 assessments as the assessments required under  
8 subparagraph (A). If a State develops and ad-  
9 ministers a computer adaptive assessment for  
10 such purposes, the assessment shall meet the  
11 requirements of this paragraph, except as fol-  
12 lows:

13 “(i) Notwithstanding subparagraph  
14 (B)(iii), the assessment—

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

21 “(II) if the State chooses, may be  
22 used to measure the student’s level of  
23 academic proficiency and growth  
24 using assessment items above or below  
25 the student’s grade level, including for

1 use as part of a State’s accountability  
2 system under paragraph (3).

3 “(ii) Subparagraph (B)(ii) shall not  
4 be interpreted to require that all students  
5 taking the computer adaptive assessment  
6 be administered the same assessment  
7 items.

8 “(3) STATE ACCOUNTABILITY SYSTEMS.—

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

16 “(B) ELEMENTS.—Each State account-  
17 ability system described in subparagraph (A)  
18 shall at a minimum—

19 “(i) annually measure the academic  
20 achievement of all public school students in  
21 the State against the State’s academic  
22 standards adopted under paragraph (1),  
23 which may include measures of student  
24 growth toward such standards, using the  
25 assessments described in paragraph (2)

1 and other valid and reliable academic indi-  
2 cators related to student achievement as  
3 identified by the State;

4 “(ii) annually evaluate and identify  
5 the academic performance of each public  
6 school in the State based on—

7 “(I) student academic achieve-  
8 ment as measured in accordance with  
9 clause (i); and

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

1                   “(iii) include a system for school im-  
2                   provement for low-performing public  
3                   schools receiving funds under this subpart  
4                   that—

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

8                   “(II) is implemented by local  
9                   educational agencies serving such  
10                  schools.

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

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

21                  “(4) REQUIREMENTS.—Each State plan shall  
22                  describe—

23                  “(A) how the State educational agency will  
24                  assist each local educational agency and each  
25                  public school affected by the State plan to com-

1           ply with the requirements of this subpart, in-  
2           cluding how the State educational agency will  
3           work with local educational agencies to provide  
4           technical assistance; and

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

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

24          “(6) EXISTING STANDARDS.—Nothing in this  
25          subpart shall prohibit a State from revising, con-



1       sistent with this section, any standard adopted  
2       under this section before or after the date of enact-  
3       ment of the Student Success Act.

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

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

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

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

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

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

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

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

17           “(7) the State educational agency will inform  
18 local educational agencies in the State of the local  
19 educational agency’s authority to transfer funds  
20 under section 1002 and to obtain waivers under sec-  
21 tion 5401;

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

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

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

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

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

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

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

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

17 “(B) appoint individuals to the peer-review  
18 process who are representative of parents,  
19 teachers, State educational agencies, and local  
20 educational agencies, and who are familiar with  
21 educational standards, assessments, account-  
22 ability, the needs of low-performing schools, and  
23 other educational needs of students, and ensure  
24 that 75 percent of such appointees are practi-  
25 tioners.

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

2                   “(A) approve a State plan within 120 days  
3 of its submission;

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

10                   “(C) not decline to approve a State’s plan  
11 before—

12                           “(i) offering the State an opportunity  
13 to revise its plan;

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

17                           “(iii) providing a hearing; and

18                   “(D) have the authority to disapprove a  
19 State plan for not meeting the requirements of  
20 this subpart, but shall not have the authority to  
21 require a State, as a condition of approval of  
22 the State plan, to include in, or delete from,  
23 such plan one or more specific elements of the  
24 State’s academic standards or State account-

1 ability system, or to use specific academic as-  
2 sessments or other indicators.

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

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

11 “(A) peer review guidance;

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

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

16 “(D) peer review notes;

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

22 “(F) hearings.

23 “(5) PROHIBITION.—The Secretary, and the  
24 Secretary’s staff, may not attempt to participate in,  
25 or influence, the peer review process. No Federal

1 employee may participate in, or attempt to influence  
2 the peer review process, except to respond to ques-  
3 tions of a technical nature, which shall be publicly  
4 reported.

5 “(f) DURATION OF THE PLAN.—

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

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

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

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

21 “(g) FAILURE TO MEET REQUIREMENTS.—If a State  
22 fails to meet any of the requirements of this section then  
23 the Secretary shall withhold funds for State administra-  
24 tion under this subpart until the Secretary determines  
25 that the State has fulfilled those requirements.

1 “(h) REPORTS.—

2 “(1) ANNUAL STATE REPORT CARD.—

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

9 “(B) IMPLEMENTATION.—The State report  
10 card shall be—

11 “(i) concise; and

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

17 “(C) REQUIRED INFORMATION.—The  
18 State shall include in its annual State report  
19 card information on—

20 “(i) the performance of students, in  
21 the aggregate and disaggregated by the  
22 categories of students described in sub-  
23 section (b)(2)(B)(xii) (except that such  
24 disaggregation shall not be required in a  
25 case in which the number of students in a

1 category is insufficient to yield statistically  
2 reliable information or the results would  
3 reveal personally identifiable information  
4 about an individual student), on the State  
5 academic assessments described in sub-  
6 section (b)(2);

7 “(ii) the participation rate on such as-  
8 sessments, in the aggregate and  
9 disaggregated in accordance with clause  
10 (i);

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

16 “(iv) for each public high school in  
17 the State, in the aggregate and  
18 disaggregated in accordance with clause  
19 (i)—

20 “(I) the four-year adjusted co-  
21 hort graduation rate, and

22 “(II) at the State’s discretion,  
23 the extended-year adjusted cohort  
24 graduation rate, calculated and re-  
25 ported separately for students grad-



1                   uating in 5 years or less and students  
2                   graduating in 6 years or less;

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

6                   “(vi) the acquisition of English pro-  
7                   ficiency by English learners;

8                   “(vii) the number and percentage of  
9                   teachers in each category established under  
10                  clause (iii) of section 2123(1)(A), except  
11                  that such information shall not reveal per-  
12                  sonally identifiable information about an  
13                  individual teacher; and

14                  “(viii) the results of the assessments  
15                  described in subsection (c)(2).

16                  “(D) OPTIONAL INFORMATION.—The State  
17                  may include in its annual State report card  
18                  such other information as the State believes will  
19                  best provide parents, students, and other mem-  
20                  bers of the public with information regarding  
21                  the progress of each of the State’s public ele-  
22                  mentary schools and public secondary schools.

23                  “(2) ANNUAL LOCAL EDUCATIONAL AGENCY  
24                  REPORT CARDS.—

1           “(A) IN GENERAL.—A local educational  
2 agency that receives assistance under this sub-  
3 part shall prepare and disseminate an annual  
4 local educational agency report card.

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

13           “(i) in the case of a local educational  
14 agency, information that shows how stu-  
15 dents served by the local educational agen-  
16 cy achieved on the statewide academic as-  
17 sessment and other academic indicators  
18 adopted in accordance with subsection  
19 (b)(3)(B)(i) compared to students in the  
20 State as a whole; and

21           “(ii) in the case of a school, the  
22 school’s evaluation under subsection  
23 (b)(3)(B)(ii).

24           “(C) OTHER INFORMATION.—A local edu-  
25 cational agency may include in its annual local

1 educational agency report card any other appro-  
2 priate information, whether or not such infor-  
3 mation is included in the annual State report  
4 card.

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

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

1           the information under this section as part of  
2           such report.

3           “(3) PREEEXISTING REPORT CARDS.—A State  
4           educational agency or local educational agency may  
5           use public report cards on the performance of stu-  
6           dents, schools, local educational agencies, or the  
7           State, that were in effect prior to the enactment of  
8           the Student Success Act for the purpose of this sub-  
9           section, so long as any such report card is modified,  
10          as may be needed, to contain the information re-  
11          quired by this subsection.

12          “(4) PARENTS RIGHT-TO-KNOW.—

13                 “(A) ACHIEVEMENT INFORMATION.—At  
14                 the beginning of each school year, a school that  
15                 receives funds under this subpart shall provide  
16                 to each individual parent information on the  
17                 level of achievement of the parent’s child in  
18                 each of the State academic assessments and  
19                 other academic indicators adopted in accord-  
20                 ance with this subpart.

21                 “(B) FORMAT.—The notice and informa-  
22                 tion provided to parents under this paragraph  
23                 shall be in an understandable and uniform for-  
24                 mat and, to the extent practicable, provided in  
25                 a language that the parents can understand.

1       “(i) PRIVACY.—Information collected under this sec-  
2 tion shall be collected and disseminated in a manner that  
3 protects the privacy of individuals consistent with section  
4 444 of the General Education Provisions Act.

5       “(j) VOLUNTARY PARTNERSHIPS.—A State may  
6 enter into a voluntary partnership with another State to  
7 develop and implement the academic assessments and  
8 standards required under this section, except that the Sec-  
9 retary shall not attempt to influence, incentivize, or coerce  
10 State participation in any such partnerships.

11       “(k) CONSTRUCTION.—Nothing in this part shall be  
12 construed to prescribe the use of the academic assess-  
13 ments described in this part for student promotion or  
14 graduation purposes.

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

20               “(1) Each such school that is accredited by the  
21 State in which it is operating shall use the assess-  
22 ments and other academic indicators the State has  
23 developed and implemented to meet the require-  
24 ments of this section, or such other appropriate as-

1        assessment and academic indicators as approved by  
2        the Secretary of the Interior.

3            “(2) Each such school that is accredited by a  
4        regional accrediting organization shall adopt an ap-  
5        propriate assessment and other academic indicators,  
6        in consultation with and with the approval of, the  
7        Secretary of the Interior and consistent with assess-  
8        ments and academic indicators adopted by other  
9        schools in the same State or region, that meet the  
10       requirements of this section.

11           “(3) Each such school that is accredited by a  
12        tribal accrediting agency or tribal division of edu-  
13        cation shall use an assessment and other academic  
14        indicators developed by such agency or division, ex-  
15        cept that the Secretary of the Interior shall ensure  
16        that such assessment and academic indicators meet  
17        the requirements of this section.”.

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

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

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

22           “(a) PLANS REQUIRED.—

23           “(1) SUBGRANTS.—A local educational agency  
24        may receive a subgrant under this subpart for any  
25        fiscal year only if such agency has on file with the

1 State educational agency a plan, approved by the  
2 State educational agency, that is coordinated with  
3 other programs under this Act, the Individuals with  
4 Disabilities Education Act, the Carl D. Perkins Ca-  
5 reer and Technical Education Act of 2006, the  
6 McKinney-Vento Homeless Assistance Act, and  
7 other Acts, as appropriate.

8 “(2) CONSOLIDATED APPLICATION.—The plan  
9 may be submitted as part of a consolidated applica-  
10 tion under section 5305.

11 “(b) PLAN PROVISIONS.—Each local educational  
12 agency plan shall describe—

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

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

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

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

5           “(5) how the local educational agency will co-  
6           ordinate programs under this subpart with other  
7           programs under this Act and other Acts, as appro-  
8           priate;

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

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

16          “(8) in general, the nature of the programs to  
17          be conducted by the local educational agency’s  
18          schools under sections 1114 and 1115, and, where  
19          appropriate, educational services outside such  
20          schools for children living in local institutions for ne-  
21          glected and delinquent children, and for neglected  
22          and delinquent children in community day school  
23          programs;

24          “(9) how the local educational agency will en-  
25          sure that migratory children who are eligible to re-



1       ceive services under this subpart are selected to re-  
2       ceive such services on the same basis as other chil-  
3       dren who are selected to receive services under this  
4       subpart;

5           “(10) the services the local educational agency  
6       will provide homeless children, including services  
7       provided with funds reserved under section  
8       1113(e)(3)(A);

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

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

22          “(13) how the local educational agency, through  
23      incentives for voluntary transfers, the provision of  
24      professional development, recruitment programs, in-  
25      centive pay, performance pay, or other effective

1 strategies, will address disparities in the rates of  
2 low-income and minority students and other stu-  
3 dents being taught by ineffective teachers; and

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

7 “(A) career and technical education  
8 aligned with State technical standards that pro-  
9 mote skills attainment important to in-demand  
10 occupations or industries in the State and the  
11 State’s academic standards under section  
12 1111(b)(1); and

13 “(B) work-based learning opportunities  
14 that provide students in-depth interaction with  
15 industry professionals.

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

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

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

4           “(3) provide technical assistance to schoolwide  
5           programs;

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

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

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

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

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

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

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

11                   “(2) disseminate to local educational agencies  
12          the education performance standards in effect under  
13          section 641A(a)(1)(B) of the Head Start Act, and  
14          such agencies affected by such subsection shall plan  
15          for the implementation of such subsection (taking  
16          into consideration existing State and local laws, and  
17          local teacher contracts).

18          “(e) PLAN DEVELOPMENT AND DURATION.—

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

24                   “(2) DURATION.—Each such plan shall be sub-  
25          mitted for the first year for which this part is in ef-

1       fect following the date of enactment of this Act and  
2       shall remain in effect for the duration of the agen-  
3       cy’s participation under this subpart.

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

7       “(f) STATE APPROVAL.—

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

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

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

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

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

25      “(g) PARENTAL NOTIFICATION.—

1           “(1) IN GENERAL.—

2                   “(A) NOTICE.—Each local educational  
3 agency using funds under this subpart and sub-  
4 part 4 to provide a language instruction edu-  
5 cational program shall, not later than 30 days  
6 after the beginning of the school year, inform  
7 parents of an English learner identified for par-  
8 ticipation, or participating in, such a program  
9 of—

10                   “(i) the reasons for the identification  
11 of their child as an English learner and in  
12 need of placement in a language instruc-  
13 tion educational program;

14                   “(ii) the child’s level of English pro-  
15 ficiency, how such level was assessed, and  
16 the status of the child’s academic achieve-  
17 ment;

18                   “(iii) the methods of instruction used  
19 in the program in which their child is, or  
20 will be participating, and the methods of  
21 instruction used in other available pro-  
22 grams, including how such programs differ  
23 in content, instructional goals, and the use  
24 of English and a native language in in-  
25 struction;

1                   “(iv) how the program in which their  
2                   child is, or will be participating, will meet  
3                   the educational strengths and needs of  
4                   their child;

5                   “(v) how such program will specifi-  
6                   cally help their child learn English, and  
7                   meet age-appropriate academic achieve-  
8                   ment standards for grade promotion and  
9                   graduation;

10                  “(vi) the specific exit requirements for  
11                  the program, including the expected rate of  
12                  transition from such program into class-  
13                  rooms that are not tailored for English  
14                  learners, and the expected rate of gradua-  
15                  tion from high school for such program if  
16                  funds under this subpart are used for chil-  
17                  dren in secondary schools;

18                  “(vii) in the case of a child with a dis-  
19                  ability, how such program meets the objec-  
20                  tives of the individualized education pro-  
21                  gram of the child;

22                  “(viii) information pertaining to pa-  
23                  rental rights that includes written guid-  
24                  ance—

25                                   “(I) detailing—

1                   “(aa) the right that parents  
2                   have to have their child imme-  
3                   diately removed from such pro-  
4                   gram upon their request; and

5                   “(bb) the options that par-  
6                   ents have to decline to enroll  
7                   their child in such program or to  
8                   choose another program or meth-  
9                   od of instruction, if available; and

10                  “(II) assisting parents in select-  
11                  ing among various programs and  
12                  methods of instruction, if more than  
13                  one program or method is offered by  
14                  the eligible entity.

15                  “(2) NOTICE.—The notice and information pro-  
16                  vided in paragraph (1) to parents of a child identi-  
17                  fied for participation in a language instruction edu-  
18                  cational program for English learners shall be in an  
19                  understandable and uniform format and, to the ex-  
20                  tent practicable, provided in a language that the  
21                  parents can understand.

22                  “(3) SPECIAL RULE APPLICABLE DURING THE  
23                  SCHOOL YEAR.—For those children who have not  
24                  been identified as English learners prior to the be-  
25                  ginning of the school year the local educational



1 agency shall notify parents within the first 2 weeks  
2 of the child being placed in a language instruction  
3 educational program consistent with paragraphs (1)  
4 and (2).

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

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

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

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

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

3           (2) in subsection (c)—

4           (A) by amending paragraph (3) to read as  
5           follows:

6           “(3) RESERVATIONS.—

7           “(A) IN GENERAL.—A local educational  
8           agency shall reserve such funds as are nec-  
9           essary under this subpart to provide services  
10          comparable to those provided to children in  
11          schools funded under this subpart to serve the  
12          following:

13               “(i) Homeless children and youths,  
14               which may include—

15                       “(I) for homeless children and  
16                       youths who are attending schools not  
17                       receiving assistance under this sub-  
18                       part and schools receiving assistance  
19                       under this subpart, providing trans-  
20                       portation pursuant to section  
21                       722(g)(1)(J)(iii) of the McKinney-  
22                       Vento Homeless Assistance Act; and

23                       “(II) for homeless children and  
24                       youths who are attending schools not

1 receiving assistance under this sub-  
2 part—

3 “(aa) providing support  
4 services to homeless children and  
5 youths in shelters and other loca-  
6 tions where they may live; and

7 “(bb) removing barriers to  
8 homeless children and youths’ en-  
9 rollment, attendance, retention,  
10 and success in school.

11 “(ii) Children in local institutions for  
12 neglected children.

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

17 “(B) AMOUNT RESERVED.—The amount of  
18 funds reserved under subparagraph (A)(i) may  
19 be based upon a needs assessment of the home-  
20 less children and youths in the local educational  
21 agency, which may include the following:

22 “(i) Information related to child,  
23 youth, and family homelessness in the local  
24 educational agency obtained through the  
25 coordination and collaboration under sub-

1 sections (f)(4) and (g)(5) of section 722 of  
2 the McKinney-Vento Homeless Assistance  
3 Act.

4 “(ii) The number of homeless children  
5 and youths reported by the local edu-  
6 cational agency to the State educational  
7 agency under section 722(f)(3) of such Act  
8 for the previous school year.

9 “(iii) Gaps in identification of home-  
10 less children and youths in the local edu-  
11 cational agency, as described by the liaison  
12 designated pursuant to section  
13 722(g)(1)(J)(ii) of such Act.”; and

14 (B) in paragraph (4)—

15 (i) by striking “subpart 2” and insert-  
16 ing “chapter B”; and

17 (ii) by striking “school improvement,  
18 corrective action, and restructuring under  
19 section 1116(b)” and inserting “school im-  
20 provement under section  
21 1111(b)(3)(B)(iii)”.

22 **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking “part” and inserting  
2 “subpart”; and

3 (ii) by striking “in which” through  
4 “such families”;

5 (B) in paragraph (2)—

6 (i) in subparagraph (A), by striking  
7 “part” and inserting “subpart”; and

8 (ii) in subparagraph (B)—

9 (I) by striking “children with  
10 limited English proficiency” and in-  
11 serting “English learners”; and

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

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

17 (D) by striking paragraph (4); and

18 (2) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A)—

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

24 (II) by striking “content stand-  
25 ards and the State student academic

1 achievement standards” and inserting  
2 “standards”;

3 (ii) in subparagraph (B)—

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

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

14 (III) in clause (iii)—

15 (aa) by striking “student  
16 academic achievement standards”  
17 and inserting “academic stand-  
18 ards”; and

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

24 (IV) in clause (iv), by striking  
25 “the State and local improvement

- 1 plans” and inserting “school improve-  
2 ment strategies”;
- 3 (iii) in subparagraph (C), by striking  
4 “highly qualified” and inserting “effec-  
5 tive”;
- 6 (iv) in subparagraph (D)—
- 7 (I) by striking “In accordance  
8 with section 1119 and subsection  
9 (a)(4), high-quality” and inserting  
10 “High-quality”;
- 11 (II) by striking “pupil services”  
12 and inserting “specialized instruc-  
13 tional support services”; and
- 14 (III) by striking “student aca-  
15 demic achievement” and inserting  
16 “academic”;
- 17 (v) in subparagraph (E), by striking  
18 “highly-qualified highly qualified” and in-  
19 serting “effective”;
- 20 (vi) in subparagraph (G), by striking  
21 “, such as Head Start, Even Start, Early  
22 Reading First, or a State-run preschool  
23 program,”;

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

4 (viii) in subparagraph (I), by striking  
5 “proficient or advanced levels of academic  
6 achievement standards” and inserting  
7 “State academic standards”; and

8 (ix) in subparagraph (J), by striking  
9 “vocational” and inserting “career”; and  
10 (B) in paragraph (2)—

11 (i) in subparagraph (A)—

12 (I) in the matter preceding clause

13 (i)—

14 (aa) by striking “first de-  
15 velop” and all that follows  
16 through “2001)” and inserting  
17 “have in place”; and

18 (bb) by striking “and its  
19 school support team or other  
20 technical assistance provider  
21 under section 1117”;

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



- 1 (III) in clause (iv), by striking  
2 “section 1111(b)(3)” and inserting  
3 “section 1111(b)(2)”; and  
4 (ii) in subparagraph (B)—  
5 (I) in clause (i)—  
6 (aa) by striking “, after con-  
7 sidering the recommendation of  
8 the technical assistance providers  
9 under section 1117,”; and  
10 (bb) by striking “the No  
11 Child Left Behind Act of 2001”  
12 and inserting “Student Success  
13 Act” ;  
14 (II) in clause (ii)—  
15 (aa) by striking “(including  
16 administrators of programs de-  
17 scribed in other parts of this  
18 title)”; and  
19 (bb) by striking “pupil serv-  
20 ices” and inserting “specialized  
21 instructional support services”;  
22 (III) in clause (iii), by striking  
23 “part” and inserting “subpart”; and

- 1 (IV) in clause (v), by striking  
2 “Reading First, Early Reading First,  
3 Even Start,”; and  
4 (3) in subsection (c)—  
5 (A) by striking “part” and inserting “sub-  
6 part”; and  
7 (B) by striking “, such as Even Start” and  
8 all that follows through the period at the end.

9 **SEC. 116. TARGETED ASSISTANCE SCHOOLS.**

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

11 (1) in subsection (a)—

12 (A) by striking “are ineligible for a  
13 schoolwide program under section 1114, or  
14 that”;

15 (B) by striking “operate such” and insert-  
16 ing “operate”; and

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

19 (2) in subsection (b)—

20 (A) in paragraph (1)(B), by striking “chal-  
21 lenging student academic achievement” and in-  
22 serting “academic”;

23 (B) in paragraph (2)—

24 (i) in subparagraph (A)—

1 (I) by striking “limited English  
2 proficient children” and inserting  
3 “English learners”; and

4 (II) by striking “part” each place  
5 it appears and inserting “subpart”;  
6 (ii) in subparagraph (B)—

7 (I) in the heading, by striking “,  
8 EVEN START, OR EARLY READING  
9 FIRST”; and

10 (II) by striking “, Even Start, or  
11 Early Reading First”;  
12 (iii) in subparagraph (C)—

13 (I) by amending the heading to  
14 read as follows: “SUBPART 3— CHIL-  
15 DREN”;

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

18 (III) by striking “part” and in-  
19 serting “subpart”;

20 (iv) in subparagraphs (D) and (E), by  
21 striking “part” each place it appears and  
22 inserting “subpart”;

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

25 (3) in subsection (c)—

- 1 (A) in paragraph (1)—
- 2 (i) in the matter preceding subpara-
- 3 graph (A)—
- 4 (I) by striking “part” and insert-
- 5 ing “subpart”; and
- 6 (II) by striking “challenging stu-
- 7 dent academic achievement” and in-
- 8 serting “academic”;
- 9 (ii) in subparagraph (A)—
- 10 (I) by striking “part” and insert-
- 11 ing “subpart”; and
- 12 (II) by striking “challenging stu-
- 13 dent academic achievement” and in-
- 14 serting “academic”;
- 15 (iii) in subparagraph (B), by striking
- 16 “part” and inserting “subpart”;
- 17 (iv) in subparagraph (C)—
- 18 (I) by striking “based on scientif-
- 19 ically based research” and inserting
- 20 “evidence-based”; and
- 21 (II) by striking “part” and in-
- 22 serting “subpart”;
- 23 (v) in subparagraph (D), by striking
- 24 “such as Head Start, Even Start, Early

1 Reading First or State-run preschool pro-  
2 grams”;

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

6 (vii) in subparagraph (F)—

7 (I) by striking “in accordance  
8 with subsection (e)(3) and section  
9 1119,”;

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

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

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

17 (B) in paragraph (2)—

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

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

1 (iii) in subparagraph (B), by striking  
2 “challenging student academic achieve-  
3 ment” and inserting “academic”;

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

7 (5) in subsection (e)—

8 (A) in paragraph (2)(B)—

9 (i) in the matter preceding clause (i),  
10 by striking “part” and inserting “sub-  
11 part”; and

12 (ii) by striking “pupil services” and  
13 inserting “specialized instructional support  
14 services”; and

15 (B) by striking paragraph (3).

16 **SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDU-**  
17 **CATIONAL AGENCY AND SCHOOL IMPROVE-**  
18 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

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

21 **SEC. 118. PARENTAL INVOLVEMENT.**

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

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

25 (2) in subsection (a)—

1 (A) in paragraph (2)—

2 (i) in subparagraph (A), by striking “,  
3 and” and all that follows through “1116”;  
4 and

5 (ii) in subparagraph (D), by striking  
6 “, such as” and all that follows through  
7 “preschool programs”; and

8 (B) in paragraph (3), by striking “subpart  
9 2 of this part” each place it appears and insert-  
10 ing “chapter B of this subpart”;

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

13 “(B) a description and explanation of the  
14 curriculum in use at the school and the forms  
15 of academic assessment used to measure stu-  
16 dent progress; and”;

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

19 (5) in subsection (e)—

20 (A) in paragraph (1), by striking “State’s  
21 academic content standards and State student  
22 academic achievement standards” and inserting  
23 “State’s academic standards”;

24 (B) in paragraph (3)—

1 (i) by striking “pupil services per-  
2 sonnel,” and inserting “specialized instruc-  
3 tional support personnel,”; and

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

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

13 lows:

14 “(g) FAMILY ENGAGEMENT IN EDUCATION PRO-  
15 GRAMS.—In a State operating a program under subpart  
16 3 of part A of title III, each local educational agency or  
17 school that receives assistance under this subpart shall in-  
18 form such parents and organizations of the existence of  
19 such programs.”.

20 **SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARA-**  
21 **PROFESSIONALS.**

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



1 **SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**  
2 **VATE SCHOOLS.**

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

5 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**  
6 **PRIVATE SCHOOLS.**

7 **“(a) GENERAL REQUIREMENT.—**

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

14 **“(A)** after timely and meaningful consulta-  
15 tion with appropriate private school officials or  
16 representatives, provide such service, on an eq-  
17 uitable basis and individually or in combination,  
18 as requested by the officials or representatives  
19 to best meet the needs of such children, special  
20 educational services, instructional services,  
21 counseling, mentoring, one-on-one tutoring, or  
22 other benefits under this subpart (such as dual  
23 enrollment, educational radio and television,  
24 computer equipment and materials, other tech-  
25 nology, and mobile educational services and  
26 equipment) that address their needs; and

1           “(B) ensure that teachers and families of  
2           the children participate, on an equitable basis,  
3           in services and activities developed pursuant to  
4           this subpart.

5           “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—  
6           Such educational services or other benefits, including  
7           materials and equipment, shall be secular, neutral,  
8           and nonideological.

9           “(3) EQUITY.—

10           “(A) IN GENERAL.—Educational services  
11           and other benefits for such private school chil-  
12           dren shall be equitable in comparison to serv-  
13           ices and other benefits for public school chil-  
14           dren participating under this subpart, and shall  
15           be provided in a timely manner.

16           “(B) OMBUDSMAN.—To help ensure such  
17           equity for such private school children, teach-  
18           ers, and other educational personnel, the State  
19           educational agency involved shall designate an  
20           ombudsman to monitor and enforce the require-  
21           ments of this subpart.

22           “(4) EXPENDITURES.—

23           “(A) IN GENERAL.—Expenditures for edu-  
24           cational services and other benefits to eligible  
25           private school children shall be equal to the ex-

1           penditures for participating public school chil-  
2           dren, taking into account the number, and edu-  
3           cational needs, of the children to be served.

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

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

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

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

21           “(b) CONSULTATION.—

22                   “(1) IN GENERAL.—To ensure timely and  
23                   meaningful consultation, a local educational agency  
24                   shall consult with appropriate private school officials  
25                   or representatives during the design and develop-

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

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

11             “(B) what services will be offered;

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

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

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

1           “(F) the method or sources of data that  
2           are used under subsection (e) and section  
3           1113(c)(1) to determine the number of children  
4           from low-income families in participating school  
5           attendance areas who attend private schools;

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

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

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

1           “(J) whether to provide equitable services  
2           to eligible private school children—

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

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

18                  “(K) whether to consolidate and use funds  
19                  under this subpart to provide schoolwide pro-  
20                  grams for a private school.

21                  “(2) DISAGREEMENT.—If a local educational  
22                  agency disagrees with the views of private school of-  
23                  ficials or representatives with respect to an issue de-  
24                  scribed in paragraph (1), the local educational agen-  
25                  cy shall provide in writing to such private school of-

1 officials an analysis of the reasons why the local edu-  
2 cational agency has chosen not to adopt the course  
3 of action requested by such officials.

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

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

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

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

9 “(6) COMPLIANCE.—

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

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



1           private documentation to the State educational  
2           agency.

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

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

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

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

17                           “(ii) in a case in which—

18                                   “(I) a local educational agency  
19                                   has more than 10,000 children from  
20                                   low-income families who attend pri-  
21                                   vate elementary schools or secondary  
22                                   schools in a participating school at-  
23                                   tendance area of the agency that are  
24                                   not being served by the agency’s pro-  
25                                   gram under this section; or

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

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

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

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

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

20                   “(C) applying the low-income percentage of  
21                   each participating public school attendance  
22                   area, determined pursuant to this section, to  
23                   the number of private school children who re-  
24                   side in that school attendance area; or

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

4           “(2) COMPLAINT PROCESS.—Any dispute re-  
5           garding low-income data for private school students  
6           shall be subject to the complaint process authorized  
7           in section 5503.

8           “(d) PUBLIC CONTROL OF FUNDS.—

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

15          “(2) PROVISION OF SERVICES.—

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

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

19                         or

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

23                 “(B) REQUIREMENT.—In the provision of  
24                 such services, such employee, individual, asso-  
25                 ciation, agency, or organization shall be inde-

1           pendent of such private school and of any reli-  
2           gious organization, and such employment or  
3           contract shall be under the control and super-  
4           vision of such public agency.

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

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

15                 “(2) arrange for the provision of services to  
16                 such children through arrangements that shall be  
17                 subject to the requirements of this section and sec-  
18                 tions 5503 and 5504; and

19                 “(3) in making the determination under this  
20                 subsection, consider one or more factors, including  
21                 the quality, size, scope, and location of the program  
22                 and the opportunity of eligible children to partici-  
23                 pate.”.

24         **SEC. 121. FISCAL REQUIREMENTS.**

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

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

3 (2) by striking subsection (a) and redesignating  
4 subsections (b), (c), and (d) as subsections (a), (b),  
5 and (c), respectively.

6 **SEC. 122. COORDINATION REQUIREMENTS.**

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

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

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

12 (3) in subsection (b)—

13 (A) in the matter preceding paragraph (1),  
14 by striking “, such as the Early Reading First  
15 program,”;

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

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

21 (D) in paragraph (5), by striking “and en-  
22 tities carrying out Early Reading First pro-  
23 grams”.

1 **SEC. 123. GRANTS FOR THE OUTLYING AREAS AND THE**  
2 **SECRETARY OF THE INTERIOR.**

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

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

8 (2) in subsection (b)—

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

12 (B) in paragraph (3)—

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

16 (ii) in subparagraph (C)(ii), by strik-  
17 ing “challenging State academic content  
18 standards” and inserting “State academic  
19 standards”; and

20 (iii) by striking subparagraph (D);

21 and

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

24 **SEC. 124. ALLOCATIONS TO STATES.**

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

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

3           “(a) RESERVATION.—

4           “(1) IN GENERAL.—From the amounts appro-  
5           priated under section 3(a)(1), the Secretary shall re-  
6           serve 91 percent of such amounts to carry out this  
7           chapter.

8           “(2) ALLOCATION FORMULA.—Of the amount  
9           reserved under paragraph (1) for each of fiscal years  
10          2013 to 2018 (referred to in this subsection as the  
11          current fiscal year)—

12           “(A) an amount equal to the amount made  
13           available to carry out section 1124 for fiscal  
14           year 2001 shall be used to carry out section  
15           1124;

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

20           “(C) an amount equal to 100 percent of  
21           the amount, if any, by which the total amount  
22           made available to carry out this chapter for the  
23           fiscal year for which the determination is made  
24           exceeds the total amount available to carry out  
25           sections 1124 and 1124A for fiscal year 2001

1 shall be used to carry out section 1125 and  
2 1125A and such amount shall be divided equal-  
3 ly between section 1125 and section 1125A.”;

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

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

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

10 **SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**  
11 **CIES.**

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

13 (1) in subsection (a)—

14 (A) in paragraph (3)—

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

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

19 and

20 (B) in paragraph (4)(C), by striking “sub-  
21 part” each place it appears and inserting

22 “chapter”; and

23 (2) in subsection (c)—



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

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

6 **SEC. 126. ADEQUACY OF FUNDING OF TARGETED GRANTS**  
7 **TO LOCAL EDUCATIONAL AGENCIES IN FIS-**  
8 **CAL YEARS AFTER FISCAL YEAR 2001.**

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

11 **“SEC. 1125AA. ADEQUACY OF FUNDING OF TARGETED**  
12 **GRANTS TO LOCAL EDUCATIONAL AGENCIES**  
13 **IN FISCAL YEARS AFTER FISCAL YEAR 2001.**

14 “Pursuant to section 1122, the total amount allo-  
15 cated in any fiscal year after fiscal year 2001 for programs  
16 and activities under this subpart shall not exceed the  
17 amount allocated in fiscal year 2001 for such programs  
18 and activities unless the amount available for targeted  
19 grants to local educational agencies under section 1125  
20 in the applicable fiscal year meets the requirements of sec-  
21 tion 1122(a).”.

22 **SEC. 127. EDUCATION FINANCE INCENTIVE GRANT PRO-**  
23 **GRAM.**

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

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

3 (2) in subsection (b)(1)—

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

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

12 (3) by striking subsections (a), (e), and (f) and  
13 redesignating subsections (b), (c), (d), and (g) as  
14 subsections (a), (b), (c), and (d), respectively.

15 **SEC. 128. CARRYOVER AND WAIVER.**

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

19 **Subtitle C—Additional Aid to**  
20 **States and School Districts**

21 **SEC. 131. ADDITIONAL AID.**

22 (a) IN GENERAL.—Title I (20 U.S.C. 6301 et seq.)  
23 is amended—

24 (1) by striking parts B through D and F  
25 through H; and

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

3       “SUBPART 2—EDUCATION OF MIGRATORY CHILDREN

4       **“SEC. 1131. PROGRAM PURPOSES.**

5       “The purposes of this subpart are as follows:

6           “(1) To assist States in supporting high-quality  
7 and comprehensive educational programs and serv-  
8 ices during the school year, and as applicable, during  
9 summer or intercession periods, that address the  
10 unique educational needs of migratory children.

11           “(2) To ensure that migratory children who  
12 move among the States, not be penalized in any  
13 manner by disparities among the States in cur-  
14 riculum, graduation requirements, and State aca-  
15 demic standards.

16           “(3) To help such children succeed in school,  
17 meet the State academic standards that all children  
18 are expected to meet, and graduate from high school  
19 prepared for postsecondary education and the work-  
20 force without the need for remediation.

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

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

3   **“SEC. 1132. PROGRAM AUTHORIZED.**

4           “(a) IN GENERAL.—From the amounts appropriated  
5           under section 3(a)(1), the Secretary shall reserve 2.4 per-  
6           cent to carry out this subpart.

7           “(b) GRANTS AWARDED.—From the amounts re-  
8           served under subsection (a) and not reserved under section  
9           1138(c), the Secretary shall make allotments for the fiscal  
10          year to State educational agencies, or consortia of such  
11          agencies, to establish or improve, directly or through local  
12          operating agencies, programs of education for migratory  
13          children in accordance with this subpart.

14   **“SEC. 1133. STATE ALLOCATIONS.**

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

19                 “(1) the sum of—

20                         “(A) the average number of identified eligi-  
21                         ble full-time equivalent migratory children aged  
22                         3 through 21 residing in the State, based on  
23                         data for the preceding 3 years; and

24                         “(B) the number of identified eligible mi-  
25                         gratory children, aged 3 through 21, who re-

1           ceived services under this subpart in summer or  
2           intersession programs provided by the State  
3           during the previous year; multiplied by

4           “(2) 40 percent of the average per-pupil ex-  
5           penditure in the State, except that the amount de-  
6           termined under this paragraph shall not be less than  
7           32 percent, nor more than 48 percent, of the aver-  
8           age per-pupil expenditure in the United States.

9           “(b) HOLD HARMLESS.—Notwithstanding subsection  
10          (a), for each of fiscal years 2013 through 2015, no State  
11          shall receive less than 90 percent of the State’s allocation  
12          under this section for the previous year.

13          “(c) ALLOCATION TO PUERTO RICO.—For each fiscal  
14          year, the grant which the Commonwealth of Puerto Rico  
15          shall be eligible to receive under this subpart shall be the  
16          amount determined by multiplying the number of children  
17          who would be counted under subsection (a)(1) if such sub-  
18          section applied to the Commonwealth of Puerto Rico by  
19          the product of—

20                 “(1) the percentage that the average per-pupil  
21                 expenditure in the Commonwealth of Puerto Rico is  
22                 of the lowest average per-pupil expenditure of any of  
23                 the 50 States, except that the percentage calculated  
24                 under this subparagraph shall not be less than 85  
25                 percent; and

1           “(2) 32 percent of the average per-pupil ex-  
2           penditure in the United States.

3           “(d) RATABLE REDUCTIONS; REALLOCATIONS.—

4           “(1) IN GENERAL.—

5           “(A) RATABLE REDUCTIONS.—If, after the  
6           Secretary reserves funds under section 1138(e),  
7           the amount appropriated to carry out this sub-  
8           part for any fiscal year is insufficient to pay in  
9           full the amounts for which all States are eligi-  
10          ble, the Secretary shall ratably reduce each  
11          such amount.

12          “(B) REALLOCATION.—If additional funds  
13          become available for making such payments for  
14          any fiscal year, the Secretary shall allocate such  
15          funds to States in amounts that the Secretary  
16          determines will best carry out the purpose of  
17          this subpart.

18          “(2) SPECIAL RULE.—

19          “(A) FURTHER REDUCTIONS.—The Sec-  
20          retary shall further reduce the amount of any  
21          grant to a State under this subpart for any fis-  
22          cal year if the Secretary determines, based on  
23          available information on the numbers and needs  
24          of migratory children in the State and the pro-  
25          gram proposed by the State to address such

1 needs, that such amount exceeds the amount  
2 required under section 1134.

3 “(B) REALLOCATION.—The Secretary shall  
4 reallocate such excess funds to other States  
5 whose grants under this subpart would other-  
6 wise be insufficient to provide an appropriate  
7 level of services to migratory children, in such  
8 amounts as the Secretary determines are appro-  
9 priate.

10 “(e) CONSORTIUM ARRANGEMENTS.—

11 “(1) IN GENERAL.—In the case of a State that  
12 receives a grant of \$1,000,000 or less under this  
13 section, the Secretary shall consult with the State  
14 educational agency to determine whether consortium  
15 arrangements with another State or other appro-  
16 priate entity would result in delivery of services in  
17 a more effective and efficient manner.

18 “(2) PROPOSALS.—Any State, regardless of the  
19 amount of such State’s allocation, may submit a  
20 consortium arrangement to the Secretary for ap-  
21 proval.

22 “(3) APPROVAL.—The Secretary shall approve  
23 a consortium arrangement under paragraph (1) or  
24 (2) if the proposal demonstrates that the arrange-  
25 ment will—

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

3           “(B) make more funds available for direct  
4           services to add substantially to the educational  
5           achievement of children to be served under this  
6           subpart.

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

11           “(1) use the most recent information that most  
12           accurately reflects the actual number of migratory  
13           children;

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

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

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

22           “(A) the unique needs of those children  
23           participating in evidence-based or other effec-  
24           tive special programs provided under this sub-



1 part that operate during the summer and inter-  
2 session periods; and

3 “(B) the additional costs of operating such  
4 programs; and

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

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

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

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

1       “(b) PROGRAM INFORMATION.—Each such applica-  
2 tion shall include—

3               “(1) a description of how, in planning, imple-  
4 menting, and evaluating programs and projects as-  
5 sisted under this subpart, the State and its local op-  
6 erating agencies will ensure that the unique edu-  
7 cational needs of migratory children, including pre-  
8 school migratory children, are identified and ad-  
9 dressed through—

10               “(A) the full range of services that are  
11 available for migratory children from appro-  
12 priate local, State, and Federal educational pro-  
13 grams;

14               “(B) joint planning among local, State,  
15 and Federal educational programs serving mi-  
16 gratory children, including language instruction  
17 educational programs under chapter A of sub-  
18 part 4; and

19               “(C) the integration of services available  
20 under this subpart with services provided by  
21 those other programs;

22               “(2) a description of the steps the State is tak-  
23 ing to provide all migratory students with the oppor-  
24 tunity to meet the same State academic standards  
25 that all children are expected to meet;

1           “(3) a description of how the State will use  
2 funds received under this subpart to promote inter-  
3 state and intrastate coordination of services for mi-  
4 gratory children, including how the State will pro-  
5 vide for educational continuity through the timely  
6 transfer of pertinent school records, including infor-  
7 mation on health, when children move from one  
8 school to another, whether or not such a move oc-  
9 curs during the regular school year;

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

14           “(5) a description of how the State will deter-  
15 mine the amount of any subgrants the State will  
16 award to local operating agencies, taking into ac-  
17 count the numbers and needs of migratory children,  
18 the requirements of subsection (d), and the avail-  
19 ability of funds from other Federal, State, and local  
20 programs; and

21           “(6) a description of how the State will encour-  
22 age programs and projects assisted under this sub-  
23 part to offer family literacy services if the programs  
24 and projects serve a substantial number of migra-  
25 tory children whose parents do not have a regular

1 high school diploma or its recognized equivalent or  
2 who have low levels of literacy.

3 “(c) ASSURANCES.—Each such application shall also  
4 include assurances that—

5 “(1) funds received under this subpart will be  
6 used only—

7 “(A) for programs and projects, including  
8 the acquisition of equipment, in accordance  
9 with section 1136; and

10 “(B) to coordinate such programs and  
11 projects with similar programs and projects  
12 within the State and in other States, as well as  
13 with other Federal programs that can benefit  
14 migratory children and their families;

15 “(2) such programs and projects will be carried  
16 out in a manner consistent with the objectives of  
17 section 1114, subsections (b) and (d) of section  
18 1115, subsections (b) and (c) of section 1120A, and  
19 part C;

20 “(3) in the planning and operation of programs  
21 and projects at both the State and local agency op-  
22 erating level, there is consultation with parents of  
23 migratory children for programs of not less than one  
24 school year in duration, and that all such programs  
25 and projects are carried out—

1           “(A) in a manner that provides for the  
2           same parental involvement as is required for  
3           programs and projects under section 1118, un-  
4           less extraordinary circumstances make such  
5           provision impractical; and

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

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

12          “(5) the effectiveness of such programs and  
13          projects will be determined, where feasible, using the  
14          same approaches and standards that will be used to  
15          assess the performance of students, schools, and  
16          local educational agencies under subpart 1;

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

19                 “(A) advocacy and outreach activities for  
20                 migratory children and their families, including  
21                 informing such children and families of, or  
22                 helping such children and families gain access  
23                 to, other education, health, nutrition, and social  
24                 services;

1           “(B) professional development programs,  
2           including mentoring, for teachers and other  
3           program personnel;

4           “(C) high-quality, evidence-based family  
5           literacy programs;

6           “(D) the integration of information tech-  
7           nology into educational and related programs;  
8           and

9           “(E) programs to facilitate the transition  
10          of secondary school students to postsecondary  
11          education or employment without the need for  
12          remediation; and

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

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

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

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

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

5           “(3) secondary school students who were eligi-  
6           ble for services in secondary school may continue to  
7           be served through credit accrual programs until  
8           graduation.

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

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

13          **“SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND**  
14                           **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**  
15                           **TIVITIES.**

16          “(a) COMPREHENSIVE PLAN.—

17               “(1) IN GENERAL.—Each State that receives  
18               assistance under this subpart shall ensure that the  
19               State and its local operating agencies identify and  
20               address the unique educational needs of migratory  
21               children in accordance with a comprehensive State  
22               plan that—

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

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

3                   “(i) the unique needs of migratory  
4                   children are specifically addressed in the  
5                   comprehensive State plan;

6                   “(ii) the comprehensive State plan is  
7                   developed in collaboration with parents of  
8                   migratory children; and

9                   “(iii) the comprehensive State plan is  
10                  not used to supplant State efforts regard-  
11                  ing, or administrative funding for, this  
12                  subpart;

13                  “(C) provides that migratory children will  
14                  have an opportunity to meet the same State  
15                  academic standards under section 1111(b)(1)  
16                  that all children are expected to meet;

17                  “(D) specifies measurable program goals  
18                  and outcomes;

19                  “(E) encompasses the full range of services  
20                  that are available for migratory children from  
21                  appropriate local, State, and Federal edu-  
22                  cational programs;

23                  “(F) is the product of joint planning  
24                  among such local, State, and Federal programs,  
25                  including programs under subpart 1, early



1 childhood programs, and language instruction  
2 educational programs under chapter A of sub-  
3 part 4; and

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

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

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

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

16 “(b) AUTHORIZED ACTIVITIES.—

17 “(1) FLEXIBILITY.—In implementing the com-  
18 prehensive plan described in subsection (a), each  
19 State educational agency, where applicable through  
20 its local educational agencies, shall have the flexi-  
21 bility to determine the activities to be provided with  
22 funds made available under this subpart, except that  
23 such funds first shall be used to meet the identified  
24 needs of migratory children that result from their

1 migratory lifestyle, and to permit these children to  
2 participate effectively in school.

3 “(2) UNADDRESSED NEEDS.—Funds provided  
4 under this subpart shall be used to address the  
5 needs of migratory children that are not addressed  
6 by services available from other Federal or non-Fed-  
7 eral programs, except that migratory children who  
8 are eligible to receive services under subpart 1 may  
9 receive those services through funds provided under  
10 that subpart, or through funds under this subpart  
11 that remain after the agency addresses the needs de-  
12 scribed in paragraph (1).

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

18 **“SEC. 1137. BYPASS.**

19 “The Secretary may use all or part of any State’s  
20 allocation under this subpart to make arrangements with  
21 any public or private agency to carry out the purpose of  
22 this subpart in such State if the Secretary determines  
23 that—

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

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

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

6   **“SEC. 1138. COORDINATION OF MIGRATORY EDUCATION**  
7           **ACTIVITIES.**

8           “(a) IMPROVEMENT OF COORDINATION.—

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

19          “(2) DURATION.—Grants or contracts under  
20          this subsection may be awarded for not more than  
21          5 years.

22          “(b) STUDENT RECORDS.—

23          “(1) ASSISTANCE.—The Secretary shall assist  
24          States in developing and maintaining an effective  
25          system for the electronic transfer of student records

1 and in determining the number of migratory chil-  
2 dren in each State.

3 “(2) INFORMATION SYSTEM.—

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

18 “(i) immunization records and other  
19 health information;

20 “(ii) elementary and secondary aca-  
21 demic history (including partial credit),  
22 credit accrual, and results from State as-  
23 sessments required under section  
24 1111(b)(2);

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

5           “(iv) eligibility for services under the  
6           Individuals with Disabilities Education  
7           Act.

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

15          “(3) NO COST FOR CERTAIN TRANSFERS.—A  
16          State educational agency or local educational agency  
17          receiving assistance under this subpart shall make  
18          student records available to another State edu-  
19          cational agency or local educational agency that re-  
20          quests the records at no cost to the requesting agen-  
21          cy, if the request is made in order to meet the needs  
22          of a migratory child.

23          “(4) REPORT TO CONGRESS.—

24                 “(A) IN GENERAL.—Not later than April  
25                 30, 2013, the Secretary shall report to the

1 Committee on Health, Education, Labor, and  
2 Pensions of the Senate and the Committee on  
3 Education and the Workforce of the House of  
4 Representatives the Secretary's findings and  
5 recommendations regarding the maintenance  
6 and transfer of health and educational informa-  
7 tion for migratory students by the States.

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

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

13 “(ii) recommendations for maintaining  
14 such systems; and

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

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

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

1 **“SEC. 1139. DEFINITIONS.**

2 “As used in this subpart:

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

5 “(A) a local educational agency to which a  
6 State educational agency makes a subgrant  
7 under this subpart;

8 “(B) a public or private agency with which  
9 a State educational agency or the Secretary  
10 makes an arrangement to carry out a project  
11 under this subpart; or

12 “(C) a State educational agency, if the  
13 State educational agency operates the State’s  
14 migratory education program or projects di-  
15 rectly.

16 “(2) MIGRATORY CHILD.—The term ‘migratory  
17 child’ means a child who is, or whose parent or  
18 spouse is, a migratory agricultural worker, including  
19 a migratory dairy worker, or a migratory fisher, and  
20 who, in the preceding 36 months, in order to obtain,  
21 or accompany such parent or spouse, in order to ob-  
22 tain, temporary or seasonal employment in agricul-  
23 tural or fishing work—

24 “(A) has moved from one school district to  
25 another;

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

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

8   “SUBPART 3—PREVENTION AND INTERVENTION PRO-  
9       GRAMS FOR CHILDREN AND YOUTH WHO ARE NE-  
10      GLECTED, DELINQUENT, OR AT-RISK

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

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

13           “(1) to improve educational services for chil-  
14           dren and youth in local and State institutions for  
15           neglected or delinquent children and youth so that  
16           such children and youth have the opportunity to  
17           meet the same State academic standards that all  
18           children in the State are expected to meet;

19           “(2) to provide such children and youth with  
20           the services needed to make a successful transition  
21           from institutionalization to further schooling or em-  
22           ployment; and

23           “(3) to prevent at-risk youth from dropping out  
24           of school, and to provide dropouts, and children and  
25           youth returning from correctional facilities or insti-



1       tutions for neglected or delinquent children and  
2       youth, with a support system to ensure their contin-  
3       ued education.

4       “(b) PROGRAM AUTHORIZED.—From amounts ap-  
5       propriated under section 3(a)(1), the Secretary shall re-  
6       serve 0.3 of one percent to carry out this subpart.

7       “(c) GRANTS AWARDED.—From the amounts re-  
8       served under subsection (b) and not reserved under section  
9       1004 and section 1159, the Secretary shall make grants  
10      to State educational agencies that have plans submitted  
11      under section 1154 approved to enable such agencies to  
12      award subgrants to State agencies and local educational  
13      agencies to establish or improve programs of education for  
14      neglected, delinquent, or at-risk children and youth.

15   **“SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUB-**  
16   **PART.**

17      “(a) AGENCY SUBGRANTS.—Based on the allocation  
18      amount computed under section 1152, the Secretary shall  
19      allocate to each State educational agency an amount nec-  
20      essary to make subgrants to State agencies under chapter  
21      A.

22      “(b) LOCAL SUBGRANTS.—Each State shall retain,  
23      for the purpose of carrying out chapter B, funds generated  
24      throughout the State under subpart 1 of this part based  
25      on children and youth residing in local correctional facili-

1 ties, or attending community day programs for delinquent  
2 children and youth.

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

4 **“SEC. 1151. ELIGIBILITY.**

5 “A State agency is eligible for assistance under this  
6 chapter if such State agency is responsible for providing  
7 free public education for children and youth—

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

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

12 “(3) in adult correctional institutions.

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

14 “(a) SUBGRANTS TO STATE AGENCIES.—

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

20 “(A) the number of neglected or delinquent  
21 children and youth described in section 1151  
22 who—

23 “(i) are enrolled for at least 15 hours  
24 per week in education programs in adult  
25 correctional institutions; and

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

3                   “(I) in education programs in in-  
4                   stitutions for neglected or delinquent  
5                   children and youth; or

6                   “(II) in community day programs  
7                   for neglected or delinquent children  
8                   and youth; and

9                   “(B) 40 percent of the average per-pupil  
10                  expenditure in the State, except that the  
11                  amount determined under this subparagraph  
12                  shall not be less than 32 percent, nor more  
13                  than 48 percent, of the average per-pupil ex-  
14                  penditure in the United States.

15                  “(2) SPECIAL RULE.—The number of neglected  
16                  or delinquent children and youth determined under  
17                  paragraph (1) shall—

18                  “(A) be determined by the State agency by  
19                  a deadline set by the Secretary, except that no  
20                  State agency shall be required to determine the  
21                  number of such children and youth on a specific  
22                  date set by the Secretary; and

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

1       “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO  
2 RICO.—

3           “(1) IN GENERAL.—For each fiscal year, the  
4 amount of the subgrant which a State agency in the  
5 Commonwealth of Puerto Rico shall be eligible to re-  
6 ceive under this chapter shall be the amount deter-  
7 mined by multiplying the number of children count-  
8 ed under subsection (a)(1)(A) for the Common-  
9 wealth of Puerto Rico by the product of—

10           “(A) the percentage which the average per-  
11 pupil expenditure in the Commonwealth of  
12 Puerto Rico is of the lowest average per-pupil  
13 expenditure of any of the 50 States; and

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

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

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

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

2 “If a State educational agency determines that a  
3 State agency does not need the full amount of the  
4 subgrant for which such State agency is eligible under this  
5 chapter for any fiscal year, the State educational agency  
6 may reallocate the amount that will not be needed to other  
7 eligible State agencies that need additional funds to carry  
8 out the purpose of this chapter, in such amounts as the  
9 State educational agency shall determine.

10 **“SEC. 1154. STATE PLAN AND STATE AGENCY APPLICA-**  
11 **TIONS.**

12 “(a) STATE PLAN.—

13 “(1) IN GENERAL.—Each State educational  
14 agency that desires to receive a grant under this  
15 chapter shall submit, for approval by the Secretary,  
16 a plan—

17 “(A) for meeting the educational needs of  
18 neglected, delinquent, and at-risk children and  
19 youth;

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

23 “(C) that is integrated with other pro-  
24 grams under this Act or other Acts, as appro-  
25 priate.

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

1           “(A) describe how the State will assess the  
2 effectiveness of the program in improving the  
3 academic, career, and technical skills of chil-  
4 dren in the program;

5           “(B) provide that, to the extent feasible,  
6 such children will have the same opportunities  
7 to achieve as such children would have if such  
8 children were in the schools of local educational  
9 agencies in the State;

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

13           “(D) contain an assurance that the State  
14 educational agency will—

15           “(i) ensure that programs assisted  
16 under this chapter will be carried out in  
17 accordance with the State plan described  
18 in this subsection;

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

21           “(iii) ensure that the State agencies  
22 receiving subgrants under this chapter  
23 comply with all applicable statutory and  
24 regulatory requirements.

1           “(3) DURATION OF THE PLAN.—Each such  
2 State plan shall—

3           “(A) remain in effect for the duration of  
4 the State’s participation under this chapter;  
5 and

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

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

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

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

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

21           “(1) describes the procedures to be used, con-  
22 sistent with the State plan under section 1111, to  
23 assess the educational needs of the children to be  
24 served under this chapter;

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

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

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

11          “(5) describes how the State agency will consult  
12          with experts and provide the necessary training for  
13          appropriate staff, to ensure that the planning and  
14          operation of institution-wide projects under section  
15          1156 are of high quality;

16          “(6) describes how the programs will be coordi-  
17          nated with other appropriate State and Federal pro-  
18          grams, such as programs under title I of Public Law  
19          105–220, career and technical education programs,  
20          State and local dropout prevention programs, and  
21          special education programs;

22          “(7) describes how the State agency will en-  
23          courage correctional facilities receiving funds under  
24          this chapter to coordinate with local educational  
25          agencies or alternative education programs attended



1 by incarcerated children and youth prior to and after  
2 their incarceration to ensure that student assess-  
3 ments and appropriate academic records are shared  
4 jointly between the correctional facility and the local  
5 educational agency or alternative education program;

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

9 “(9) designates an individual in each affected  
10 correctional facility or institution for neglected or  
11 delinquent children and youth to be responsible for  
12 issues relating to the transition of such children and  
13 youth from such facility or institution to locally op-  
14 erated programs;

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

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

24 “(12) provides assurances that the State agency  
25 will work with parents to secure parents’ assistance

1 in improving the educational achievement of their  
2 children and youth, and preventing their children's  
3 and youth's further involvement in delinquent activi-  
4 ties;

5 “(13) provides an assurance that the State  
6 agency will work with children and youth with dis-  
7 abilities in order to meet an existing individualized  
8 education program and an assurance that the agen-  
9 cy will notify the child's or youth's local school if the  
10 child or youth—

11 “(A) is identified as in need of special edu-  
12 cation services while the child or youth is in the  
13 correctional facility or institution for neglected  
14 or delinquent children and youth; and

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

16 “(14) provides an assurance that the State  
17 agency will work with children and youth who  
18 dropped out of school before entering the correc-  
19 tional facility or institution for neglected or delin-  
20 quent children and youth to encourage the children  
21 and youth to reenter school and obtain a regular  
22 high school diploma once the term of the incarcer-  
23 ation is completed, or provide the child or youth with  
24 the skills necessary to gain employment, continue  
25 the education of the child or youth, or obtain a reg-

1        ular high school diploma or its recognized equivalent  
2        if the child or youth does not intend to return to  
3        school;

4            “(15) provides an assurance that effective  
5        teachers and other qualified staff are trained to  
6        work with children and youth with disabilities and  
7        other students with special needs taking into consid-  
8        eration the unique needs of such students;

9            “(16) describes any additional services to be  
10       provided to children and youth, such as career coun-  
11       seling, distance education, and assistance in securing  
12       student loans and grants; and

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

18    **“SEC. 1155. USE OF FUNDS.**

19        “(a) USES.—

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

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

1           “(B) concentrate on providing participants  
2           with the knowledge and skills needed to make  
3           a successful transition to secondary school com-  
4           pletion, career or technical training, further  
5           education, or employment without the need for  
6           remediation.

7           “(2) PROGRAMS AND PROJECTS.—Such pro-  
8           grams and projects—

9                   “(A) may include the acquisition of equip-  
10                  ment;

11                  “(B) shall be designed to support edu-  
12                  cational services that—

13                          “(i) except for institution-wide  
14                          projects under section 1156, are provided  
15                          to children and youth identified by the  
16                          State agency as failing, or most at-risk of  
17                          failing, to meet the State’s academic stand-  
18                          ards; and

19                          “(ii) supplement and improve the  
20                          quality of the educational services provided  
21                          to such children and youth by the State  
22                          agency; and

23                          “(iii) afford such children and youth  
24                          an opportunity to meet State academic  
25                          standards; and

1                   “(C) shall be carried out in a manner con-  
2                   sistent with section 1120A and part C (as ap-  
3                   plied to programs and projects under this chap-  
4                   ter).

5           “(b) SUPPLEMENT, NOT SUPPLANT.—A program  
6 under this chapter that supplements the number of hours  
7 of instruction students receive from State and local  
8 sources shall be considered to comply with the supplement,  
9 not supplant the requirement of section 1120A (as applied  
10 to this chapter) without regard to the subject areas in  
11 which instruction is given during those hours.

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

13           “A State agency that provides free public education  
14 for children and youth in an institution for neglected or  
15 delinquent children and youth (other than an adult correc-  
16 tional institution) or attending a community day program  
17 for such children and youth may use funds received under  
18 this chapter to serve all children in, and upgrade the entire  
19 educational effort of, that institution or program if the  
20 State agency has developed, and the State educational  
21 agency has approved, a comprehensive plan for that insti-  
22 tution or program that—

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

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

5           “(3) describes the steps the State agency has  
6 taken, or will take, to provide all children and youth  
7 under age 21 with the opportunity to meet State  
8 academic standards in order to improve the likeli-  
9 hood that the children and youth will complete sec-  
10 ondary school, obtain a regular high school diploma  
11 or its recognized equivalent, or find employment  
12 after leaving the institution;

13           “(4) describes the instructional program, spe-  
14 cialized instructional support services, and proce-  
15 dures that will be used to meet the needs described  
16 in paragraph (1), including, to the extent feasible,  
17 the provision of mentors for the children and youth  
18 described in paragraph (1);

19           “(5) specifically describes how such funds will  
20 be used;

21           “(6) describes the measures and procedures  
22 that will be used to assess and improve student  
23 achievement;

24           “(7) describes how the agency has planned, and  
25 will implement and evaluate, the institution-wide or

1 program-wide project in consultation with personnel  
2 providing direct instructional services and support  
3 services in institutions or community day programs  
4 for neglected or delinquent children and youth, and  
5 with personnel from the State educational agency;  
6 and

7 “(8) includes an assurance that the State agen-  
8 cy has provided for appropriate training for teachers  
9 and other instructional and administrative personnel  
10 to enable such teachers and personnel to carry out  
11 the project effectively.

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

13 “If a State agency operates a program or project  
14 under this chapter in which individual children or youth  
15 are likely to participate for more than one year, the State  
16 educational agency may approve the State agency’s appli-  
17 cation for a subgrant under this chapter for a period of  
18 not more than 3 years.

19 **“SEC. 1158. TRANSITION SERVICES.**

20 “(a) **TRANSITION SERVICES.**—Each State agency  
21 shall reserve not less than 15 percent and not more than  
22 30 percent of the amount such agency receives under this  
23 chapter for any fiscal year to support—

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

4           “(2) the successful re-entry of youth offenders,  
5 who are age 20 or younger and have received a reg-  
6 ular high school diploma or its recognized equiva-  
7 lent, into postsecondary education, or career and  
8 technical training programs, through strategies de-  
9 signed to expose the youth to, and prepare the youth  
10 for, postsecondary education, or career and technical  
11 training programs, such as—

12           “(A) preplacement programs that allow ad-  
13 judicated or incarcerated youth to audit or at-  
14 tend courses on college, university, or commu-  
15 nity college campuses, or through programs  
16 provided in institutional settings;

17           “(B) worksite schools, in which institutions  
18 of higher education and private or public em-  
19 ployers partner to create programs to help stu-  
20 dents make a successful transition to postsec-  
21 ondary education and employment; and

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

24           “(i) personal, career and technical,  
25 and academic counseling;



1                   “(ii) placement services designed to  
2                   place the youth in a university, college, or  
3                   junior college program;

4                   “(iii) information concerning, and as-  
5                   sistance in obtaining, available student fi-  
6                   nancial aid;

7                   “(iv) counseling services; and

8                   “(v) job placement services.

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

14           “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
15 tion shall be construed to prohibit a school that receives  
16 funds under subsection (a) from serving neglected and de-  
17 linquent children and youth simultaneously with students  
18 with similar educational needs, in the same educational  
19 settings where appropriate.

20 **“SEC. 1159. TECHNICAL ASSISTANCE.**

21           “The Secretary shall reserve not more than 1 percent  
22 of the amount reserved under section 1141 to provide  
23 technical assistance to and support State agency programs  
24 assisted under this chapter.

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

2           **“SEC. 1161. PURPOSE.**

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

6                   “(1) to carry out high quality education pro-  
7 grams to prepare children and youth for secondary  
8 school completion, training, employment, or further  
9 education;

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

13                   “(3) to operate programs in local schools for  
14 children and youth returning from correctional facili-  
15 ties, and programs which may serve at-risk children  
16 and youth.

17           **“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDU-  
18                   CATIONAL AGENCIES.**

19           “(a) LOCAL SUBGRANTS.—With funds made avail-  
20 able under section 1142(b), the State educational agency  
21 shall award subgrants to local educational agencies with  
22 high numbers or percentages of children and youth resid-  
23 ing in locally operated (including county operated) correc-  
24 tional facilities for children and youth (including facilities  
25 involved in community day programs).

1       “(b) SPECIAL RULE.—A local educational agency  
2 that serves a school operated by a correctional facility is  
3 not required to operate a program of support for children  
4 and youth returning from such school to a school that is  
5 not operated by a correctional agency but served by such  
6 local educational agency, if more than 30 percent of the  
7 children and youth attending the school operated by the  
8 correctional facility will reside outside the boundaries  
9 served by the local educational agency after leaving such  
10 facility.

11       “(c) NOTIFICATION.—A State educational agency  
12 shall notify local educational agencies within the State of  
13 the eligibility of such agencies to receive a subgrant under  
14 this chapter.

15       “(d) TRANSITIONAL AND ACADEMIC SERVICES.—  
16 Transitional and supportive programs operated in local  
17 educational agencies under this chapter shall be designed  
18 primarily to meet the transitional and academic needs of  
19 students returning to local educational agencies or alter-  
20 native education programs from correctional facilities.  
21 Services to students at-risk of dropping out of school shall  
22 not have a negative impact on meeting the transitional and  
23 academic needs of the students returning from correc-  
24 tional facilities.

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

2 “Each local educational agency desiring assistance  
3 under this chapter shall submit an application to the State  
4 educational agency that contains such information as the  
5 State educational agency may require. Each such applica-  
6 tion shall include—

7 “(1) a description of the program to be as-  
8 sisted;

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

11 “(A) the local educational agency; and

12 “(B) correctional facilities and alternative  
13 school programs serving children and youth in-  
14 volved with the juvenile justice system;

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

21 “(4) a description of the program operated by  
22 participating schools for children and youth return-  
23 ing from correctional facilities and, as appropriate,  
24 the types of services that such schools will provide  
25 such children and youth and other at-risk children  
26 and youth;

1           “(5) a description of the characteristics (includ-  
2           ing learning difficulties, substance abuse problems,  
3           and other needs) of the children and youth who will  
4           be returning from correctional facilities and, as ap-  
5           propriate, other at-risk children and youth expected  
6           to be served by the program, and a description of  
7           how the school will coordinate existing educational  
8           programs to meet the unique educational needs of  
9           such children and youth;

10           “(6) as appropriate, a description of how  
11           schools will coordinate with existing social, health,  
12           and other services to meet the needs of students re-  
13           turning from correctional facilities and at-risk chil-  
14           dren or youth, including prenatal health care and  
15           nutrition services related to the health of the parent  
16           and the child or youth, parenting and child develop-  
17           ment classes, child care, targeted reentry and out-  
18           reach programs, referrals to community resources,  
19           and scheduling flexibility;

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

24           “(8) as appropriate, a description of how the  
25           program will involve parents in efforts to improve

1 the educational achievement of their children, assist  
2 in dropout prevention activities, and prevent the in-  
3 volvement of their children in delinquent activities;

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

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

14 “(11) as appropriate, a description of how  
15 schools will work with probation officers to assist in  
16 meeting the needs of children and youth returning  
17 from correctional facilities;

18 “(12) a description of the efforts participating  
19 schools will make to ensure correctional facilities  
20 working with children and youth are aware of a  
21 child’s or youth’s existing individualized education  
22 program; and

23 “(13) as appropriate, a description of the steps  
24 participating schools will take to find alternative  
25 placements for children and youth interested in con-

1           tinuing their education but unable to participate in  
2           a traditional public school program.

3   **“SEC. 1164. USES OF FUNDS.**

4           “Funds provided to local educational agencies under  
5 this chapter may be used, as appropriate, for—

6                   “(1) programs that serve children and youth re-  
7                   turning to local schools from correctional facilities,  
8                   to assist in the transition of such children and youth  
9                   to the school environment and help them remain in  
10                  school in order to complete their education;

11                   “(2) dropout prevention programs which serve  
12                  at-risk children and youth;

13                   “(3) the coordination of health and social serv-  
14                  ices for such individuals if there is a likelihood that  
15                  the provision of such services, including day care,  
16                  drug and alcohol counseling, and mental health serv-  
17                  ices, will improve the likelihood such individuals will  
18                  complete their education;

19                   “(4) special programs to meet the unique aca-  
20                  demic needs of participating children and youth, in-  
21                  cluding career and technical education, special edu-  
22                  cation, career counseling, curriculum-based youth  
23                  entrepreneurship education, and assistance in secur-  
24                  ing student loans or grants for postsecondary edu-  
25                  cation; and

1           “(5) programs providing mentoring and peer  
2           mediation.

3   **“SEC. 1165. PROGRAM REQUIREMENTS FOR CORREC-**  
4           **TIONAL FACILITIES RECEIVING FUNDS**  
5           **UNDER THIS SECTION.**

6           “Each correctional facility entering into an agree-  
7           ment with a local educational agency under section  
8           1163(2) to provide services to children and youth under  
9           this chapter shall—

10           “(1) where feasible, ensure that educational  
11           programs in the correctional facility are coordinated  
12           with the student’s home school, particularly with re-  
13           spect to a student with an individualized education  
14           program under part B of the Individuals with Dis-  
15           abilities Education Act;

16           “(2) if the child or youth is identified as in  
17           need of special education services while in the cor-  
18           rectional facility, notify the local school of the child  
19           or youth of such need;

20           “(3) where feasible, provide transition assist-  
21           ance to help the child or youth stay in school, in-  
22           cluding coordination of services for the family, coun-  
23           seling, assistance in accessing drug and alcohol  
24           abuse prevention programs, tutoring, and family  
25           counseling;



1           “(4) provide support programs that encourage  
2 children and youth who have dropped out of school  
3 to re-enter school and obtain a regular high school  
4 diploma once their term at the correctional facility  
5 has been completed, or provide such children and  
6 youth with the skills necessary to gain employment  
7 or seek a regular high school diploma or its recog-  
8 nized equivalent;

9           “(5) work to ensure that the correctional facil-  
10 ity is staffed with effective teachers and other quali-  
11 fied staff who are trained to work with children and  
12 youth with disabilities taking into consideration the  
13 unique needs of such children and youth;

14           “(6) ensure that educational programs in the  
15 correctional facility are related to assisting students  
16 to meet the States’s academic standards;

17           “(7) to the extent possible, use technology to  
18 assist in coordinating educational programs between  
19 the correctional facility and the community school;

20           “(8) where feasible, involve parents in efforts to  
21 improve the educational achievement of their chil-  
22 dren and prevent the further involvement of such  
23 children in delinquent activities;

24           “(9) coordinate funds received under this chap-  
25 ter with other local, State, and Federal funds avail-

1 able to provide services to participating children and  
2 youth, such as funds made available under title I of  
3 Public Law 105–220, and career and technical edu-  
4 cation funds;

5 “(10) coordinate programs operated under this  
6 chapter with activities funded under the Juvenile  
7 Justice and Delinquency Prevention Act of 1974 and  
8 other comparable programs, if applicable;

9 “(11) if appropriate, work with local businesses  
10 to develop training, curriculum-based youth entre-  
11 preneurship education, and mentoring programs for  
12 children and youth; and

13 “(12) consult with the local educational agency  
14 for a period jointly determined necessary by the cor-  
15 rectional facility and local educational agency upon  
16 discharge from that facility to coordinate educational  
17 services so as to minimize disruption to the child’s  
18 or youth’s achievement.

19 **“SEC. 1166. ACCOUNTABILITY.**

20 “The State educational agency—

21 “(1) may require correctional facilities or insti-  
22 tutions for neglected or delinquent children and  
23 youth to demonstrate, after receiving assistance  
24 under this chapter for 3 years, that there has been  
25 an increase in the number of children and youth re-

1 turning to school, obtaining a regular high school di-  
2 ploma or its recognized equivalent, or obtaining em-  
3 ployment after such children and youth are released;  
4 and

5 “(2) may reduce or terminate funding for  
6 projects under this chapter if a local educational  
7 agency does not show progress in the number of  
8 children and youth obtaining a regular high school  
9 diploma or its recognized equivalent.

10 **“CHAPTER C—GENERAL PROVISIONS**

11 **“SEC. 1171. PROGRAM EVALUATIONS.**

12 “(a) SCOPE OF EVALUATION.—Each State agency or  
13 local educational agency that conducts a program under  
14 chapters A or B shall evaluate the program,  
15 disaggregating data on participation by gender, race, eth-  
16 nicity, and age, not less than once every 3 years, to deter-  
17 mine the program’s impact on the ability of participants—

18 “(1) to maintain and improve educational  
19 achievement;

20 “(2) to accrue school credits that meet State re-  
21 quirements for grade promotion and high school  
22 graduation;

23 “(3) to make the transition to a regular pro-  
24 gram or other education program operated by a local  
25 educational agency;

1           “(4) to complete high school (or high school  
2           equivalency requirements) and obtain employment  
3           after leaving the correctional facility or institution  
4           for neglected or delinquent children and youth; and

5           “(5) as appropriate, to participate in postsec-  
6           ondary education and job training programs.

7           “(b) EXCEPTION.—The disaggregation required  
8           under subsection (a) shall not be required in a case in  
9           which the number of students in a category is insufficient  
10          to yield statistically reliable information or the results  
11          would reveal personally identifiable information about an  
12          individual student.

13          “(c) EVALUATION MEASURES.—In conducting each  
14          evaluation under subsection (a), a State agency or local  
15          educational agency shall use multiple and appropriate  
16          measures of student progress.

17          “(d) EVALUATION RESULTS.—Each State agency  
18          and local educational agency shall—

19                 “(1) submit evaluation results to the State edu-  
20                 cational agency and the Secretary; and

21                 “(2) use the results of evaluations under this  
22                 section to plan and improve subsequent programs  
23                 for participating children and youth.

24          **“SEC. 1172. DEFINITIONS.**

25          “In this subpart:

1           “(1) ADULT CORRECTIONAL INSTITUTION.—

2           The term ‘adult correctional institution’ means a fa-  
3           cility in which persons (including persons under 21  
4           years of age) are confined as a result of a conviction  
5           for a criminal offense.

6           “(2) AT-RISK.—The term ‘at-risk’, when used  
7           with respect to a child, youth, or student, means a  
8           school-aged individual who

9                   “(A) is at-risk of academic failure; and

10                   “(B) has a drug or alcohol problem, is  
11                   pregnant or is a parent, has come into contact  
12                   with the juvenile justice system in the past, is  
13                   at least 1 year behind the expected grade level  
14                   for the age of the individual, is an English  
15                   learner, is a gang member, has dropped out of  
16                   school in the past, or has a high absenteeism  
17                   rate at school.

18           “(3) COMMUNITY DAY PROGRAM.—The term  
19           ‘community day program’ means a regular program  
20           of instruction provided by a State agency at a com-  
21           munity day school operated specifically for neglected  
22           or delinquent children and youth.

23           “(4) INSTITUTION FOR NEGLECTED OR DELIN-  
24           QUENT CHILDREN AND YOUTH.—The term ‘institu-

1       tion for neglected or delinquent children and youth’  
2       means—

3               “(A) a public or private residential facility,  
4               other than a foster home, that is operated for  
5               the care of children who have been committed  
6               to the institution or voluntarily placed in the in-  
7               stitution under applicable State law, due to  
8               abandonment, neglect, or death of their parents  
9               or guardians; or

10              “(B) a public or private residential facility  
11              for the care of children who have been adju-  
12              dicated to be delinquent or in need of super-  
13              vision.

14   “SUBPART 4—ENGLISH LANGUAGE ACQUISITION, LAN-  
15       GUAGE ENHANCEMENT, AND ACADEMIC ACHIEVE-  
16       MENT

17   **“SEC. 1181. PURPOSES.**

18       “The purposes of this subpart are—

19              “(1) to help ensure that English learners, in-  
20              cluding immigrant children and youth, attain  
21              English proficiency and develop high levels of aca-  
22              demic achievement in English;

23              “(2) to assist all English learners, including im-  
24              migrant children and youth, to achieve at high levels  
25              in the core academic subjects so that those children

1 can meet the same State academic standards that all  
2 children are expected to meet, consistent with sec-  
3 tion 1111(b)(1);

4 “(3) to assist State educational agencies, local  
5 educational agencies, and schools in establishing, im-  
6 plementing, and sustaining high-quality, flexible, evi-  
7 dence-based language instruction educational pro-  
8 grams designed to assist in teaching English learn-  
9 ers, including immigrant children and youth;

10 “(4) to assist State educational agencies and  
11 local educational agencies to develop and enhance  
12 their capacity to provide high-quality, evidence-based  
13 instructional programs designed to prepare English  
14 learners, including immigrant children and youth, to  
15 enter all-English instruction settings; and

16 “(5) to promote parental and community par-  
17 ticipation in language instruction educational pro-  
18 grams for the parents and communities of English  
19 learners.

20 **“CHAPTER A—GRANTS AND SUBGRANTS FOR**  
21 **ENGLISH LANGUAGE ACQUISITION AND LAN-**  
22 **GUAGE ENHANCEMENT**

23 **“SEC. 1191. FORMULA GRANTS TO STATES.**

24 “(a) IN GENERAL.—In the case of each State edu-  
25 cational agency having a plan approved by the Secretary

1 for a fiscal year under section 1192, the Secretary shall  
2 reserve 4.4 percent of funds appropriated under section  
3 3(a)(1) to make a grant for the year to the agency for  
4 the purposes specified in subsection (b). The grant shall  
5 consist of the allotment determined for the State edu-  
6 cational agency under subsection (c).

7 “(b) USE OF FUNDS.—

8 “(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The  
9 Secretary may make a grant under subsection (a)  
10 only if the State educational agency involved agrees  
11 to expend at least 95 percent of the State edu-  
12 cational agency’s allotment under subsection (c) for  
13 a fiscal year—

14 “(A) to award subgrants, from allocations  
15 under section 1193, to eligible entities to carry  
16 out the activities described in section 1194  
17 (other than subsection (e)); and

18 “(B) to award subgrants under section  
19 1193(d)(1) to eligible entities that are described  
20 in that section to carry out the activities de-  
21 scribed in section 1194(e).

22 “(2) STATE ACTIVITIES.—Subject to paragraph  
23 (3), each State educational agency receiving a grant  
24 under subsection (a) may reserve not more than 5



1 percent of the agency's allotment under subsection  
2 (c) to carry out the following activities:

3 “(A) Professional development activities,  
4 and other activities, which may include assisting  
5 personnel in—

6 “(i) meeting State and local certifi-  
7 cation and licensing requirements for  
8 teaching English learners; and

9 “(ii) improving teacher skills in meet-  
10 ing the diverse needs of English learners,  
11 including in how to implement evidence-  
12 based programs and curricula on teaching  
13 English learners.

14 “(B) Planning, evaluation, administration,  
15 and interagency coordination related to the sub-  
16 grants referred to in paragraph (1).

17 “(C) Providing technical assistance and  
18 other forms of assistance to eligible entities that  
19 are receiving subgrants from a State edu-  
20 cational agency under this chapter, including  
21 assistance in—

22 “(i) identifying and implementing evi-  
23 dence-based language instruction edu-  
24 cational programs and curricula for teach-  
25 ing English learners;

1           “(ii) helping English learners meet  
2           the same State academic standards that all  
3           children are expected to meet;

4           “(iii) identifying or developing, and  
5           implementing, measures of English pro-  
6           ficiency; and

7           “(iv) strengthening and increasing  
8           parent, family, and community engage-  
9           ment.

10          “(D) Providing recognition, which may in-  
11          clude providing financial awards, to subgrantees  
12          that have significantly improved the achieve-  
13          ment and progress of English learners in—

14               “(i) reaching English language pro-  
15               ficiency, based on the State’s English lan-  
16               guage proficiency assessment under section  
17               1111(b)(2)(D); and

18               “(ii) meeting the State academic  
19               standards under section 1111(b)(1).

20          “(3) ADMINISTRATIVE EXPENSES.—From the  
21          amount reserved under paragraph (2), a State edu-  
22          cational agency may use not more than 40 percent  
23          of such amount or \$175,000, whichever is greater,  
24          for the planning and administrative costs of carrying  
25          out paragraphs (1) and (2).

1 “(c) RESERVATIONS AND ALLOTMENTS.—

2 “(1) RESERVATIONS.—From the amount re-  
3 served under section 1191(a) for each fiscal year,  
4 the Secretary shall reserve—

5 “(A) 0.5 percent of such amount for pay-  
6 ments to outlying areas, to be allotted in ac-  
7 cordance with their respective needs for assist-  
8 ance under this chapter, as determined by the  
9 Secretary, for activities, approved by the Sec-  
10 retary, consistent with this chapter; and

11 “(B) 6.5 percent of such amount for na-  
12 tional activities under sections 1211 and 1222,  
13 except that not more than \$2,000,000 of such  
14 amount may be reserved for the National Clear-  
15 ouse for English Language Acquisition and  
16 Language Instruction Educational Programs  
17 described in section 1222.

18 “(2) STATE ALLOTMENTS.—

19 “(A) IN GENERAL.—Except as provided in  
20 subparagraph (B), from the amount reserved  
21 under section 1191(a) for each fiscal year that  
22 remains after making the reservations under  
23 paragraph (1), the Secretary shall allot to each  
24 State educational agency having a plan ap-  
25 proved under section 1192(c)—

1           “(i) an amount that bears the same  
2           relationship to 80 percent of the remainder  
3           as the number of English learners in the  
4           State bears to the number of such children  
5           in all States, as determined by data avail-  
6           able from the American Community Survey  
7           conducted by the Department of Commerce  
8           or State-reported data; and

9           “(ii) an amount that bears the same  
10          relationship to 20 percent of the remainder  
11          as the number of immigrant children and  
12          youth in the State bears to the number of  
13          such children and youth in all States, as  
14          determined based only on data available  
15          from the American Community Survey  
16          conducted by the Department of Com-  
17          merce.

18          “(B) MINIMUM ALLOTMENTS.—No State  
19          educational agency shall receive an allotment  
20          under this paragraph that is less than  
21          \$500,000.

22          “(C) REALLOTMENT.—If any State edu-  
23          cational agency described in subparagraph (A)  
24          does not submit a plan to the Secretary for a  
25          fiscal year, or submits a plan (or any amend-

1           ment to a plan) that the Secretary, after rea-  
2           sonable notice and opportunity for a hearing,  
3           determines does not satisfy the requirements of  
4           this chapter, the Secretary shall reallocate any por-  
5           tion of such allotment to the remaining State  
6           educational agencies in accordance with sub-  
7           paragraph (A).

8           “(D) SPECIAL RULE FOR PUERTO RICO.—  
9           The total amount allotted to Puerto Rico for  
10          any fiscal year under subparagraph (A) shall  
11          not exceed 0.5 percent of the total amount al-  
12          lotted to all States for that fiscal year.

13          “(3) USE OF DATA FOR DETERMINATIONS.—In  
14          making State allotments under paragraph (2) for  
15          each fiscal year, the Secretary shall determine the  
16          number of English learners in a State and in all  
17          States, using the most accurate, up-to-date data,  
18          which shall be—

19                 “(A) data from the American Community  
20                 Survey conducted by the Department of Com-  
21                 merce, which may be multiyear estimates;

22                 “(B) the number of students being as-  
23                 sessed for English language proficiency, based  
24                 on the State’s English language proficiency as-

1           assessment under section 1111(b)(2)(D), which  
2           may be multiyear estimates; or

3                   “(C) a combination of data available under  
4           subparagraphs (A) and (B).

5   **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

6           “(a) PLAN REQUIRED.—Each State educational  
7   agency desiring a grant under this chapter shall submit  
8   a plan to the Secretary at such time and in such manner  
9   as the Secretary may require.

10          “(b) CONTENTS.—Each plan submitted under sub-  
11   section (a) shall—

12                   “(1) describe the process that the agency will  
13   use in awarding subgrants to eligible entities under  
14   section 1193(d)(1);

15                   “(2) provide an assurance that—

16                           “(A) the agency will ensure that eligible  
17   entities receiving a subgrant under this chapter  
18   comply with the requirement in section  
19   1111(b)(2)(B)(x) to annually assess in English  
20   learners who have been in the United States for  
21   3 or more consecutive years;

22                           “(B) the agency will ensure that eligible  
23   entities receiving a subgrant under this chapter  
24   annually assess the English proficiency of all  
25   English learners participating in a program

1 funded under this chapter, consistent with sec-  
2 tion 1111(b)(2)(D);

3 “(C) in awarding subgrants under section  
4 1193, the agency will address the needs of  
5 school systems of all sizes and in all geographic  
6 areas, including school systems with rural and  
7 urban schools;

8 “(D) subgrants to eligible entities under  
9 section 1193(d)(1) will be of sufficient size and  
10 scope to allow such entities to carry out high-  
11 quality, evidence-based language instruction  
12 educational programs for English learners;

13 “(E) the agency will require an eligible en-  
14 tity receiving a subgrant under this chapter to  
15 use the subgrant in ways that will build such  
16 recipient’s capacity to continue to offer high-  
17 quality evidence-based language instruction edu-  
18 cational programs that assist English learners  
19 in meeting State academic standards;

20 “(F) the agency will monitor the eligible  
21 entity receiving a subgrant under this chapter  
22 for compliance with applicable Federal fiscal re-  
23 quirements; and

24 “(G) the plan has been developed in con-  
25 sultation with local educational agencies, teach-

1           ers, administrators of programs implemented  
2           under this chapter, parents, and other relevant  
3           stakeholders;

4           “(3) describe how the agency will coordinate its  
5           programs and activities under this chapter with  
6           other programs and activities under this Act and  
7           other Acts, as appropriate;

8           “(4) describe how eligible entities in the State  
9           will be given the flexibility to teach English learn-  
10          ers—

11           “(A) using a high-quality, evidence-based  
12           language instruction curriculum for teaching  
13           English learners; and

14           “(B) in the manner the eligible entities de-  
15           termine to be the most effective; and

16           “(5) describe how the agency will assist eligible  
17           entities in increasing the number of English learners  
18           who acquire English proficiency.

19          “(c) APPROVAL.—The Secretary, after using a peer  
20          review process, shall approve a plan submitted under sub-  
21          section (a) if the plan meets the requirements of this sec-  
22          tion.

23          “(d) DURATION OF PLAN.—



1           “(1) IN GENERAL.—Each plan submitted by a  
2 State educational agency and approved under sub-  
3 section (c) shall—

4           “(A) remain in effect for the duration of  
5 the agency’s participation under this chapter;  
6 and

7           “(B) be periodically reviewed and revised  
8 by the agency, as necessary, to reflect changes  
9 to the agency’s strategies and programs carried  
10 out under this subpart.

11           “(2) ADDITIONAL INFORMATION.—

12           “(A) AMENDMENTS.—If the State edu-  
13 cational agency amends the plan, the agency  
14 shall submit such amendment to the Secretary.

15           “(B) APPROVAL.—The Secretary shall ap-  
16 prove such amendment to an approved plan,  
17 unless the Secretary determines that the  
18 amendment will result in the agency not meet-  
19 ing the requirements, or fulfilling the purposes,  
20 of this subpart.

21           “(e) CONSOLIDATED PLAN.—A plan submitted under  
22 subsection (a) may be submitted as part of a consolidated  
23 plan under section 5302.

1       “(f) SECRETARY ASSISTANCE.—The Secretary shall  
2 provide technical assistance, if requested, in the develop-  
3 ment of English proficiency standards and assessments.

4       **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

5       “(a) IN GENERAL.—After making the reservation re-  
6 quired under subsection (d)(1), each State educational  
7 agency receiving a grant under section 1191(c)(2) shall  
8 award subgrants for a fiscal year by allocating in a timely  
9 manner to each eligible entity in the State having a plan  
10 approved under section 1195 an amount that bears the  
11 same relationship to the amount received under the grant  
12 and remaining after making such reservation as the popu-  
13 lation of English learners in schools served by the eligible  
14 entity bears to the population of English learners in  
15 schools served by all eligible entities in the State.

16       “(b) LIMITATION.—A State educational agency shall  
17 not award a subgrant from an allocation made under sub-  
18 section (a) if the amount of such subgrant would be less  
19 than \$10,000.

20       “(c) REALLOCATION.—Whenever a State educational  
21 agency determines that an amount from an allocation  
22 made to an eligible entity under subsection (a) for a fiscal  
23 year will not be used by the entity for the purpose for  
24 which the allocation was made, the agency shall, in accord-  
25 ance with such rules as it determines to be appropriate,

1 reallocate such amount, consistent with such subsection,  
2 to other eligible entities in the State that the agency deter-  
3 mines will use the amount to carry out that purpose.

4 “(d) REQUIRED RESERVATION.—A State educational  
5 agency receiving a grant under this chapter for a fiscal  
6 year—

7 “(1) shall reserve not more than 15 percent of  
8 the agency’s allotment under section 1191(c)(2) to  
9 award subgrants to eligible entities in the State that  
10 have experienced a significant increase, as compared  
11 to the average of the 2 preceding fiscal years, in the  
12 percentage or number of immigrant children and  
13 youth, who have enrolled, during the fiscal year pre-  
14 ceding the fiscal year for which the subgrant is  
15 made, in public and nonpublic elementary schools  
16 and secondary schools in the geographic areas under  
17 the jurisdiction of, or served by, such entities; and

18 “(2) in awarding subgrants under paragraph  
19 (1)—

20 “(A) shall equally consider eligible entities  
21 that satisfy the requirement of such paragraph  
22 but have limited or no experience in serving im-  
23 migrant children and youth; and

24 “(B) shall consider the quality of each  
25 local plan under section 1195 and ensure that

1           each subgrant is of sufficient size and scope to  
2           meet the purposes of this subpart.

3   **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

4           “(a) PURPOSES OF SUBGRANTS.—A State edu-  
5   cational agency may make a subgrant to an eligible entity  
6   from funds received by the agency under this chapter only  
7   if the entity agrees to expend the funds to improve the  
8   education of English learners, by assisting the children to  
9   learn English and meet State academic standards. In car-  
10   rying out activities with such funds, the eligible entity  
11   shall use evidence-based approaches and methodologies for  
12   teaching English learners and immigrant children and  
13   youth for the following purposes:

14           “(1) Developing and implementing new lan-  
15   guage instruction educational programs and aca-  
16   demic content instruction programs for English  
17   learners and immigrant children and youth, includ-  
18   ing programs of early childhood education, elemen-  
19   tary school programs, and secondary school pro-  
20   grams.

21           “(2) Carrying out highly focused, innovative, lo-  
22   cally designed, evidence-based activities to expand or  
23   enhance existing language instruction educational  
24   programs and academic content instruction pro-

1       grams for English learners and immigrant children  
2       and youth.

3           “(3) Implementing, within an individual school,  
4       schoolwide programs for restructuring, reforming,  
5       and upgrading all relevant programs, activities, and  
6       operations relating to language instruction edu-  
7       cational programs and academic content instruction  
8       for English learners and immigrant children and  
9       youth.

10          “(4) Implementing, within the entire jurisdic-  
11       tion of a local educational agency, agencywide pro-  
12       grams for restructuring, reforming, and upgrading  
13       all relevant programs, activities, and operations re-  
14       lating to language instruction educational programs  
15       and academic content instruction for English learn-  
16       ers and immigrant children and youth.

17          “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-  
18       tity receiving funds under section 1193(a) for a fiscal year  
19       shall use not more than 2 percent of such funds for the  
20       cost of administering this chapter.

21          “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-  
22       ble entity receiving funds under section 1193(a) shall use  
23       the funds—

24           “(1) to increase the English language pro-  
25       ficiency of English learners by providing high-qual-

1       ity, evidence-based language instruction educational  
2       programs that meet the needs of English learners  
3       and have demonstrated success in increasing—

4               “(A) English language proficiency; and

5               “(B) student academic achievement in the  
6       core academic subjects;

7       “(2) to provide high-quality, evidence-based  
8       professional development to classroom teachers (in-  
9       cluding teachers in classroom settings that are not  
10      the settings of language instruction educational pro-  
11      grams), school leaders, administrators, and other  
12      school or community-based organization personnel,  
13      that is—

14              “(A) designed to improve the instruction  
15      and assessment of English learners;

16              “(B) designed to enhance the ability of  
17      teachers and school leaders to understand and  
18      implement curricula, assessment practices and  
19      measures, and instruction strategies for English  
20      learners;

21              “(C) evidence-based in increasing chil-  
22      dren’s English language proficiency or substan-  
23      tially increasing the subject matter knowledge,  
24      teaching knowledge, and teaching skills of  
25      teachers; and

1           “(D) of sufficient intensity and duration  
2           (which shall not include activities such as one-  
3           day or short-term workshops and conferences)  
4           to have a positive and lasting impact on the  
5           teachers’ performance in the classroom, except  
6           that this subparagraph shall not apply to an ac-  
7           tivity that is one component of a long-term,  
8           comprehensive professional development plan  
9           established by a teacher and the teacher’s su-  
10          pervisor based on an assessment of the needs of  
11          the teacher, the supervisor, the students of the  
12          teacher, and any local educational agency em-  
13          ploying the teacher, as appropriate; and

14          “(3) to provide and implement other evidence-  
15          based activities and strategies that enhance or sup-  
16          plement language instruction educational programs  
17          for English learners, including parental and commu-  
18          nity engagement activities and strategies that serve  
19          to coordinate and align related programs.

20          “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-  
21          ject to subsection (c), an eligible entity receiving funds  
22          under section 1193(a) may use the funds to achieve one  
23          of the purposes described in subsection (a) by undertaking  
24          one or more of the following activities:

1           “(1) Upgrading program objectives and effective instruction strategies.

2  
3           “(2) Improving the instruction program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

4  
5  
6  
7           “(3) Providing to English learners—

8                 “(A) tutorials and academic or career education for English learners; and

9  
10                “(B) intensified instruction.

11           “(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

12  
13  
14  
15           “(5) Improving the English language proficiency and academic achievement of English learners.

16  
17  
18           “(6) Providing community participation programs, family literacy services, and parent outreach and training activities to English learners and their families—

19  
20  
21  
22                “(A) to improve the English language skills of English learners; and

23  
24                “(B) to assist parents in helping their children to improve their academic achievement



1 and becoming active participants in the edu-  
2 cation of their children.

3 “(7) Improving the instruction of English learn-  
4 ers by providing for—

5 “(A) the acquisition or development of  
6 educational technology or instructional mate-  
7 rials;

8 “(B) access to, and participation in, elec-  
9 tronic networks for materials, training, and  
10 communication; and

11 “(C) incorporation of the resources de-  
12 scribed in subparagraphs (A) and (B) into cur-  
13 ricula and programs, such as those funded  
14 under this chapter.

15 “(8) Carrying out other activities that are con-  
16 sistent with the purposes of this section.

17 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-  
18 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND  
19 YOUTH.—

20 “(1) IN GENERAL.—An eligible entity receiving  
21 funds under section 1193(d)(1) shall use the funds  
22 to pay for activities that provide enhanced instruc-  
23 tional opportunities for immigrant children and  
24 youth, which may include—

1           “(A) family literacy, parent outreach, and  
2 training activities designed to assist parents to  
3 become active participants in the education of  
4 their children;

5           “(B) support for personnel, including para-  
6 professionals who have been specifically trained,  
7 or are being trained, to provide services to im-  
8 migrant children and youth;

9           “(C) provision of tutorials, mentoring, and  
10 academic or career counseling for immigrant  
11 children and youth;

12           “(D) identification, development, and ac-  
13 quisition of curricular materials, educational  
14 software, and technologies to be used in the  
15 program carried out with awarded funds;

16           “(E) basic instruction services that are di-  
17 rectly attributable to the presence in the local  
18 educational agency involved of immigrant chil-  
19 dren and youth, including the payment of costs  
20 of providing additional classroom supplies, costs  
21 of transportation, or such other costs as are di-  
22 rectly attributable to such additional basic in-  
23 struction services;

24           “(F) other instruction services that are de-  
25 signed to assist immigrant children and youth

1 to achieve in elementary schools and secondary  
2 schools in the United States, such as programs  
3 of introduction to the educational system and  
4 civics education; and

5 “(G) activities, coordinated with commu-  
6 nity-based organizations, institutions of higher  
7 education, private sector entities, or other enti-  
8 ties with expertise in working with immigrants,  
9 to assist parents of immigrant children and  
10 youth by offering comprehensive community  
11 services.

12 “(2) DURATION OF SUBGRANTS.—The duration  
13 of a subgrant made by a State educational agency  
14 under section 1193(d)(1) shall be determined by the  
15 agency in its discretion.

16 “(f) SELECTION OF METHOD OF INSTRUCTION.—

17 “(1) IN GENERAL.—To receive a subgrant from  
18 a State educational agency under this chapter, an el-  
19 igible entity shall select one or more methods or  
20 forms of instruction to be used in the programs and  
21 activities undertaken by the entity to assist English  
22 learners to attain English language proficiency and  
23 meet State academic standards.

24 “(2) CONSISTENCY.—Such selection shall be  
25 consistent with sections 1204 through 1206.

1       “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds  
2 made available under this chapter shall be used so as to  
3 supplement the level of Federal, State, and local public  
4 funds that, in the absence of such availability, would have  
5 been expended for programs for English learners and im-  
6 migrant children and youth and in no case to supplant  
7 such Federal, State, and local public funds.

8       **“SEC. 1195. LOCAL PLANS.**

9       “(a) PLAN REQUIRED.—Each eligible entity desiring  
10 a subgrant from the State educational agency under sec-  
11 tion 1193 shall submit a plan to the State educational  
12 agency at such time, in such manner, and containing such  
13 information as the State educational agency may require.

14       “(b) CONTENTS.—Each plan submitted under sub-  
15 section (a) shall—

16               “(1) describe the evidence-based programs and  
17 activities proposed to be developed, implemented,  
18 and administered under the subgrant that will help  
19 English learners increase their English language  
20 proficiency and meet the State academic standards;

21               “(2) describe how the eligible entity will hold el-  
22 elementary schools and secondary schools receiving  
23 funds under this chapter accountable for annually  
24 assessing the English language proficiency of all

1 children participating under this subpart, consistent  
2 with section 1111(b);

3 “(3) describe how the eligible entity will pro-  
4 mote parent and community engagement in the edu-  
5 cation of English learners;

6 “(4) contain an assurance that the eligible enti-  
7 ty consulted with teachers, researchers, school ad-  
8 ministrators, parents and community members, pub-  
9 lic or private organizations, and institutions of high-  
10 er education, in developing and implementing such  
11 plan;

12 “(5) describe how language instruction edu-  
13 cational programs carried out under the subgrant  
14 will ensure that English learners being served by the  
15 programs develop English language proficiency; and

16 “(6) contain assurances that—

17 “(A) each local educational agency that is  
18 included in the eligible entity is complying with  
19 section 1112(g) prior to, and throughout, each  
20 school year; and

21 “(B) the eligible entity is not in violation  
22 of any State law, including State constitutional  
23 law, regarding the education of English learn-  
24 ers, consistent with sections 1205 and 1206.

1           “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible  
2 entity receiving a subgrant under section 1193 shall in-  
3 clude in its plan a certification that all teachers in any  
4 language instruction educational program for English  
5 learners that is, or will be, funded under this subpart are  
6 fluent in English and any other language used for instruc-  
7 tion, including having written and oral communications  
8 skills.

9                           **“CHAPTER B—ADMINISTRATION**

10 **“SEC. 1201. REPORTING.**

11           “(a) **IN GENERAL.**—Each eligible entity that receives  
12 a subgrant from a State educational agency under chapter  
13 A shall provide such agency, at the conclusion of every  
14 second fiscal year during which the subgrant is received,  
15 with a report, in a form prescribed by the agency, on the  
16 activities conducted and students served under this sub-  
17 part that includes—

18                   “(1) a description of the programs and activi-  
19 ties conducted by the entity with funds received  
20 under chapter A during the two immediately pre-  
21 ceding fiscal years, including how such programs  
22 and activities supplemented programs funded pri-  
23 marily with State or local funds;

1           “(2) a description of the progress made by  
2 English learners in learning the English language  
3 and in meeting State academic standards;

4           “(3) the number and percentage of English  
5 learners in the programs and activities attaining  
6 English language proficiency based on the State  
7 English language proficiency standards established  
8 under section 1111(b)(1)(E) by the end of each  
9 school year, as determined by the State’s English  
10 language proficiency assessment under section  
11 1111(b)(2)(D);

12           “(4) the number of English learners who exit  
13 the language instruction educational programs based  
14 on their attainment of English language proficiency  
15 and transitioned to classrooms not tailored for  
16 English learners;

17           “(5) a description of the progress made by  
18 English learners in meeting the State academic  
19 standards for each of the 2 years after such children  
20 are no longer receiving services under this subpart;

21           “(6) the number and percentage of English  
22 learners who have not attained English language  
23 proficiency within five years of initial classification  
24 as an English learner and first enrollment in the  
25 local educational agency; and

1           “(7) any such other information as the State  
2           educational agency may require.

3           “(b) USE OF REPORT.—A report provided by an eli-  
4           gible entity under subsection (a) shall be used by the enti-  
5           ty and the State educational agency—

6           “(1) to determine the effectiveness of programs  
7           and activities in assisting children who are English  
8           learners—

9           “(A) to attain English language pro-  
10           ficiency; and

11           “(B) to make progress in meeting State  
12           academic standards under section 1111(b)(1);  
13           and

14           “(2) upon determining the effectiveness of pro-  
15           grams and activities based on the criteria in para-  
16           graph (1), to decide how to improve programs.

17   **“SEC. 1202. ANNUAL REPORT.**

18           “(a) STATES.—Based upon the reports provided to  
19           a State educational agency under section 1201, each such  
20           agency that receives a grant under this subpart shall pre-  
21           pare and submit annually to the Secretary a report on pro-  
22           grams and activities carried out by the State educational  
23           agency under this subpart and the effectiveness of such  
24           programs and activities in improving the education pro-  
25           vided to English learners.



1       “(b) SECRETARY.—Annually, the Secretary shall pre-  
2 pare and submit to the Committee on Education and the  
3 Workforce of the House of Representatives and the Com-  
4 mittee on Health, Education, Labor, and Pensions of the  
5 Senate a report—

6           “(1) on programs and activities carried out to  
7 serve English learners under this subpart, and the  
8 effectiveness of such programs and activities in im-  
9 proving the academic achievement and English lan-  
10 guage proficiency of English learners;

11           “(2) on the types of language instruction edu-  
12 cational programs used by local educational agencies  
13 or eligible entities receiving funding under this sub-  
14 part to teach English learners;

15           “(3) containing a critical synthesis of data re-  
16 ported by eligible entities to States under section  
17 1201(a);

18           “(4) containing a description of technical assist-  
19 ance and other assistance provided by State edu-  
20 cational agencies under section 1191(b)(2)(C);

21           “(5) containing an estimate of the number of  
22 effective teachers working in language instruction  
23 educational programs and educating English learn-  
24 ers, and an estimate of the number of such teachers  
25 that will be needed for the succeeding 5 fiscal years;

1           “(6) containing the number of programs or ac-  
2           tivities, if any, that were terminated because the en-  
3           tities carrying out the programs or activities were  
4           not able to reach program goals;

5           “(7) containing the number of English learners  
6           served by eligible entities receiving funding under  
7           this subpart who were transitioned out of language  
8           instruction educational programs funded under this  
9           subpart into classrooms where instruction is not tai-  
10          lored for English learners; and

11          “(8) containing other information gathered  
12          from other reports submitted to the Secretary under  
13          this subpart when applicable.

14   **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

15          “In order to maximize Federal efforts aimed at serv-  
16          ing the educational needs of English learners, the Sec-  
17          retary shall coordinate and ensure close cooperation with  
18          other entities carrying out programs serving language-mi-  
19          nority and English learners that are administered by the  
20          Department and other agencies.

21   **“SEC. 1204. RULES OF CONSTRUCTION.**

22          “Nothing in this subpart shall be construed—

23                  “(1) to prohibit a local educational agency from  
24          serving English learners simultaneously with chil-

1       dren with similar educational needs, in the same  
2       educational settings where appropriate;

3               “(2) to require a State or a local educational  
4       agency to establish, continue, or eliminate any par-  
5       ticular type of instructional program for English  
6       learners; or

7               “(3) to limit the preservation or use of Native  
8       American languages.

9       **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

10       “Nothing in this subpart shall be construed to negate  
11       or supersede State law, or the legal authority under State  
12       law of any State agency, State entity, or State public offi-  
13       cial, over programs that are under the jurisdiction of the  
14       State agency, entity, or official.

15       **“SEC. 1206. CIVIL RIGHTS.**

16       “Nothing in this subpart shall be construed in a man-  
17       ner inconsistent with any Federal law guaranteeing a civil  
18       right.

19       **“SEC. 1207. PROHIBITION.**

20       “In carrying out this subpart, the Secretary shall nei-  
21       ther mandate nor preclude the use of a particular cur-  
22       ricular or pedagogical approach to educating English  
23       learners.

1 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND**  
2 **PUERTO RICO.**

3 “Notwithstanding any other provision of this subpart,  
4 programs authorized under this subpart that serve Native  
5 American (including Native American Pacific Islander)  
6 children and children in the Commonwealth of Puerto Rico  
7 may include programs of instruction, teacher training,  
8 curriculum development, evaluation, and assessment de-  
9 signed for Native American children learning and studying  
10 Native American languages and children of limited Span-  
11 ish proficiency, except that an outcome of programs serv-  
12 ing such children shall be increased English proficiency  
13 among such children.

14 **“CHAPTER C—NATIONAL ACTIVITIES**

15 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**  
16 **PROJECT.**

17 “The Secretary shall use funds made available under  
18 section 1191(e)(1)(B) to award grants on a competitive  
19 basis, for a period of not more than 5 years, to institutions  
20 of higher education or public or private organizations with  
21 relevant experience and capacity (in consortia with State  
22 educational agencies or local educational agencies) to pro-  
23 vide for professional development activities that will im-  
24 prove classroom instruction for English learners and assist  
25 educational personnel working with such children to meet  
26 high professional standards, including standards for cer-

1 tification and licensure as teachers who work in language  
2 instruction educational programs or serve English learn-  
3 ers. Grants awarded under this subsection may be used—

4           “(1) for preservice, evidence-based professional  
5 development programs that will assist local schools  
6 and institutions of higher education to upgrade the  
7 qualifications and skills of educational personnel who  
8 are not certified or licensed, especially educational  
9 paraprofessionals;

10           “(2) for the development of curricula or other  
11 instructional strategies appropriate to the needs of  
12 the consortia participants involved;

13           “(3) to support strategies that strengthen and  
14 increase parent and community member engagement  
15 in the education of English learners; and

16           “(4) to share and disseminate evidence-based  
17 practices in the instruction of English learners and  
18 in increasing their student achievement.

## 19           **“CHAPTER D—GENERAL PROVISIONS**

### 20           **“SEC. 1221. DEFINITIONS.**

21           “Except as otherwise provided, in this subpart:

22           “(1) CHILD.—The term ‘child’ means any indi-  
23 vidual aged 3 through 21.

24           “(2) COMMUNITY-BASED ORGANIZATION.—The  
25 term ‘community-based organization’ means a pri-

1 vate nonprofit organization of demonstrated effec-  
2 tiveness, Indian tribe, or tribally sanctioned edu-  
3 cational authority, that is representative of a com-  
4 munity or significant segments of a community and  
5 that provides educational or related services to indi-  
6 viduals in the community. Such term includes a Na-  
7 tive Hawaiian or Native American Pacific Islander  
8 native language educational organization.

9 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
10 tity’ means—

11 “(A) one or more local educational agen-  
12 cies; or

13 “(B) one or more local educational agen-  
14 cies, in consortia (or collaboration) with an in-  
15 stitution of higher education, community-based  
16 organization, or State educational agency.

17 “(4) IMMIGRANT CHILDREN AND YOUTH.—The  
18 term ‘immigrant children and youth’ means individ-  
19 uals who—

20 “(A) are age 3 through 21;

21 “(B) were not born in any State; and

22 “(C) have not been attending one or more  
23 schools in any one or more States for more  
24 than 3 full academic years.

1           “(5) INDIAN TRIBE.—The term ‘Indian tribe’  
2 means any Indian tribe, band, nation, or other orga-  
3 nized group or community, including any Native vil-  
4 lage or Regional Corporation or Village Corporation  
5 as defined in or established pursuant to the Alaska  
6 Native Claims Settlement Act, that is recognized as  
7 eligible for the special programs and services pro-  
8 vided by the United States to Indians because of  
9 their status as Indians.

10           “(6) LANGUAGE INSTRUCTION EDUCATIONAL  
11 PROGRAM.—The term ‘language instruction edu-  
12 cational program’ means an instruction course—

13           “(A) in which an English learner is placed  
14 for the purpose of developing and attaining  
15 English language proficiency, while meeting  
16 State academic standards, as required by sec-  
17 tion 1111(b)(1); and

18           “(B) that may make instructional use of  
19 both English and a child’s native language to  
20 enable the child to develop and attain English  
21 language proficiency, and may include the par-  
22 ticipation of English language proficient chil-  
23 dren if such course is designed to enable all  
24 participating children to become proficient in  
25 English and a second language.

1           “(7) NATIVE AMERICAN AND NATIVE AMERICAN  
2           LANGUAGE.—The terms ‘Native American’ and ‘Na-  
3           tive American language’ shall have the meanings  
4           given such terms in section 103 of the Native Amer-  
5           ican Languages Act.

6           “(8) NATIVE LANGUAGE.—The term ‘native  
7           language’, when used with reference to English  
8           learner, means—

9                   “(A) the language normally used by such  
10                  individual; or

11                   “(B) in the case of a child or youth, the  
12                  language normally used by the parents of the  
13                  child or youth.

14           “(9) PARAPROFESSIONAL.—The term ‘para-  
15           professional’ means an individual who is employed in  
16           a preschool, elementary school, or secondary school  
17           under the supervision of a certified or licensed teach-  
18           er, including individuals employed in language in-  
19           struction educational programs, special education,  
20           and migratory education.

21           “(10) STATE.—The term ‘State’ means each of  
22           the 50 States, the District of Columbia, and the  
23           Commonwealth of Puerto Rico.



1 **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

2 “The Secretary shall establish and support the oper-  
3 ation of a National Clearinghouse for English Language  
4 Acquisition and Language Instruction Educational Pro-  
5 grams, which shall collect, analyze, synthesise, and dis-  
6 seminate information about language instruction edu-  
7 cational programs for English learners, and related pro-  
8 grams. The National Clearinghouse shall—

9 “(1) be administered as an adjunct clearing-  
10 house of the Educational Resources Information  
11 Center Clearinghouses system supported by the In-  
12 stitute of Education Sciences;

13 “(2) coordinate activities with Federal data and  
14 information clearinghouses and entities operating  
15 Federal dissemination networks and systems;

16 “(3) develop a system for improving the oper-  
17 ation and effectiveness of federally funded language  
18 instruction educational programs; and

19 “(4) collect and disseminate information on—

20 “(A) educational research and processes  
21 related to the education of English learners;  
22 and

23 “(B) accountability systems that monitor  
24 the academic progress of English learners in  
25 language instruction educational programs, in-  
26 cluding information on academic content and

1 English language proficiency assessments for  
2 language instruction educational programs; and  
3 “(5) publish, on an annual basis, a list of grant  
4 recipients under this subpart.

5 **“SEC. 1223. REGULATIONS.**

6 “In developing regulations under this subpart, the  
7 Secretary shall consult with State educational agencies  
8 and local educational agencies, organizations representing  
9 English learners, and organizations representing teachers  
10 and other personnel involved in the education of English  
11 learners.

12 “SUBPART 5—RURAL EDUCATION ACHIEVEMENT  
13 PROGRAM

14 **“SEC. 1230. PURPOSE.**

15 “It is the purpose of this subpart to address the  
16 unique needs of rural school districts that frequently—

17 “(1) lack the personnel and resources needed to  
18 compete effectively for Federal competitive grants;  
19 and

20 “(2) receive formula grant allocations in  
21 amounts too small to be effective in meeting their in-  
22 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 .55 of one percent to award grants to eligible local  
7 educational agencies to enable the local educational agen-  
8 cies to carry out activities authorized under any of the  
9 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-  
26 tendance at the schools served by the local edu-

1 cational agency, plus \$20,000, except that the initial  
2 amount may not exceed \$60,000.

3 “(3) RATABLE ADJUSTMENT.—

4 “(A) IN GENERAL.—If the amount made  
5 available to carry out this section for any fiscal  
6 year is not sufficient to pay in full the amounts  
7 that local educational agencies are eligible to re-  
8 ceive under paragraph (1) for such year, the  
9 Secretary shall ratably reduce such amounts for  
10 such year.

11 “(B) ADDITIONAL AMOUNTS.—If addi-  
12 tional funds become available for making pay-  
13 ments under paragraph (1) for such fiscal year,  
14 payments that were reduced under subpara-  
15 graph (A) shall be increased on the same basis  
16 as such payments were reduced.

17 “(c) DISBURSEMENT.—The Secretary shall disburse  
18 the funds awarded to a local educational agency under this  
19 section for a fiscal year not later than July 1 of that fiscal  
20 year.

21 “(d) ELIGIBILITY.—

22 “(1) IN GENERAL.—A local educational agency  
23 shall be eligible to use the applicable funding in ac-  
24 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 2013, 75 percent of  
8                   the amount such agency received for fiscal year  
9                   2012;

10                   “(B) for fiscal year 2014, 50 percent of  
11                   the amount such agency received for fiscal year  
12                   2012; and

13                   “(C) for fiscal year 2015, 25 percent of  
14                   the amount such agency received for fiscal year  
15                   2012.

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 SCHOOL**  
21                                   **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 .55 of one percent to 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 awards

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.

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 “(a) STATE REPORT.—Each State educational agen-  
14 cy or specially qualified agency that receives a grant under  
15 this chapter shall prepare and submit an annual report  
16 to the Secretary. The 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           “(3) the degree to which progress has been  
2           made toward having all students meet the State aca-  
3           demic standards under section 1111(b)(1).

4           “(b) REPORT TO CONGRESS.—The Secretary shall  
5           prepare and submit to the Committee on Education and  
6           the Workforce of the House of Representatives and the  
7           Committee on Health, Education, Labor, and Pensions of  
8           the Senate a biennial report. The report shall describe—

9                   “(1) how State local educational agencies, local  
10           educational agencies, and schools used funds pro-  
11           vided under this chapter; and

12                   “(2) the degree to which progress has been  
13           made toward having all students meet the State aca-  
14           demic standards under section 1111(b)(1).

15   **“SEC. 1239. CHOICE OF PARTICIPATION.**

16           “(a) IN GENERAL.—If a local educational agency is  
17           eligible for funding under chapters A and B of this sub-  
18           part, such local educational agency may receive funds  
19           under either chapter A or chapter B for a fiscal year, but  
20           may not receive funds under both chapters.

21           “(b) NOTIFICATION.—A local educational agency eli-  
22           gible for both chapters A and B of this subpart shall notify  
23           the Secretary and the State educational agency under  
24           which of such chapters such local educational agency in-

1 tends to receive funds for a fiscal year by a date that is  
2 established by the Secretary for the notification.

3 **“CHAPTER C—GENERAL PROVISIONS**

4 **“SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETER-**  
5 **MINATION.**

6 “(a) CENSUS DETERMINATION.—Each local edu-  
7 cational agency desiring a grant under section 1231 and  
8 each local educational agency or specially qualified agency  
9 desiring a grant under chapter B shall—

10 “(1) not later than December 1 of each year,  
11 conduct a census to determine the number of stu-  
12 dents in average daily attendance in kindergarten  
13 through grade 12 at the schools served by the agen-  
14 cy; and

15 “(2) not later than March 1 of each year, sub-  
16 mit the number described in paragraph (1) to the  
17 Secretary (and to the State educational agency, in  
18 the case of a local educational agency seeking a  
19 grant under subpart 2).

20 “(b) PENALTY.—If the Secretary determines that a  
21 local educational agency or specially qualified agency has  
22 knowingly submitted false information under subsection  
23 (a) for the purpose of gaining additional funds under sec-  
24 tion 1231 or chapter B, then the agency shall be fined  
25 an amount equal to twice the difference between the

1 amount the agency received under this section and the cor-  
2 rect amount the agency would have received under section  
3 1231 or chapter B if the agency had submitted accurate  
4 information under subsection (a).

5 **“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

6 “Funds made available under chapter A or chapter  
7 B shall be used to supplement, and not supplant, any  
8 other Federal, State, or local education funds.

9 **“SEC. 1243. RULE OF CONSTRUCTION.**

10 “Nothing in this subpart shall be construed to pro-  
11 hibit a local educational agency that enters into coopera-  
12 tive arrangements with other local educational agencies for  
13 the provision of special, compensatory, or other education  
14 services, pursuant to State law or a written agreement,  
15 from entering into similar arrangements for the use, or  
16 the coordination of the use, of the funds made available  
17 under this subpart.

18 **“SUBPART 6—INDIAN EDUCATION**

19 **“SEC. 1251. STATEMENT OF POLICY.**

20 “It is the policy of the United States to fulfill the  
21 Federal Government’s unique and continuing trust rela-  
22 tionship with and responsibility to the Indian people for  
23 the education of Indian children. The Federal Government  
24 will continue to work with local educational agencies, In-  
25 dian tribes and organizations, postsecondary institutions,

1 and other entities toward the goal of ensuring that pro-  
2 grams that serve Indian children are of the highest quality  
3 and provide for not only the basic elementary and sec-  
4 ondary educational needs, but also the unique educational  
5 and culturally related academic needs of these children.

6 **“SEC. 1252. PURPOSE.**

7       “(a) PURPOSE.—It is the purpose of this subpart to  
8 support the efforts of local educational agencies, Indian  
9 tribes and organizations, postsecondary institutions, and  
10 other entities—

11               “(1) to meet the unique educational and cul-  
12 turally related academic needs of American Indian  
13 and Alaska Native students, so that such students  
14 can meet the State academic standards that all stu-  
15 dents are expected to meet; and

16               “(2) to ensure that school leaders, teachers, and  
17 other staff who serve Indian and Alaska Native stu-  
18 dents have the ability and training to provide appro-  
19 priate instruction to meet the unique academic needs  
20 of such students.

21 **“CHAPTER A—FORMULA GRANTS TO LOCAL**  
22 **EDUCATIONAL AGENCIES**

23 **“SEC. 1261. PURPOSE.**

24       “It is the purpose of this chapter to support local  
25 educational agencies in their efforts to reform elementary



1 school and secondary school programs that serve Indian  
2 students in order to ensure that such programs are de-  
3 signed to—

4 “(1) meet the unique educational needs of such  
5 students; and

6 “(2) ensure that such students have the oppor-  
7 tunity to meet the State academic standards.

8 **“SEC. 1262. GRANTS TO LOCAL EDUCATIONAL AGENCIES**  
9 **AND TRIBES.**

10 “(a) IN GENERAL.—From amounts appropriated  
11 under section 3(a)(1), the Secretary shall reserve .6 of one  
12 percent to local educational agencies and Indian tribes in  
13 accordance with this section and section 1263.

14 “(b) LOCAL EDUCATIONAL AGENCIES.—

15 “(1) ENROLLMENT REQUIREMENTS.—A local  
16 educational agency shall be eligible for a grant under  
17 this chapter for any fiscal year if the number of In-  
18 dian children eligible under section 1267 who were  
19 enrolled in the schools of the agency, and to whom  
20 the agency provided free public education, during  
21 the preceding fiscal year—

22 “(A) was at least 10; or

23 “(B) constituted not less than 25 percent  
24 of the total number of individuals enrolled in  
25 the schools of such agency.

1           “(2) EXCLUSION.—The requirement of para-  
2           graph (1) shall not apply in Alaska, California, or  
3           Oklahoma, or with respect to any local educational  
4           agency located on, or in proximity to, an Indian res-  
5           ervation.

6           “(c) INDIAN TRIBES.—

7           “(1) IN GENERAL.—If a local educational agen-  
8           cy that is otherwise eligible for a grant under this  
9           chapter does not establish a committee under section  
10          1264(c)(4) for such grant, an Indian tribe or a con-  
11          sortium of such entities that represents not less than  
12           $\frac{1}{3}$  of the eligible Indian children who are served by  
13          such local educational agency may apply for such  
14          grant.

15          “(2) SPECIAL RULE.—The Secretary shall treat  
16          each Indian tribe or consortium of such entities ap-  
17          plying for a grant pursuant to paragraph (1) as if  
18          such Indian tribe were a local educational agency for  
19          purposes of this chapter, except that any such tribe  
20          is not subject to section 1264(c)(4) or section 1269.

21          “(3) ELIGIBILITY.—If more than 1 Indian tribe  
22          qualifies to apply for a grant under paragraph (1),  
23          the entity that represents the most eligible Indian  
24          children who are served by the local educational

1       agency shall be eligible to receive the grant or the  
2       tribes may choose to apply in consortium.

3       **“SEC. 1263. AMOUNT OF GRANTS.**

4       “(a) AMOUNT OF GRANT AWARDS.—

5               “(1) IN GENERAL.—Except as provided in sub-  
6       section (b) and paragraph (2), the Secretary shall  
7       allocate to each local educational agency that has an  
8       approved application under this chapter an amount  
9       equal to the product of—

10               “(A) the number of Indian children who  
11       are eligible under section 1267 and served by  
12       such agency; and

13               “(B) the greater of—

14                       “(i) the average per pupil expenditure  
15       of the State in which such agency is lo-  
16       cated; or

17                       “(ii) 80 percent of the average per  
18       pupil expenditure of all the States.

19               “(2) REDUCTION.—The Secretary shall reduce  
20       the amount of each allocation otherwise determined  
21       under this section in accordance with subsection (e).

22       “(b) MINIMUM GRANT.—

23               “(1) IN GENERAL.—Notwithstanding subsection  
24       (e), an entity that is eligible for a grant under sec-  
25       tion 1262, and a school that is operated or sup-

1       ported by the Bureau of Indian Education that is el-  
2       igible for a grant under subsection (d), that submits  
3       an application that is approved by the Secretary,  
4       shall, subject to appropriations, receive a grant  
5       under this chapter in an amount that is not less  
6       than \$3,000.

7           “(2) CONSORTIA.—Local educational agencies  
8       may form a consortium with other local educational  
9       agencies or Indian tribes for the purpose of obtain-  
10      ing grants under this chapter.

11          “(3) INCREASE.—The Secretary may increase  
12      the minimum grant under paragraph (1) to not  
13      more than \$4,000 for all grantees if the Secretary  
14      determines such an increase is necessary to ensure  
15      the quality of the programs provided.

16          “(c) DEFINITION.—For the purpose of this section,  
17      the term ‘average per pupil expenditure’, used with respect  
18      to a State, means an amount equal to—

19           “(1) the sum of the aggregate current expendi-  
20      tures of all the local educational agencies in the  
21      State, plus any direct current expenditures by the  
22      State for the operation of such agencies, without re-  
23      gard to the sources of funds from which such local  
24      or State expenditures were made, during the second

1 fiscal year preceding the fiscal year for which the  
2 computation is made; divided by

3 “(2) the aggregate number of children who  
4 were included in average daily attendance for whom  
5 such agencies provided free public education during  
6 such preceding fiscal year.

7 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE  
8 BUREAU OF INDIAN EDUCATION.—

9 “(1) IN GENERAL.—Subject to subsection (e),  
10 in addition to the grants awarded under subsection  
11 (a), the Secretary shall allocate to the Secretary of  
12 the Interior an amount equal to the product of—

13 “(A) the total number of Indian children  
14 enrolled in schools that are operated by—

15 “(i) the Bureau of Indian Education;

16 or

17 “(ii) an Indian tribe, or an organiza-  
18 tion controlled or sanctioned by an Indian  
19 tribal government, for the children of that  
20 tribe under a contract with, or grant from,  
21 the Department of the Interior under the  
22 Indian Self-Determination Act or the Trib-  
23 ally Controlled Schools Act of 1988; and

24 “(B) the greater of—

1                   “(i) the average per pupil expenditure  
2                   of the State in which the school is located;

3                   or

4                   “(ii) 80 percent of the average per  
5                   pupil expenditure of all the States.

6                   “(2) SPECIAL RULE.—Any school described in  
7                   paragraph (1)(A) that wishes to receive an allocation  
8                   under this chapter shall submit an application in ac-  
9                   cordance with section 1264, and shall otherwise be  
10                  treated as a local educational agency for the purpose  
11                  of this chapter, except that such school shall not be  
12                  subject to section 1264(c)(4) or section 1269.

13                  “(e) RATABLE REDUCTIONS.—If the sums reserved  
14                  for any fiscal year under section 1262(a) are insufficient  
15                  to pay in full the amounts determined for local educational  
16                  agencies under subsection (a)(1) and for the Secretary of  
17                  the Interior under subsection (d), each of those amounts  
18                  shall be ratably reduced.

19                  **“SEC. 1264. APPLICATIONS.**

20                  “(a) APPLICATION REQUIRED.—Each local edu-  
21                  cational agency that desires to receive a grant under this  
22                  chapter shall submit an application to the Secretary at  
23                  such time and in such manner as the Secretary may rea-  
24                  sonably require.

1       “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each  
2 application submitted under subsection (a) shall include  
3 a description of a comprehensive program for meeting the  
4 needs of Indian children served by the local educational  
5 agency, including the language and cultural needs of the  
6 children, that—

7           “(1) describes how the comprehensive program  
8 will offer programs and activities to meet the cul-  
9 turally related academic needs of American Indian  
10 and Alaska Native students;

11           “(2)(A) is aligned with and supports the State  
12 and local plans submitted under other provisions of  
13 this Act; and

14           “(B) includes academic standards for such chil-  
15 dren that are based on the State academic standards  
16 adopted under subpart 1 for all children;

17           “(3) explains how the local educational agency  
18 will use the funds made available under this chapter  
19 to supplement other Federal, State, and local pro-  
20 grams, especially programs carried out under sub-  
21 part 1, to meet the needs of such students;

22           “(4) demonstrates how funds made available  
23 under this chapter will be used for activities de-  
24 scribed in section 1265;

1           “(5) describes the professional development op-  
2           portunities that will be provided, as needed, to en-  
3           sure that—

4                   “(A) teachers, school leaders, and other  
5           school professionals who are new to the Indian  
6           community are prepared to work with Indian  
7           children; and

8                   “(B) all teachers who will be involved in  
9           programs assisted under this chapter have been  
10          properly trained to carry out such programs;  
11          and

12          “(6) describes how the local educational agen-  
13          cy—

14                   “(A) will periodically assess the progress of  
15          all Indian children enrolled in the schools of the  
16          local educational agency, including Indian chil-  
17          dren who do not participate in programs as-  
18          sisted under this chapter, in meeting the stand-  
19          ards described in paragraph (2);

20                   “(B) will provide the results of each as-  
21          sessment referred to in subparagraph (A) to—

22                           “(i) the committee described in sub-  
23          section (c)(4); and



1                   “(ii) the community, including Indian  
2                   tribes, whose children are served by the  
3                   local educational agency; and

4                   “(C) is responding to findings of any pre-  
5                   vious assessments that are similar to the as-  
6                   sessments described in subparagraph (A); and

7                   “(7) describes the processes the local edu-  
8                   cational agency used to collaborate with Indian  
9                   tribes in the community in the development of the  
10                  comprehensive programs.

11               “(c) ASSURANCES.—Each application submitted  
12 under subsection (a) shall include assurances that—

13                   “(1) the local educational agency will use funds  
14                   received under this chapter only to supplement the  
15                   funds that, in the absence of the Federal funds  
16                   made available under this chapter, such agency  
17                   would make available for the education of Indian  
18                   children, and not to supplant such funds;

19                   “(2) the local educational agency will prepare  
20                   and submit to the Secretary such reports in such  
21                   form as the Secretary may require to—

22                   “(A) carry out the functions of the Sec-  
23                   retary under this chapter; and

24                   “(B) determine the extent to which activi-  
25                   ties carried out with funds provided to the local

1 educational agency under this chapter are effective in improving the educational achievement  
2 of Indian students served by such agency;  
3

4 “(3) the program for which assistance is  
5 sought—

6 “(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs  
7 of the American Indian and Alaska Native students for whom the local educational agency is  
8 providing an education;  
9

10 “(B) will use the best available talents and resources, including individuals from the Indian  
11 community; and  
12

13 “(C) was developed by such agency in open consultation with parents of Indian children  
14 and teachers, and, if appropriate, Indian students from secondary schools, including through  
15 public hearings held by such agency to provide to the individuals described in this subparagraph  
16 a full opportunity to understand the program and to offer recommendations regarding  
17 the program; and  
18  
19  
20  
21  
22  
23

1           “(4) the local educational agency developed the  
2           program with the participation and written approval  
3           of a committee—

4                   “(A) that is composed of, and selected  
5                   by—

6                           “(i) parents of Indian children in the  
7                           local educational agency’s schools;

8                           “(ii) teachers in the schools; and

9                           “(iii) if appropriate, Indian students  
10                          attending secondary schools of the agency;

11                          “(B) a majority of whose members are  
12                          parents of Indian children;

13                          “(C) that has set forth such policies and  
14                          procedures, including policies and procedures  
15                          relating to the hiring of personnel, as will en-  
16                          sure that the program for which assistance is  
17                          sought will be operated and evaluated in con-  
18                          sultation with, and with the involvement of,  
19                          parents of the children, and representatives of  
20                          the area, to be served;

21                          “(D) with respect to an application de-  
22                          scribing a schoolwide program in accordance  
23                          with section 1265(c), that has—

24                                  “(i) reviewed in a timely fashion the  
25                                  program; and

1                   “(ii) determined that the program will  
2                   not diminish the availability of culturally  
3                   related activities for American Indian and  
4                   Alaska Native students; and

5                   “(E) that has adopted reasonable bylaws  
6                   for the conduct of the activities of the com-  
7                   mittee and abides by such bylaws.

8   **“SEC. 1265. AUTHORIZED SERVICES AND ACTIVITIES.**

9           “(a) GENERAL REQUIREMENTS.—Each local edu-  
10          cational agency that receives a grant under this chapter  
11          shall use the grant funds, in a manner consistent with the  
12          purpose specified in section 1261, for services and activi-  
13          ties that—

14               “(1) are designed to carry out the comprehen-  
15               sive program of the local educational agency for In-  
16               dian students, and described in the application of  
17               the local educational agency submitted to the Sec-  
18               retary under section 1264(a);

19               “(2) are designed with special regard for the  
20               language and cultural needs of the Indian students;  
21               and

22               “(3) supplement and enrich the regular school  
23               program of such agency.

24           “(b) PARTICULAR ACTIVITIES.—The services and ac-  
25          tivities referred to in subsection (a) may include—

1           “(1) culturally related activities that support  
2           the program described in the application submitted  
3           by the local educational agency;

4           “(2) early childhood and family programs that  
5           emphasize school readiness;

6           “(3) enrichment programs that focus on prob-  
7           lem solving and cognitive skills development and di-  
8           rectly support the attainment of State academic  
9           standards;

10          “(4) integrated educational services in combina-  
11          tion with other programs that meet the needs of In-  
12          dian children and their families;

13          “(5) programs that help engage parents and  
14          tribes to meet the unique educational needs of In-  
15          dian children;

16          “(6) career preparation activities to enable In-  
17          dian students to participate in programs such as the  
18          programs supported by the Carl D. Perkins Career  
19          and Technical Education Act of 2006;

20          “(7) activities to educate individuals concerning  
21          the prevention of substance abuse, violence, and sui-  
22          cide;

23          “(8) the acquisition of equipment, but only if  
24          the acquisition of the equipment is essential to  
25          achieve the purpose described in section 1261;

1           “(9) activities that promote the incorporation of  
2           culturally responsive teaching and learning strategies  
3           into the educational program of the local educational  
4           agency;

5           “(10) activities that incorporate American In-  
6           dian and Alaska Native specific curriculum content,  
7           consistent with State academic standards into the  
8           curriculum used by the local educational agency;

9           “(11) family literacy services; and

10          “(12) activities that recognize and support the  
11          unique cultural and educational needs of Indian chil-  
12          dren, and incorporate appropriately qualified tribal  
13          elders and seniors.

14          “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding  
15 any other provision of law, a local educational agency may  
16 use funds made available to such agency under this chap-  
17 ter to support a schoolwide program under section 1114  
18 if—

19           “(1) the committee established pursuant to sec-  
20           tion 1264(c)(4) approves the use of the funds for  
21           the schoolwide program; and

22           “(2) the schoolwide program is consistent with  
23           the purpose described in section 1261.

24          “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not  
25 more than 5 percent of the funds provided to a grantee

1 under this chapter for any fiscal year may be used for  
2 administrative purposes.

3 “(e) **LIMITATION ON USE OF FUNDS.**—Funds pro-  
4 vided to a grantee under this chapter may not be used  
5 for long-distance travel expenses for training activities  
6 available locally or regionally.

7 **“SEC. 1266. INTEGRATION OF SERVICES AUTHORIZED.**

8 “(a) **PLAN.**—An entity receiving funds under this  
9 chapter may submit a plan to the Secretary for the inte-  
10 gration of education and related services provided to In-  
11 dian students.

12 “(b) **CONSOLIDATION OF PROGRAMS.**—Upon the re-  
13 ceipt of an acceptable plan under subsection (a), the Sec-  
14 retary, in cooperation with each Federal agency providing  
15 grants for the provision of education and related services  
16 to the entity, shall authorize the entity to consolidate, in  
17 accordance with such plan, the federally funded education  
18 and related services programs of the entity and the Fed-  
19 eral programs, or portions of the programs, serving Indian  
20 students in a manner that integrates the program services  
21 involved into a single, coordinated, comprehensive pro-  
22 gram and reduces administrative costs by consolidating  
23 administrative functions.

24 “(c) **PROGRAMS AFFECTED.**—The funds that may be  
25 consolidated in a demonstration project under any such

1 plan referred to in subsection (a) shall include funds for  
2 any Federal program exclusively serving Indian children,  
3 or the funds reserved under any Federal program to exclu-  
4 sively serve Indian children, under which the entity is eligi-  
5 ble for receipt of funds under a statutory or administrative  
6 formula for the purposes of providing education and re-  
7 lated services that would be used to serve Indian students.

8 “(d) PLAN REQUIREMENTS.—For a plan to be ac-  
9 ceptable pursuant to subsection (b), the plan shall—

10 “(1) identify the programs or funding sources  
11 to be consolidated;

12 “(2) be consistent with the objectives of this  
13 section concerning authorizing the services to be in-  
14 tegrated in a demonstration project;

15 “(3) describe a comprehensive strategy that  
16 identifies the full range of potential educational op-  
17 portunities and related services to be provided to as-  
18 sist Indian students to achieve the objectives set  
19 forth in this chapter;

20 “(4) describe the way in which services are to  
21 be integrated and delivered and the results expected  
22 from the plan;

23 “(5) identify the projected expenditures under  
24 the plan in a single budget;



1           “(6) identify the State, tribal, or local agency  
2           or agencies to be involved in the delivery of the serv-  
3           ices integrated under the plan;

4           “(7) identify any statutory provisions, regula-  
5           tions, policies, or procedures that the entity believes  
6           need to be waived in order to implement the plan;

7           “(8) set forth measures for student academic  
8           achievement consistent with State academic stand-  
9           ards under section 1111(b)(1); and

10          “(9) be approved by a committee formed in ac-  
11          cordance with section 1264(c)(4), if such a com-  
12          mittee exists.

13          “(e) PLAN REVIEW.—Upon receipt of the plan from  
14          an eligible entity, the Secretary shall consult with the Sec-  
15          retary of each Federal department providing funds to be  
16          used to implement the plan, and with the entity submit-  
17          ting the plan. The parties so consulting shall identify any  
18          waivers of statutory requirements or of Federal depart-  
19          mental regulations, policies, or procedures necessary to en-  
20          able the entity to implement the plan. Notwithstanding  
21          any other provision of law, the Secretary of the affected  
22          department shall have the authority to waive any regula-  
23          tion, policy, or procedure promulgated by that department  
24          that has been so identified by the entity or department,  
25          unless the Secretary of the affected department deter-

1 mines that such a waiver is inconsistent with the objectives  
2 of this chapter or those provisions of the statute from  
3 which the program involved derives authority that are spe-  
4 cifically applicable to Indian students.

5 “(f) PLAN APPROVAL.—Within 90 days after the re-  
6 ceipt of an entity’s plan by the Secretary, the Secretary  
7 shall inform the entity, in writing, of the Secretary’s ap-  
8 proval or disapproval of the plan. If the plan is dis-  
9 approved, the entity shall be informed, in writing, of the  
10 reasons for the disapproval and shall be given an oppor-  
11 tunity to amend the plan or to petition the Secretary to  
12 reconsider such disapproval.

13 “(g) RESPONSIBILITIES OF DEPARTMENT OF EDU-  
14 CATION.—The Secretary of Education, the Secretary of  
15 the Interior, and the head of any other Federal depart-  
16 ment or agency identified by the Secretary of Education,  
17 shall enter into an interdepartmental memorandum of  
18 agreement providing for the implementation and coordina-  
19 tion of the demonstration projects authorized under this  
20 section. The lead agency head for a demonstration project  
21 under this section shall be—

22 “(1) the Secretary of the Interior, in the case  
23 of an entity meeting the definition of a contract or  
24 grant school under title XI of the Education Amend-  
25 ments of 1978; or

1           “(2) the Secretary of Education, in the case of  
2           any other entity.

3           “(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-  
4           sponsibilities of the lead agency shall include—

5           “(1) the use of a single report format related  
6           to the plan for the individual project, which shall be  
7           used by an eligible entity to report on the activities  
8           undertaken under the project;

9           “(2) the use of a single report format related  
10          to the projected expenditures for the individual  
11          project which shall be used by an eligible entity to  
12          report on all project expenditures;

13          “(3) the development of a single system of Fed-  
14          eral oversight for the project, which shall be imple-  
15          mented by the lead agency; and

16          “(4) the provision of technical assistance to an  
17          eligible entity appropriate to the project, except that  
18          an eligible entity shall have the authority to accept  
19          or reject the plan for providing such technical assist-  
20          ance and the technical assistance provider.

21          “(i) REPORT REQUIREMENTS.—A single report for-  
22          mat shall be developed by the Secretary, consistent with  
23          the requirements of this section. Such report format shall  
24          require that reports described in subsection (h), together  
25          with records maintained on the consolidated program at

1 the local level, shall contain such information as will allow  
2 a determination that the eligible entity has complied with  
3 the requirements incorporated in its approved plan, in-  
4 cluding making a demonstration of student academic  
5 achievement, and will provide assurances to each Sec-  
6 retary that the eligible entity has complied with all directly  
7 applicable statutory requirements and with those directly  
8 applicable regulatory requirements that have not been  
9 waived.

10 “(j) NO REDUCTION IN AMOUNTS.—In no case shall  
11 the amount of Federal funds available to an eligible entity  
12 involved in any demonstration project be reduced as a re-  
13 sult of the enactment of this section.

14 “(k) INTERAGENCY FUND TRANSFERS AUTHOR-  
15 IZED.—The Secretary is authorized to take such action  
16 as may be necessary to provide for an interagency transfer  
17 of funds otherwise available to an eligible entity in order  
18 to further the objectives of this section.

19 “(l) ADMINISTRATION OF FUNDS.—

20 “(1) IN GENERAL.—Program funds for the con-  
21 solidated programs shall be administered in such a  
22 manner as to allow for a determination that funds  
23 from a specific program are spent on allowable ac-  
24 tivities authorized under such program, except that  
25 the eligible entity shall determine the proportion of

1 the funds granted that shall be allocated to such  
2 program.

3 “(2) SEPARATE RECORDS NOT REQUIRED.—

4 Nothing in this section shall be construed as requir-  
5 ing the eligible entity to maintain separate records  
6 tracing any services or activities conducted under  
7 the approved plan to the individual programs under  
8 which funds were authorized for the services or ac-  
9 tivities, nor shall the eligible entity be required to al-  
10 locate expenditures among such individual programs.

11 “(m) OVERAGE.—The eligible entity may commingle  
12 all administrative funds from the consolidated programs  
13 and shall be entitled to the full amount of such funds  
14 (under each program’s or agency’s regulations). The over-  
15 age (defined as the difference between the amount of the  
16 commingled funds and the actual administrative cost of  
17 the programs) shall be considered to be properly spent for  
18 Federal audit purposes, if the overage is used for the pur-  
19 poses provided for under this section.

20 “(n) FISCAL ACCOUNTABILITY.—Nothing in this  
21 part shall be construed so as to interfere with the ability  
22 of the Secretary or the lead agency to fulfill the respon-  
23 sibilities for the safeguarding of Federal funds pursuant  
24 to chapter 75 of title 31, United States Code.

1       “(o) REPORT ON STATUTORY OBSTACLES TO PRO-  
2 GRAM INTEGRATION.—

3               “(1) IN GENERAL.—The Secretary of Education  
4 shall annually submit a report to the Committee on  
5 Health, Education, Labor, and Pensions and the  
6 Committee on Indian Affairs of the Senate, and the  
7 Committee on Education and the Workforce and the  
8 Committee on Natural Resources of the House of  
9 Representatives on the status of the implementation  
10 of the demonstration projects authorized under this  
11 section.

12               “(2) CONTENTS.—Such report shall identify—

13                       “(A) statutory barriers to the ability of  
14 participants to more effectively integrate their  
15 education and related services to Indian stu-  
16 dents in a manner consistent with the objectives  
17 of this section; and

18                       “(B) the effective practices for program in-  
19 tegration that result in increased student  
20 achievement and other relevant outcomes for  
21 Indian students.

22               “(p) DEFINITIONS.—For the purposes of this section,  
23 the term ‘Secretary’ means—

24                       “(1) the Secretary of the Interior, in the case  
25 of an entity meeting the definition of a contract or

1 grant school under title XI of the Education Amend-  
2 ments of 1978; or

3 “(2) the Secretary of Education, in the case of  
4 any other entity.

5 **“SEC. 1267. STUDENT ELIGIBILITY FORMS.**

6 “(a) IN GENERAL.—The Secretary shall require that,  
7 as part of an application for a grant under this chapter,  
8 each applicant shall maintain a file, with respect to each  
9 Indian child for whom the local educational agency pro-  
10 vides a free public education, that contains a form that  
11 sets forth information establishing the status of the child  
12 as an Indian child eligible for assistance under this chap-  
13 ter, and that otherwise meets the requirements of sub-  
14 section (b).

15 “(b) FORMS.—The form described in subsection (a)  
16 shall include—

17 “(1) either—

18 “(A)(i) the name of the tribe or band of  
19 Indians (as defined in section 1291) with re-  
20 spect to which the child claims membership;

21 “(ii) the enrollment number establishing  
22 the membership of the child (if readily avail-  
23 able); and

24 “(iii) the name and address of the organi-  
25 zation that maintains updated and accurate

1 membership data for such tribe or band of Indi-  
2 ans; or

3 “(B) the name, the enrollment number (if  
4 readily available), and the name and address of  
5 the organization responsible for maintaining up-  
6 dated and accurate membership data, of any  
7 parent or grandparent of the child from whom  
8 the child claims eligibility under this chapter, if  
9 the child is not a member of the tribe or band  
10 of Indians (as so defined);

11 “(2) a statement of whether the tribe or band  
12 of Indians (as so defined), with respect to which the  
13 child, or parent or grandparent of the child, claims  
14 membership, is federally recognized;

15 “(3) the name and address of the parent or  
16 legal guardian of the child; and

17 “(4) a signature of the parent or legal guardian  
18 of the child that verifies the accuracy of the informa-  
19 tion supplied.

20 “(c) STATUTORY CONSTRUCTION.—Nothing in this  
21 section shall be construed to affect a definition contained  
22 in section 1291.

23 “(d) FORMS AND STANDARDS OF PROOF.—The  
24 forms and the standards of proof (including the standard  
25 of good faith compliance) that were in use during the



1 1985–1986 academic year to establish the eligibility of a  
2 child for entitlement under the Indian Elementary and  
3 Secondary School Assistance Act shall be the forms and  
4 standards of proof used—

5           “(1) to establish eligibility under this chapter;  
6           and

7           “(2) to meet the requirements of subsection (a).

8           “(e) DOCUMENTATION.—For purposes of deter-  
9 mining whether a child is eligible to be counted for the  
10 purpose of computing the amount of a grant award under  
11 section 1263, the membership of the child, or any parent  
12 or grandparent of the child, in a tribe or band of Indians  
13 (as so defined) may be established by proof other than  
14 an enrollment number, notwithstanding the availability of  
15 an enrollment number for a member of such tribe or band.  
16 Nothing in subsection (b) shall be construed to require  
17 the furnishing of an enrollment number.

18           “(f) MONITORING AND EVALUATION REVIEW.—

19           “(1) IN GENERAL.—

20           “(A) REVIEW.—For each fiscal year, in  
21 order to provide such information as is nec-  
22 essary to carry out the responsibility of the Sec-  
23 retary to provide technical assistance under this  
24 chapter, the Secretary shall conduct a moni-  
25 toring and evaluation review of a sampling of

1 the recipients of grants under this chapter. The  
2 sampling conducted under this subparagraph  
3 shall take into account the size of and the geo-  
4 graphic location of each local educational agen-  
5 cy.

6 “(B) EXCEPTION.—A local educational  
7 agency may not be held liable to the United  
8 States or be subject to any penalty, by reason  
9 of the findings of an audit that relates to the  
10 date of completion, or the date of submission,  
11 of any forms used to establish, before April 28,  
12 1988, the eligibility of a child for an entitle-  
13 ment under the Indian Elementary and Sec-  
14 ondary School Assistance Act.

15 “(2) FALSE INFORMATION.—Any local edu-  
16 cational agency that provides false information in an  
17 application for a grant under this chapter shall—

18 “(A) be ineligible to apply for any other  
19 grant under this chapter; and

20 “(B) be liable to the United States for any  
21 funds from the grant that have not been ex-  
22 pended.

23 “(3) EXCLUDED CHILDREN.—A student who  
24 provides false information for the form required  
25 under subsection (a) shall not be counted for the

1 purpose of computing the amount of a grant under  
2 section 1263.

3 “(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—  
4 Notwithstanding any other provision of this section, in cal-  
5 culating the amount of a grant under this chapter to a  
6 tribal school that receives a grant or contract from the  
7 Bureau of Indian Education, the Secretary shall use only  
8 one of the following, as selected by the school:

9 “(1) A count of the number of students in the  
10 schools certified by the Bureau.

11 “(2) A count of the number of students for  
12 whom the school has eligibility forms that comply  
13 with this section.

14 “(h) TIMING OF CHILD COUNTS.—For purposes of  
15 determining the number of children to be counted in calcu-  
16 lating the amount of a local educational agency’s grant  
17 under this chapter (other than in the case described in  
18 subsection (g)(1)), the local educational agency shall—

19 “(1) establish a date on, or a period not longer  
20 than 31 consecutive days during, which the agency  
21 counts those children, if that date or period occurs  
22 before the deadline established by the Secretary for  
23 submitting an application under section 1264; and

24 “(2) determine that each such child was en-  
25 rolled, and receiving a free public education, in a

1 school of the agency on that date or during that pe-  
2 riod, as the case may be.

3 **“SEC. 1268. PAYMENTS.**

4 “(a) IN GENERAL.—Subject to subsections (b) and  
5 (c), the Secretary shall pay to each local educational agen-  
6 cy that submits an application that is approved by the Sec-  
7 retary under this chapter the amount determined under  
8 section 1263. The Secretary shall notify the local edu-  
9 cational agency of the amount of the payment not later  
10 than June 1 of the year for which the Secretary makes  
11 the payment.

12 “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE  
13 STATE.—The Secretary may not make a grant under this  
14 chapter to a local educational agency for a fiscal year if,  
15 for such fiscal year, the State in which the local edu-  
16 cational agency is located takes into consideration pay-  
17 ments made under this chapter in determining the eligi-  
18 bility of the local educational agency for State aid, or the  
19 amount of the State aid, with respect to the free public  
20 education of children during such fiscal year or the pre-  
21 ceding fiscal year.

22 “(c) REALLOCATIONS.—The Secretary may reallo-  
23 cate, in a manner that the Secretary determines will best  
24 carry out the purpose of this chapter, any amounts that—

1           “(1) based on estimates made by local edu-  
2           cational agencies or other information, the Secretary  
3           determines will not be needed by such agencies to  
4           carry out approved programs under this chapter; or  
5           “(2) otherwise become available for reallocation  
6           under this chapter.

7   **“SEC. 1269. STATE EDUCATIONAL AGENCY REVIEW.**

8           “Before submitting an application to the Secretary  
9           under section 1264, a local educational agency shall sub-  
10          mit the application to the State educational agency, which  
11          may comment on such application. If the State educational  
12          agency comments on the application, the agency shall com-  
13          ment on all applications submitted by local educational  
14          agencies in the State and shall provide those comments  
15          to the respective local educational agencies, with an oppor-  
16          tunity to respond.

17   **“CHAPTER    B—SPECIAL    PROGRAMS    AND**  
18          **PROJECTS TO IMPROVE EDUCATIONAL OP-**  
19          **PORTUNITIES FOR INDIAN CHILDREN**

20   **“SEC. 1271. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**  
21          **TIES FOR INDIAN CHILDREN.**

22          “(a) PURPOSE.—

23                 “(1) IN GENERAL.—It is the purpose of this  
24                 section to support projects to develop, test, and dem-  
25                 onstrate the effectiveness of services and programs

1 to improve educational opportunities and achieve-  
2 ment of Indian children.

3 “(2) COORDINATION.—The Secretary shall take  
4 the necessary actions to achieve the coordination of  
5 activities assisted under this chapter with—

6 “(A) other programs funded under this  
7 Act; and

8 “(B) other Federal programs operated for  
9 the benefit of American Indian and Alaska Na-  
10 tive children.

11 “(b) ELIGIBLE ENTITIES.—In this section, the term  
12 ‘eligible entity’ means a State educational agency, local  
13 educational agency, Indian tribe, Indian organization, fed-  
14 erally supported elementary school or secondary school for  
15 Indian students, Indian institution (including an Indian  
16 institution of higher education), or a consortium of such  
17 entities.

18 “(c) GRANTS AUTHORIZED.—

19 “(1) IN GENERAL.—From amounts appro-  
20 priated under section 3(a)(1), the Secretary shall re-  
21 serve 0.2 of one percent to award grants to eligible  
22 entities to enable such entities to carry out activities  
23 under this section and section 1272.

1           “(2) USES OF FUNDS.—An eligible entity that  
2 receives a grant under this section shall use the  
3 funds for one or more activities, including—

4           “(A) innovative programs related to the  
5 educational needs of educationally disadvan-  
6 taged children;

7           “(B) educational services that are not  
8 available to such children in sufficient quantity  
9 or quality, including remedial instruction, to  
10 raise the achievement of Indian children in one  
11 or more of the core academic subjects of  
12 English, mathematics, science, foreign lan-  
13 guages, art, history, and geography;

14           “(C) bilingual and bicultural programs and  
15 projects;

16           “(D) special health and nutrition services,  
17 and other related activities, that address the  
18 special health, social, and psychological prob-  
19 lems of Indian children;

20           “(E) special compensatory and other pro-  
21 grams and projects designed to assist and en-  
22 courage Indian children to enter, remain in, or  
23 reenter school, and to increase the rate of high  
24 school graduation for Indian children;

1           “(F) comprehensive guidance, counseling,  
2           and testing services;

3           “(G) early childhood and kindergarten pro-  
4           grams, including family-based preschool pro-  
5           grams that emphasize school readiness and pa-  
6           rental skills, and the provision of services to In-  
7           dian children with disabilities;

8           “(H) partnership projects between local  
9           educational agencies and institutions of higher  
10          education that allow secondary school students  
11          to enroll in courses at the postsecondary level to  
12          aid such students in the transition from sec-  
13          ondary to postsecondary education;

14          “(I) partnership projects between schools  
15          and local businesses for career preparation pro-  
16          grams designed to provide Indian youth with  
17          the knowledge and skills such youth need to  
18          make an effective transition from school to a  
19          high-skill, high-wage career;

20          “(J) programs designed to encourage and  
21          assist Indian students to work toward, and gain  
22          entrance into, an institution of higher edu-  
23          cation;

24          “(K) family literacy services;



1           “(L) activities that recognize and support  
2           the unique cultural and educational needs of In-  
3           dian children, and incorporate appropriately  
4           qualified tribal elders and seniors; or

5           “(M) other services that meet the purpose  
6           described in this section.

7           “(3) PROFESSIONAL DEVELOPMENT.—Evidence  
8           based professional development of teaching profes-  
9           sionals and paraprofessionals may be a part of any  
10          program assisted under this section.

11          “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

12           “(1) GRANT REQUIREMENTS.—

13           “(A) IN GENERAL.—The Secretary may  
14           make multiyear grants under subsection (c) for  
15           the planning, development, pilot operation, or  
16           demonstration of any activity described in sub-  
17           section (c) for a period not to exceed 5 years.

18           “(B) PRIORITY.—In making multiyear  
19           grants described in this paragraph, the Sec-  
20           retary shall give priority to entities submitting  
21           applications that present a plan for combining  
22           two or more of the activities described in sub-  
23           section (c) over a period of more than 1 year.

24           “(C) PROGRESS.—The Secretary shall  
25           make a grant payment for a grant described in

1           this paragraph to an eligible entity after the  
2           initial year of the multiyear grant only if the  
3           Secretary determines that the eligible entity has  
4           made substantial progress in carrying out the  
5           activities assisted under the grant in accordance  
6           with the application submitted under paragraph  
7           (3) and any subsequent modifications to such  
8           application.

9           “(2) DISSEMINATION GRANTS.—

10                   “(A) IN GENERAL.—In addition to award-  
11           ing the multiyear grants described in paragraph  
12           (1), the Secretary may award grants under sub-  
13           section (c) to eligible entities for the dissemina-  
14           tion of exemplary materials or programs as-  
15           sisted under this section.

16                   “(B) DETERMINATION.—The Secretary  
17           may award a dissemination grant described in  
18           this paragraph if, prior to awarding the grant,  
19           the Secretary determines that the material or  
20           program to be disseminated—

21                           “(i) has been adequately reviewed;

22                           “(ii) has demonstrated educational  
23                   merit; and

24                           “(iii) can be replicated.

25           “(3) APPLICATION.—

1           “(A) IN GENERAL.—Any eligible entity  
2 that desires to receive a grant under this sec-  
3 tion shall submit an application to the Sec-  
4 retary at such time and in such manner as the  
5 Secretary may reasonably require.

6           “(B) CONTENTS.—Each application sub-  
7 mitted to the Secretary under subparagraph  
8 (A), other than an application for a dissemina-  
9 tion grant under paragraph (2), shall contain—

10           “(i) a description of how parents of  
11 Indian children and representatives of In-  
12 dian tribes have been, and will be, involved  
13 in developing and implementing the activi-  
14 ties for which assistance is sought;

15           “(ii) assurances that the applicant will  
16 participate, at the request of the Secretary,  
17 in any national evaluation of activities as-  
18 sisted under this section;

19           “(iii) information demonstrating that  
20 the proposed program for the activities is  
21 an evidence-based program, which may in-  
22 clude a program that has been modified to  
23 be culturally appropriate for students who  
24 will be served; and

1                   “(iv) a description of how the appli-  
2                   cant will incorporate the proposed activities  
3                   into the ongoing school program involved  
4                   once the grant period is over.

5           “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-  
6 cent of the funds provided to a grantee under this chapter  
7 for any fiscal year may be used for administrative pur-  
8 poses.

9   **“SEC. 1272. PROFESSIONAL DEVELOPMENT FOR TEACHERS**  
10                   **AND EDUCATION PROFESSIONALS.**

11           “(a) PURPOSES.—The purposes of this section are—

12                   “(1) to increase the number of qualified Indian  
13 teachers, school leaders, or other education profes-  
14 sionals serving Indian students, including through  
15 recruitment strategies;

16                   “(2) to provide training to qualified Indian indi-  
17 viduals to enable such individuals to become effective  
18 teachers, school leaders, administrators, teacher  
19 aides, social workers, and ancillary educational per-  
20 sonnel; and

21                   “(3) to improve the skills of qualified Indian in-  
22 dividuals who serve in the capacities described in  
23 paragraph (2).

24           “(b) ELIGIBLE ENTITIES.—For the purpose of this  
25 section, the term ‘eligible entity’ means—

1           “(1) an institution of higher education, includ-  
2           ing an Indian institution of higher education;

3           “(2) a State educational agency or local edu-  
4           cational agency, in consortium with an institution of  
5           higher education;

6           “(3) an Indian tribe or organization, in Consor-  
7           tium with an institution of higher education; and

8           “(4) a Bureau-funded school (as defined in sec-  
9           tion 1146 of the Education Amendments of 1978).

10          “(c) PROGRAM AUTHORIZED.—The Secretary is au-  
11          thorized to award grants from funds reserved under sec-  
12          tion 1271(c)(1) to eligible entities having applications ap-  
13          proved under this section to enable those entities to carry  
14          out the activities described in subsection (d).

15          “(d) AUTHORIZED ACTIVITIES.—

16                 “(1) IN GENERAL.—Grant funds under this sec-  
17                 tion shall be used for activities to provide support  
18                 and training for Indian individuals in a manner con-  
19                 sistent with the purposes of this section.

20                 “(2) SPECIAL RULES.—

21                         “(A) TYPE OF TRAINING.—For education  
22                         personnel, the training received pursuant to a  
23                         grant under this section may be inservice or  
24                         preservice training.

1           “(B) PROGRAM.—For individuals who are  
2           being trained to enter any education-related  
3           field other than teaching, the training received  
4           pursuant to a grant under this section shall be  
5           in a program that results in a graduate degree.

6           “(e) APPLICATION.—Each eligible entity desiring a  
7           grant under this section shall submit an application to the  
8           Secretary at such time and in such manner as the Sec-  
9           retary may reasonable require. An application shall in-  
10          clude how the eligible entity will—

11           “(1) recruit qualified Indian individuals, such  
12           as students who may not be of traditional college  
13           age, to become teachers or school leaders;

14           “(2) use funds made available under the grant  
15           to support the recruitment, preparation, and profes-  
16           sional development of Indian teachers or school lead-  
17           ers in local educational agencies that serve a high  
18           proportion of Indian students; and

19           “(3) assist participants in meeting the require-  
20           ments under subsection (h).

21           “(f) SPECIAL RULE.—In awarding grants under this  
22           section, the Secretary—

23           “(1) shall consider the prior performance of the  
24           eligible entity; and

1           “(2) may not limit eligibility to receive a grant  
2           under this section on the basis of—

3                   “(A) the number of previous grants the  
4           Secretary has awarded such entity; or

5                   “(B) the length of any period during which  
6           such entity received such grants.

7           “(g) GRANT PERIOD.—Each grant under this section  
8           shall be awarded for an initial period of not more than  
9           three years, and may be renewed for not more than an  
10          additional two years if the Secretary finds that the grantee  
11          is meeting the grant objectives.

12          “(h) SERVICE OBLIGATION.—

13                   “(1) IN GENERAL.—The Secretary shall re-  
14          quire, by regulation, that an individual who receives  
15          training pursuant to a grant made under this sec-  
16          tion—

17                           “(A) perform work—

18                                   “(i) related to the training received  
19                           under this section; and

20                                   “(ii) that benefits Indian people; or

21                           “(B) repay all or a prorated part of the as-  
22          sistance received.

23                   “(2) REPORTING.—The Secretary shall estab-  
24          lish, by regulation, a reporting procedure under  
25          which a grant recipient under this section shall, not

1 later than 12 months after the date of completion of  
2 the training, and periodically thereafter, provide in-  
3 formation concerning compliance with the work re-  
4 quirement under paragraph (1).

5 **“CHAPTER C—FEDERAL ADMINISTRATION**

6 **“SEC. 1281. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**  
7 **CATION.**

8 “(a) MEMBERSHIP.—There is established a National  
9 Advisory Council on Indian Education (hereafter in this  
10 section referred to as the ‘Council’), which shall—

11 “(1) consist of 15 Indian members, who shall  
12 be appointed by the President from lists of nominees  
13 furnished, from time to time, by Indian tribes and  
14 organizations; and

15 “(2) represent different geographic areas of the  
16 United States.

17 “(b) DUTIES.—The Council shall—

18 “(1) advise the Secretary concerning the fund-  
19 ing and administration (including the development of  
20 regulations and administrative policies and prac-  
21 tices) of any program, including any program estab-  
22 lished under this subpart—

23 “(A) with respect to which the Secretary  
24 has jurisdiction; and



1           “(B)(i) that includes Indian children or  
2 adults as participants; or

3           “(ii) that may benefit Indian children  
4 or adults;

5           “(2) make recommendations to the Secretary  
6 for filling the position of Director of Indian Edu-  
7 cation whenever a vacancy occurs; and

8           “(3) submit to Congress, not later than June  
9 30 of each year, a report on the activities of the  
10 Council, including—

11           “(A) any recommendations that the Coun-  
12 cil considers appropriate for the improvement of  
13 Federal education programs that include Indian  
14 children or adults as participants, or that may  
15 benefit Indian children or adults; and

16           “(B) recommendations concerning the  
17 funding of any program described in subpara-  
18 graph (A).

19 **“SEC. 1282. PEER REVIEW.**

20           “The Secretary may use a peer review process to re-  
21 view applications submitted to the Secretary under chap-  
22 ter B.

23 **“SEC. 1283. PREFERENCE FOR INDIAN APPLICANTS.**

24           “In making grants and entering into contracts or co-  
25 operative agreements under chapter B, the Secretary shall

1 give a preference to Indian tribes, organizations, and insti-  
2 tutions of higher education under any program with re-  
3 spect to which Indian tribes, organizations, and institu-  
4 tions are eligible to apply for grants, contracts, or coopera-  
5 tive agreements.

6 **“SEC. 1284. MINIMUM GRANT CRITERIA.**

7 “The Secretary may not approve an application for  
8 a grant, contract, or cooperative agreement under chapter  
9 B unless the application is for a grant, contract, or cooper-  
10 ative agreement that is—

11 “(1) of sufficient size, scope, and quality to  
12 achieve the purpose or objectives of such grant, con-  
13 tract, or cooperative agreement; and

14 “(2) based on relevant research findings.

15 **“CHAPTER D—DEFINITIONS**

16 **“SEC. 1291. DEFINITIONS.**

17 “For the purposes of this subpart:

18 “(1) ADULT.—The term ‘adult’ means an indi-  
19 vidual who—

20 “(A) has attained the age of 16 years; or

21 “(B) has attained an age that is greater  
22 than the age of compulsory school attendance  
23 under an applicable State law.

24 “(2) ALASKA NATIVE.—The term ‘Alaska Na-  
25 tive’ has the same meaning as the term ‘Native’ has

1 in section 3(b) of the Alaska Native Claims Settle-  
2 ment Act.

3 “(3) FREE PUBLIC EDUCATION.—The term  
4 ‘free public education’ means education that is—

5 “(A) provided at public expense, under  
6 public supervision and direction, and without  
7 tuition charge; and

8 “(B) provided as elementary or secondary  
9 education in the applicable State or to preschool  
10 children.

11 “(4) INDIAN.—The term ‘Indian’ means an in-  
12 dividual who is—

13 “(A) a member of an Indian tribe or band,  
14 as membership is defined by the tribe or band,  
15 including—

16 “(i) any tribe or band terminated  
17 since 1940; and

18 “(ii) any tribe or band recognized by  
19 the State in which the tribe or band re-  
20 sides;

21 “(B) a descendant, in the first or second  
22 degree, of an individual described in subpara-  
23 graph (A);

24 “(C) considered by the Secretary of the In-  
25 terior to be an Indian for any purpose;

1           “(D) an Eskimo, Aleut, or other Alaska  
2           Native; or

3           “(E) a member of an organized Indian  
4           group that received a grant under the Indian  
5           Education Act of 1988 as in effect the day pre-  
6           ceding the date of enactment of the Improving  
7           America’s Schools Act of 1994.”.

8           (b) STRIKE.—The Act is amended by striking title  
9           VII (20 U.S.C. 7401 et seq.).

## 10       **Subtitle D—National Assessment**

### 11       **SEC. 141. NATIONAL ASSESSMENT OF TITLE I.**

12           (a) IN GENERAL.—Part E of title I (20 U.S.C. 6491  
13           et seq.) is transferred and redesignated as part B of title  
14           I.

15           (b) REPEALS.—Sections 1502 and 1504 (20 U.S.C.  
16           6492; 6494) are repealed.

17           (c) REDESIGNATIONS.—Sections 1501 and 1503 (20  
18           U.S.C. 6491; 6493) are redesignated as sections 1301 and  
19           1302, respectively.

20           (d) AMENDMENTS TO SECTION 1301.—Section 1301  
21           (20 U.S.C. 6491), as so redesignated, is amended—

22                   (1) in subsection (a)—

23                           (A) in paragraph (1), by inserting “, act-  
24                           ing through the Director of the Institute of  
25                           Education Sciences (in this section and section

1           1302 referred to as the ‘Director’),” after “The  
2           Secretary”;

3           (B) in paragraph (2)—

4           (i) by striking “Secretary” and insert-  
5           ing “Director”;

6           (ii) in subparagraph (A), by striking  
7           “reaching the proficient level” and all that  
8           follows and inserting “graduating high  
9           school prepared for postsecondary edu-  
10          cation or the workforce.”;

11          (iii) in subparagraph (B), by striking  
12          “reach the proficient” and all that follows  
13          and inserting “meet State academic stand-  
14          ards.”;

15          (iv) by striking subparagraphs (D)  
16          and (G) and redesignating subparagraphs  
17          (E), (F), and (H) through (O) as subpara-  
18          graphs (D) through (M), respectively;

19          (v) in subparagraph (D)(v) (as so re-  
20          designated), by striking “help schools in  
21          which” and all that follows and inserting  
22          “address disparities in the percentages of  
23          effective teachers teaching in low-income  
24          schools.”

1 (vi) in subparagraph (G) (as so reded-  
2 ignated)—

3 (I) by striking “section 1116”  
4 and inserting “section  
5 1111(b)(3)(B)(iii)”;

6 (II) by striking “, including the  
7 following” and all that follows and in-  
8 serting a period;

9 (vii) in subparagraph (I) (as so reded-  
10 ignated), by striking “qualifications” and  
11 inserting “effectiveness”;

12 (viii) in subparagraph (J) (as so re-  
13 designated), by striking “, including funds  
14 under section 1002,”;

15 (ix) in subparagraph (L) (as so reded-  
16 ignated), by striking “section  
17 1111(b)(2)(C)(v)(II)” and inserting “sec-  
18 tion 1111(b)(3)(B)(ii)(II)”;

19 (x) in subparagraph (M) (as so reded-  
20 ignated), by striking “Secretary” and in-  
21 serting “Director”;

22 (C) in paragraph (3), by striking “Sec-  
23 retary” and inserting “Director”;

24 (D) in paragraph (4), by striking “Sec-  
25 retary” and inserting “Director”;

- 1 (E) in paragraph (5), by striking “Sec-  
2 retary” and inserting “Director”; and
- 3 (F) in paragraph (6)—
- 4 (i) by striking “No Child Left Behind  
5 Act of 2001” each place it appears and in-  
6 serting “Student Success Act” ; and
- 7 (ii) by striking “Secretary” each place  
8 it appears and inserting “Director”;
- 9 (2) in subsection (b), by striking “Secretary”  
10 each place it appears and inserting “Director”;
- 11 (3) in subsection (c)—
- 12 (A) in paragraph (1)—
- 13 (i) by striking “Secretary” and insert-  
14 ing “Director”; and
- 15 (ii) by striking “part A” and inserting  
16 “subpart 1 of part A”;
- 17 (B) in paragraph (2)—
- 18 (i) by striking “Secretary” and insert-  
19 ing “Director”;
- 20 (ii) in subparagraph (B), by striking  
21 “challenging academic achievement stand-  
22 ards” and inserting “State academic  
23 standards”;
- 24 (iii) in subparagraph (E), by striking  
25 “effects of the availability” and all that

1 follows and inserting “extent to which ac-  
2 tions authorized under section  
3 1111(b)(3)(B)(iii) improve the academic  
4 achievement of disadvantaged students and  
5 low-performing schools.”; and

6 (iv) in subparagraph (F), by striking  
7 “Secretary” and inserting “Director”; and  
8 (C) in paragraph (3)—

9 (i) by striking “Secretary” and insert-  
10 ing “Director”; and

11 (ii) by striking subparagraph (C) and  
12 inserting the following:

13 “(C) analyzes varying models or strategies  
14 for delivering school services, including  
15 schoolwide and targeted services.”; and

16 (4) in subsection (d), by striking “Secretary”  
17 each place it appears and inserting “Director”.

18 (e) AMENDMENTS TO SECTION 1302.—Section 1302  
19 (20 U.S.C. 6493), as so redesignated, is amended—

20 (1) in subsection (a)—

21 (A) by striking “Secretary” and inserting  
22 “Director”; and

23 (B) by striking “and for making decisions  
24 about the promotion and graduation of stu-  
25 dents”;



1 (2) in subsection (b)—

2 (A) by striking “Secretary” and inserting  
3 “Director”;

4 (B) by striking “process,” and inserting  
5 “process consistent with section 1206,”; and

6 (C) by striking “Assistant Secretary of  
7 Educational Research and Improvement” and  
8 inserting “Director”;

9 (3) in subsection (d)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by striking  
12 “to the State-defined level of proficiency”  
13 and inserting “toward meeting the State  
14 academic standards”; and

15 (ii) in subparagraph (C), by striking  
16 “pupil-services” and inserting “specialized  
17 instructional support services”;

18 (B) in paragraph (3), by striking “limited  
19 and nonlimited English proficient students”  
20 and inserting “English learners”; and

21 (C) in paragraph (6), by striking “Sec-  
22 retary” and inserting “Director”; and

23 (4) in subsection (f)—

24 (A) by striking “Secretary” and inserting  
25 “Director”; and

1 (B) by striking “authorized to be appro-  
2 priated for this part” and inserting “appro-  
3 priated under section 3(A)(2)”.

## 4 **Subtitle E—Title I General** 5 **Provisions**

### 6 **SEC. 151. GENERAL PROVISIONS FOR TITLE I.**

7 Part I of title I (20 U.S.C. 6571 et seq.)—

8 (1) is transferred to and redesignated as part  
9 C of title I of the Act; and

10 (2) is amended to read as follows:

#### 11 **“PART C—GENERAL PROVISIONS**

#### 12 **“SEC. 1401. FEDERAL REGULATIONS.**

13 “(a) IN GENERAL.—The Secretary may, in accord-  
14 ance with subsections (b) through (d), issue such regula-  
15 tions as are necessary to reasonably ensure there is com-  
16 pliance with this title.

17 “(b) NEGOTIATED RULEMAKING PROCESS.—

18 “(1) IN GENERAL.—Before publishing in the  
19 Federal Register proposed regulations to carry out  
20 this title, the Secretary shall obtain the advice and  
21 recommendations of representatives of Federal,  
22 State, and local administrators, parents, teachers,  
23 and members of local school boards and other orga-  
24 nizations involved with the implementation and oper-  
25 ation of programs under this title.

1           “(2) MEETINGS AND ELECTRONIC EX-  
2 CHANGE.—Such advice and recommendations may  
3 be obtained through such mechanisms as regional  
4 meetings and electronic exchanges of information.

5           “(3) PROPOSED REGULATIONS.—After obtain-  
6 ing such advice and recommendations, and before  
7 publishing proposed regulations, the Secretary  
8 shall—

9           “(A) establish a negotiated rulemaking  
10 process;

11           “(B) select individuals to participate in  
12 such process from among individuals or groups  
13 that provided advice and recommendations, in-  
14 cluding representation from all geographic re-  
15 gions of the United States, in such numbers as  
16 will provide an equitable balance between rep-  
17 resentatives of parents and students and rep-  
18 resentatives of educators and education offi-  
19 cials; and

20           “(C) prepare a draft of proposed policy op-  
21 tions that shall be provided to the individuals  
22 selected by the Secretary under subparagraph  
23 (B) not less than 15 days before the first meet-  
24 ing under such process.

1       “(c) PROPOSED RULEMAKING.—If the Secretary de-  
2 termines that a negotiated rulemaking process is unneces-  
3 sary or the individuals selected to participate in the proc-  
4 ess under paragraph (3)(B) fail to reach unanimous agree-  
5 ment, the Secretary may propose regulations under the  
6 following procedure:

7           “(1) Not less than 30 days prior to beginning  
8 a rulemaking process, the Secretary shall provide to  
9 Congress, including the Committee on Education  
10 and the Workforce of the House of Representatives  
11 and the Committee on Health, Education, Labor,  
12 and Pensions of the Senate, notice that shall in-  
13 clude—

14                   “(A) a copy of the proposed regulations;

15                   “(B) the need to issue regulations;

16                   “(C) the anticipated burden the regula-  
17 tions will have on State educational agencies,  
18 local educational agencies, schools, and other  
19 entities that may be impacted by the regula-  
20 tions; and

21                   “(D) any regulations that will be repealed  
22 when the new regulations are issued.

23           “(2) 30 days after giving notice of the proposed  
24 rule to Congress, the Secretary may proceed with  
25 the rulemaking process after addressing all com-

1       ments received from the Congress and publishing  
2       how such comments are addressed with the proposed  
3       rule.

4           “(3) The comment and review period for any  
5       proposed regulation shall be 90 days unless an emer-  
6       gency requires a shorter period, in which case such  
7       period shall be not less than 45 days and the Sec-  
8       retary shall—

9           “(A) designate the proposed regulation as  
10       an emergency with an explanation of the emer-  
11       gency in the notice and report to Congress  
12       under paragraph (1); and

13           “(B) publish the length of the comment  
14       and review period in such notice and in the  
15       Federal Register.

16           “(4) No regulation shall be made final after the  
17       comment and review period until the Secretary has  
18       published in the Federal Register an independent as-  
19       sessment of—

20           “(A) the burden, including the cost bur-  
21       den, the regulation will impose on State edu-  
22       cational agencies, local educational agencies,  
23       schools and other entities that may be impacted  
24       by the regulation; and

1           “(B) an explanation of how the entities de-  
2           scribed in subparagraph (A) may pay for imple-  
3           menting the new regulation.

4           “(d) LIMITATION.—Regulations to carry out this title  
5 may not require local programs to follow a particular in-  
6           structional model, such as the provision of services outside  
7 the regular classroom or school program.

8 **“SEC. 1402. AGREEMENTS AND RECORDS.**

9           “(a) AGREEMENTS.—In the case in which a nego-  
10          tiated rule making process is established under subsection  
11 (b) of section 1401, all published proposed regulations  
12 shall conform to agreements that result from the rule-  
13 making described in section 1401 unless the Secretary re-  
14          opens the negotiated rulemaking process.

15          “(b) RECORDS.—The Secretary shall ensure that an  
16 accurate and reliable record of agreements reached during  
17 the negotiations process is maintained.

18 **“SEC. 1403. STATE ADMINISTRATION.**

19          “(a) RULEMAKING.—

20                 “(1) IN GENERAL.—Each State that receives  
21 funds under this title shall—

22                         “(A) ensure that any State rules, regula-  
23                         tions, and policies relating to this title conform  
24                         to the purposes of this title and provide any  
25                         such proposed rules, regulations, and policies to

1 the committee of practitioners created under  
2 subsection (b) for review and comment;

3 “(B) minimize such rules, regulations, and  
4 policies to which the State’s local educational  
5 agencies and schools are subject;

6 “(C) eliminate or modify State and local  
7 fiscal accounting requirements in order to facili-  
8 tate the ability of schools to consolidate funds  
9 under schoolwide programs;

10 “(D) identify any such rule, regulation, or  
11 policy as a State-imposed requirement; and

12 “(E)(i) identify any duplicative or con-  
13 trasting requirements between the State and  
14 Federal rules or regulations;

15 “(ii) eliminate the rules and regulations  
16 that are duplicative of Federal requirements;  
17 and

18 “(iii) report any conflicting requirements  
19 to the Secretary and determine which Federal  
20 or State rule or regulation shall be followed.

21 “(2) SUPPORT AND FACILITATION.—State  
22 rules, regulations, and policies under this title shall  
23 support and facilitate local educational agency and  
24 school-level systemic reform designed to enable all  
25 children to meet the State academic standards.

1 “(b) COMMITTEE OF PRACTITIONERS.—

2 “(1) IN GENERAL.—Each State educational  
3 agency that receives funds under this title shall cre-  
4 ate a State committee of practitioners to advise the  
5 State in carrying out its responsibilities under this  
6 title.

7 “(2) MEMBERSHIP.—Each such committee  
8 shall include—

9 “(A) as a majority of its members, rep-  
10 resentatives from local educational agencies;

11 “(B) administrators, including the admin-  
12 istrators of programs described in other parts  
13 of this title;

14 “(C) teachers from public charter schools,  
15 traditional public schools, and career and tech-  
16 nical educators;

17 “(D) parents;

18 “(E) members of local school boards;

19 “(F) representatives of private school chil-  
20 dren; and

21 “(G) specialized instructional support per-  
22 sonnel.

23 “(3) DUTIES.—The duties of such committee  
24 shall include a review, before publication, of any pro-  
25 posed or final State rule or regulation pursuant to



1 this title. In an emergency situation where such rule  
2 or regulation must be issued within a very limited  
3 time to assist local educational agencies with the op-  
4 eration of the program under this title, the State  
5 educational agency may issue a regulation without  
6 prior consultation, but shall immediately thereafter  
7 convene the State committee of practitioners to re-  
8 view the emergency regulation before issuance in  
9 final form.

10 **“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED**  
11 **SPENDING.**

12 “Nothing in this title shall be construed to mandate  
13 equalized spending per pupil for a State, local educational  
14 agency, or school.”.

15 **TITLE II—GENERAL PROVISIONS**  
16 **FOR THE ACT**

17 **SEC. 201. GENERAL PROVISIONS FOR THE ACT.**

18 (a) AMENDING TITLE V.—Title V (20 U.S.C. 7201  
19 et seq.) is amended to read as follows:

20 “TITLE V—GENERAL PROVISIONS

21 “PART A—DEFINITIONS

22 **“SEC. 5101. DEFINITIONS.**

23 “Except as otherwise provided, in this Act:

24 “(1) AVERAGE DAILY ATTENDANCE.—

1           “(A) IN GENERAL.—Except as provided  
2 otherwise by State law or this paragraph, the  
3 term ‘average daily attendance’ means—

4                   “(i) the aggregate number of days of  
5 attendance of all students during a school  
6 year; divided by

7                   “(ii) the number of days school is in  
8 session during that year.

9           “(B) CONVERSION.—The Secretary shall  
10 permit the conversion of average daily member-  
11 ship (or other similar data) to average daily at-  
12 tendance for local educational agencies in  
13 States that provide State aid to local edu-  
14 cational agencies on the basis of average daily  
15 membership (or other similar data).

16           “(C) SPECIAL RULE.—If the local edu-  
17 cational agency in which a child resides makes  
18 a tuition or other payment for the free public  
19 education of the child in a school located in an-  
20 other school district, the Secretary shall, for the  
21 purpose of this Act—

22                   “(i) consider the child to be in attend-  
23 ance at a school of the agency making the  
24 payment; and

1                   “(ii) not consider the child to be in at-  
2                   tendance at a school of the agency receiv-  
3                   ing the payment.

4                   “(D) CHILDREN WITH DISABILITIES.—If a  
5                   local educational agency makes a tuition pay-  
6                   ment to a private school or to a public school  
7                   of another local educational agency for a child  
8                   with a disability, as defined in section 602 of  
9                   the Individuals with Disabilities Education Act,  
10                  the Secretary shall, for the purpose of this Act,  
11                  consider the child to be in attendance at a  
12                  school of the agency making the payment.

13                  “(2) AVERAGE PER-PUPIL EXPENDITURE.—The  
14                  term ‘average per-pupil expenditure’ means, in the  
15                  case of a State or of the United States—

16                  “(A) without regard to the source of  
17                  funds—

18                  “(i) the aggregate current expendi-  
19                  tures, during the third fiscal year pre-  
20                  ceding the fiscal year for which the deter-  
21                  mination is made (or, if satisfactory data  
22                  for that year are not available, during the  
23                  most recent preceding fiscal year for which  
24                  satisfactory data are available) of all local  
25                  educational agencies in the State or, in the

1 case of the United States, for all States  
2 (which, for the purpose of this paragraph,  
3 means the 50 States and the District of  
4 Columbia); plus

5 “(ii) any direct current expenditures  
6 by the State for the operation of those  
7 agencies; divided by

8 “(B) the aggregate number of children in  
9 average daily attendance to whom those agen-  
10 cies provided free public education during that  
11 preceding year.

12 “(3) CHARTER SCHOOL.—The term ‘charter  
13 school’ means a public school that—

14 “(A) in accordance with a specific State  
15 statute authorizing the granting of charters to  
16 schools, is exempt from significant State or  
17 local rules that inhibit the flexible operation  
18 and management of public schools, but not  
19 from any rules relating to the other require-  
20 ments of this paragraph;

21 “(B) is created by a developer as a public  
22 school, or is adapted by a developer from an ex-  
23 isting public school, and is operated under pub-  
24 lic supervision and direction;

1           “(C) operates in pursuit of a specific set of  
2 educational objectives determined by the  
3 school’s developer and agreed to by the author-  
4 ized public chartering agency;

5           “(D) provides a program of elementary or  
6 secondary education, or both;

7           “(E) is nonsectarian in its programs, ad-  
8 missions policies, employment practices, and all  
9 other operations;

10          “(F) does not charge tuition;

11          “(G) complies with the Age Discrimination  
12 Act of 1975, title VI of the Civil Rights Act of  
13 1964, title IX of the Education Amendments of  
14 1972, section 504 of the Rehabilitation Act of  
15 1973, and part B of the Individuals with Dis-  
16 abilities Education Act;

17          “(H) is a school to which parents choose to  
18 send their children, and that admits students  
19 on the basis of a lottery, if more students apply  
20 for admission than can be accommodated;

21          “(I) agrees to comply with the same Fed-  
22 eral and State audit requirements as do other  
23 elementary schools and secondary schools in the  
24 State, unless such requirements are specifically  
25 waived for the purpose of this program;

1           “(J) meets all applicable Federal, State,  
2           and local health and safety requirements;

3           “(K) operates in accordance with State  
4           law;

5           “(L) has a written performance contract  
6           with the authorized public chartering agency in  
7           the State that includes a description of how  
8           student performance will be measured in char-  
9           ter schools pursuant to State assessments that  
10          are required of other schools and pursuant to  
11          any other assessments mutually agreeable to  
12          the authorized public chartering agency and the  
13          charter school; and

14          “(M) may serve pre-kindergarten or post-  
15          secondary school students.

16          “(4) CHILD.—The term ‘child’ means any per-  
17          son within the age limits for which the State pro-  
18          vides free public education.

19          “(5) CHILD WITH A DISABILITY.—The term  
20          ‘child with a disability’ has the same meaning given  
21          that term in section 602 of the Individuals with Dis-  
22          abilities Education Act.

23          “(6) COMMUNITY-BASED ORGANIZATION.—The  
24          term ‘community-based organization’ means a public

1 or private nonprofit organization of demonstrated ef-  
2 fectiveness that—

3 “(A) is representative of a community or  
4 significant segments of a community; and

5 “(B) provides educational or related serv-  
6 ices to individuals in the community.

7 “(7) CONSOLIDATED LOCAL APPLICATION.—  
8 The term ‘consolidated local application’ means an  
9 application submitted by a local educational agency  
10 pursuant to section 5305.

11 “(8) CONSOLIDATED LOCAL PLAN.—The term  
12 ‘consolidated local plan’ means a plan submitted by  
13 a local educational agency pursuant to section 5305.

14 “(9) CONSOLIDATED STATE APPLICATION.—  
15 The term ‘consolidated State application’ means an  
16 application submitted by a State educational agency  
17 pursuant to section 5302.

18 “(10) CONSOLIDATED STATE PLAN.—The term  
19 ‘consolidated State plan’ means a plan submitted by  
20 a State educational agency pursuant to section  
21 5302.

22 “(11) CORE ACADEMIC SUBJECTS.—The term  
23 ‘core academic subjects’ means English, reading or  
24 language arts, mathematics, science, foreign lan-

1       guages, civics and government, economics, arts, his-  
2       tory, and geography.

3               “(12) COUNTY.—The term ‘county’ means one  
4       of the divisions of a State used by the Secretary of  
5       Commerce in compiling and reporting data regard-  
6       ing counties.

7               “(13) COVERED PROGRAM.—The term ‘covered  
8       program’ means each of the programs authorized  
9       by—

10                       “(A) part A of title I;

11                       “(B) title II; and

12                       “(C) title III.

13               “(14) CURRENT EXPENDITURES.—The term  
14       ‘current expenditures’ means expenditures for free  
15       public education—

16                       “(A) including expenditures for adminis-  
17       tration, instruction, attendance and health serv-  
18       ices, pupil transportation services, operation  
19       and maintenance of plant, fixed charges, and  
20       net expenditures to cover deficits for food serv-  
21       ices and student body activities; but

22                       “(B) not including expenditures for com-  
23       munity services, capital outlay, and debt serv-  
24       ice, or any expenditures made from funds re-  
25       ceived under title I.



1           “(15) DEPARTMENT.—The term ‘Department’  
2 means the Department of Education.

3           “(16) DIRECT STUDENT SERVICES.—The term  
4 ‘direct student services’ means public school choice  
5 or high-quality academic tutoring that are designed  
6 to help increase academic achievement for students.

7           “(17) DISTANCE EDUCATION.—The term ‘dis-  
8 tance education’ means the use of one or more tech-  
9 nologies to deliver instruction to students who are  
10 separated from the instructor and to support regular  
11 and substantive interaction between the students  
12 and the instructor synchronously or nonsyn-  
13 chronously.

14           “(18) EDUCATIONAL SERVICE AGENCY.—The  
15 term ‘educational service agency’ means a regional  
16 public multiservice agency authorized by State stat-  
17 ute to develop, manage, and provide services or pro-  
18 grams to local educational agencies.

19           “(19) ELEMENTARY SCHOOL.—The term ‘ele-  
20 mentary school’ means a nonprofit institutional day  
21 or residential school, including a public elementary  
22 charter school, that provides elementary education,  
23 as determined under State law.

1           “(20) ENGLISH LEARNER.—The term ‘English  
2 learner’, when used with respect to an individual,  
3 means an individual—

4           “(A) who is aged 3 through 21;

5           “(B) who is enrolled or preparing to enroll  
6 in an elementary school or secondary school;

7           “(C)(i) who was not born in the United  
8 States or whose native language is a language  
9 other than English;

10           “(ii)(I) who is a Native American or  
11 Alaska Native, or a native resident of the  
12 outlying areas; and

13           “(II) who comes from an environ-  
14 ment where a language other than  
15 English has had a significant impact  
16 on the individual’s level of English  
17 language proficiency; or

18           “(iii) who is migratory, whose native  
19 language is a language other than English,  
20 and who comes from an environment where  
21 a language other than English is domi-  
22 nant; and

23           “(D) whose difficulties in speaking, read-  
24 ing, writing, or understanding the English lan-

1           guage may be sufficient to deny the indi-  
2           vidual—

3                   “(i) the ability to meet the State’s  
4           academic standards described in section  
5           1111;

6                   “(ii) the ability to successfully achieve  
7           in classrooms where the language of in-  
8           struction is English; or

9                   “(iii) the opportunity to participate  
10          fully in society.

11          “(21) EXTENDED-YEAR ADJUSTED COHORT  
12          GRADUATION RATE.—

13                   “(A) IN GENERAL.—The term ‘extended-  
14          year adjusted cohort graduation rate’ means the  
15          ratio where—

16                   “(i) the denominator consists of the  
17          number of students who form the original  
18          cohort of students who entered the entry  
19          grade together in the entry year of high  
20          school, adjusted by—

21                   “(I) adding the students who  
22          joined that cohort, after the time of  
23          the determination of the original co-  
24          hort; and

1                   “(II) subtracting only those stu-  
2                   dents who left that cohort, after the  
3                   time of the determination of the origi-  
4                   nal cohort; and

5                   “(ii) the numerator consists of the  
6                   number of students in the cohort, as ad-  
7                   justed under clause (i), who earned a reg-  
8                   ular high school diploma before, during, or  
9                   at the conclusion of—

10                   “(I) one or more additional years  
11                   beyond the fourth year of high school;  
12                   or

13                   “(II) a summer session imme-  
14                   diately following the additional year of  
15                   high school.

16                   “(B) COHORT REMOVAL.—To remove a  
17                   student from a cohort, a school or local edu-  
18                   cational agency shall require documentation to  
19                   confirm that the student has transferred out,  
20                   emigrated to another country, transferred to a  
21                   prison or juvenile facility, or is deceased.

22                   “(C) TRANSFERRED OUT.—

23                   “(i) IN GENERAL.—For purposes of  
24                   this paragraph, the term ‘transferred out’  
25                   means a student who the high school or

1 local educational agency has confirmed, ac-  
2 cording to clause (ii), has transferred—

3 “(I) to another school from which  
4 the student is expected to receive a  
5 regular high school diploma; or

6 “(II) to another educational pro-  
7 gram from which the student is ex-  
8 pected to receive a regular high school  
9 diploma.

10 “(ii) CONFIRMATION REQUIRE-  
11 MENTS.—

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

20 “(II) LACK OF CONFIRMATION.—  
21 A student who was enrolled, but for  
22 whom there is no confirmation of the  
23 student having transferred out, shall  
24 remain in the extended-year adjusted  
25 cohort.

1                   “(iii) PROGRAMS NOT PROVIDING  
2                   CREDIT.—A student who is retained in  
3                   grade or who is enrolled in a GED or other  
4                   alternative educational program that does  
5                   not issue or provide credit toward the  
6                   issuance of a regular high school diploma  
7                   shall not be considered transferred out and  
8                   shall remain in the extended-year adjusted  
9                   cohort.

10                  “(D) SPECIAL RULE.—For those high  
11                  schools that start after grade 9, the original co-  
12                  hort shall be calculated for the earliest high  
13                  school grade students attend no later than the  
14                  effective date for student membership data sub-  
15                  mitted annually by State educational agencies  
16                  to the National Center for Education Statistics  
17                  pursuant to section 153 of the Education  
18                  Sciences Reform Act.

19                  “(22) FAMILY LITERACY SERVICES.—The term  
20                  ‘family literacy services’ means services provided to  
21                  participants on a voluntary basis that are of suffi-  
22                  cient intensity in terms of hours, and of sufficient  
23                  duration, to make sustainable changes in a family,  
24                  and that integrate all of the following activities:

1           “(A) Interactive literacy activities between  
2           parents and their children.

3           “(B) Training for parents regarding how  
4           to be the primary teacher for their children and  
5           full partners in the education of their children.

6           “(C) Parent literacy training that leads to  
7           economic self-sufficiency.

8           “(D) An age-appropriate education to pre-  
9           pare children for success in school and life ex-  
10          periences.

11          “(23) FOUR-YEAR ADJUSTED COHORT GRADUA-  
12          TION RATE.—

13                 “(A) IN GENERAL.—The term ‘four-year  
14                 adjusted cohort graduation rate’ means the  
15                 ratio where—

16                         “(i) the denominator consists of the  
17                         number of students who form the original  
18                         cohort of entering first-time 9th grade stu-  
19                         dents enrolled in the high school no later  
20                         than the effective date for student mem-  
21                         bership data submitted annually by State  
22                         educational agencies to the National Cen-  
23                         ter for Education Statistics pursuant to  
24                         section 153 of the Education Sciences Re-  
25                         form Act, adjusted by—

1                   “(I) adding the students who  
2                   joined that cohort, after the time of  
3                   the determination of the original co-  
4                   hort; and

5                   “(II) subtracting only those stu-  
6                   dents who left that cohort, after the  
7                   time of the determination of the origi-  
8                   nal cohort, as described in subpara-  
9                   graph (B); and

10                  “(ii) the numerator consists of the  
11                  number of students in the cohort, as ad-  
12                  justed under clause (i), who earned a reg-  
13                  ular high school diploma before, during, or  
14                  at the conclusion of—

15                         “(I) the fourth year of high  
16                         school; or

17                         “(II) a summer session imme-  
18                         diately following the fourth year of  
19                         high school.

20                  “(B) COHORT REMOVAL.—To remove a  
21                  student from a cohort, a school or local edu-  
22                  cational agency shall require documentation to  
23                  confirm that the student has transferred out,  
24                  emigrated to another country, transferred to a  
25                  prison or juvenile facility, or is deceased.



1 “(C) TRANSFERRED OUT.—

2 “(i) IN GENERAL.—For purposes of  
3 this paragraph, the term ‘transferred out’  
4 means a student who the high school or  
5 local educational agency has confirmed, ac-  
6 cording to clause (ii), has transferred—

7 “(I) to another school from which  
8 the student is expected to receive a  
9 regular high school diploma; or

10 “(II) to another educational pro-  
11 gram from which the student is ex-  
12 pected to receive a regular high school  
13 diploma.

14 “(ii) CONFIRMATION REQUIRE-  
15 MENTS.—

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

24 “(II) LACK OF CONFIRMATION.—  
25 A student who was enrolled, but for

1                   whom there is no confirmation of the  
2                   student having transferred out, shall  
3                   remain in the adjusted cohort.

4                   “(iii) PROGRAMS NOT PROVIDING  
5                   CREDIT.—A student who is retained in  
6                   grade or who is enrolled in a GED or other  
7                   alternative educational program that does  
8                   not issue or provide credit toward the  
9                   issuance of a regular high school diploma  
10                  shall not be considered transferred out and  
11                  shall remain in the adjusted cohort.

12                  “(D) SPECIAL RULE.—For those high  
13                  schools that start after grade 9, the original co-  
14                  hort shall be calculated for the earliest high  
15                  school grade students attend no later than the  
16                  effective date for student membership data sub-  
17                  mitted annually by State educational agencies  
18                  to the National Center for Education Statistics  
19                  pursuant to section 153 of the Education  
20                  Sciences Reform Act.

21                  “(24) FREE PUBLIC EDUCATION.—The term  
22                  ‘free public education’ means education that is pro-  
23                  vided—

1           “(A) at public expense, under public super-  
2 vision and direction, and without tuition charge;  
3 and

4           “(B) as elementary school or secondary  
5 school education as determined under applicable  
6 State law, except that the term does not include  
7 any education provided beyond grade 12.

8           “(25) GRADUATION RATE.—The term ‘gradua-  
9 tion rate’ means the adjusted cohort graduation  
10 rate.

11          “(26) HIGH-QUALITY ACADEMIC TUTORING.—  
12 The term ‘high-quality academic tutoring’ means  
13 supplemental academic services that—

14           “(A) are in addition to instruction pro-  
15 vided during the school day;

16           “(B) are provided by a non-governmental  
17 entity or local educational agency that—

18           “(i) is included on a State educational  
19 agency approved provider list after dem-  
20 onstrating to the State educational agency  
21 that its program consistently improves the  
22 academic achievement of students; and

23           “(ii) agrees to provide parents of chil-  
24 dren receiving high-quality academic tutor-  
25 ing, the appropriate local educational agen-

1           cy, and school with information on partici-  
2           pating students increases in academic  
3           achievement, in a format, and to the extent  
4           practicable, a language that such parent  
5           can understand, and in a manner that pro-  
6           tects the privacy of individuals consistent  
7           with section 444 of the General Education  
8           Provisions Act (20 U.S.C. 1232g);

9           “(C) are selected by the parents of stu-  
10          dents who are identified by the local educational  
11          agency as being eligible for such services from  
12          among providers on the approved provider list  
13          described in subparagraph (B)(i);

14          “(D) meet all applicable Federal, State,  
15          and local health, safety, and civil rights laws;  
16          and

17          “(E) ensure that all instruction and con-  
18          tent are secular, neutral, and non-ideological.

19          “(27) HIGH SCHOOL.—The term ‘high school’ ”  
20          means a secondary school that—

21                  “(A) grants a diploma, as defined by the  
22                  State; and

23                  “(B) includes, at least, grade 12.

24          “(28) INSTITUTION OF HIGHER EDUCATION.—  
25          The term ‘institution of higher education’ has the

1 meaning given that term in section 101(a) of the  
2 Higher Education Act of 1965.

3 “(29) LOCAL EDUCATIONAL AGENCY.—

4 “(A) IN GENERAL.—The term ‘local edu-  
5 cational agency’ means a public board of edu-  
6 cation or other public authority legally con-  
7 stituted within a State for either administrative  
8 control or direction of, or to perform a service  
9 function for, public elementary schools or sec-  
10 ondary schools in a city, county, township,  
11 school district, or other political subdivision of  
12 a State, or of or for a combination of school  
13 districts or counties that is recognized in a  
14 State as an administrative agency for its public  
15 elementary schools or secondary schools.

16 “(B) ADMINISTRATIVE CONTROL AND DI-  
17 RECTION.—The term includes any other public  
18 institution or agency having administrative con-  
19 trol and direction of a public elementary school  
20 or secondary school.

21 “(C) BIE SCHOOLS.—The term includes  
22 an elementary school or secondary school fund-  
23 ed by the Bureau of Indian Education but only  
24 to the extent that including the school makes  
25 the school eligible for programs for which spe-

1           cific eligibility is not provided to the school in  
2           another provision of law and the school does not  
3           have a student population that is smaller than  
4           the student population of the local educational  
5           agency receiving assistance under this Act with  
6           the smallest student population, except that the  
7           school shall not be subject to the jurisdiction of  
8           any State educational agency other than the  
9           Bureau of Indian Education.

10           “(D) EDUCATIONAL SERVICE AGENCIES.—  
11           The term includes educational service agencies  
12           and consortia of those agencies.

13           “(E) STATE EDUCATIONAL AGENCY.—The  
14           term includes the State educational agency in a  
15           State in which the State educational agency is  
16           the sole educational agency for all public  
17           schools.

18           “(30) NATIVE AMERICAN AND NATIVE AMER-  
19           ICAN LANGUAGE.—The terms ‘Native American’ and  
20           ‘Native American language’ have the same meaning  
21           given those terms in section 103 of the Native  
22           American Languages Act of 1990.

23           “(31) OTHER STAFF.—The term ‘other staff’  
24           means specialized instructional support personnel, li-  
25           brarians, career guidance and counseling personnel,

1 education aides, and other instructional and admin-  
2 istrative personnel.

3 “(32) OUTLYING AREA.—The term ‘outlying  
4 area’—

5 “(A) means American Samoa, the Com-  
6 monwealth of the Northern Mariana Islands,  
7 Guam, and the United States Virgin Islands;

8 “(B) means the Republic of Palau, to the  
9 extent permitted under section 105(f)(1)(B)(ix)  
10 of the Compact of Free Association Amend-  
11 ments Act of 2003 (Public Law 99–658; 117  
12 Stat. 2751) and until an agreement for the ex-  
13 tension of United States education assistance  
14 under the Compact of Free Association becomes  
15 effective for the Republic of Palau; and

16 “(C) for the purpose of any discretionary  
17 grant program under this Act, includes the Re-  
18 public of the Marshall Islands and the Fed-  
19 erated States of Micronesia, to the extent per-  
20 mitted under section 105(f)(1)(B)(viii) of the  
21 Compact of Free Association Amendments Act  
22 of 2003 (Public Law 108–188; 117 Stat.  
23 2751).

24 “(33) PARENT.—The term ‘parent’ includes a  
25 legal guardian or other person standing in loco

1       parentis (such as a grandparent or stepparent with  
2       whom the child lives, or a person who is legally re-  
3       sponsible for the child’s welfare).

4               “(34) PARENTAL INVOLVEMENT.—The term  
5       ‘parental involvement’ means the participation of  
6       parents in regular, two-way, and meaningful commu-  
7       nication involving student academic learning and  
8       other school activities, including ensuring—

9               “(A) that parents play an integral role in  
10       assisting in their child’s learning;

11              “(B) that parents are encouraged to be ac-  
12       tively involved in their child’s education at  
13       school;

14              “(C) that parents are full partners in their  
15       child’s education and are included, as appro-  
16       priate, in decisionmaking and on advisory com-  
17       mittees to assist in the education of their child;  
18       and

19              “(D) the carrying out of other activities,  
20       such as those described in section 1118.

21              “(35) POVERTY LINE.—The term ‘poverty line’  
22       means the poverty line (as defined by the Office of  
23       Management and Budget and revised annually in ac-  
24       cordance with section 673(2) of the Community



1 Services Block Grant Act) applicable to a family of  
2 the size involved.

3 “(36) PROFESSIONAL DEVELOPMENT.—The  
4 term ‘professional development’—

5 “(A) includes activities that—

6 “(i) improve and increase teachers’  
7 knowledge of the academic subjects the  
8 teachers teach, and enable teachers to be-  
9 come effective educators;

10 “(ii) are an integral part of broad  
11 schoolwide and districtwide educational im-  
12 provement plans;

13 “(iii) give teachers, school leaders,  
14 other staff, and administrators the knowl-  
15 edge and skills to provide students with  
16 the opportunity to meet State academic  
17 standards;

18 “(iv) improve classroom management  
19 skills;

20 “(v)(I) are high quality, job-embed-  
21 ded, and continuous in order to have a  
22 positive and lasting impact on classroom  
23 instruction and the teacher’s performance  
24 in the classroom; and

1 “(II) are not 1-day or short-term  
2 workshops or conferences;

3 “(vi) support the recruiting, hiring,  
4 and training of effective teachers, including  
5 teachers who became certified or licensed  
6 through State and local alternative routes  
7 to certification;

8 “(vii) advance teacher understanding  
9 of effective instructional strategies that  
10 are—

11 “(I) evidence-based; and

12 “(II) strategies for improving  
13 student academic achievement or sub-  
14 stantially increasing the knowledge  
15 and teaching skills of teachers, includ-  
16 ing through addressing the social and  
17 emotional development needs of stu-  
18 dents; and

19 “(viii) are aligned with and directly  
20 related to—

21 “(I) State academic standards  
22 and assessments; and

23 “(II) the curricula and programs  
24 tied to the standards described in sub-  
25 clause (I);

1                   “(ix) are developed with extensive par-  
2                   ticipation of teachers, school leaders, par-  
3                   ents, and administrators of schools to be  
4                   served under this Act;

5                   “(x) are designed to give teachers of  
6                   English learners and other teachers and  
7                   instructional staff, the knowledge and  
8                   skills to provide instruction and appro-  
9                   priate language and academic support  
10                  services to those children, including the ap-  
11                  propriate use of curricula and assessments;

12                  “(xi) to the extent appropriate, pro-  
13                  vide training for teachers, other staff, and  
14                  school leaders in the use of technology so  
15                  that technology and technology applica-  
16                  tions are effectively used to improve teach-  
17                  ing and learning in the curricula and core  
18                  academic subjects in which the students re-  
19                  ceive instruction;

20                  “(xii) as a whole, are regularly evalu-  
21                  ated for their impact on increased teacher  
22                  effectiveness and improved student aca-  
23                  demic achievement, with the findings of  
24                  the evaluations used to improve the quality  
25                  of the professional development;

1                   “(xiii) provide instruction in methods  
2 of teaching children with special needs;

3                   “(xiv) include instruction in the use of  
4 data and assessments to inform and in-  
5 struct classroom practice; and

6                   “(xv) include instruction in ways that  
7 teachers, school leaders, specialized in-  
8 structional support personnel, other staff,  
9 and school administrators may work more  
10 effectively with parents; and

11                  “(B) may include activities that—

12                   “(i) involve the forming of partner-  
13 ships with institutions of higher education  
14 to establish school-based teacher training  
15 programs that provide prospective teachers  
16 and new teachers with an opportunity to  
17 work under the guidance of experienced  
18 teachers and college faculty;

19                   “(ii) create programs to enable para-  
20 professionals (assisting teachers employed  
21 by a local educational agency receiving as-  
22 sistance under subpart 1 of part A of title  
23 I) to obtain the education necessary for  
24 those paraprofessionals to become certified  
25 and licensed teachers; and

1                   “(iii) provide follow-up training to in-  
2                   dividuals who have participated in activi-  
3                   ties described in subparagraph (A) or an-  
4                   other clause of this subparagraph that are  
5                   designed to ensure that the knowledge and  
6                   skills learned by the teachers are imple-  
7                   mented in the classroom.

8                   “(37) REGULAR HIGH SCHOOL DIPLOMA.—

9                   “(A) IN GENERAL.—The term ‘regular  
10                  high school diploma’ means the standard high  
11                  school diploma awarded to the preponderance of  
12                  students in the State that is fully aligned with  
13                  State standards, or a higher diploma. Such  
14                  term shall not include a GED or other recog-  
15                  nized equivalent of a diploma, a certificate of  
16                  attendance, or any lesser diploma award.

17                  “(B) EXCEPTION FOR STUDENTS WITH  
18                  SIGNIFICANT COGNITIVE DISABILITIES.—For a  
19                  student who is assessed using an alternate as-  
20                  sessment aligned to alternate academic stand-  
21                  ards under section 1111(b)(1)(D), receipt of a  
22                  regular high school diploma as defined under  
23                  subparagraph (A) or a State-defined alternate  
24                  diploma obtained within the time period for  
25                  which the State ensures the availability of a

1 free appropriate public education and in accord-  
2 ance with section 612(a)(1) of the Individuals  
3 with Disabilities Education Act shall be counted  
4 as graduating with a regular high school di-  
5 ploma for the purposes of this Act.

6 “(38) SCHOOL LEADER.—The term ‘school  
7 leader’ means a principal, assistant principal, or  
8 other individual who is—

9 “(A) an employee or officer of a school,  
10 local educational agency, or other entity oper-  
11 ating the school; and

12 “(B) responsible for—

13 “(i) the daily instructional leadership  
14 and managerial operations of the school;  
15 and

16 “(ii) creating the optimum conditions  
17 for student learning.

18 “(39) SECONDARY SCHOOL.—The term ‘sec-  
19 ondary school’ means a nonprofit institutional day or  
20 residential school, including a public secondary char-  
21 ter school, that provides secondary education, as de-  
22 termined under State law, except that the term does  
23 not include any education beyond grade 12.

24 “(40) SECRETARY.—The term ‘Secretary’  
25 means the Secretary of Education.

1           “(41) SPECIALIZED INSTRUCTIONAL SUPPORT  
2 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT  
3 SERVICES.—

4           “(A) SPECIALIZED INSTRUCTIONAL SUP-  
5 PORT PERSONNEL.—The term ‘specialized in-  
6 structional support personnel’ means school  
7 counselors, school social workers, school psy-  
8 chologists, and other qualified professional per-  
9 sonnel involved in providing assessment, diag-  
10 nosis, counseling, educational, therapeutic, and  
11 other necessary services (including related serv-  
12 ices as that term is defined in section 602 of  
13 the Individuals with Disabilities Education Act)  
14 as part of a comprehensive program to meet  
15 student needs.

16           “(B) SPECIALIZED INSTRUCTIONAL SUP-  
17 PORT SERVICES.—The term ‘specialized instruc-  
18 tional support services’ means the services pro-  
19 vided by specialized instructional support per-  
20 sonnel.

21           “(42) STATE.—The term ‘State’ means each of  
22 the 50 States, the District of Columbia, the Com-  
23 monwealth of Puerto Rico, and each of the outlying  
24 areas.

1           “(43) STATE EDUCATIONAL AGENCY.—The  
2 term ‘State educational agency’ means the agency  
3 primarily responsible for the State supervision of  
4 public elementary schools and secondary schools.

5           “(44) TECHNOLOGY.—The term ‘technology’  
6 means modern information, computer and commu-  
7 nication technology products, services, or tools, in-  
8 cluding, but not limited to, the Internet and other  
9 communications networks, computer devices and  
10 other computer and communications hardware, soft-  
11 ware applications, data systems, and other electronic  
12 content and data storage.

13 **“SEC. 5102. APPLICABILITY OF TITLE.**

14           “Parts B, C, D, and E of this title do not apply to  
15 title IV of this Act.

16 **“SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDU-  
17 CATION OPERATED SCHOOLS.**

18           “For the purpose of any competitive program under  
19 this Act—

20           “(1) a consortium of schools operated by the  
21 Bureau of Indian Education;

22           “(2) a school operated under a contract or  
23 grant with the Bureau of Indian Education in con-  
24 sortium with another contract or grant school or a  
25 tribal or community organization; or



1           “(3) a Bureau of Indian Education school in  
2           consortium with an institution of higher education,  
3           a contract or grant school, or a tribal or community  
4           organization,  
5           shall be given the same consideration as a local edu-  
6           cational agency.

7           “PART B—FLEXIBILITY IN THE USE OF  
8           ADMINISTRATIVE AND OTHER FUNDS  
9           **“SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE**  
10           **FUNDS FOR ELEMENTARY AND SECONDARY**  
11           **EDUCATION PROGRAMS.**

12           “(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

13           “(1) IN GENERAL.—A State educational agency  
14           may consolidate the amounts specifically made avail-  
15           able to it for State administration under one or  
16           more of the programs under paragraph (2).

17           “(2) APPLICABILITY.—This section applies to  
18           any program under this Act under which funds are  
19           authorized to be used for administration, and such  
20           other programs as the Secretary may designate.

21           “(b) USE OF FUNDS.—

22           “(1) IN GENERAL.—A State educational agency  
23           shall use the amount available under this section for  
24           the administration of the programs included in the  
25           consolidation under subsection (a).

1           “(2) ADDITIONAL USES.—A State educational  
2 agency may also use funds available under this sec-  
3 tion for administrative activities designed to enhance  
4 the effective and coordinated use of funds under pro-  
5 grams included in the consolidation under subsection  
6 (a), such as—

7           “(A) the coordination of those programs  
8 with other Federal and non-Federal programs;

9           “(B) the establishment and operation of  
10 peer-review mechanisms under this Act;

11           “(C) the administration of this title;

12           “(D) the dissemination of information re-  
13 garding model programs and practices;

14           “(E) technical assistance under any pro-  
15 gram under this Act;

16           “(F) State-level activities designed to carry  
17 out this title;

18           “(G) training personnel engaged in audit  
19 and other monitoring activities; and

20           “(H) implementation of the Cooperative  
21 Audit Resolution and Oversight Initiative of the  
22 Department.

23           “(c) RECORDS.—A State educational agency that  
24 consolidates administrative funds under this section shall  
25 not be required to keep separate records, by individual

1 program, to account for costs relating to the administra-  
2 tion of programs included in the consolidation under sub-  
3 section (a).

4 “(d) REVIEW.—To determine the effectiveness of  
5 State administration under this section, the Secretary may  
6 periodically review the performance of State educational  
7 agencies in using consolidated administrative funds under  
8 this section and take such steps as the Secretary finds  
9 appropriate to ensure the effectiveness of that administra-  
10 tion.

11 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State  
12 educational agency does not use all of the funds available  
13 to the agency under this section for administration, the  
14 agency may use those funds during the applicable period  
15 of availability as funds available under one or more pro-  
16 grams included in the consolidation under subsection (a).

17 “(f) CONSOLIDATION OF FUNDS FOR STANDARDS  
18 AND ASSESSMENT DEVELOPMENT.—In order to develop  
19 State academic standards and assessments, a State edu-  
20 cational agency may consolidate the amounts described in  
21 subsection (a) for those purposes under title I.

22 **“SEC. 5202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

23 “A State educational agency that also serves as a  
24 local educational agency shall, in its applications or plans

1 under this Act, describe how the agency will eliminate du-  
2 plication in conducting administrative functions.

3 **“SEC. 5203. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**  
4 **OF THE INTERIOR FUNDS.**

5 “(a) GENERAL AUTHORITY.—

6 “(1) TRANSFER.—The Secretary shall transfer  
7 to the Department of the Interior, as a consolidated  
8 amount for covered programs, the Indian education  
9 programs under subpart 6 of part A of title I, and  
10 the education for homeless children and youth pro-  
11 gram under subtitle B of title VII of the McKinney-  
12 Vento Homeless Assistance Act, the amounts allot-  
13 ted to the Department of the Interior under those  
14 programs.

15 “(2) AGREEMENT.—

16 “(A) IN GENERAL.—The Secretary and the  
17 Secretary of the Interior shall enter into an  
18 agreement, consistent with the requirements of  
19 the programs specified in paragraph (1), for the  
20 distribution and use of those program funds  
21 under terms that the Secretary determines best  
22 meet the purposes of those programs.

23 “(B) CONTENTS.—The agreement shall—

24 “(i) set forth the plans of the Sec-  
25 retary of the Interior for the use of the

1 amount transferred and the achievement  
2 measures to assess program effectiveness;  
3 and

4 “(ii) be developed in consultation with  
5 Indian tribes.

6 “(b) ADMINISTRATION.—The Department of the In-  
7 terior may use not more than 1.5 percent of the funds  
8 consolidated under this section for its costs related to the  
9 administration of the funds transferred under this section.

10 “PART C—COORDINATION OF PROGRAMS; CONSOLI-  
11 DATED STATE AND LOCAL PLANS AND APPLICA-  
12 TIONS

13 “**SEC. 5301. PURPOSES.**

14 “The purposes of this part are—

15 “(1) to improve teaching and learning by en-  
16 couraging greater cross-program coordination, plan-  
17 ning, and service delivery;

18 “(2) to provide greater flexibility to State and  
19 local authorities through consolidated plans, applica-  
20 tions, and reporting; and

21 “(3) to enhance the integration of programs  
22 under this Act with State and local programs.

23 “**SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR**  
24 **APPLICATIONS.**

25 “(a) GENERAL AUTHORITY.—

1           “(1) SIMPLIFICATION.—In order to simplify ap-  
2           plication requirements and reduce the burden for  
3           State educational agencies under this Act, the Sec-  
4           retary, in accordance with subsection (b), shall es-  
5           tablish procedures and criteria under which, after  
6           consultation with the Governor, a State educational  
7           agency may submit a consolidated State plan or a  
8           consolidated State application meeting the require-  
9           ments of this section for—

10                   “(A) each of the covered programs in  
11                   which the State participates; and

12                   “(B) such other programs as the Secretary  
13                   may designate.

14           “(2) CONSOLIDATED APPLICATIONS AND  
15           PLANS.—After consultation with the Governor, a  
16           State educational agency that submits a consolidated  
17           State plan or a consolidated State application under  
18           this section shall not be required to submit separate  
19           State plans or applications under any of the pro-  
20           grams to which the consolidated State plan or con-  
21           solidated State application under this section ap-  
22           plies.

23           “(b) COLLABORATION.—

24                   “(1) IN GENERAL.—In establishing criteria and  
25                   procedures under this section, the Secretary shall

1 collaborate with State educational agencies and, as  
2 appropriate, with other State agencies, local edu-  
3 cational agencies, public and private agencies, orga-  
4 nizations, and institutions, private schools, and par-  
5 ents, students, and teachers.

6 “(2) CONTENTS.—Through the collaborative  
7 process described in paragraph (1), the Secretary  
8 shall establish, for each program under this Act to  
9 which this section applies, the descriptions, informa-  
10 tion, assurances, and other material required to be  
11 included in a consolidated State plan or consolidated  
12 State application.

13 “(3) NECESSARY MATERIALS.—The Secretary  
14 shall require only descriptions, information, assur-  
15 ances (including assurances of compliance with ap-  
16 plicable provisions regarding participation by private  
17 school children and teachers), and other materials  
18 that are absolutely necessary for the consideration of  
19 the consolidated State plan or consolidated State ap-  
20 plication.

21 **“SEC. 5303. CONSOLIDATED REPORTING.**

22 “(a) IN GENERAL.—In order to simplify reporting re-  
23 quirements and reduce reporting burdens, the Secretary  
24 shall establish procedures and criteria under which a State

1 educational agency, in consultation with the Governor of  
2 the State, may submit a consolidated State annual report.

3 “(b) CONTENTS.—The report shall contain informa-  
4 tion about the programs included in the report, including  
5 the performance of the State under those programs, and  
6 other matters as the Secretary determines are necessary,  
7 such as monitoring activities.

8 “(c) REPLACEMENT.—The report shall replace sepa-  
9 rate individual annual reports for the programs included  
10 in the consolidated State annual report.

11 **“SEC. 5304. GENERAL APPLICABILITY OF STATE EDU-  
12 CATIONAL AGENCY ASSURANCES.**

13 “(a) ASSURANCES.—A State educational agency, in  
14 consultation with the Governor of the State, that submits  
15 a consolidated State plan or consolidated State application  
16 under this Act, whether separately or under section 5302,  
17 shall have on file with the Secretary a single set of assur-  
18 ances, applicable to each program for which the plan or  
19 application is submitted, that provides that—

20 “(1) each such program will be administered in  
21 accordance with all applicable statutes, regulations,  
22 program plans, and applications;

23 “(2)(A) the control of funds provided under  
24 each such program and title to property acquired  
25 with program funds will be in a public agency, an



1 eligible private agency, institution, or organization,  
2 or an Indian tribe, if the law authorizing the pro-  
3 gram provides for assistance to those entities; and

4 “(B) the public agency, eligible private agency,  
5 institution, or organization, or Indian tribe will ad-  
6 minister those funds and property to the extent re-  
7 quired by the authorizing law;

8 “(3) the State will adopt and use proper meth-  
9 ods of administering each such program, including—

10 “(A) the enforcement of any obligations  
11 imposed by law on agencies, institutions, orga-  
12 nizations, and other recipients responsible for  
13 carrying out each program;

14 “(B) the correction of deficiencies in pro-  
15 gram operations that are identified through au-  
16 dits, monitoring, or evaluation; and

17 “(C) the adoption of written procedures for  
18 the receipt and resolution of complaints alleging  
19 violations of law in the administration of the  
20 programs;

21 “(4) the State will cooperate in carrying out  
22 any evaluation of each such program conducted by  
23 or for the Secretary or other Federal officials;

24 “(5) the State will use such fiscal control and  
25 fund accounting procedures that will ensure proper

1 disbursement of, and accounting for, Federal funds  
2 paid to the State under each such program;

3 “(6) the State will—

4 “(A) make reports to the Secretary as may  
5 be necessary to enable the Secretary to perform  
6 the Secretary’s duties under each such pro-  
7 gram; and

8 “(B) maintain such records, provide such  
9 information to the Secretary, and afford such  
10 access to the records as the Secretary may find  
11 necessary to carry out the Secretary’s duties;  
12 and

13 “(7) before the plan or application was sub-  
14 mitted to the Secretary, the State afforded a reason-  
15 able opportunity for public comment on the plan or  
16 application and considered such comment.

17 “(b) GEPA PROVISION.—Section 441 of the General  
18 Education Provisions Act shall not apply to programs  
19 under this Act.

20 **“SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICA-**  
21 **TIONS.**

22 “(a) GENERAL AUTHORITY.—

23 “(1) CONSOLIDATED PLAN.—A local edu-  
24 cational agency receiving funds under more than one  
25 covered program may submit plans or applications

1 to the State educational agency under those pro-  
2 grams on a consolidated basis.

3 “(2) AVAILABILITY TO GOVERNOR.—The State  
4 educational agency shall make any consolidated local  
5 plans and applications available to the Governor.

6 “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-  
7 TIONS.—A State educational agency that has an approved  
8 consolidated State plan or application under section 5302  
9 may require local educational agencies in the State receiv-  
10 ing funds under more than one program included in the  
11 consolidated State plan or consolidated State application  
12 to submit consolidated local plans or applications under  
13 those programs, but may not require those agencies to  
14 submit separate plans.

15 “(c) COLLABORATION.—A State educational agency,  
16 in consultation with the Governor, shall collaborate with  
17 local educational agencies in the State in establishing pro-  
18 cedures for the submission of the consolidated State plans  
19 or consolidated State applications under this section.

20 “(d) NECESSARY MATERIALS.—The State edu-  
21 cational agency shall require only descriptions, informa-  
22 tion, assurances, and other material that are absolutely  
23 necessary for the consideration of the local educational  
24 agency plan or application.

1 **“SEC. 5306. OTHER GENERAL ASSURANCES.**

2 “(a) ASSURANCES.—Any applicant, other than a  
3 State educational agency that submits a plan or applica-  
4 tion under this Act, shall have on file with the State edu-  
5 cational agency a single set of assurances, applicable to  
6 each program for which a plan or application is submitted,  
7 that provides that—

8 “(1) each such program will be administered in  
9 accordance with all applicable statutes, regulations,  
10 program plans, and applications;

11 “(2)(A) the control of funds provided under  
12 each such program and title to property acquired  
13 with program funds will be in a public agency or in  
14 an eligible private agency, institution, organization,  
15 or Indian tribe, if the law authorizing the program  
16 provides for assistance to those entities; and

17 “(B) the public agency, eligible private agency,  
18 institution, or organization, or Indian tribe will ad-  
19 minister the funds and property to the extent re-  
20 quired by the authorizing statutes;

21 “(3) the applicant will adopt and use proper  
22 methods of administering each such program, in-  
23 cluding—

24 “(A) the enforcement of any obligations  
25 imposed by law on agencies, institutions, orga-

1           nizations, and other recipients responsible for  
2           carrying out each program; and

3           “(B) the correction of deficiencies in pro-  
4           gram operations that are identified through au-  
5           dits, monitoring, or evaluation;

6           “(4) the applicant will cooperate in carrying out  
7           any evaluation of each such program conducted by  
8           or for the State educational agency, the Secretary,  
9           or other Federal officials;

10          “(5) the applicant will use such fiscal control  
11          and fund accounting procedures as will ensure prop-  
12          er disbursement of, and accounting for, Federal  
13          funds paid to the applicant under each such pro-  
14          gram;

15          “(6) the applicant will—

16                 “(A) submit such reports to the State edu-  
17                 cational agency (which shall make the reports  
18                 available to the Governor) and the Secretary as  
19                 the State educational agency and Secretary may  
20                 require to enable the State educational agency  
21                 and the Secretary to perform their duties under  
22                 each such program; and

23                 “(B) maintain such records, provide such  
24                 information, and afford such access to the  
25                 records as the State educational agency (after

1           consultation with the Governor) or the Sec-  
2           retary may reasonably require to carry out the  
3           State educational agency's or the Secretary's  
4           duties; and

5           “(7) before the application was submitted, the  
6           applicant afforded a reasonable opportunity for pub-  
7           lic comment on the application and considered such  
8           comment.

9           “(b) GEPA PROVISION.—Section 442 of the General  
10          Education Provisions Act shall not apply to programs  
11          under this Act.

12                                   “PART D—WAIVERS

13          **“SEC. 5401. WAIVERS OF STATUTORY AND REGULATORY RE-**  
14                                   **QUIREMENTS.**

15           “(a) IN GENERAL.—

16                   “(1) REQUEST FOR WAIVER.—A State edu-  
17                   cational agency, local educational agency, or Indian  
18                   tribe that receives funds under a program authorized  
19                   under this Act may submit a request to the Sec-  
20                   retary to waive any statutory or regulatory require-  
21                   ment of this Act.

22                   “(2) RECEIPT OF WAIVER.—Except as provided  
23                   in subsection (c) and subject to the limits in sub-  
24                   section (b)(5)(A), the Secretary shall waive any stat-  
25                   utory or regulatory requirement of this Act for a

1 State educational agency, local educational agency,  
2 Indian tribe, or school (through a local educational  
3 agency), that submits a waiver request pursuant to  
4 this subsection.

5 “(b) PLAN.—

6 “(1) IN GENERAL.—A State educational agen-  
7 cy, local educational agency, or Indian tribe that de-  
8 sires a waiver under this section shall submit a waiv-  
9 er request to the Secretary, which shall include a  
10 plan that—

11 “(A) identifies the Federal programs af-  
12 fected by the requested waiver;

13 “(B) describes which Federal statutory or  
14 regulatory requirements are to be waived;

15 “(C) reasonably demonstrates that the  
16 waiver will improve instruction for students and  
17 advance student academic achievement;

18 “(D) describes the methods the State edu-  
19 cational agency, local educational agency, or In-  
20 dian tribe will use to monitor the effectiveness  
21 of the implementation of the plan;

22 “(E) describes the State educational agen-  
23 cy, local educational agency, or Indian tribe’s  
24 process for holding public schools accountable

1 for student academic achievement and inter-  
2 vening in low performing schools; and

3 “(F) describes how schools will continue to  
4 provide assistance to the same populations  
5 served by programs for which the waiver is re-  
6 quested.

7 “(2) ADDITIONAL INFORMATION.—A waiver re-  
8 quest under this section—

9 “(A) may provide for waivers of require-  
10 ments applicable to State educational agencies,  
11 local educational agencies, Indian tribes, and  
12 schools; and

13 “(B) shall be developed and submitted—

14 “(i)(I) by local educational agencies  
15 (on behalf of those agencies and schools)  
16 to State educational agencies; and

17 “(II) by State educational agencies  
18 (on their own behalf, or on behalf of, and  
19 based on the requests of, local educational  
20 agencies in the State) to the Secretary; or

21 “(ii) by Indian tribes (on behalf of  
22 schools operated by the tribes) to the Sec-  
23 retary.

24 “(3) GENERAL REQUIREMENTS.—



1           “(A) STATE EDUCATIONAL AGENCIES.—In  
2           the case of a waiver request submitted by a  
3           State educational agency acting on its own be-  
4           half, or on behalf of local educational agencies  
5           in the State, the State educational agency  
6           shall—

7                   “(i) provide the public and local edu-  
8                   cational agencies in the State with notice  
9                   and a reasonable opportunity to comment  
10                  and provide input on the request;

11                  “(ii) submit the comments and input  
12                  to the Secretary, with a description of how  
13                  the State addressed the comments and  
14                  input; and

15                  “(iii) provide notice and a reasonable  
16                  time to comment to the public and local  
17                  educational agencies in the manner in  
18                  which the applying agency customarily pro-  
19                  vides similar notice and opportunity to  
20                  comment to the public.

21           “(B) LOCAL EDUCATIONAL AGENCIES.—In  
22           the case of a waiver request submitted by a  
23           local educational agency that receives funds  
24           under this Act—

1           “(i) the request shall be reviewed by  
2           the State educational agency and be ac-  
3           companied by the comments, if any, of the  
4           State educational agency and the public;  
5           and

6           “(ii) notice and a reasonable oppor-  
7           tunity to comment regarding the waiver re-  
8           quest shall be provided to the State edu-  
9           cational agency and the public by the agen-  
10          cy requesting the waiver in the manner in  
11          which that agency customarily provides  
12          similar notice and opportunity to comment  
13          to the public.

14          “(4) PEER REVIEW.—

15               “(A) ESTABLISHMENT.—The Secretary  
16               shall establish a multi-disciplinary peer review  
17               team to review waiver requests under this sec-  
18               tion.

19               “(B) APPLICABILITY.—The Secretary may  
20               approve a waiver request under this section  
21               without conducting a peer review of the request,  
22               but shall use the peer review process under this  
23               paragraph before disapproving such a request.

24               “(C) STANDARD AND NATURE OF RE-  
25               VIEW.—Peer reviewers shall conduct a good

1 faith review of waiver requests submitted to  
2 them under this section. Peer reviewers shall re-  
3 view such waiver requests—

4 “(i) in their totality;

5 “(ii) in deference to State and local  
6 judgment; and

7 “(iii) with the goal of promoting  
8 State- and local-led innovation.

9 “(5) WAIVER DETERMINATION, DEMONSTRATION,  
10 AND REVISION.—

11 “(A) IN GENERAL.—The Secretary shall  
12 approve a waiver request not more than 60  
13 days after the date on which such request is  
14 submitted, unless the Secretary determines and  
15 demonstrates that—

16 “(i) the waiver request does not meet  
17 the requirements of this section;

18 “(ii) the waiver is not permitted under  
19 subsection (c);

20 “(iii) the plan that is required under  
21 paragraph (1)(C), and reviewed with def-  
22 erence to State and local judgment, pro-  
23 vides no reasonable evidence to determine  
24 that a waiver will enhance student aca-  
25 demic achievement; or

1                   “(iv) the waiver request does not pro-  
2                   vide for adequate evaluation to ensure re-  
3                   view and continuous improvement of the  
4                   plan.

5                   “(B) WAIVER DETERMINATION AND REVI-  
6                   SION.—If the Secretary determines and dem-  
7                   onstrates that the waiver request does not meet  
8                   the requirements of this section, the Secretary  
9                   shall—

10                   “(i) immediately—

11                   “(I) notify the State educational  
12                   agency, local educational agency, or  
13                   Indian tribe of such determination;  
14                   and

15                   “(II) at the request of the State  
16                   educational agency, local educational  
17                   agency, or Indian tribe, provide de-  
18                   tailed reasons for such determination  
19                   in writing;

20                   “(ii) offer the State educational agen-  
21                   cy, local educational agency, or Indian  
22                   tribe an opportunity to revise and resubmit  
23                   the waiver request not more than 60 days  
24                   after the date of such determination; and

1           “(iii) if the Secretary determines that  
2           the resubmission does not meet the re-  
3           quirements of this section, at the request  
4           of the State educational agency, local edu-  
5           cational agency, or Indian tribe, conduct a  
6           public hearing not more than 30 days after  
7           the date of such resubmission.

8           “(C) WAIVER DISAPPROVAL.—The Sec-  
9           retary may disapprove a waiver request if—

10           “(i) the State educational agency,  
11           local educational agency, or Indian tribe  
12           has been notified and offered an oppor-  
13           tunity to revise and resubmit the waiver  
14           request, as described under clauses (i) and  
15           (ii) of subparagraph (B); and

16           “(ii) the State educational agency,  
17           local educational agency, or Indian tribe—

18           “(I) does not revise and resubmit  
19           the waiver request; or

20           “(II) revises and resubmits the  
21           waiver request, and the Secretary de-  
22           termines that such waiver request  
23           does not meet the requirements of this  
24           section after a hearing conducted

1 under subparagraph (B)(iii), if re-  
2 quested.

3 “(D) EXTERNAL CONDITIONS.—The Sec-  
4 retary shall not require or impose new or addi-  
5 tional requirements in exchange for receipt of a  
6 waiver if such requirements are not specified in  
7 this Act.

8 “(c) RESTRICTIONS.—The Secretary shall not waive  
9 under this section any statutory or regulatory require-  
10 ments relating to—

11 “(1) the allocation or distribution of funds to  
12 States, local educational agencies, Indian tribes, or  
13 other recipients of funds under this Act;

14 “(2) comparability of services;

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

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

19 “(5) parental participation and involvement;

20 “(6) applicable civil rights requirements;

21 “(7) the prohibitions—

22 “(A) in subpart 2 of part E;

23 “(B) regarding use of funds for religious  
24 worship or instruction in section 5505; and

1           “(C) regarding activities in section 5524;

2           or

3           “(8) the selection of a school attendance area or  
4 school under subsections (a) and (b) of section 1113,  
5 except that the Secretary may grant a waiver to  
6 allow a school attendance area or school to partici-  
7 pate in activities under subpart 1 of part A of title  
8 I if the percentage of children from low-income fami-  
9 lies in the school attendance area or who attend the  
10 school is not more than 10 percentage points below  
11 the lowest percentage of those children for any  
12 school attendance area or school of the local edu-  
13 cational agency that meets the requirements of sub-  
14 sections (a) and (b) of section 1113.

15       “(d) DURATION AND EXTENSION OF WAIVER; LIM-  
16 TATIONS.—

17           “(1) IN GENERAL.—Except as provided in para-  
18 graph (2), a waiver approved by the Secretary under  
19 this section may be for a period not to exceed 3  
20 years.

21           “(2) EXTENSION.—The Secretary may extend  
22 the period described in paragraph (1) if the State  
23 demonstrates that—

24           “(A) the waiver has been effective in ena-  
25 bling the State or affected recipient to carry out

1 the activities for which the waiver was re-  
2 requested and the waiver has contributed to im-  
3 proved student achievement; and

4 “(B) the extension is in the public interest.

5 “(3) SPECIFIC LIMITATIONS.—The Secretary  
6 shall not require a State educational agency, local  
7 educational agency, or Indian tribe, as a condition of  
8 approval of a waiver request, to—

9 “(A) include in, or delete from, such re-  
10 quest, specific academic standards;

11 “(B) use specific academic assessment in-  
12 struments or items; or

13 “(C) include in, or delete from, such waiv-  
14 er request any criterion that specifies, defines,  
15 or prescribes the standards or measures that a  
16 State or local educational agency or Indian  
17 tribe uses to establish, implement, or improve—

18 “(i) State academic standards;

19 “(ii) academic assessments;

20 “(iii) State accountability systems; or

21 “(iv) teacher and school leader evalua-  
22 tion systems.

23 “(e) REPORTS.—

24 “(1) WAIVER REPORTS.—A State educational  
25 agency, local educational agency, or Indian tribe



1 that receives a waiver under this section shall, at the  
2 end of the second year for which a waiver is received  
3 under this section and each subsequent year, submit  
4 a report to the Secretary that—

5 “(A) describes the uses of the waiver by  
6 the agency or by schools;

7 “(B) describes how schools continued to  
8 provide assistance to the same populations  
9 served by the programs for which waivers were  
10 granted; and

11 “(C) evaluates the progress of the agency  
12 and schools, or Indian tribe, in improving the  
13 quality of instruction or the academic achieve-  
14 ment of students.

15 “(2) REPORT TO CONGRESS.—The Secretary  
16 shall annually submit to the Committee on Edu-  
17 cation and the Workforce of the House of Rep-  
18 resentatives and the Committee on Health, Edu-  
19 cation, Labor, and Pensions of the Senate a re-  
20 port—

21 “(A) summarizing the uses of waivers by  
22 State educational agencies, local educational  
23 agencies, Indian tribes, and schools; and

24 “(B) describing the status of the waivers  
25 in improving academic achievement.

1           “(f) **TERMINATION OF WAIVERS.**—The Secretary  
2 shall terminate a waiver under this section if the Secretary  
3 determines, after notice and an opportunity for a hearing,  
4 that the performance of the State or other recipient af-  
5 fected by the waiver has been inadequate to justify a con-  
6 tinuation of the waiver and the recipient of the waiver has  
7 failed to make revisions needed to carry out the purpose  
8 of the waiver, or if the waiver is no longer necessary to  
9 achieve its original purpose.

10           “(g) **PUBLICATION.**—A notice of the Secretary’s deci-  
11 sion to grant each waiver under subsection (a) shall be  
12 published in the Federal Register and the Secretary shall  
13 provide for the dissemination of the notice to State edu-  
14 cational agencies, interested parties, including educators,  
15 parents, students, advocacy and civil rights organizations,  
16 and the public.

17                           “**PART E—UNIFORM PROVISIONS**

18                           “**SUBPART 1—PRIVATE SCHOOLS**

19           “**SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHIL-**  
20                           **DREN AND TEACHERS.**

21           “(a) **PRIVATE SCHOOL PARTICIPATION.**—

22                           “(1) **IN GENERAL.**—Except as otherwise pro-  
23 vided in this Act, to the extent consistent with the  
24 number of eligible children in areas served by a  
25 State educational agency, local educational agency,

1 educational service agency, consortium of those  
2 agencies, or another entity receiving financial assist-  
3 ance under a program specified in subsection (b),  
4 who are enrolled in private elementary schools and  
5 secondary schools in areas served by such agency,  
6 consortium, or entity, the agency, consortium, or en-  
7 tity shall, after timely and meaningful consultation  
8 with appropriate private school officials or their rep-  
9 resentatives, provide to those children and their  
10 teachers or other educational personnel, on an equi-  
11 table basis, special educational services or other ben-  
12 efits that address their needs under the program.

13 “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-  
14 ICAL SERVICES OR BENEFITS.—Educational services  
15 or other benefits, including materials and equipment,  
16 provided under this section, shall be secular, neutral,  
17 and nonideological.

18 “(3) SPECIAL RULE.—Educational services and  
19 other benefits provided under this section for private  
20 school children, teachers, and other educational per-  
21 sonnel shall be equitable in comparison to services  
22 and other benefits for public school children, teach-  
23 ers, and other educational personnel participating in  
24 the program and shall be provided in a timely man-  
25 ner.

1           “(4) EXPENDITURES.—

2                   “(A) IN GENERAL.—Expenditures for edu-  
3                   cational services and other benefits to eligible  
4                   private school children, teachers, and other  
5                   service personnel shall be equal to the expendi-  
6                   tures for participating public school children,  
7                   taking into account the number and educational  
8                   needs, of the children to be served.

9                   “(B) OBLIGATION OF FUNDS.—Funds allo-  
10                   cated to a local educational agency for edu-  
11                   cational services and other benefits to eligible  
12                   private school children shall—

13                           “(i) be obligated in the fiscal year for  
14                           which the funds are received by the agen-  
15                           cy; and

16                           “(ii) with respect to any such funds  
17                           that cannot be so obligated, be used to  
18                           serve such children in the following fiscal  
19                           year.

20                   “(C) NOTICE OF ALLOCATION.—Each  
21                   State educational agency shall—

22                           “(i) determine, in a timely manner,  
23                           the proportion of funds to be allocated to  
24                           each local educational agency in the State  
25                           for educational services and other benefits

1 under this subpart to eligible private school  
2 children; and

3 “(ii) provide notice, simultaneously, to  
4 each such local educational agency and the  
5 appropriate private school officials or their  
6 representatives in the State of such alloca-  
7 tion of funds.

8 “(5) PROVISION OF SERVICES.—An agency,  
9 consortium, or entity described in subsection (a)(1)  
10 of this section may provide those services directly or  
11 through contracts with public and private agencies,  
12 organizations, and institutions.

13 “(b) APPLICABILITY.—

14 “(1) IN GENERAL.—This section applies to pro-  
15 grams under—

16 “(A) subpart 2 of part A of title I;

17 “(B) subpart 4 of part A of title I;

18 “(C) part A of title II;

19 “(D) part B of title II; and

20 “(E) part B of title III.

21 “(2) DEFINITION.—For the purpose of this sec-  
22 tion, the term ‘eligible children’ means children eligi-  
23 ble for services under a program described in para-  
24 graph (1).

25 “(c) CONSULTATION.—

1           “(1) IN GENERAL.—To ensure timely and  
2           meaningful consultation, a State educational agency,  
3           local educational agency, educational service agency,  
4           consortium of those agencies, or entity shall consult,  
5           in order to reach an agreement, with appropriate  
6           private school officials or their representatives dur-  
7           ing the design and development of the programs  
8           under this Act, on issues such as—

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

11                   “(B) what services will be offered;

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

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

17                   “(E) the size and scope of the equitable  
18                  services to be provided to the eligible private  
19                  school children, teachers, and other educational  
20                  personnel and the amount of funds available for  
21                  those services;

22                   “(F) how and when the agency, consor-  
23                  tium, or entity will make decisions about the  
24                  delivery of services, including a thorough con-  
25                  sideration and analysis of the views of the pri-

1           vate school officials or their representatives on  
2           the provision of services through potential  
3           third-party providers or contractors; and

4                   “(G) how, if the agency disagrees with the  
5           views of the private school officials or their rep-  
6           resentatives on the provision of services through  
7           a contract, the local educational agency will  
8           provide in writing to such private school offi-  
9           cials or their representatives an analysis of the  
10          reasons why the local educational agency has  
11          chosen not to use a contractor.

12                   “(2) DISAGREEMENT.—If the agency, consor-  
13          tium, or entity disagrees with the views of the pri-  
14          vate school officials or their representatives with re-  
15          spect to an issue described in paragraph (1), the  
16          agency, consortium, or entity shall provide to the  
17          private school officials or their representatives a  
18          written explanation of the reasons why the local edu-  
19          cational agency has chosen not to adopt the course  
20          of action requested by such officials or their rep-  
21          resentatives.

22                   “(3) TIMING.—The consultation required by  
23          paragraph (1) shall occur before the agency, consor-  
24          tium, or entity makes any decision that affects the  
25          opportunities of eligible private school children,

1 teachers, and other educational personnel to partici-  
2 pate in programs under this Act, and shall continue  
3 throughout the implementation and assessment of  
4 activities under this section.

5 “(4) DISCUSSION REQUIRED.—The consultation  
6 required by paragraph (1) shall include a discussion  
7 of service delivery mechanisms that the agency, con-  
8 sortium, or entity could use to provide equitable  
9 services to eligible private school children, teachers,  
10 administrators, and other staff.

11 “(5) DOCUMENTATION.—Each local educational  
12 agency shall maintain in the agency’s records and  
13 provide to the State educational agency involved a  
14 written affirmation signed by officials or their rep-  
15 resentatives of each participating private school that  
16 the meaningful consultation required by this section  
17 has occurred. The written affirmation shall provide  
18 the option for private school officials or their rep-  
19 resentatives to indicate that timely and meaningful  
20 consultation has not occurred or that the program  
21 design is not equitable with respect to eligible pri-  
22 vate school children. If such officials or their rep-  
23 resentatives do not provide such affirmation within  
24 a reasonable period of time, the local educational  
25 agency shall forward the documentation that such



1       consultation has, or attempts at such consultation  
2       have, taken place to the State educational agency.

3           “(6) COMPLIANCE.—

4               “(A) IN GENERAL.—If the consultation re-  
5               quired under this section is with a local edu-  
6               cational agency or educational service agency, a  
7               private school official or representative shall  
8               have the right to file a complaint with the State  
9               educational agency that the consultation re-  
10              quired under this section was not meaningful  
11              and timely, did not give due consideration to  
12              the views of the private school official or rep-  
13              resentative, or did not treat the private school  
14              or its students equitably as required by this sec-  
15              tion.

16             “(B) PROCEDURE.—If the private school  
17             official or representative wishes to file a com-  
18             plaint, the private school official or representa-  
19             tive shall provide the basis of the noncompli-  
20             ance with this section and all parties shall pro-  
21             vide the appropriate documentation to the ap-  
22             propriate officials or representatives.

23             “(C) SERVICES.—A State educational  
24             agency shall provide services under this section  
25             directly or through contracts with public and

1 private agencies, organizations, and institutions,  
2 if—

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

5 “(I) requested that the State  
6 educational agency provide such serv-  
7 ices directly; and

8 “(II) demonstrated that the local  
9 educational agency or Education Serv-  
10 ice Agency involved has not met the  
11 requirements of this section; or

12 “(ii) in a case in which—

13 “(I) a local educational agency  
14 has more than 10,000 children from  
15 low-income families who attend pri-  
16 vate elementary schools or secondary  
17 schools in such agency’s school at-  
18 tendance areas, as defined in section  
19 1113(a)(2)(A), that are not being  
20 served by the agency’s program under  
21 this section; or

22 “(II) 90 percent of the eligible  
23 private school students in a school at-  
24 tendance area, as defined in section  
25 1113(a)(2)(A), are not being served

1 by the agency's program under this  
2 section.

3 “(d) PUBLIC CONTROL OF FUNDS.—

4 “(1) IN GENERAL.—The control of funds used  
5 to provide services under this section, and title to  
6 materials, equipment, and property purchased with  
7 those funds, shall be in a public agency for the uses  
8 and purposes provided in this Act, and a public  
9 agency shall administer the funds and property.

10 “(2) PROVISION OF SERVICES.—

11 “(A) IN GENERAL.—The provision of serv-  
12 ices under this section shall be provided—

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

14 or

15 “(ii) through contract by the public  
16 agency with an individual, association,  
17 agency, organization, or other entity.

18 “(B) INDEPENDENCE; PUBLIC AGENCY.—

19 In the provision of those services, the employee,  
20 person, association, agency, organization, or  
21 other entity shall be independent of the private  
22 school and of any religious organization, and  
23 the employment or contract shall be under the  
24 control and supervision of the public agency.

1                   “(C) COMMINGLING OF FUNDS PROHIB-  
2                   ITED.—Funds used to provide services under  
3                   this section shall not be commingled with non-  
4                   Federal funds.

5   **“SEC. 5502. STANDARDS FOR BY-PASS.**

6           “(a) IN GENERAL.—If, by reason of any provision of  
7   law, a State educational agency, local educational agency,  
8   educational service agency, consortium of those agencies,  
9   or other entity is prohibited from providing for the partici-  
10   pation in programs of children enrolled in, or teachers or  
11   other educational personnel from, private elementary  
12   schools and secondary schools, on an equitable basis, or  
13   if the Secretary determines that the agency, consortium,  
14   or entity has substantially failed or is unwilling to provide  
15   for that participation, as required by section 5501, the  
16   Secretary shall—

17           “(1) waive the requirements of that section for  
18   the agency, consortium, or entity; and

19           “(2) arrange for the provision of equitable serv-  
20   ices to those children, teachers, or other educational  
21   personnel through arrangements that shall be sub-  
22   ject to the requirements of this section and of sec-  
23   tions 5501, 5503, and 5504.

24           “(b) DETERMINATION.—In making the determina-  
25   tion under subsection (a), the Secretary shall consider one

1 or more factors, including the quality, size, scope, and lo-  
2 cation of the program, and the opportunity of private  
3 school children, teachers, and other educational personnel  
4 to participate in the program.

5 **“SEC. 5503. COMPLAINT PROCESS FOR PARTICIPATION OF**  
6 **PRIVATE SCHOOL CHILDREN.**

7 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-  
8 retary shall develop and implement written procedures for  
9 receiving, investigating, and resolving complaints from  
10 parents, teachers, or other individuals and organizations  
11 concerning violations of section 5501 by a State edu-  
12 cational agency, local educational agency, educational  
13 service agency, consortium of those agencies, or entity.  
14 The individual or organization shall submit the complaint  
15 to the State educational agency for a written resolution  
16 by the State educational agency within 45 days.

17 “(b) APPEALS TO SECRETARY.—The resolution may  
18 be appealed by an interested party to the Secretary not  
19 later than 30 days after the State educational agency re-  
20 solves the complaint or fails to resolve the complaint with-  
21 in the 45-day time limit. The appeal shall be accompanied  
22 by a copy of the State educational agency’s resolution,  
23 and, if there is one, a complete statement of the reasons  
24 supporting the appeal. The Secretary shall investigate and

1 resolve the appeal not later than 90 days after receipt of  
2 the appeal.

3 “SUBPART 2—PROHIBITIONS

4 “**SEC. 5521. PROHIBITION AGAINST FEDERAL MANDATES,**  
5 **DIRECTION, OR CONTROL.**

6 “(a) **IN GENERAL.**—No officer or employee of the  
7 Federal Government shall, directly or indirectly – through  
8 grants, contracts, or other cooperative agreements – man-  
9 date, direct, or control a State, local educational agency,  
10 or school’s specific instructional content, academic stand-  
11 ards and assessments, curricula, or program of instruc-  
12 tion, nor shall anything in this Act be construed to author-  
13 ize such officer or employee to do so.

14 “(b) **FINANCIAL SUPPORT.**—No officer or employee  
15 of the Federal Government shall, directly or indirectly –  
16 through grants, contracts, or other cooperative agreements  
17 – make financial support available in a manner that is  
18 conditioned upon a State, local educational agency, or  
19 school’s adoption of specific instructional content, aca-  
20 demic standards and assessments, curriculum, or program  
21 of instruction even if such requirements are specified in  
22 an Act other than this Act, nor shall anything in this Act  
23 be construed to authorize such officer or employee to do  
24 so.

1 **“SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**  
2 **USE OF FEDERAL FUNDS.**

3 “(a) GENERAL PROHIBITION.—Nothing in this Act  
4 shall be construed to authorize an officer or employee of  
5 the Federal Government directly or indirectly – whether  
6 through a grant, contract, or cooperative agreement – to  
7 mandate, direct, or control a State, local educational agen-  
8 cy, or school’s curriculum, program of instruction, or allo-  
9 cation of State or local resources, or mandate a State or  
10 any subdivision thereof to spend any funds or incur any  
11 costs not paid for under this Act.

12 “(b) PROHIBITION ON ENDORSEMENT OF CUR-  
13 RICULUM.—Notwithstanding any other prohibition of Fed-  
14 eral law, no funds provided to the Department under this  
15 Act may be used by the Department directly or indirectly  
16 – whether through a grant, contract, or cooperative agree-  
17 ment – to endorse, approve, develop, require, or sanction  
18 any curriculum designed to be used in an elementary  
19 school or secondary school.

20 “(c) LOCAL CONTROL.—Nothing in this Act shall be  
21 construed to—

22 “(1) authorize an officer or employee of the  
23 Federal Government directly or indirectly – whether  
24 through a grant, contract, or cooperative agreement  
25 – to mandate, direct, review, or control a State, local

1 educational agency, or school's instructional content,  
2 curriculum, and related activities;

3 “(2) limit the application of the General Edu-  
4 cation Provisions Act;

5 “(3) require the distribution of scientifically or  
6 medically false or inaccurate materials or to prohibit  
7 the distribution of scientifically or medically true or  
8 accurate materials; or

9 “(4) create any legally enforceable right.

10 “(d) PROHIBITION ON REQUIRING FEDERAL AP-  
11 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-  
12 standing any other provision of Federal law, no State shall  
13 be required to have academic standards approved or cer-  
14 tified by the Federal Government, in order to receive as-  
15 sistance under this Act.

16 “(e) RULE OF CONSTRUCTION ON BUILDING STAND-  
17 ARDS.—Nothing in this Act shall be construed to mandate  
18 national school building standards for a State, local edu-  
19 cational agency, or school.

20 **“SEC. 5523. PROHIBITION ON FEDERALLY SPONSORED**  
21 **TESTING.**

22 “(a) GENERAL PROHIBITION.—Notwithstanding any  
23 other provision of Federal law and except as provided in  
24 subsection (b), no funds provided under this Act to the  
25 Secretary or to the recipient of any award may be used



1 to develop, pilot test, field test, implement, administer, or  
2 distribute any federally sponsored national test or testing  
3 materials in reading, mathematics, or any other subject,  
4 unless specifically and explicitly authorized by law.

5 “(b) EXCEPTIONS.—Subsection (a) shall not apply to  
6 international comparative assessments developed under  
7 the authority of section 153(a)(5) of the Education  
8 Sciences Reform Act of 2002 and administered to only a  
9 representative sample of pupils in the United States and  
10 in foreign nations.

11 **“SEC. 5524. LIMITATIONS ON NATIONAL TESTING OR CER-**  
12 **TIFICATION FOR TEACHERS.**

13 “(a) MANDATORY NATIONAL TESTING OR CERTIFI-  
14 CATION OF TEACHERS.—Notwithstanding any other pro-  
15 vision of this Act or any other provision of law, no funds  
16 available to the Department or otherwise available under  
17 this Act may be used for any purpose relating to a manda-  
18 tory nationwide test or certification of teachers or edu-  
19 cation paraprofessionals, including any planning, develop-  
20 ment, implementation, or administration of such test or  
21 certification.

22 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The  
23 Secretary is prohibited from withholding funds from any  
24 State educational agency or local educational agency if the  
25 State educational agency or local educational agency fails

1 to adopt a specific method of teacher or paraprofessional  
2 certification.

3 **“SEC. 5525. PROHIBITED USES OF FUNDS.**

4 “No funds under this Act may be used—

5 “(1) for construction, renovation, or repair of  
6 any school facility, except as authorized under title  
7 IV or otherwise authorized under this Act;

8 “(2) for medical services, drug treatment or re-  
9 habilitation, except for specialized instructional sup-  
10 port services or referral to treatment for students  
11 who are victims of, or witnesses to, crime or who il-  
12 legally use drugs;

13 “(3) for transportation unless otherwise author-  
14 ized under this Act;

15 “(4) to develop or distribute materials, or oper-  
16 ate programs or courses of instruction directed at  
17 youth, that are designed to promote or encourage  
18 sexual activity, whether homosexual or heterosexual;

19 “(5) to distribute or to aid in the distribution  
20 by any organization of legally obscene materials to  
21 minors on school grounds;

22 “(6) to provide sex education or HIV-prevention  
23 education in schools unless that instruction is age  
24 appropriate and includes the health benefits of absti-  
25 nence; or

1           “(7) to operate a program of contraceptive dis-  
2           tribution in schools.

3           “SUBPART 3—OTHER PROVISIONS

4   **“SEC. 5541. ARMED FORCES RECRUITER ACCESS TO STU-  
5                           DENTS AND STUDENT RECRUITING INFORMA-  
6                           TION.**

7           “(a) POLICY.—

8           “(1) ACCESS TO STUDENT RECRUITING INFOR-  
9           MATION.—Notwithstanding section 444(a)(5)(B) of  
10          the General Education Provisions Act, each local  
11          educational agency receiving assistance under this  
12          Act shall provide, upon a request made by a military  
13          recruiter or an institution of higher education, ac-  
14          cess to the name, address, and telephone listing of  
15          each secondary school student served by the local  
16          educational agency, unless the parent of such stu-  
17          dent has submitted the prior consent request under  
18          paragraph (2).

19          “(2) CONSENT.—

20                 “(A) OPT-OUT PROCESS.—A parent of a  
21                 secondary school student may submit a written  
22                 request, to the local educational agency, that  
23                 the student’s name, address, and telephone list-  
24                 ing not be released for purposes of paragraph  
25                 (1) without prior written consent of the parent.

1           Upon receiving such request, the local edu-  
2           cational agency may not release the student's  
3           name, address, and telephone listing for such  
4           purposes without the prior written consent of  
5           the parent.

6           “(B) NOTIFICATION OF OPT-OUT PROC-  
7           ESS.—Each local educational agency shall no-  
8           tify the parents of the students served by the  
9           agency of the option to make a request de-  
10          scribed in subparagraph (A).

11          “(3) SAME ACCESS TO STUDENTS.—Each local  
12          educational agency receiving assistance under this  
13          Act shall provide military recruiters the same access  
14          to secondary school students as is provided generally  
15          to institutions of higher education or to prospective  
16          employers of those students.

17          “(4) RULE OF CONSTRUCTION PROHIBITING  
18          OPT-IN PROCESSES.—Nothing in this subsection  
19          shall be construed to allow a local educational agen-  
20          cy to withhold access to a student's name, address,  
21          and telephone listing from a military recruiter or in-  
22          stitution of higher education by implementing an  
23          opt-in process or any other process other than the  
24          written consent request process under paragraph  
25          (2)(A).

1           “(5) PARENTAL CONSENT.—For purposes of  
2           this subsection, whenever a student has attained 18  
3           years of age, the permission or consent required of  
4           and the rights accorded to the parents of the stu-  
5           dent shall only be required of and accorded to the  
6           student.

7           “(b) NOTIFICATION.—The Secretary, in consultation  
8           with the Secretary of Defense, shall, not later than 120  
9           days after the date of enactment of the Student Success  
10          Act, notify school leaders, school administrators, and other  
11          educators about the requirements of this section.

12          “(c) EXCEPTION.—The requirements of this section  
13          do not apply to a private secondary school that maintains  
14          a religious objection to service in the Armed Forces if the  
15          objection is verifiable through the corporate or other orga-  
16          nizational documents or materials of that school.

17          **“SEC. 5542. RULEMAKING.**

18          “The Secretary shall issue regulations under this Act  
19          as prescribed under section 1401 only to the extent that  
20          such regulations are necessary to ensure that there is com-  
21          pliance with the specific requirements and assurances re-  
22          quired by this Act.

23          **“SEC. 5543. PEER REVIEW.**

24          “(a) IN GENERAL.—If the Secretary uses a peer re-  
25          view panel to evaluate an application for any program re-

1 quired under this Act, the Secretary shall conduct it in  
2 accordance with this section.

3 “(b) MAKEUP.—The Secretary shall—

4 “(1) solicit nominations for peers to serve on  
5 the panel from States that are—

6 “(A) practitioners in the subject matter; or

7 “(B) experts in the subject matter; and

8 “(2) select the peers from such nominees, ex-  
9 cept that there shall be at least 75 percent practi-  
10 tioners on each panel and in each group formed  
11 from the panel.

12 “(c) GUIDANCE.—The Secretary shall issue the peer  
13 review guidance concurrently with the notice of the grant.

14 “(d) REPORTING.—The Secretary shall—

15 “(1) make the names of the peer reviewers  
16 available to the public before the final deadline for  
17 the application of the grant;

18 “(2) make the peer review notes publically  
19 available once the review has concluded; and

20 “(3) make any deviations from the peer review-  
21 ers’ recommendations available to the public with an  
22 explanation of the deviation.

23 “(e) APPLICANT REVIEWS.—An applicant shall have  
24 an opportunity within 30 days to review the peer review

1 notes and appeal the score to the Secretary prior to the  
2 Secretary making any final determination.

3 “(f) PROHIBITION.—The Secretary, and the Sec-  
4 retary’s staff, may not attempt to participate in, or influ-  
5 ence, the peer review process. No Federal employee may  
6 participate in, or attempt to influence the peer review  
7 process, except to respond to questions of a technical na-  
8 ture, which shall be publicly reported.

9 **“SEC. 5544. PARENTAL CONSENT.**

10 “Upon receipt of written notification from the par-  
11 ents or legal guardians of a student, the local educational  
12 agency shall withdraw such student from any program  
13 funded under part B of title III. The local educational  
14 agency shall make reasonable efforts to inform parents or  
15 legal guardians of the content of such programs or activi-  
16 ties funded under this Act, other than classroom instruc-  
17 tion.

18 **“SEC. 5551. SEVERABILITY.**

19 “If any provision of this Act is held invalid, the re-  
20 mainder of this Act shall be unaffected thereby.

21 “PART F—EVALUATIONS

22 **“SEC. 5601. EVALUATIONS.**

23 “(a) RESERVATION OF FUNDS.—Except as provided  
24 in subsections (b) and (c), the Secretary may reserve not  
25 more than 0.5 percent of the amount appropriated to

1 carry out each categorical program and demonstration  
2 project authorized under this Act—

3 “(1) to conduct—

4 “(A) comprehensive evaluations of the pro-  
5 gram or project; and

6 “(B) studies of the effectiveness of the pro-  
7 gram or project and its administrative impact  
8 on schools and local educational agencies;

9 “(2) to evaluate the aggregate short- and long-  
10 term effects and cost efficiencies across Federal pro-  
11 grams assisted or authorized under this Act and re-  
12 lated Federal preschool, elementary, and secondary  
13 programs under any other Federal law; and

14 “(3) to increase the usefulness of evaluations of  
15 grant recipients in order to ensure the continuous  
16 progress of the program or project by improving the  
17 quality, timeliness, efficiency, and use of information  
18 relating to performance under the program or  
19 project.

20 “(b) TITLE I EXCLUDED.—The Secretary may not  
21 reserve under subsection (a) funds appropriated to carry  
22 out any program authorized under title I.

23 “(c) EVALUATION ACTIVITIES AUTHORIZED ELSE-  
24 WHERE.—If, under any other provision of this Act (other  
25 than title I), funds are authorized to be reserved or used



1 for evaluation activities with respect to a program or  
2 project, the Secretary may not reserve additional funds  
3 under this section for the evaluation of that program or  
4 project.”.

5 (b) TECHNICAL AMENDMENTS.—

6 (1) TITLE IX.—

7 (A) SUBPART 1 OF PART E OF TITLE V.—

8 (i) TRANSFER AND REDESIGNA-  
9 TION.—Sections 9504 through 9506 (20  
10 U.S.C. 7884; 7885; 7886) are—

11 (I) transferred to title V, as  
12 amended by subsection (a) of this sec-  
13 tion;

14 (II) inserted after section 5503  
15 of such title; and

16 (III) redesignated as sections  
17 5504 through 5506, respectively.

18 (ii) AMENDMENTS.—Section 5504 (as  
19 so redesignated) is amended—

20 (I) in subsection (a)(1)(A), by  
21 striking “section 9502” and inserting  
22 “section 5502”;

23 (II) in subsection (b), by striking  
24 “section 9501” and inserting “section  
25 5501”; and

1 (III) in subsection (d), by strik-  
2 ing “No Child Left Behind Act of  
3 2001” and inserting “Student Success  
4 Act”.

5 (B) SUBPART 2 OF PART E OF TITLE V.—

6 (i) TRANSFER AND REDESIGNA-  
7 TION.—Sections 9531, 9533, and 9534 (20  
8 U.S.C. 7911; 7913; 7914) are—

9 (I) transferred to title V, as  
10 amended by subparagraph (A) of this  
11 paragraph;

12 (II) inserted after section 5525  
13 of such title; and

14 (III) redesignated as sections  
15 5526 through 5528, respectively.

16 (ii) AMENDMENT.—Section 5531 (as  
17 so redesignated) is amended by striking  
18 subsection (b).

19 (C) SUBPART 3 OF PART E OF TITLE V.—  
20 Sections 9522, 9523, 9524, and 9525 (20  
21 U.S.C. 7902; 7903; 7904; 7905) are—

22 (i) transferred to title V, as amended  
23 by subparagraph (B) of this paragraph;

24 (ii) inserted after section 5544 of such  
25 title; and

1 (iii) redesignated as sections 5545  
2 through 5548, respectively.

3 (2) TITLE IV.—Sections 4141 and 4155 (20  
4 U.S.C. 7151; 7161) are—

5 (A) transferred to title V, as amended by  
6 paragraph (1) of this subsection;

7 (B) inserted after section 5548 (as so re-  
8 designated by paragraph (1)(C)(iii) of this sub-  
9 section); and

10 (C) redesignated as sections 5549 and  
11 5550, respectively.

12 **SEC. 202. REPEAL.**

13 Title IX (20 U.S.C. 7801 et seq.), as amended by  
14 section 201(b)(1) of this title, is repealed.

15 **SEC. 203. OTHER LAWS.**

16 Beginning on the date of the enactment of this Act,  
17 any reference in law to the term “highly qualified” as de-  
18 fined in section 9101 of the Elementary and Secondary  
19 Education Act of 1965 shall be treated as a reference to  
20 such term under section 9101 of the Elementary and Sec-  
21 ondary Education Act of 1965 as in effect on the day be-  
22 fore the date of the enactment of this Act.

1 **SEC. 204. AMENDMENT TO IDEA.**

2 Section 602 of the Individuals with Disabilities Edu-  
3 cation Act (20 U.S.C. 1401) is amended by striking para-  
4 graph (10).

