

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3990
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 “Encouraging Innova-
3 tion and Effective Teachers Act”.

4 SEC. 2. TABLE OF CONTENTS.

5 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—TEACHER PREPARATION AND EFFECTIVENESS

- Sec. 101. Teacher preparation and effectiveness.
- Sec. 102. Conforming repeals.

TITLE II—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

- Sec. 201. Parental engagement and local flexibility.

TITLE III—IMPACT AID

- Sec. 301. Purpose.
- Sec. 302. Payments relating to Federal acquisition of real property.
- Sec. 303. Payments for eligible federally connected children.
- Sec. 304. Policies and procedures relating to children residing on Indian lands.
- Sec. 305. Application for payments under sections 8002 and 8003.
- Sec. 306. Construction.
- Sec. 307. Facilities.
- Sec. 308. State consideration of payments providing State aid.
- Sec. 309. Federal administration.
- Sec. 310. Administrative hearings and judicial review.
- Sec. 311. Definitions.

Sec. 312. Authorization of appropriations.

Sec. 313. Conforming amendments.

TITLE IV—TROOPS-TO-TEACHERS PROGRAM

Sec. 401. Troops-to-teachers program.

TITLE V—REPEAL

Sec. 501. Repeal of title VI.

TITLE VI—HOMELESS EDUCATION

Sec. 601. Statement of policy.

Sec. 602. Grants for State and local activities for the education of homeless children and youths.

Sec. 603. Local educational agency subgrants for the education of homeless children and youths.

Sec. 604. Secretarial responsibilities.

Sec. 605. Definitions.

Sec. 606. Authorization of appropriations.

1 **SEC. 3. REFERENCES.**

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

8 **SEC. 4. TRANSITION.**

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

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

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

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

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

15 (d) IMPACT AID.—With respect to title IV of the Act
16 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the
17 amendments made by this Act, shall take effect with re-
18 spect to appropriations for use under that title for fiscal
19 year 2013.

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

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

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

24 “(a) TITLE II.—There are authorized to be appro-
25 priated to carry out title II \$2,988,070,000 for fiscal year
26 2013.

1 “(b) TITLE III.—

2 “(1) PART A.—

3 “(A) SUBPART 1.—There are authorized to
4 be appropriated to carry out subpart 1 of part
5 A of title III \$300,000,000 for fiscal year 2013.

6 “(B) SUBPART 2.—There are authorized to
7 be appropriated to carry out subpart 2 of part
8 A of title III \$99,611,000 for fiscal year 2013.

9 “(C) SUBPART 3.—There are authorized to
10 be appropriated to carry out subpart 3 of part
11 A of title III \$25,000,000 for fiscal year 2013.

12 “(2) PART B.—There are authorized to be ap-
13 propriated to carry out part B of title III
14 \$2,677,476,000 for fiscal year 2013.

15 “(c) TITLE IV.—

16 “(1) PAYMENTS FOR FEDERAL ACQUISITION OF
17 REAL PROPERTY.—For the purpose of making pay-
18 ments under section 4002, there are authorized to
19 be appropriated \$66,947,000 for fiscal year 2013.

20 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-
21 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—
22 For the purpose of making payments under section
23 4003(b), there are authorized to be appropriated
24 \$1,153,540,000 for fiscal year 2013.

1 “(3) PAYMENTS FOR CHILDREN WITH DISABIL-
2 ITIES.—For the purpose of making payments under
3 section 4003(d), there are authorized to be appro-
4 priated \$48,413,000 for fiscal year 2013.

5 “(4) CONSTRUCTION.—For the purpose of car-
6 rying out section 4007, there are authorized to be
7 appropriated \$17,441,000 for fiscal year 2013.

8 “(5) FACILITIES MAINTENANCE.—For the pur-
9 pose of carrying out section 4008, there are author-
10 ized to be appropriated \$4,845,000 for fiscal year
11 2013.

12 “(d) OUT YEARS.—The amounts authorized in sub-
13 sections (a), (b), and (c) shall be increased for each of
14 fiscal years 2014 through 2018 by a percentage equal to
15 the percentage of inflation according to the Consumer
16 Price Index, for the calendar year ending prior to the be-
17 ginning of that fiscal year.”.

18 **TITLE I—TEACHER PREPARA-** 19 **TION AND EFFECTIVENESS**

20 **SEC. 101. TEACHER PREPARATION AND EFFECTIVENESS.**

21 (a) HEADING.—The heading for title II is amended
22 to read as follows:

1 **“TITLE II—TEACHER PREPARA-**
2 **TION AND EFFECTIVENESS”.**

3 (b) PART A.—Part A of Title II (20 U.S.C. 6601
4 et seq.) is amended to read as follows:

5 “PART A—SUPPORTING EFFECTIVE INSTRUCTION

6 **“SEC. 2101. PURPOSE.**

7 “The purpose of this part is to provide grants to
8 State educational agencies and subgrants to local edu-
9 cational agencies to—

10 “(1) increase student achievement consistent
11 with State academic standards under section 1111;

12 “(2) improve teacher and school leader effec-
13 tiveness;

14 “(3) provide evidence-based, continuous, job-
15 embedded professional development; and

16 “(4) develop and implement teacher evaluation
17 systems to link teacher performance with student
18 achievement to determine teacher effectiveness.

19 “SUBPART 1—GRANTS TO STATES

20 **“SEC. 2111. ALLOTMENTS TO STATES.**

21 “(a) IN GENERAL.—Of the amounts appropriated
22 under section 3(a), the Secretary shall reserve 75 percent
23 to make grants to States with applications approved under
24 section 2112 to pay for the Federal share of the cost of
25 carrying out the activities specified in section 2113. Each

1 grant shall consist of the allotment determined for a State
2 under subsection (b).

3 “(b) DETERMINATION OF ALLOTMENTS.—

4 “(1) RESERVATION OF FUNDS.—Of the amount
5 reserved under subsection (a) for a fiscal year, the
6 Secretary shall reserve—

7 “(A) not more than 1 percent to carry out
8 national activities under section 2132;

9 “(B) one-half of 1 percent for allotments
10 to outlying areas on the basis of their relative
11 need, as determined by the Secretary, in ac-
12 cordance with the purpose of this part; and

13 “(C) one-half of 1 percent for the Sec-
14 retary of the Interior for programs under this
15 part in schools operated or funded by the Bu-
16 reau of Indian Education.

17 “(2) STATE ALLOTMENTS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), from the funds reserved under sub-
20 section (a) for any fiscal year and not reserved
21 under paragraph (1), the Secretary shall allot
22 to each State the sum of—

23 “(i) an amount that bears the same
24 relationship to 50 percent of the funds as
25 the number of individuals age 5 through

1 17 in the State, as determined by the Sec-
2 retary on the basis of the most recent sat-
3 isfactory data, bears to the number of
4 those individuals in all such States, as so
5 determined; and

6 “(ii) an amount that bears the same
7 relationship to 50 percent of the funds as
8 the number of individuals age 5 through
9 17 from families with incomes below the
10 poverty line in the State, as determined by
11 the Secretary on the basis of the most re-
12 cent satisfactory data, bears to the number
13 of those individuals in all such States, as
14 so determined.

15 “(B) SMALL STATE MINIMUM.—No State
16 receiving an allotment under subparagraph (A)
17 may receive less than one-half of 1 percent of
18 the total amount of funds allotted under such
19 subparagraph for a fiscal year.

20 “(c) ALTERNATE DISTRIBUTION OF FUNDS.—

21 “(1) IN GENERAL.—Subject to paragraphs (2)
22 through (5), if a State does not apply to the Sec-
23 retary for an allotment under this section, a local
24 educational agency located in such State may apply
25 to the Secretary for a portion of the funds that

1 would have been allotted to the State had such State
2 applied for an allotment under this section to carry
3 out the activities under this part.

4 “(2) APPLICATION.—In order to receive an al-
5 lotment under paragraph (1), a local educational
6 agency shall submit to the Secretary an application
7 at such time, in such manner, and containing the in-
8 formation described in section 2122.

9 “(3) USE OF FUNDS.—A local educational
10 agency receiving an allotment under paragraph
11 (1)—

12 “(A) shall use such funds to carry out the
13 activities described in section 2123(1); and

14 “(B) may use such funds to carry out the
15 activities described in section 2123(2).

16 “(4) REPORTING REQUIREMENTS.—A local edu-
17 cational agency receiving an allotment under para-
18 graph (1) shall carry out the reporting requirements
19 described in section 2131(a), except that annual re-
20 ports shall be submitted to the Secretary and not a
21 State educational agency.

22 “(5) AMOUNT OF ALLOTMENT.—An allotment
23 made to a local educational agency under paragraph
24 (1) for a fiscal year shall be equal to the amount of
25 subgrant funds that the local educational agency

1 would have received under subpart 2 had such agen-
2 cy applied for a subgrant under such subpart for
3 such fiscal year.

4 “(d) REALLOTMENT.—If a State does not apply for
5 an allotment under this section for any fiscal year or only
6 a portion of the State’s allotment is allotted under sub-
7 section (c), the Secretary shall reallocate the State’s entire
8 allotment or the remaining portion of its allotment, as the
9 case may be, to the remaining States in accordance with
10 subsection (b).

11 **“SEC. 2112. STATE APPLICATION.**

12 “(a) IN GENERAL.—For a State to be eligible to re-
13 ceive a grant under this subpart, the State educational
14 agency shall submit an application to the Secretary at
15 such time and in such a manner as the Secretary may
16 reasonably require, which shall include the following:

17 “(1) A description of how the State educational
18 agency will meet the requirements of this subpart.

19 “(2) A description of how the State educational
20 agency will use a grant received under section 2111,
21 including the grant funds the State will reserve for
22 State-level activities under section 2113(a)(2).

23 “(3) A description of how the State educational
24 agency will facilitate the sharing of evidence-based

1 and other effective strategies among local edu-
2 cational agencies.

3 “(4) In the case of a State educational agency
4 that is not developing or implementing a statewide
5 teacher evaluation system, a description of how the
6 State educational agency will ensure that each local
7 educational agency in the State receiving a subgrant
8 under subpart 2 will implement a teacher evaluation
9 system that meets the requirements of clauses (i)
10 through (v) of section 2123(1)(A).

11 “(5) In the case of a State educational agency
12 that is developing or implementing a statewide
13 teacher evaluation system—

14 “(A) a description of how the State edu-
15 cational agency will work with local educational
16 agencies in the State to implement the state-
17 wide teacher evaluation system within 3 years
18 of the date of enactment of the Encouraging
19 Innovation and Effective Teachers Act; and

20 “(B) an assurance that the statewide
21 teacher evaluation system complies with clauses
22 (i) through (v) of section 2123(1)(A).

23 “(6) An assurance that the State educational
24 agency will comply with section 5501 (regarding par-
25 ticipation by private school children and teachers).

1 “(b) DEEMED APPROVAL.—An application submitted
2 by a State educational agency under subsection (a) shall
3 be deemed to be approved by the Secretary unless the Sec-
4 retary makes a written determination, prior to the expira-
5 tion of the 120-day period beginning on the date on which
6 the Secretary received the application, that the application
7 is not in compliance with this subpart.

8 “(c) DISAPPROVAL.—The Secretary shall not finally
9 disapprove an application, except after giving the State
10 educational agency notice and an opportunity for a hear-
11 ing.

12 “(d) NOTIFICATION.—If the Secretary finds that an
13 application is not in compliance, in whole or in part, with
14 this subpart, the Secretary shall—

15 “(1) give the State educational agency notice
16 and an opportunity for a hearing; and

17 “(2) notify the State educational agency of the
18 finding of noncompliance and, in such notification,
19 shall—

20 “(A) cite the specific provisions in the ap-
21 plication that are not in compliance; and

22 “(B) request additional information, only
23 as to the noncompliant provisions, needed to
24 make the application compliant.

1 “(e) RESPONSE.—If a State educational agency re-
2 sponds to a notification from the Secretary under sub-
3 section (d)(2) during the 45-day period beginning on the
4 date on which the agency received the notification, and
5 resubmits the application with the requested information
6 described in subsection (d)(2)(B), the Secretary shall ap-
7 prove or disapprove such application prior to the later of—

8 “(1) the expiration of the 45-day period begin-
9 ning on the date on which the application is resub-
10 mitted; or

11 “(2) the expiration of the 120-day period de-
12 scribed in subsection (b).

13 “(f) FAILURE TO RESPOND.—If a State educational
14 agency does not respond to a notification from the Sec-
15 retary under subsection (d)(2) during the 45-day period
16 beginning on the date on which the agency received the
17 notification, such application shall be deemed to be dis-
18 approved.

19 **“SEC. 2113. STATE USE OF FUNDS.**

20 “(a) IN GENERAL.—A State educational agency that
21 receives a grant under section 2111 shall—

22 “(1) reserve 95 percent of the grant funds to
23 make subgrants to local educational agencies under
24 subpart 2; and

1 “(2) use the remainder of the funds, after re-
2 serving funds under paragraph (1), for the State ac-
3 tivities described in subsection (b), except that the
4 State may reserve not more than 1 percent of the
5 grant funds for planning and administration related
6 to carrying out activities described in subsection (b).

7 “(b) STATE-LEVEL ACTIVITIES.—A State educational
8 agency that receives a grant under section 2111—

9 “(1) shall use the amount described in sub-
10 section (a)(2) to—

11 “(A) provide training and technical assist-
12 ance to local educational agencies on—

13 “(i) in the case of a State educational
14 agency not implementing a statewide
15 teacher evaluation system—

16 “(I) the development and imple-
17 mentation of a teacher evaluation sys-
18 tem that meets the requirements of
19 clauses (i) through (v) of section
20 2123(1)(A); and

21 “(II) training school leaders in
22 using such evaluation system; or

23 “(ii) in the case of a State educational
24 agency implementing a statewide teacher

1 evaluation system, implementing such eval-
2 uation system; and

3 “(B) fulfill the State educational agency’s
4 responsibilities with respect to the proper and
5 efficient administration of the subgrant pro-
6 gram carried out under this part; and

7 “(2) may use the amount described in sub-
8 section (a)(2) to—

9 “(A) disseminate and share evidence-based
10 and other effective practices related to teacher
11 and school leader effectiveness and professional
12 development; and

13 “(B) provide professional development for
14 teachers and school leaders in the State con-
15 sistent with clauses (i) through (v) of section
16 2123(2)(B).

17 “SUBPART 2—SUBGRANTS TO LOCAL EDUCATIONAL
18 AGENCIES

19 “**SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
20 **CIES.**

21 “(a) IN GENERAL.—Each State receiving a grant
22 under section 2111 shall use the funds reserved under sec-
23 tion 2113(a)(1) to award subgrants to local educational
24 agencies under this section.

1 “(b) ALLOCATION OF FUNDS.—From the funds re-
2 served by a State under section 2113(a)(1), the State edu-
3 cational agency shall allocate to each local educational
4 agency in the State the sum of—

5 “(1) an amount that bears the same relation-
6 ship to 50 percent of the funds as the number of in-
7 dividuals age 5 through 17 in the geographic area
8 served by the local educational agency, as deter-
9 mined by the State on the basis of the most recent
10 satisfactory data, bears to the number of those indi-
11 viduals in the geographic areas served by all the
12 local educational agencies in the State, as so deter-
13 mined; and

14 “(2) an amount that bears the same relation-
15 ship to 50 percent of the funds as the number of in-
16 dividuals age 5 through 17 from families with in-
17 comes below the poverty line in the geographic area
18 served by the local educational agency, as deter-
19 mined by the State on the basis of the most recent
20 satisfactory data, bears to the number of those indi-
21 viduals in the geographic areas served by all the
22 local educational agencies in the State, as so deter-
23 mined.

1 **“SEC. 2122. LOCAL APPLICATIONS.**

2 “To be eligible to receive a subgrant under this sub-
3 part, a local educational agency shall submit an applica-
4 tion to the State educational agency involved at such time,
5 in such a manner, and containing such information as the
6 State educational agency may reasonably require that, at
7 a minimum, shall include the following:

8 “(1) A description of—

9 “(A) how the local educational agency will
10 meet the requirements of this subpart;

11 “(B) how the activities to be carried out by
12 the local educational agency under this subpart
13 will be evidence-based, improve student aca-
14 demic achievement, and improve teacher and
15 school leader effectiveness;

16 “(C) in the case of a local educational
17 agency not in a State with a statewide teacher
18 evaluation system, the teacher evaluation sys-
19 tem that will be developed and implemented
20 under section 2123(1) and how such system will
21 meet the requirements described in clauses (i)
22 through (v) of section 2123(1)(A);

23 “(D) how, in developing and implementing
24 such a teacher evaluation system, the local edu-
25 cational agency will work with parents, teach-
26 ers, school leaders, and other staff of the

1 schools served by the local educational agency;
2 and

3 “(E) how the local educational agency will
4 develop and implement such a teacher evalua-
5 tion system within 3 years of the date of enact-
6 ment of the Encouraging Innovation and Effec-
7 tive Teachers Act.

8 “(2) In the case of a local educational agency
9 in a State with a statewide teacher evaluation sys-
10 tem, a description of how the local educational agen-
11 cy will work with the State educational agency to
12 implement the statewide teacher evaluation system
13 within 3 years of the date of enactment of the En-
14 couraging Innovation and Effective Teachers Act.

15 “(3) An assurance that the local educational
16 agency will comply with section 5501 (regarding par-
17 ticipation by private school children and teachers).

18 **“SEC. 2123. LOCAL USE OF FUNDS.**

19 “A local educational agency receiving a subgrant
20 under this subpart—

21 “(1) shall use such funds—

22 “(A) to develop and implement a teacher
23 evaluation system that—

24 “(i) uses student achievement data
25 derived from a variety of sources as a sig-

1 nificant factor in determining a teacher’s
2 evaluation, with the weight given to such
3 data defined by the local educational agen-
4 cy;

5 “(ii) uses multiple measures of evalua-
6 tion for evaluating teachers;

7 “(iii) has more than 2 categories for
8 rating the performance of teachers;

9 “(iv) shall be used to make personnel
10 decisions, as determined by the local edu-
11 cational agency; and

12 “(v) is based on input from parents,
13 school leaders, teachers, and other staff of
14 schools served by the local educational
15 agency; or

16 “(B) in the case of a local educational
17 agency located in a State implementing a state-
18 wide teacher evaluation system, to implement
19 such evaluation system; and

20 “(2) may use such funds for—

21 “(A) the training of school leaders for the
22 purpose of evaluating teachers under a teacher
23 evaluation system described in subparagraph
24 (A) or (B) of paragraph (1), as appropriate;

1 “(B) professional development for teachers
2 and school leaders that is evidence-based, job-
3 embedded, and continuous, such as—

4 “(i) subject-based professional devel-
5 opment for teachers;

6 “(ii) professional development aligned
7 with the State’s academic standards;

8 “(iii) professional development for
9 teachers of students with disabilities and
10 English learners;

11 “(iv) professional development for
12 teachers identified as in need of additional
13 support through data provided by a teach-
14 er evaluation system described in subpara-
15 graph (A) or (B) of paragraph (1), as ap-
16 propriate;

17 “(v) professional development based
18 on the current science of learning, which
19 includes research on positive brain change
20 and cognitive skill development;

21 “(vi) professional development for
22 school leaders, including mentorship pro-
23 grams for such leaders; or

24 “(vii) professional development on in-
25 tegrated, interdisciplinary, and project-

1 based teaching strategies, including for ca-
2 reer and technical education teachers;

3 “(C) partnering with a public or private
4 organization or a consortium of such organiza-
5 tions to develop and implement a teacher eval-
6 uation system described in subparagraph (A) or
7 (B) of paragraph (1), as appropriate;

8 “(D) any activities authorized under sec-
9 tion 2222(a); or

10 “(E) class size reduction, except that the
11 local educational agency may use not more than
12 10 percent of such funds for this purpose.

13 “SUBPART 3—GENERAL PROVISIONS

14 **“SEC. 2131. REPORTING REQUIREMENTS.**

15 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
16 educational agency receiving a subgrant under subpart 2
17 shall submit to the State educational agency involved, on
18 an annual basis until the last year in which the local edu-
19 cational agency receives such subgrant funds, a report
20 on—

21 “(1) how the local educational agency is meet-
22 ing the purposes of this part described in section
23 2101;

24 “(2) how the local educational agency is using
25 such subgrant funds;

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

6 “(4) any such other information as the State
7 educational agency may require.

8 “(b) STATE EDUCATIONAL AGENCIES.—Each State
9 educational agency receiving a grant under subpart 1 shall
10 submit to the Secretary a report, on an annual basis until
11 the last year in which the State educational agency re-
12 ceives such grant funds, on—

13 “(1) how the State educational agency is meet-
14 ing the purposes of this part described in section
15 2101; and

16 “(2) how the State educational agency is using
17 such grant funds.

18 **“SEC. 2132. NATIONAL ACTIVITIES.**

19 “From the funds reserved by the Secretary under sec-
20 tion 2111(b)(1)(A), the Secretary shall, directly or
21 through grants and contracts—

22 “(1) provide technical assistance to States and
23 local educational agencies in carrying out activities
24 under this part; and

1 “(2) acting through the Institute of Education
2 Sciences, conduct national evaluations of activities
3 carried out by State educational agencies and local
4 educational agencies under this part.

5 **“SEC. 2133. STATE DEFINED.**

6 “In this part, the term ‘State’ means each of the 50
7 States, the District of Columbia, and the Commonwealth
8 of Puerto Rico.”.

9 (c) PART B.—Part B of title II (20 U.S.C. 6661 et
10 seq.) is amended to read as follows:

11 **“PART B—TEACHER AND SCHOOL LEADER**

12 **FLEXIBLE GRANT**

13 **“SEC. 2201. PURPOSE.**

14 “The purpose of this part is to improve student aca-
15 demic achievement in the core academic subjects by—

16 “(1) supporting all State educational agencies,
17 local educational agencies, schools, teachers, and
18 school leaders to help all students meet the State’s
19 academic standards; and

20 “(2) increasing the number of teachers and
21 school leaders who are effective in increasing student
22 academic achievement.

1 **“Subpart 1—Formula Grants to States**

2 **“SEC. 2211. STATE ALLOTMENTS.**

3 “(a) RESERVATIONS.—From the amount appro-
4 priated under section 3(a) for any fiscal year, the Sec-
5 retary—

6 “(1) shall reserve 25 percent to award grants to
7 States under this subpart; and

8 “(2) of the amount reserved under paragraph
9 (1), shall reserve—

10 “(A) not more than 1 percent for national
11 activities described in section 2233;

12 “(B) one-half of 1 percent for allotments
13 to outlying areas on the basis of their relative
14 need, as determined by the Secretary, in ac-
15 cordance with the purpose of this part; and

16 “(C) one-half of 1 percent for the Sec-
17 retary of the Interior for programs under this
18 part in schools operated or funded by the Bu-
19 reau of Indian Education.

20 “(b) STATE ALLOTMENTS.—

21 “(1) IN GENERAL.—From the total amount re-
22 served under subsection (a)(1) for each fiscal year
23 and not reserved under subparagraphs (A) through
24 (C) of subsection (a)(2), the Secretary shall allot,
25 and make available in accordance with this section,
26 to each State an amount that bears the same ratio

1 to such sums as the school-age population of the
2 State bears to the school-age population of all
3 States.

4 “(2) SMALL STATE MINIMUM.—No State receiv-
5 ing an allotment under paragraph (1) may receive
6 less than one-half of 1 percent of the total amount
7 allotted under such paragraph.

8 “(3) REALLOTMENT.—If a State does not re-
9 ceive an allotment under this subpart for a fiscal
10 year, the Secretary shall reallocate the amount of the
11 State’s allotment to the remaining States in accord-
12 ance with this section.

13 “(c) STATE APPLICATION.—In order to receive an al-
14 lotment under this section for any fiscal year, a State shall
15 submit an application to the Secretary, at such time and
16 in such manner as the Secretary may reasonably require.
17 Such application shall—

18 “(1) designate the State educational agency as
19 the agency responsible for the administration and
20 supervision of programs assisted under this part;

21 “(2) describe how the State educational agency
22 will use funds received under this section for State
23 level activities described in subsection (d)(3);

24 “(3) describe the procedures and criteria the
25 State educational agency will use for reviewing appli-

1 cations and awarding subgrants to eligible entities
2 under section 2221 on a competitive basis;

3 “(4) describe how the State educational agency
4 will ensure that subgrants made under section 2221
5 are of sufficient size and scope to support effective
6 programs that will help increase academic achieve-
7 ment in the classroom and are consistent with the
8 purposes of this part;

9 “(5) describe the steps the State educational
10 agency will take to ensure that eligible entities use
11 subgrant funds received under section 2221 to carry
12 out programs that implement effective strategies, in-
13 cluding by providing ongoing technical assistance
14 and training, and disseminating evidence-based and
15 other effective strategies to such eligible entities;

16 “(6) describe how programs under this part will
17 be coordinated with other programs under this Act;
18 and

19 “(7) include an assurance that, other than pro-
20 viding technical and advisory assistance and moni-
21 toring compliance with this part, the State edu-
22 cational agency has not exercised, and will not exer-
23 cise, any influence in the decision-making processes
24 of eligible entities as to the expenditure of funds

1 made pursuant to an application submitted under
2 section 2221(b).

3 “(d) STATE USE OF FUNDS.—

4 “(1) IN GENERAL.—Each State that receives an
5 allotment under this section shall reserve not less
6 than 92 percent of the amount allotted to such State
7 under subsection (b), for each fiscal year, for sub-
8 grants to eligible entities under subpart 2.

9 “(2) STATE ADMINISTRATION.—A State edu-
10 cational agency may reserve not more than 1 percent
11 of the amount made available to the State under
12 subsection (b) for the administrative costs of car-
13 rying out such State educational agency’s respon-
14 sibilities under this subpart.

15 “(3) STATE-LEVEL ACTIVITIES.—

16 “(A) INNOVATIVE TEACHER AND SCHOOL
17 LEADER ACTIVITIES.—A State educational
18 agency shall reserve not more than 4 percent of
19 the amount made available to the State under
20 subsection (b) to carry out 1 or more of the fol-
21 lowing activities:

22 “(i) Reforming teacher and school
23 leader certification, recertification, licens-
24 ing, and tenure systems to ensure that—

1 “(I) each teacher has the subject
2 matter knowledge and teaching skills
3 necessary to help students meet the
4 State’s academic standards; and

5 “(II) school leaders have the in-
6 structional leadership skills to help
7 teachers instruct and students learn.

8 “(ii) Carrying out programs that es-
9 tablish, expand, or improve alternative
10 routes for State certification or licensure of
11 teachers and school leaders, including such
12 programs for—

13 “(I) mid-career professionals
14 from other occupations, including
15 science, technology, engineering, and
16 math fields;

17 “(II) former military personnel;
18 and

19 “(III) recent graduates of an in-
20 stitution of higher education, with a
21 record of academic distinction, who
22 demonstrate the potential to become
23 effective teachers or school leaders.

24 “(iii) Developing, or assisting eligible
25 entities in developing—

1 “(I) performance-based pay sys-
2 tems for teachers and school leaders;

3 “(II) strategies that provide dif-
4 ferential, incentive, or bonus pay for
5 teachers; or

6 “(III) teacher advancement ini-
7 tiatives that promote professional
8 growth and emphasize multiple career
9 paths and pay differentiation.

10 “(iv) Developing, or assisting eligible
11 entities in developing, new teacher and
12 school leaders induction and mentoring
13 programs that are designed to—

14 “(I) improve instruction and stu-
15 dent learning and achievement; and

16 “(II) increase the retention of ef-
17 fective teachers and school leaders.

18 “(v) Providing professional develop-
19 ment for teachers and school leaders that
20 is focused on—

21 “(I) improving teaching and stu-
22 dent learning and achievement in the
23 core academic subjects; and

24 “(II) improving teaching, student
25 learning, and achievement for stu-

1 dents with disabilities, English learn-
2 ers, and other special populations.

3 “(vi) Providing training and technical
4 assistance to eligible entities that receive a
5 subgrant under section 2221.

6 “(vii) Other activities identified by the
7 State educational agency that meet the
8 purposes of this part, including those ac-
9 tivities authorized under subparagraph
10 (B).

11 “(B) TEACHER OR SCHOOL LEADER PREP-
12 ARATION ACADEMIES.—

13 “(i) IN GENERAL.—In the case of a
14 State in which teacher or school leader
15 preparation academies are allowable under
16 State law, a State educational agency may
17 reserve not more than 3 percent of the
18 amount made available to the State under
19 subsection (b) to support the establishment
20 or expansion of one or more teacher or
21 school leader preparation academies and,
22 subject to the limitation under clause (iii),
23 to support State authorizers for such acad-
24 emies.

1 “(ii) MATCHING REQUIREMENT.—A
2 State educational agency shall not provide
3 funds under this subparagraph to support
4 the establishment or expansion of a teach-
5 er or school leader preparation academy
6 unless the academy agrees to provide, ei-
7 ther directly or through private contribu-
8 tions, non-Federal matching funds equal to
9 not less than 10 percent of the amount of
10 the funds the academy will receive under
11 this subparagraph.

12 “(iii) FUNDING FOR STATE AUTHOR-
13 IZERS.—Not more than 5 percent of funds
14 provided to a teacher or school leader prep-
15 aration academy under this subparagraph
16 may be used to support activities of State
17 authorizers for such academy.

18 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
19 **CATIONS.**

20 “(a) DEEMED APPROVAL.—An application submitted
21 by a State pursuant to section 2211(c) shall be deemed
22 to be approved by the Secretary unless the Secretary
23 makes a written determination, prior to the expiration of
24 the 120-day period beginning on the date on which the

1 Secretary received the application, that the application is
2 not in compliance with section 2211(c).

3 “(b) DISAPPROVAL PROCESS.—

4 “(1) IN GENERAL.—The Secretary shall not fi-
5 nally disapprove an application submitted under sec-
6 tion 2211(c), except after giving the State edu-
7 cational agency notice and an opportunity for a
8 hearing.

9 “(2) NOTIFICATION.—If the Secretary finds
10 that an application is not in compliance, in whole or
11 in part, with section 2211(c) the Secretary shall—

12 “(A) give the State educational agency no-
13 tice and an opportunity for a hearing; and

14 “(B) notify the State educational agency of
15 the finding of noncompliance and, in such noti-
16 fication, shall—

17 “(i) cite the specific provisions in the
18 application that are not in compliance; and

19 “(ii) request additional information,
20 only as to the noncompliant provisions,
21 needed to make the application compliant.

22 “(3) RESPONSE.—If a State educational agency
23 responds to a notification from the Secretary under
24 paragraph (2)(B) during the 45-day period begin-
25 ning on the date on which the State educational

1 agency received the notification, and resubmits the
2 application with the requested information described
3 in paragraph (2)(B)(ii), the Secretary shall approve
4 or disapprove such application prior to the later of—

5 “(A) the expiration of the 45-day period
6 beginning on the date on which the application
7 is resubmitted; or

8 “(B) the expiration of the 120-day period
9 described in subsection (a).

10 “(4) FAILURE TO RESPOND.—If the State edu-
11 cational agency does not respond to a notification
12 from the Secretary under paragraph (2)(B) during
13 the 45-day period beginning on the date on which
14 the State educational agency received the notifica-
15 tion, such application shall be deemed to be dis-
16 approved.

17 **“Subpart 2—Local Competitive Grant Program**

18 **“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

19 “(a) IN GENERAL.—A State that receives an allot-
20 ment under section 2211(b) for a fiscal year shall use the
21 amount reserved under section 2211(d)(1) to award sub-
22 grants, on a competitive basis, to eligible entities in ac-
23 cordance with this section to enable such entities to carry
24 out the programs and activities described in section 2222.

25 “(b) APPLICATION.—

1 “(1) IN GENERAL.—To be eligible to receive a
2 subgrant under this section, an eligible entity shall
3 submit an application to the State educational agen-
4 cy at such time, in such manner, and including such
5 information as the State educational agency may
6 reasonably require.

7 “(2) CONTENTS.—Each application submitted
8 under paragraph (1) shall include—

9 “(A) a description of the programs and ac-
10 tivities to be funded and how they are con-
11 sistent with the purposes of this part; and

12 “(B) an assurance that the eligible entity
13 will comply with section 5501 (regarding par-
14 ticipation by private school children and teach-
15 ers).

16 “(c) PEER REVIEW.—In reviewing applications under
17 this section, a State educational agency shall use a peer
18 review process or other methods of assuring the quality
19 of such applications but the review shall only judge the
20 likelihood of the activity to increase student academic
21 achievement. The reviewers shall not make a determina-
22 tion based on the policy of the proposed activity.

23 “(d) GEOGRAPHIC DIVERSITY.—A State educational
24 agency shall distribute funds under this section equitably

1 among geographic areas within the State, including rural,
2 suburban, and urban communities.

3 “(e) DURATION OF AWARDS.—A State educational
4 agency may award subgrants under this section for a pe-
5 riod of not more than 5 years.

6 “(f) MATCHING.—An eligible entity receiving a
7 subgrant under this section shall provide, either directly
8 or through private contributions, non-Federal matching
9 funds equal to not less than 10 percent of the amount
10 of the subgrant.

11 **“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

12 “(a) IN GENERAL.—Each eligible entity receiving a
13 subgrant under section 2221 shall use such subgrant
14 funds to develop, implement, and evaluate comprehensive
15 programs and activities, that are in accordance with the
16 purpose of this part and—

17 “(1) are consistent with the principles of effec-
18 tiveness described in subsection (b); and

19 “(2) may include, among other programs and
20 activities—

21 “(A) developing and implementing initia-
22 tives to assist in recruiting, hiring, and retain-
23 ing highly effective teachers and school leaders,
24 including initiatives that provide—

1 “(i) differential, incentive, or bonus
2 pay for teachers;

3 “(ii) performance-based pay systems
4 for teachers and school leaders;

5 “(iii) teacher advancement initiatives
6 that promote professional growth and em-
7 phasize multiple career paths and pay dif-
8 ferentiation;

9 “(iv) new teacher and school leader
10 induction and mentoring programs that
11 are designed to improve instruction, stu-
12 dent learning and achievement, and to in-
13 crease teacher and school leader retention;
14 and

15 “(v) teacher residency programs, and
16 school leader residency programs, designed
17 to develop and support new teachers or
18 new school leaders, respectively;

19 “(B) supporting the establishment or ex-
20 pansion of teacher or school leader preparation
21 academies under section 2221(d)(3)(B);

22 “(C) recruiting qualified individuals from
23 other fields, including individuals from science,
24 technology, engineering, and math fields, mid-

1 career professionals from other occupations,
2 and former military personnel;

3 “(D) establishing, improving, or expanding
4 model instructional programs in the core aca-
5 demic subjects to ensure that all children meet
6 the State’s academic standards;

7 “(E) providing high-quality professional
8 development for teachers and school leaders fo-
9 cused on improving teaching and student learn-
10 ing and achievement in the core academic sub-
11 jects;

12 “(F) implementing programs based on the
13 current science of learning, which includes re-
14 search on positive brain change and cognitive
15 skill development; and

16 “(G) other activities and programs identi-
17 fied as necessary by the local educational agen-
18 cy that meet the purpose of this part.

19 “(b) PRINCIPLES OF EFFECTIVENESS.—For a pro-
20 gram or activity developed pursuant to this section to meet
21 the principles of effectiveness, such program or activity
22 shall—

23 “(1) be based upon an assessment of objective
24 data regarding the need for programs and activities
25 in the elementary schools and secondary schools

1 served to increase the number of teachers and school
2 leaders who are effective in improving student aca-
3 demic achievement;

4 “(2) reflect evidence-based research, or in the
5 absence of a strong research base, reflect effective
6 strategies in the field, that provide evidence that the
7 program or activity will improve student academic
8 achievement in the core academic subjects; and

9 “(3) include meaningful and ongoing consulta-
10 tion with, and input from, teachers, school leaders,
11 and parents, in the development of the application
12 and administration of the program or activity.

13 **“Subpart 3—General Provisions**

14 **“SEC. 2231. PERIODIC EVALUATION.**

15 “(a) IN GENERAL.—Each eligible entity and each
16 teacher or school leader preparation academy that receives
17 funds under this part shall undergo a periodic evaluation
18 by the State educational agency involved to assess such
19 entity’s or such academy’s progress toward achieving the
20 purposes of this part.

21 “(b) USE OF RESULTS.—The results of an evaluation
22 described in subsection (a) of an eligible entity or academy
23 shall be—

1 “(1) used to refine, improve, and strengthen
2 such eligible entity or such academy, respectively;
3 and

4 “(2) made available to the public upon request,
5 with public notice of such availability provided.

6 **“SEC. 2232. REPORTING REQUIREMENTS.**

7 “(a) ELIGIBLE ENTITIES AND ACADEMIES.—Each
8 eligible entity and each teacher or school leader prepara-
9 tion academy that receives funds from a State educational
10 agency under this part shall prepare and submit annually
11 to such State educational agency a report that includes—

12 “(1) a description of the progress of the eligible
13 entity or teacher or school leader preparation acad-
14 emy, respectively, in meeting the purposes of this
15 part;

16 “(2) a description of the programs and activi-
17 ties conducted by the eligible entity or teacher or
18 school leader preparation academy, respectively, with
19 funds received under this part;

20 “(3) how the eligible entity or teacher or school
21 leader preparation academy, respectively, is using
22 such funds; and

23 “(4) any such other information as the State
24 educational agency may require.

1 “(b) STATE EDUCATIONAL AGENCIES.—Each State
2 educational agency that receives a grant under this part
3 shall prepare and submit, annually, to the Secretary a re-
4 port that includes—

5 “(1) a description of the programs and activi-
6 ties conducted by the State educational agency with
7 grant funds received under this part;

8 “(2) a description of the progress of the State
9 educational agency in meeting the purposes of this
10 part described in section 2201;

11 “(3) how the State educational agency is using
12 grant funds received under this part; and

13 “(4) the methods and criteria the State edu-
14 cational agency used to award subgrants to eligible
15 entities under section 2221 and, if applicable, funds
16 to teacher or school leader academies under section
17 2211(d)(3)(B); and

18 “(5) the results of the periodic evaluations con-
19 ducted under section 2231.

20 **“SEC. 2233. NATIONAL ACTIVITIES.**

21 “From the funds reserved by the Secretary under sec-
22 tion 2211(a)(1), the Secretary shall, directly or through
23 grants and contracts—

1 “(1) provide technical assistance to States and
2 eligible entities in carrying out activities under this
3 part; and

4 “(2) acting through the Institute of Education
5 Sciences, conduct national evaluations of activities
6 carried out by States and eligible entities under this
7 part.

8 **“SEC. 2234. DEFINITIONS.**

9 “In this part:

10 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a local educational agency or consor-
13 tium of local educational agencies;

14 “(B) an institution of higher education or
15 consortium of such institutions in partnership
16 with a local educational agency or consortium
17 of local educational agencies;

18 “(C) a for-profit organization, a nonprofit
19 organization, or a consortium of for-profit or
20 nonprofit organizations in partnership with a
21 local educational agency or consortium of local
22 educational agencies; or

23 “(D) a consortium of the entities described
24 in subparagraphs (B) and (C).

1 “(2) STATE.—The term ‘State’ means each of
2 the 50 States, the District of Columbia, and the
3 Commonwealth of Puerto Rico.

4 “(3) STATE AUTHORIZER.—The term ‘State au-
5 thorizer’ means an entity designated by the Gov-
6 ernor of a State to authorize teacher or school leader
7 preparation academies within the State that—

8 “(A) enters into an agreement with a
9 teacher or school leader preparation academy
10 that—

11 “(i) specifies the goals expected of the
12 academy, which, at a minimum, include the
13 goals described in paragraph (4); and

14 “(ii) does not reauthorize the academy
15 if such goals are not met; and

16 “(B) may be a nonprofit organization, a
17 State educational agency, or other public entity,
18 or consortium of such entities (including a con-
19 sortium of State educational agencies).

20 “(4) TEACHER OR SCHOOL LEADER PREPARA-
21 TION ACADEMY.—The term ‘teacher or school leader
22 preparation academy’ means a public or private enti-
23 ty, or a nonprofit or for-profit organization, which
24 may be an institution of higher education or an or-
25 ganization affiliated with an institution of higher

1 education, that will prepare teachers or school lead-
2 ers to serve in schools, and that—

3 “(A) enters into an agreement with a State
4 authorizer that specifies the goals expected of
5 the academy, including—

6 “(i) a requirement that prospective
7 teachers or school leaders who are enrolled
8 in a teacher or school leader preparation
9 academy receive a significant part of their
10 training through clinical preparation that
11 partners the prospective candidate with an
12 effective teacher or school leader, respec-
13 tively, with a demonstrated record of in-
14 creasing student achievement, while also
15 receiving concurrent instruction from the
16 academy in the content area (or areas) in
17 which the prospective teacher or school
18 leader will become certified or licensed;

19 “(ii) the number of effective teachers
20 or school leaders, respectively, who will
21 demonstrate success in increasing student
22 achievement that the academy will
23 produce; and

24 “(iii) a requirement that a teacher or
25 school leader preparation academy will only

1 award a certificate of completion after the
2 graduate demonstrates that the graduate is
3 an effective teacher or school leader, re-
4 spectively, with a demonstrated record of
5 increasing student achievement, except
6 that an academy may award a provisional
7 certificate for the period necessary to allow
8 the graduate to demonstrate such effective-
9 ness;

10 “(B) does not have restrictions on the
11 methods the academy will use to train prospec-
12 tive teacher or school leader candidates, includ-
13 ing—

14 “(i) obligating (or prohibiting) the
15 academy’s faculty to hold advanced degrees
16 or conduct academic research;

17 “(ii) restrictions related to the acad-
18 emy’s physical infrastructure;

19 “(iii) restrictions related to the num-
20 ber of course credits required as part of
21 the program of study;

22 “(iv) restrictions related to the under-
23 graduate coursework completed by teachers
24 teaching or working on alternative certifi-
25 cates, licenses, or credentials, as long as

1 such teachers have successfully passed all
2 relevant State-approved content area ex-
3 aminations; or

4 “(v) restrictions related to obtaining
5 accreditation from an accrediting body for
6 purposes of becoming an academy;

7 “(C) limits admission to its program to
8 prospective teacher or school leader candidates
9 who demonstrate strong potential to improve
10 student achievement, based on a rigorous selec-
11 tion process that reviews a candidate’s prior
12 academic achievement or record of professional
13 accomplishment; and

14 “(D) results in a certificate of completion
15 that the State may recognize as at least the
16 equivalent of a master’s degree in education for
17 the purposes of hiring, retention, compensation,
18 and promotion in the State.

19 “(5) **TEACHER RESIDENCY PROGRAM.**—The
20 term ‘teacher residency program’ means a school-
21 based teacher preparation program in which a pro-
22 spective teacher—

23 “(A) for one academic year, teaches along-
24 side an effective teacher, as determined by a

1 teacher evaluation system implemented under
2 part A, who is the teacher of record;

3 “(B) receives concurrent instruction during
4 the year described in subparagraph (A) from
5 the partner institution (as defined in section
6 200 of the Higher Education Act of 1965 (20
7 U.S.C. 1021), which courses may be taught by
8 local educational agency personnel or residency
9 program faculty, in the teaching of the content
10 area in which the teacher will become certified
11 or licensed; and

12 “(C) acquires effective teaching skills.”.

13 (d) PART C.—Part C of title II (20 U.S.C. 6671 et
14 seq.) is amended—

15 (1) by striking subparts 1 through 4;

16 (2) by striking the heading relating to subpart
17 5;

18 (3) by striking sections 2361 and 2368;

19 (4) in section 2362, by striking “principals”
20 and inserting “school leaders”;

21 (5) in section 2363(6)(A), by striking “prin-
22 cipal” and inserting “school leader”;

23 (6) in section 2366(b), by striking “ate law”
24 and inserting “(3) A State law”;

1 (7) by redesignating section 2362 as section
2 2361;

3 (8) by redesignating section 2363 as section
4 2366; and

5 (9) by redesignating sections 2364 through
6 2367 as sections 2362 through 2365, respectively.

7 (e) PART D.—Part D of title II (20 U.S.C. 6751 et
8 seq.) is amended to read as follows:

9 **“PART D—GENERAL PROVISIONS**

10 **“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

11 “In this title, the term ‘local educational agency’ in-
12 cludes a charter school (as defined in section 5101) that,
13 in the absence of this section, would not have received
14 funds under this title.

15 **“SEC. 2402. PARENTS’ RIGHT TO KNOW.**

16 “At the beginning of each school year, a local edu-
17 cational agency that receives funds under this title shall
18 notify the parents of each student attending any school
19 receiving funds under this title that the parents may re-
20 quest, and the agency will provide the parents on request
21 (and in a timely manner), information regarding the pro-
22 fessional qualifications of the student’s classroom teach-
23 ers.

1 **“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

2 “Funds received under this title shall be used to sup-
3 plement, and not supplant, non-Federal funds that would
4 otherwise be used for activities authorized under this
5 title.”.

6 **SEC. 102. CONFORMING REPEALS.**

7 (a) CONFORMING REPEALS.—Title II of the Higher
8 Education Act of 1965 (20 U.S.C. 1021 et seq.) is amend-
9 ed by repealing sections 201 through 204.

10 (b) EFFECTIVE DATE.—The repeals made by sub-
11 section (a) shall take effect October 1, 2012.

12 **TITLE II—PARENTAL ENGAGE-**
13 **MENT AND LOCAL FLEXI-**
14 **BILITY**

15 **SEC. 201. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
16 **BILITY.**

17 Title III (20 U.S.C. 6801 et seq.) is amended to read
18 as follows:

19 **“TITLE III—PARENTAL ENGAGEMENT AND**
20 **LOCAL FLEXIBILITY**

21 **“PART A—PARENTAL ENGAGEMENT**

22 **“SUBPART 1—CHARTER SCHOOL PROGRAM**

23 **“SEC. 3101. SENSE OF THE HOUSE OF REPRESENTATIVES.**

24 “It is the sense of the House of Representatives that
25 the programs for public charter schools under part B of
26 title V be reauthorized as such part was amended under

1 the provisions of H.R. 2218, as passed by the House of
2 Representatives on September 13, 2011, and be trans-
3 ferred and redesignated to this subpart.

4 “SUBPART 2—MAGNET SCHOOL ASSISTANCE

5 “SEC. 3121. PURPOSE.

6 “The purpose of this subpart is to assist in the deseg-
7 regation of schools served by local educational agencies by
8 providing financial assistance to eligible local educational
9 agencies for—

10 “(1) the elimination, reduction, or prevention of
11 minority group isolation in elementary schools and
12 secondary schools with substantial proportions of mi-
13 nority students, which shall include assisting in the
14 efforts of the United States to achieve voluntary de-
15 segregation in public schools;

16 “(2) the development and implementation of
17 magnet school programs that will assist local edu-
18 cational agencies in achieving systemic reforms and
19 providing all students the opportunity to meet State
20 academic standards;

21 “(3) the development and design of innovative
22 educational methods and practices that promote di-
23 versity and increase choices in public elementary
24 schools and public secondary schools and public edu-
25 cational programs;

1 “(4) courses of instruction within magnet
2 schools that will substantially strengthen the knowl-
3 edge of academic subjects and the attainment of tan-
4 gible and marketable career, technical, and profes-
5 sional skills of students attending such schools;

6 “(5) improving the ability of local educational
7 agencies, including through professional develop-
8 ment, to continue operating magnet schools at a
9 high performance level after Federal funding for the
10 magnet schools is terminated; and

11 “(6) ensuring that students enrolled in the
12 magnet school programs have equitable access to a
13 quality education that will enable the students to
14 succeed academically and continue with postsec-
15 ondary education or employment.

16 **“SEC. 3122. DEFINITION.**

17 “For the purpose of this subpart, the term ‘magnet
18 school’ means a public elementary school, public secondary
19 school, public elementary education center, or public sec-
20 ondary education center that offers a special curriculum
21 capable of attracting substantial numbers of students of
22 different racial backgrounds.

23 **“SEC. 3123. PROGRAM AUTHORIZED.**

24 “From the amount appropriated under section
25 3(b)(1)(B), the Secretary, in accordance with this subpart,

1 is authorized to award grants to eligible local educational
2 agencies, and consortia of such agencies where appro-
3 priate, to carry out the purpose of this subpart for magnet
4 schools that are—

5 “(1) part of an approved desegregation plan;
6 and

7 “(2) designed to bring students from different
8 social, economic, ethnic, and racial backgrounds to-
9 gether.

10 **“SEC. 3124. ELIGIBILITY.**

11 “A local educational agency, or consortium of such
12 agencies where appropriate, is eligible to receive a grant
13 under this subpart to carry out the purpose of this subpart
14 if such agency or consortium—

15 “(1) is implementing a plan undertaken pursu-
16 ant to a final order issued by a court of the United
17 States, or a court of any State, or any other State
18 agency or official of competent jurisdiction, that re-
19 quires the desegregation of minority-group-seg-
20 regated children or faculty in the elementary schools
21 and secondary schools of such agency; or

22 “(2) without having been required to do so, has
23 adopted and is implementing, or will, if a grant is
24 awarded to such local educational agency, or consor-
25 tium of such agencies, under this subpart, adopt and

1 implement a plan that has been approved by the
2 Secretary as adequate under title VI of the Civil
3 Rights Act of 1964 for the desegregation of minor-
4 ity-group-segregated children or faculty in such
5 schools.

6 **“SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

7 “(a) APPLICATIONS.—An eligible local educational
8 agency, or consortium of such agencies, desiring to receive
9 a grant under this subpart shall submit an application to
10 the Secretary at such time and in such manner as the
11 Secretary may reasonably require.

12 “(b) INFORMATION AND ASSURANCES.—Each appli-
13 cation submitted under subsection (a) shall include—

14 “(1) a description of—

15 “(A) how a grant awarded under this sub-
16 part will be used to promote desegregation, in-
17 cluding how the proposed magnet school pro-
18 grams will increase interaction among students
19 of different social, economic, ethnic, and racial
20 backgrounds;

21 “(B) the manner and extent to which the
22 magnet school program will increase student
23 academic achievement in the instructional area
24 or areas offered by the school;

1 “(C) how the applicant will continue the
2 magnet school program after assistance under
3 this subpart is no longer available, and, if appli-
4 cable, an explanation of why magnet schools es-
5 tablished or supported by the applicant with
6 grant funds under this subpart cannot be con-
7 tinued without the use of grant funds under
8 this subpart;

9 “(D) how grant funds under this subpart
10 will be used—

11 “(i) to improve student academic
12 achievement for all students attending the
13 magnet school programs; and

14 “(ii) to implement services and activi-
15 ties that are consistent with other pro-
16 grams under this Act, and other Acts, as
17 appropriate; and

18 “(E) the criteria to be used in selecting
19 students to attend the proposed magnet school
20 program; and

21 “(2) assurances that the applicant will—

22 “(A) use grant funds under this subpart
23 for the purposes specified in section 3121;

1 “(B) employ effective teachers in the
2 courses of instruction assisted under this sub-
3 part;

4 “(C) not engage in discrimination based on
5 race, religion, color, national origin, sex, or dis-
6 ability in—

7 “(i) the hiring, promotion, or assign-
8 ment of employees of the applicant or
9 other personnel for whom the applicant has
10 any administrative responsibility;

11 “(ii) the assignment of students to
12 schools, or to courses of instruction within
13 the schools, of such applicant, except to
14 carry out the approved plan; and

15 “(iii) designing or operating extra-
16 curricular activities for students;

17 “(D) carry out a quality education pro-
18 gram that will encourage greater parental deci-
19 sionmaking and involvement; and

20 “(E) give students residing in the local at-
21 tendance area of the proposed magnet school
22 program equitable consideration for placement
23 in the program, consistent with desegregation
24 guidelines and the capacity of the applicant to
25 accommodate the students.

1 “(c) SPECIAL RULE.—No grant shall be awarded
2 under this subpart unless the Assistant Secretary of Edu-
3 cation for Civil Rights determines that the assurances de-
4 scribed in subsection (b)(2)(C) will be met.

5 **“SEC. 3126. PRIORITY.**

6 “In awarding grants under this subpart, the Sec-
7 retary shall give priority to applicants that—

8 “(1) demonstrate the greatest need for assist-
9 ance, based on the expense or difficulty of effectively
10 carrying out approved desegregation plans and the
11 magnet school program for which the grant is
12 sought;

13 “(2) propose to carry out new magnet school
14 programs, or significantly revise existing magnet
15 school programs;

16 “(3) propose to select students to attend mag-
17 net school programs by methods such as lottery,
18 rather than through academic examination; and

19 “(4) propose to serve the entire student popu-
20 lation of a school.

21 **“SEC. 3127. USE OF FUNDS.**

22 “(a) IN GENERAL.—Grant funds made available
23 under this subpart may be used by an eligible local edu-
24 cational agency, or consortium of such agencies—

1 “(1) for planning and promotional activities di-
2 rectly related to the development, expansion, con-
3 tinuation, or enhancement of academic programs
4 and services offered at magnet schools;

5 “(2) for the acquisition of books, materials, and
6 equipment, including computers and the mainte-
7 nance and operation of materials, equipment, and
8 computers, necessary to conduct programs in mag-
9 net schools;

10 “(3) for the compensation, or subsidization of
11 the compensation, of elementary school and sec-
12 ondary school teachers, and instructional staff where
13 applicable, who are necessary to conduct programs
14 in magnet schools;

15 “(4) with respect to a magnet school program
16 offered to less than the entire student population of
17 a school, for instructional activities that—

18 “(A) are designed to make available the
19 special curriculum that is offered by the magnet
20 school program to students who are enrolled in
21 the school but who are not enrolled in the mag-
22 net school program; and

23 “(B) further the purpose of this subpart;

24 “(5) for activities, which may include profes-
25 sional development, that will build the recipient’s ca-

1 capacity to operate magnet school programs once the
2 grant period has ended;

3 “(6) to enable the local educational agency, or
4 consortium of such agencies, to have more flexibility
5 in the administration of a magnet school program in
6 order to serve students attending a school who are
7 not enrolled in a magnet school program; and

8 “(7) to enable the local educational agency, or
9 consortium of such agencies, to have flexibility in de-
10 signing magnet schools for students in all grades.

11 “(b) SPECIAL RULE.—Grant funds under this sub-
12 part may be used for activities described in paragraphs
13 (2) and (3) of subsection (a) only if the activities are di-
14 rectly related to improving student academic achievement
15 based on the State’s academic standards or directly re-
16 lated to improving student reading skills or knowledge of
17 mathematics, science, history, geography, English, foreign
18 languages, art, or music, or to improving career, technical,
19 and professional skills.

20 **“SEC. 3128. LIMITATIONS.**

21 “(a) DURATION OF AWARDS.—A grant under this
22 subpart shall be awarded for a period that shall not exceed
23 3 fiscal years.

24 “(b) LIMITATION ON PLANNING FUNDS.—A local
25 educational agency, or consortium of such agencies, may

1 expend for planning (professional development shall not
2 be considered to be planning for purposes of this sub-
3 section) not more than 50 percent of the grant funds re-
4 ceived under this subpart for the first year of the program
5 and not more than 15 percent of such funds for each of
6 the second and third such years.

7 “(c) AMOUNT.—No local educational agency, or con-
8 sortium of such agencies, awarded a grant under this sub-
9 part shall receive more than \$4,000,000 under this sub-
10 part for any 1 fiscal year.

11 “(d) TIMING.—To the extent practicable, the Sec-
12 retary shall award grants for any fiscal year under this
13 subpart not later than July 1 of the applicable fiscal year.

14 **“SEC. 3129. EVALUATIONS.**

15 “(a) RESERVATION.—The Secretary may reserve not
16 more than 2 percent of the funds appropriated under sec-
17 tion 3(b)(1)(B) for any fiscal year to carry out evalua-
18 tions, provide technical assistance, and carry out dissemi-
19 nation projects with respect to magnet school programs
20 assisted under this subpart.

21 “(b) CONTENTS.—Each evaluation described in sub-
22 section (a), at a minimum, shall address—

23 “(1) how and the extent to which magnet school
24 programs lead to educational quality and academic
25 improvement;

1 “(2) the extent to which magnet school pro-
2 grams enhance student access to a quality education;

3 “(3) the extent to which magnet school pro-
4 grams lead to the elimination, reduction, or preven-
5 tion of minority group isolation in elementary
6 schools and secondary schools with substantial pro-
7 portions of minority students; and

8 “(4) the extent to which magnet school pro-
9 grams differ from other school programs in terms of
10 the organizational characteristics and resource allo-
11 cations of such magnet school programs.

12 “(c) DISSEMINATION.—The Secretary shall collect
13 and disseminate to the general public information on suc-
14 cessful magnet school programs.

15 **“SEC. 3130. RESERVATION.**

16 “‘In any fiscal year for which the amount appro-
17 priated under section 3(b)(1)(B) exceeds \$75,000,000, the
18 Secretary shall give priority in using such amounts in ex-
19 cess of \$75,000,000 to awarding grants to local edu-
20 cational agencies or consortia of such agencies that did
21 not receive a grant under this subpart in the preceding
22 fiscal year.

1 “SUBPART 3—FAMILY ENGAGEMENT IN EDUCATION
2 PROGRAMS

3 **“SEC. 3141. PURPOSES.**

4 “The purposes of this subpart are the following:

5 “(1) To provide financial support to organiza-
6 tions to provide technical assistance and training to
7 State and local educational agencies in the imple-
8 mentation and enhancement of systemic and effec-
9 tive family engagement policies, programs, and ac-
10 tivities that lead to improvements in student devel-
11 opment and academic achievement.

12 “(2) To assist State educational agencies, local
13 educational agencies, community-based organiza-
14 tions, schools, and educators in strengthening part-
15 nerships among parents, teachers, school leaders, ad-
16 ministrators, and other school personnel in meeting
17 the educational needs of children and fostering
18 greater parental engagement.

19 “(3) To support State educational agencies,
20 local educational agencies, schools, educators, and
21 parents in developing and strengthening the relation-
22 ship between parents and their children’s school in
23 order to further the developmental progress of chil-
24 dren.

1 “(4) To coordinate activities funded under this
2 subpart with parent involvement initiatives funded
3 under section 1118 and other provisions of this Act.

4 “(5) To assist the Secretary, State educational
5 agencies, and local educational agencies in the co-
6 ordination and integration of Federal, State, and
7 local services and programs to engage families in
8 education.

9 **“SEC. 3142. GRANTS AUTHORIZED.**

10 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
11 From the amount appropriated under section 3(b)(1)(C),
12 the Secretary is authorized to award grants for each fiscal
13 year to statewide organizations (and consortia of such or-
14 ganizations and State educational agencies), to establish
15 Statewide Family Engagement Centers that provide com-
16 prehensive training and technical assistance to State edu-
17 cational agencies, local educational agencies, schools iden-
18 tified by State educational agencies and local educational
19 agencies, organizations that support family-school part-
20 nerships, and other organizations that carry out, or carry
21 out directly, parent education and family engagement in
22 education programs.

23 “(b) MINIMUM AWARD.—In awarding grants under
24 this section, the Secretary shall, to the extent practicable,

1 ensure that a grant is awarded for a Statewide Family
2 Engagement Center in an amount not less than \$500,000.

3 **“SEC. 3143. APPLICATIONS.**

4 “(a) SUBMISSIONS.—Each statewide organization, or
5 a consortium of such an organization and a State edu-
6 cational agency, that desires a grant under this subpart
7 shall submit an application to the Secretary at such time,
8 in such manner, and including the information described
9 in subsection (b).

10 “(b) CONTENTS.—Each application submitted under
11 subsection (a) shall include, at a minimum, the following:

12 “(1) A description of the applicant’s approach
13 to family engagement in education.

14 “(2) A description of the support that the
15 Statewide Family Engagement Center that will be
16 operated by the applicant will have from the appli-
17 cant, including a letter from the applicant outlining
18 the commitment to work with the center.

19 “(3) A description of the applicant’s plan for
20 building a statewide infrastructure for family en-
21 gagement in education, that includes—

22 “(A) management and governance;

23 “(B) statewide leadership; or

24 “(C) systemic services for family engage-
25 ment in education.

1 “(4) A description of the applicant’s dem-
2 onstrated experience in providing training, informa-
3 tion, and support to State educational agencies, local
4 educational agencies, schools, educators, parents,
5 and organizations on family engagement in edu-
6 cation policies and practices that are effective for
7 parents (including low-income parents) and families,
8 English learners, minorities, parents of students
9 with disabilities, parents of homeless students, foster
10 parents and students, and parents of migratory stu-
11 dents, including evaluation results, reporting, or
12 other data exhibiting such demonstrated experience.

13 “(5) An assurance that the applicant will—

14 “(A) establish a special advisory com-
15 mittee, the membership of which includes—

16 “(i) parents, who shall constitute a
17 majority of the members of the special ad-
18 visory committee;

19 “(ii) representatives of education pro-
20 fessionals with expertise in improving serv-
21 ices for disadvantaged children;

22 “(iii) representatives of local elemen-
23 tary schools and secondary schools, includ-
24 ing students;

1 “(iv) representatives of the business
2 community; and

3 “(v) representatives of State edu-
4 cational agencies and local educational
5 agencies;

6 “(B) use not less than 65 percent of the
7 funds received under this subpart in each fiscal
8 year to serve local educational agencies, schools,
9 and community-based organizations that serve
10 high concentrations of disadvantaged students,
11 including English learners, minorities, parents
12 of students with disabilities, parents of home-
13 less students, foster parents and students, and
14 parents of migratory students;

15 “(C) operate a Statewide Family Engage-
16 ment Center of sufficient size, scope, and qual-
17 ity to ensure that the Center is adequate to
18 serve the State educational agency, local edu-
19 cational agencies, and community-based organi-
20 zations;

21 “(D) ensure that the Center will retain
22 staff with the requisite training and experience
23 to serve parents in the State;

24 “(E) serve urban, suburban, and rural
25 local educational agencies and schools;

1 “(F) work with—

2 “(i) other Statewide Family Engage-
3 ment Centers assisted under this subpart;
4 and

5 “(ii) parent training and information
6 centers and community parent resource
7 centers assisted under sections 671 and
8 672 of the Individuals with Disabilities
9 Education Act;

10 “(G) use not less than 30 percent of the
11 funds received under this subpart for each fiscal
12 year to establish or expand technical assistance
13 for evidence-based parent education programs;

14 “(H) provide assistance to State edu-
15 cational agencies and local educational agencies
16 and community-based organizations that sup-
17 port family members in supporting student aca-
18 demic achievement;

19 “(I) work with State educational agencies,
20 local educational agencies, schools, educators,
21 and parents to determine parental needs and
22 the best means for delivery of services to ad-
23 dress such needs; and

24 “(J) conduct sufficient outreach to assist
25 parents, including parents who the applicant

1 may have a difficult time engaging with a
2 school or local educational agency.

3 **“SEC. 3144. USES OF FUNDS.**

4 “(a) IN GENERAL.—Grantees shall use grant funds
5 received under this subpart, based on the needs deter-
6 mined under section 3143(b)(5)(I), to provide training
7 and technical assistance to State educational agencies,
8 local educational agencies, and organizations that support
9 family-school partnerships, and activities, services, and
10 training for local educational agencies, school leaders, edu-
11 cators, and parents—

12 “(1) to assist parents in participating effectively
13 in their children’s education and to help their chil-
14 dren meet State standards, such as assisting par-
15 ents—

16 “(A) to engage in activities that will im-
17 prove student academic achievement, including
18 understanding how they can support learning in
19 the classroom with activities at home and in
20 afterschool and extracurricular programs;

21 “(B) to communicate effectively with their
22 children, teachers, school leaders, counselors,
23 administrators, and other school personnel;

24 “(C) to become active participants in the
25 development, implementation, and review of

1 school-parent compacts, family engagement in
2 education policies, and school planning and im-
3 provement;

4 “(D) to participate in the design and pro-
5 vision of assistance to students who are not
6 making academic progress;

7 “(E) to participate in State and local deci-
8 sionmaking;

9 “(F) to train other parents; and

10 “(G) to help the parents learn and use
11 technology applied in their children’s education;

12 “(2) to develop and implement, in partnership
13 with the State educational agency, statewide family
14 engagement in education policy and systemic initia-
15 tives that will provide for a continuum of services to
16 remove barriers for family engagement in education
17 and support school reform efforts; and

18 “(3) to develop, implement, and assess parental
19 involvement policies under sections 1112 and 1118.

20 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—

21 For each fiscal year after the first fiscal year for which
22 an organization or consortium receives assistance under
23 this section, the organization or consortium shall dem-
24 onstrate in the application that a portion of the services
25 provided by the organization or consortium is supported

1 through non-Federal contributions, which may be in cash
2 or in-kind.

3 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
4 reserve not more than 2 percent of the funds appropriated
5 under section 3(b)(C) to carry out this subpart to provide
6 technical assistance, by grant or contract, for the estab-
7 lishment, development, and coordination of Statewide
8 Family Engagement Centers.

9 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to prohibit a Statewide Family En-
11 gagement Center from—

12 “(1) having its employees or agents meet with
13 a parent at a site that is not on school grounds; or

14 “(2) working with another agency that serves
15 children.

16 “(e) PARENTAL RIGHTS.—Notwithstanding any
17 other provision of this section—

18 “(1) no person (including a parent who edu-
19 cates a child at home, a public school parent, or a
20 private school parent) shall be required to partici-
21 pate in any program of parent education or develop-
22 mental screening under this section; and

23 “(2) no program or center assisted under this
24 section shall take any action that infringes in any

1 manner on the right of a parent to direct the edu-
2 cation of their children.

3 **“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

4 “The Secretary of the Interior, in consultation with
5 the Secretary of Education, shall establish, or enter into
6 contracts and cooperative agreements with local Indian
7 nonprofit parent organizations to establish and operate
8 Family Engagement Centers.

9 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

10 **“SEC. 3201. PURPOSE.**

11 “The purpose of this part is to—

12 “(1) provide local educational agencies with the
13 opportunity to access funds to support the initiatives
14 important to their schools and students to improve
15 academic achievement; and

16 “(2) provide nonprofit and for-profit entities
17 the opportunity to work with students to improve
18 academic achievement.

19 **“SEC. 3202. ALLOTMENTS TO STATES.**

20 “(a) RESERVATIONS.—From the funds appropriated
21 under section 3(b)(2) for any fiscal year, the Secretary
22 shall reserve—

23 “(1) not more than one-half of 1 percent for
24 national activities to provide technical assistance to

1 eligible entities in carrying out programs under this
2 part; and

3 “(2) not more than one-half of 1 percent for
4 payments to the outlying areas and the Bureau of
5 Indian Education, to be allotted in accordance with
6 their respective needs for assistance under this part,
7 as determined by the Secretary, to enable the out-
8 lying areas and the Bureau to carry out the purpose
9 of this part.

10 “(b) STATE ALLOTMENTS.—

11 “(1) DETERMINATION.—From the funds appro-
12 priated under section 3(b)(2) for any fiscal year and
13 remaining after the Secretary makes reservations
14 under subsection (a), the Secretary shall allot to
15 each State for the fiscal year an amount that bears
16 the same relationship to the remainder as the
17 amount the State received under chapter B of sub-
18 part 1 of part A of title I for the preceding fiscal
19 year bears to the amount all States received under
20 that chapter for the preceding fiscal year, except
21 that no State shall receive less than an amount
22 equal to one-half of 1 percent of the total amount
23 made available to all States under this subsection.

24 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
25 State does not receive an allotment under this part

1 for a fiscal year, the Secretary shall reallocate the
2 amount of the State's allotment to the remaining
3 States in accordance with this section.

4 “(c) STATE USE OF FUNDS.—

5 “(1) IN GENERAL.—Each State that receives an
6 allotment under this part shall reserve not less than
7 75 percent of the amount allotted to the State under
8 subsection (b) for each fiscal year for awards to eli-
9 gible entities under section 3204.

10 “(2) AWARDS TO NONGOVERNMENTAL ENTI-
11 TIES TO IMPROVE STUDENT ACADEMIC ACHIEVE-
12 MENT.—Each State that receives an allotment under
13 subsection (b) for each fiscal year shall reserve not
14 less than 10 percent of the amount allotted to the
15 State for awards to nongovernmental entities under
16 section 3205.

17 “(3) STATE ACTIVITIES AND STATE ADMINIS-
18 TRATION.—A State educational agency may reserve
19 not more than 15 percent of the amount allotted to
20 the State under subsection (b) for each fiscal year
21 for the following:

22 “(A) Enabling the State educational agen-
23 cy—

24 “(i) to pay the costs of developing the
25 State assessments and standards required

1 under section 1111(b), which may include
2 the costs of working, at the sole discretion
3 of the State, in voluntary partnerships
4 with other States to develop such assess-
5 ments and standards; or

6 “(ii) if the State has developed the as-
7 sessments and standards required under
8 section 1111(b), to administer those as-
9 sessments or carry out other activities re-
10 lated to ensuring that the State’s schools
11 and local educational agencies are helping
12 students meet the State’s academic stand-
13 ards under such section.

14 “(B) The administrative costs of carrying
15 out its responsibilities under this part, except
16 that not more than 5 percent of the reserved
17 amount may be used for this purpose.

18 “(C) Monitoring and evaluation of pro-
19 grams and activities assisted under this part.

20 “(D) Providing training and technical as-
21 sistance under this part.

22 “(E) Statewide academic focused pro-
23 grams.

24 “(F) Sharing evidence-based and other ef-
25 fective strategies with eligible entities.

1 **“SEC. 3203. STATE APPLICATION.**

2 “(a) IN GENERAL.—In order to receive an allotment
3 under section 3202 for any fiscal year, a State shall sub-
4 mit to the Secretary, at such time as the Secretary may
5 require, an application that—

6 “(1) designates the State educational agency as
7 the agency responsible for the administration and
8 supervision of programs assisted under this part;

9 “(2) describes how the State educational agency
10 will use funds reserved for State-level activities;

11 “(3) describes the procedures and criteria the
12 State educational agency will use for reviewing appli-
13 cations and awarding funds to eligible entities on a
14 competitive basis, which shall include reviewing how
15 the proposed project will help increase student aca-
16 demic achievement;

17 “(4) describes how the State educational agency
18 will ensure that awards made under this part are—

19 “(A) of sufficient size and scope to support
20 high-quality, effective programs that are con-
21 sistent with the purpose of this part; and

22 “(B) in amounts that are consistent with
23 section 3204(f);

24 “(5) describes the steps the State educational
25 agency will take to ensure that programs implement
26 effective strategies, including providing ongoing

1 technical assistance and training, and dissemination
2 of evidence-based and other effective strategies;

3 “(6) describes how the State educational agency
4 will consider students across all grades when making
5 these awards;

6 “(7) an assurance that, other than providing
7 technical and advisory assistance and monitoring
8 compliance with this part, the State educational
9 agency has not exercised and will not exercise any
10 influence in the decision-making process of eligible
11 entities as to the expenditure of funds received by
12 the eligible entities under this part;

13 “(8) describes how programs under this part
14 will be coordinated with programs under this Act,
15 and other programs as appropriate;

16 “(9) contains an assurance that the State edu-
17 cational agency—

18 “(A) will make awards for programs for a
19 period of not more than 5 years; and

20 “(B) will require each eligible entity seek-
21 ing such an award to submit a plan describing
22 how the project to be funded through the award
23 will continue after funding under this part
24 ends, if applicable; and

1 “(10) contains an assurance that funds appro-
2 priated to carry out this part will be used to supple-
3 ment, and not supplant, State and local public funds
4 expended to provide programs and activities author-
5 ized under this part and other similar programs.

6 “(b) DEEMED APPROVAL.—An application submitted
7 by a State educational agency pursuant to subsection (a)
8 shall be deemed to be approved by the Secretary unless
9 the Secretary makes a written determination, prior to the
10 expiration of the 120-day period beginning on the date on
11 which the Secretary received the application, that the ap-
12 plication is not in compliance with this part.

13 “(c) DISAPPROVAL.—The Secretary shall not finally
14 disapprove the application, except after giving the State
15 educational agency notice and an opportunity for a hear-
16 ing.

17 “(d) NOTIFICATION.—If the Secretary finds that the
18 application is not in compliance, in whole or in part, with
19 this part, the Secretary shall—

20 “(1) give the State educational agency notice
21 and an opportunity for a hearing; and

22 “(2) notify the State educational agency of the
23 finding of noncompliance, and, in such notification,
24 shall—

1 “(A) cite the specific provisions in the ap-
2 plication that are not in compliance; and

3 “(B) request additional information, only
4 as to the noncompliant provisions, needed to
5 make the application compliant.

6 “(e) RESPONSE.—If the State educational agency re-
7 sponds to the Secretary’s notification described in sub-
8 section (d)(2) during the 45-day period beginning on the
9 date on which the agency received the notification, and
10 resubmits the application with the requested information
11 described in subsection (d)(2)(B), the Secretary shall ap-
12 prove or disapprove such application prior to the later of—

13 “(1) the expiration of the 45-day period begin-
14 ning on the date on which the application is resub-
15 mitted; or

16 “(2) the expiration of the 120-day period de-
17 scribed in subsection (b).

18 “(f) FAILURE TO RESPOND.—If the State edu-
19 cational agency does not respond to the Secretary’s notifi-
20 cation described in subsection (d)(2) during the 45-day pe-
21 riod beginning on the date on which the agency received
22 the notification, such application shall be deemed to be
23 disapproved.

24 “(g) RULE OF CONSTRUCTION.—An application sub-
25 mitted by a State educational agency pursuant to sub-

1 section (a) shall not be approved or disapproved based
2 upon the activities for which the agency may make funds
3 available to eligible entities under section 3204 if the agen-
4 cy's use of funds is consistent with section 3204(b).

5 **“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

6 “(a) IN GENERAL.—A State that receives funds
7 under this part for a fiscal year shall provide the amount
8 made available under section 3202(c)(1) to eligible entities
9 in accordance with this section.

10 “(b) USE OF FUNDS.—

11 “(1) IN GENERAL.—An eligible entity that re-
12 ceives an award under this part shall use the funds
13 for activities that—

14 “(A) are evidence-based;

15 “(B) will improve student academic
16 achievement;

17 “(C) are allowable under State law; and

18 “(D) focus on one or more projects from
19 the following two categories:

20 “(i) Supplemental student support ac-
21 tivities such as before, after, or summer
22 school activities, tutoring, and expanded
23 learning time, but not including athletics
24 or in-school learning activities.

1 “(ii) Activities designed to support
2 students, such as academic subject specific
3 programs, adjunct teacher programs, ex-
4 tended learning time programs, and parent
5 engagement, but not including activities
6 to—

7 “(I) support smaller class sizes
8 or construction; or

9 “(II) provide compensation or
10 benefits to teachers, school leaders,
11 other school officials, or local edu-
12 cational agency staff.

13 “(2) PARTICIPATION OF CHILDREN ENROLLED
14 IN PRIVATE SCHOOLS.—An eligible entity that re-
15 ceives an award under this part shall ensure compli-
16 ance with section 5501 (relating to participation of
17 children enrolled in private schools).

18 “(c) APPLICATION.—

19 “(1) IN GENERAL.—To be eligible to receive an
20 award under this part, an eligible entity shall submit
21 an application to the State educational agency at
22 such time, in such manner, and including such infor-
23 mation as the State educational agency may reason-
24 ably require, including the contents required by
25 paragraph (2).

1 “(2) CONTENTS.—Each application submitted
2 under paragraph (1) shall include—

3 “(A) a description of the activities to be
4 funded and how they are consistent with sub-
5 section (b);

6 “(B) an assurance that funds under this
7 part will be used to increase the level of State,
8 local, and other non-Federal funds that would,
9 in the absence of funds under this part, be
10 made available for programs and activities au-
11 thorized under this part, and in no case sup-
12 plant State, local, or non-Federal funds;

13 “(C) an assurance that the community will
14 be given notice of an intent to submit an appli-
15 cation with an opportunity for comment, and
16 that the application will be available for public
17 review after submission of the application; and

18 “(D) an assurance that students who ben-
19 efit from any activity funded under this part
20 shall continue to maintain enrollment in a pub-
21 lic elementary or secondary school.

22 “(d) REVIEW.—In reviewing local applications under
23 this section, a State educational agency shall use a peer
24 review process or other methods of assuring the quality
25 of such applications but the review shall be limited to the

1 likelihood that the project will increase student academic
2 achievement.

3 “(e) GEOGRAPHIC DIVERSITY.—A State educational
4 agency shall distribute funds under this part equitably
5 among geographic areas within the State, including rural,
6 suburban, and urban communities.

7 “(f) AWARD.—A grant shall be awarded to all eligible
8 entities that submit an application that meets the require-
9 ments of this section in an amount that is not less than
10 \$10,000, but there shall be only one minimum award
11 granted to any one local educational agency.

12 “(g) DURATION OF AWARDS.—Grants under this
13 part may be awarded for a period of not more than 5
14 years.

15 “(h) ELIGIBLE ENTITY DEFINED.—In this section,
16 the term ‘eligible entity’ means—

17 “(1) a local educational agency in partnership
18 with a community-based organization, business enti-
19 ty, or nongovernmental entity;

20 “(2) a consortium of local educational agencies
21 working in partnership with a community-based or-
22 ganization, business entity, or nongovernmental enti-
23 ty;

24 “(3) a community-based organization in part-
25 nership with a local educational agency and, if appli-

1 cable, a business entity or nongovernmental entity;
2 or

3 “(4) a business entity in partnership with a
4 local educational agency and, if applicable, a commu-
5 nity-based organization or nongovernmental entity.

6 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**
7 **IMPROVE ACADEMIC ACHIEVEMENT.**

8 “(a) IN GENERAL.—From the amount reserved
9 under section 3202(c)(2), a State educational agency shall
10 award grants to nongovernmental entities, including pub-
11 lic or private organizations, community-based or faith-
12 based organizations, and business entities for a program
13 or project to increase the academic achievement of public
14 school students attending public elementary or secondary
15 schools (or both) in compliance with the requirements in
16 this section. Subject to the availability of funds, the State
17 educational agency shall award a grant to each eligible ap-
18 plicant that meets the requirements in a sufficient size and
19 scope to support the program.

20 “(b) APPLICATION.—The State educational agency
21 shall require an application that includes the following in-
22 formation:

23 “(1) A description of the program or project
24 the applicant will use the funds to support.

1 “(2) A description of how the applicant is using
2 or will use other State, local, or private funding to
3 support the program or project.

4 “(3) A description of how the program or
5 project will help increase student academic achieve-
6 ment, including the evidence to support this claim.

7 “(4) A description of the student population the
8 program or project is targeting to impact, and if the
9 program will prioritize students in high-need local
10 educational agencies.

11 “(5) A description of how the applicant will
12 conduct sufficient outreach to ensure students can
13 participate in the program or project.

14 “(6) A description of any partnerships the ap-
15 plicant has entered into with the local educational
16 agencies or other entities the applicant will work
17 with, if applicable.

18 “(7) A description of how the applicant will
19 work to share evidence-based and other effective
20 strategies from the program or project with local
21 educational agencies and other entities working with
22 students to increase academic achievement.

23 “(8) An assurance that students who benefit
24 from any program or project funded under this sec-

1 tion shall continue to maintain enrollment in a pub-
2 lic elementary or secondary school.

3 “(c) MATCHING CONTRIBUTION.—An eligible appli-
4 cant receiving a grant under this section shall provide, ei-
5 ther directly or through private contributions, non-Federal
6 matching funds equal to not less than 50 percent of the
7 amount of the grant.

8 “(d) REVIEW.—The State educational agency shall
9 review the application to ensure that—

10 “(1) the applicant is an eligible applicant;

11 “(2) the application clearly describes the re-
12 quired elements in subsection (b);

13 “(3) the entity meets the matching requirement
14 described in subsection (c); and

15 “(4) the program is allowable and complies with
16 Federal, State, and local laws.

17 “(e) DISTRIBUTION OF FUNDS.—If the application
18 requests exceed the funds available, the State educational
19 agency shall prioritize projects that support students in
20 high-need local educational agencies and ensure geo-
21 graphic diversity, including serving rural, suburban, and
22 urban areas.

23 “(f) ADMINISTRATIVE COSTS.—Not more than 1 per-
24 cent of a grant awarded under this section may be used
25 for administrative costs.

1 **“SEC. 3206. REPORT.**

2 “Each recipient of a grant under section 3204 or
3 3205 shall report to the State educational agency on—

4 “(1) the success of the program in reaching the
5 goals of the program;

6 “(2) a description of the students served by the
7 program and how the students’ academic achieve-
8 ment improved; and

9 “(3) the results of any evaluation conducted on
10 the success of the program.”.

11 **TITLE III—IMPACT AID**

12 **SEC. 301. PURPOSE.**

13 Section 8002 (20 U.S.C. 7701) is amended by strik-
14 ing “challenging State standards” and inserting “State
15 academic standards”.

16 **SEC. 302. PAYMENTS RELATING TO FEDERAL ACQUISITION**
17 **OF REAL PROPERTY.**

18 Section 8002 (20 U.S.C. 7702) is amended—

19 (1) in subsection (a)—

20 (A) in the matter preceding paragraph (1),
21 by striking “2003” and inserting “2018”; and

22 (B) by amending paragraph (1)(C) to read
23 as follows:

24 “(C) had an assessed value according to
25 original records (including facsimiles or other
26 reproductions of those records) or other records

1 that the Secretary determines to be appropriate
2 and reliable, including Federal agency records
3 or local historical records, aggregating 10 per-
4 cent or more of the assessed value of—”;

5 (2) in subsection (b)—

6 (A) by amending paragraph (2) to read as
7 follows:

8 “(2) DETERMINATION OF ESTIMATED TAXABLE
9 VALUE FOR ELIGIBLE FEDERAL PROPERTY.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), in determining the estimated taxable
12 value of eligible Federal property located within
13 the boundaries of a local educational agency for
14 fiscal year 2013 and each succeeding fiscal
15 year, the Secretary shall carry out the fol-
16 lowing:

17 “(i) Determine the total taxable value
18 of real property located within the bound-
19 aries of such local educational agency for
20 the purpose of levying a property tax for
21 current expenditures.

22 “(ii) Determine the per acre value of
23 the eligible Federal property by dividing—

24 “(I) the total taxable value deter-
25 mined under clause (i), by

1 “(II) the difference between the
2 total acres located within the bound-
3 aries of the local educational agency
4 and the number of Federal acres in
5 that agency eligible under this section.

6 “(iii) Multiply—

7 “(I) the per acre value calculated
8 under clause (ii), by

9 “(II) the number of Federal
10 acres in that agency eligible under
11 this section.

12 “(B) SPECIAL RULE.—In a case in which
13 a local educational agency shares eligible Fed-
14 eral property with 2 or more local educational
15 agencies, the local educational agency may elect
16 to have the Secretary—

17 “(i) calculate the per acre value of the
18 eligible Federal property of each such local
19 educational agency in accordance with sub-
20 paragraph (A); and

21 “(ii) carry out the calculation under
22 subparagraph (A)(iii) by multiplying—

23 “(I) the average of the per acre
24 values of such eligible Federal prop-
25 erties, by

1 “(II) the acres of the Federal
2 property in that agency eligible under
3 this section.”; and

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

6 “(3) APPLICATION OF CURRENT LEVIED REAL
7 PROPERTY TAX RATE.—In calculating the amount
8 that a local educational agency is eligible to receive
9 for a fiscal year, the Secretary shall apply the cur-
10 rent levied real property tax rate for current expend-
11 itures levied by fiscally independent local educational
12 agencies, or imputed for fiscally dependent local edu-
13 cational agencies, to the current annually deter-
14 mined estimated taxable value of such acquired Fed-
15 eral property as calculated under paragraph (2).”;

16 (3) by amending subsection (f) to read as fol-
17 lows:

18 “(f) SPECIAL RULE.—Beginning with fiscal year
19 2013, a local educational agency shall be deemed to meet
20 the requirements of subsection (a)(1)(C) if records to de-
21 termine eligibility under such subsection were destroyed
22 prior to fiscal year 2000 and the agency received funds
23 under subsection (b) in the previous year.”;

24 (4) by amending subsection (g) to read as fol-
25 lows:

1 “(g) FORMER DISTRICTS.—

2 “(1) CONSOLIDATIONS.—For fiscal year 2006
3 and each succeeding fiscal year, if a local edu-
4 cational agency described in paragraph (2) is formed
5 at any time after 1938 by the consolidation of two
6 or more former school districts, the local educational
7 agency may elect to have the Secretary determine its
8 eligibility and any amount for which the local edu-
9 cational agency is eligible under this section for such
10 fiscal year on the basis of one or more of those
11 former districts, as designated by the local edu-
12 cational agency.

13 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
14 CIES.—A local educational agency described in this
15 paragraph is—

16 “(A) any local educational agency that, for
17 fiscal year 1994 or any preceding fiscal year,
18 applied for, and was determined to be eligible
19 under section 2(c) of the Act of September 20,
20 1950 (Public Law 874, 81st Congress) as that
21 section was in effect for that fiscal year; or

22 “(B) a local educational agency formed by
23 the consolidation of 2 or more school districts,
24 at least one of which was eligible for assistance

1 under this section for the fiscal year preceding
2 the year of the consolidation, if—

3 “(i) for fiscal years 2006 through
4 2012, the local educational agency notifies
5 the Secretary not later than 30 days after
6 the date of enactment of the Encouraging
7 Innovation and Effective Teachers Act of
8 the designation described in paragraph (1);
9 and

10 “(ii) for fiscal year 2013, and each
11 subsequent fiscal year, the local edu-
12 cational agency includes the designation in
13 its application under section 8005 or any
14 timely amendment to such application.

15 “(3) AVAILABILITY OF FUNDS.—Notwith-
16 standing any other provision of law limiting the pe-
17 riod during which the Secretary may obligate funds
18 appropriated for any fiscal year after fiscal year
19 2005, the Secretary may obligate funds remaining
20 after final payments have been made for any of such
21 fiscal years to carry out this subsection.”;

22 (5) in subsection (h)—

23 (A) by striking “section 8014(a)” each
24 place it appears and inserting “section 3(c)(1)”;

1 (B) by amending paragraph (1) to read as
2 follows:

3 “(1) FOUNDATION PAYMENTS.—

4 “(A) IN GENERAL.—From the amount ap-
5 propriated under section 3(c)(1) for the fiscal
6 year involved, the Secretary shall first make a
7 payment to the following local educational agen-
8 cies:

9 “(i) Each local educational agency
10 that received a payment under this section
11 for fiscal year 2006 and was eligible for a
12 payment under this section for fiscal year
13 2006.

14 “(ii) Each local educational agency
15 that did not receive a payment under this
16 section for fiscal year 2006 but was newly
17 eligible for a payment under this section
18 after fiscal year 2006.

19 “(B) AMOUNT.—The amount of payment
20 under subparagraph (A) for a local educational
21 agency shall be determined as follows:

22 “(i) For a local educational agency
23 described in subparagraph (A)(i) the
24 amount of payment shall be equal to 90
25 percent of the amount received by such

1 local educational agency under subsection
2 (b) for fiscal year 2006.

3 “(ii) For a local educational agency
4 described in subparagraph (A)(ii) the
5 amount of payment shall be determined
6 by—

7 “(I) calculating a payment esti-
8 mate for fiscal year 2006 for such
9 local educational agency under sub-
10 section (b) in the same manner as
11 payments were determined for local
12 educational agencies eligible for and
13 receiving payments for fiscal year
14 2006 under such section; and

15 “(II) multiplying the amount de-
16 termined under subclause (I) by 90
17 percent.

18 “(C) FOUNDATION PAYMENT.—The
19 amount of payments calculated under clause (i)
20 or (ii) of subparagraph (B) for a local edu-
21 cational agency shall be considered the local
22 educational agency’s foundation payments for
23 each succeeding fiscal year.

24 “(D) INSUFFICIENT APPROPRIATIONS.—If
25 the amount appropriated under section 3(c)(1)

1 is insufficient to pay the full amount deter-
2 mined under this paragraph for all eligible local
3 educational agencies for the fiscal year, then
4 the Secretary shall ratably reduce the payment
5 to each such local educational agency under this
6 paragraph.”;

7 (C) by amending paragraph (2) to read as
8 follows:

9 “(2) REMAINING FUNDS.—From any amounts
10 remaining after making payments under paragraph
11 (1) for the fiscal year involved, the Secretary shall—

12 “(A) sum the amounts determined for all
13 eligible local educational agencies under sub-
14 section (b)(2);

15 “(B) determine each eligible local edu-
16 cational agency’s proportional share of the
17 amount calculated under subparagraph (A); and

18 “(C) pay each eligible local educational
19 agency its share of the remaining funds based
20 on the proportion calculated under subpara-
21 graph (B).”; and

22 (D) by striking paragraphs (3) and (4);

23 (6) by repealing subsections (i) and (k);

24 (7) by redesignating subsection (l) as subsection

25 (i);

1 (8) by amending subsection (i) (as so redesign-
2 nated) by striking “(h)(4)(B)” and inserting
3 “(h)(2)”;

4 (9) by repealing subsection (m); and

5 (10) by redesignating subsection (n) as sub-
6 section (j).

7 **SEC. 303. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
8 **NECTED CHILDREN.**

9 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
10 (20 U.S.C. 7703(a)) is amended—

11 (1) in the matter preceding subparagraph (A)
12 of paragraph (1), by inserting after “schools of such
13 agency” the following: “(including those children en-
14 rolled in such agency as a result of the open enroll-
15 ment policy of the State in which the agency is lo-
16 cated, but not including children who are enrolled in
17 a distance education program at such agency and
18 who are not residing within the geographic bound-
19 aries of such agency)”;

20 (2) in paragraph (4)—

21 (A) in the heading, by striking “OR RE-
22 BUILDING” and inserting “, REBUILDING, OR
23 AUTHORIZED FOR DEMOLITION”;

24 (B) in subparagraph (A), by striking “or
25 rebuilding” each place it appears and inserting

1 “, rebuilding, or authorized for demolition by
2 the Secretary of Defense or the head of another
3 Federal agency”; and

4 (C) in subparagraph (B)—

5 (i) by striking “or rebuilding” each
6 place it appears and inserting “, rebuild-
7 ing, or authorized for demolition by the
8 Secretary of Defense or the head of an-
9 other Federal agency”; and

10 (ii) by striking “3 fiscal years” each
11 place it appears and inserting “4 fiscal
12 years (which are not required to run con-
13 secutively)”; and

14 (3) in paragraph (5)(A), by inserting after
15 “1984,” the following: “or under lease of off-base
16 property under subchapter IV of chapter 169 of title
17 10, United States Code,”.

18 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
19 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
20 8003(b) (20 U.S.C. 7703(b)) is amended—

21 (1) by striking “section 8014(b)” each place it
22 appears and inserting “section 3(c)(2)”;

23 (2) in paragraph (1), by repealing subpara-
24 graph (E);

25 (3) in paragraph (2)—

1 (A) in subparagraph (A), by inserting at
2 the end the following:

3 “(iii) The Secretary shall—

4 “(I) deem each local educational
5 agency that received a basic support
6 payment under this paragraph for fis-
7 cal year 2009 as eligible to receive a
8 basic support payment under this
9 paragraph for each of fiscal years
10 2010, 2011, and 2012; and

11 “(II) make a payment to each
12 such local educational agency under
13 this paragraph for each of fiscal years
14 2010, 2011, and 2012.”; and

15 (B) in subparagraph (B)—

16 (i) by striking “CONTINUING” in the
17 heading;

18 (ii) by amending clause (i) to read as
19 follows:

20 “(i) IN GENERAL.—A heavily im-
21 pacted local educational agency is eligible
22 to receive a basic support payment under
23 subparagraph (A) with respect to a num-
24 ber of children determined under sub-
25 section (a)(1) if the agency—

1 “(I) is a local educational agen-
2 cy—

3 “(aa) whose boundaries are
4 the same as a Federal military
5 installation or an island property
6 designated by the Secretary of
7 the Interior to be property that is
8 held in trust by the Federal Gov-
9 ernment; and

10 “(bb) that has no taxing au-
11 thority;

12 “(II) is a local educational agen-
13 cy that—

14 “(aa) has an enrollment of
15 children described in subsection
16 (a)(1) that constitutes a percent-
17 age of the total student enroll-
18 ment of the agency that is not
19 less than 45 percent;

20 “(bb) has a per-pupil ex-
21 penditure that is less than—

22 “(AA) for an agency
23 that has a total student en-
24 rollment of 500 or more stu-
25 dents, 125 percent of the av-

1 erage per-pupil expenditure
2 of the State in which the
3 agency is located; or

4 “(BB) for any agency
5 that has a total student en-
6 rollment less than 500, 150
7 percent of the average per-
8 pupil expenditure of the
9 State in which the agency is
10 located; or the average per-
11 pupil expenditure of 3 or
12 more comparable local edu-
13 cational agencies in the
14 State in which the agency is
15 located; and

16 “(cc) is an agency that—

17 “(AA) has a tax rate
18 for general fund purposes
19 that is not less than 95 per-
20 cent of the average tax rate
21 for general fund purposes of
22 comparable local educational
23 agencies in the State; or

24 “(BB) was eligible to
25 receive a payment under this

1 subsection for fiscal year
2 2012 and is located in a
3 State that by State law has
4 eliminated ad valorem tax as
5 a revenue for local edu-
6 cational agencies;

7 “(III) is a local educational agen-
8 cy that—

9 “(aa) has an enrollment of
10 children described in subsection
11 (a)(1) that constitutes a percent-
12 age of the total student enroll-
13 ment of the agency that is not
14 less than 20 percent;

15 “(bb) for the 3 fiscal years
16 preceding the fiscal year for
17 which the determination is made,
18 the average enrollment of chil-
19 dren who are not described in
20 subsection (a)(1) and who are eli-
21 gible for a free or reduced price
22 lunch under the Richard B. Rus-
23 sell National School Lunch Act
24 constitutes a percentage of the
25 total student enrollment of the

1 agency that is not less than 65
2 percent; and

3 “(cc) has a tax rate for gen-
4 eral fund purposes which is not
5 less than 125 percent of the aver-
6 age tax rate for general fund
7 purposes for comparable local
8 educational agencies in the State;

9 “(IV) is a local educational agen-
10 cy that has a total student enrollment
11 of not less than 25,000 students, of
12 which—

13 “(aa) not less than 50 per-
14 cent are children described in
15 subsection (a)(1); and

16 “(bb) not less than 5,500 of
17 such children are children de-
18 scribed in subparagraphs (A) and
19 (B) of subsection (a)(1); or

20 “(V) is a local educational agency
21 that—

22 “(aa) has an enrollment of
23 children described in subsection
24 (a)(1) including, for purposes of
25 determining eligibility, those chil-

1 dren described in subparagraphs
2 (F) and (G) of such subsection,
3 that is not less than 35 percent
4 of the total student enrollment of
5 the agency; and

6 “(bb) was eligible to receive
7 assistance under subparagraph
8 (A) for fiscal year 2001.”; and

9 (iii) in clause (ii)—

10 (I) by striking “A heavily” and
11 inserting the following: “(I) IN GEN-
12 ERAL.—Subject to subclause (II), a
13 heavily”; and

14 (II) adding at the end the fol-
15 lowing:

16 “(II) LOSS OF ELIGIBILITY DUE
17 TO FALLING BELOW 95 PERCENT OF
18 THE AVERAGE TAX RATE FOR GEN-
19 ERAL FUND PURPOSES.—In a case of
20 a heavily impacted local educational
21 agency that fails to meet the require-
22 ments of clause (i) for a fiscal year by
23 reason of having a tax rate for gen-
24 eral fund purposes that falls below 95
25 percent of the average tax rate for

1 general fund purposes of comparable
2 local educational agencies in the
3 State, subclause (I) shall be applied
4 as if ‘and the subsequent fiscal year’
5 were inserted before the period at the
6 end.”;

7 (C) by striking subparagraph (C);

8 (D) by redesignating subparagraphs (D)
9 through (H) as subparagraphs (C) through (G),
10 respectively;

11 (E) in subparagraph (C) (as so redesign-
12 ated)—

13 (i) in the heading, by striking “REG-
14 ULAR”;

15 (ii) by striking “Except as provided in
16 subparagraph (E)” and inserting “Except
17 as provided in subparagraph (D)”;

18 (iii) by amending subclause (I) of
19 clause (ii) to read as follows:

20 “(ii)(I)(aa) For a local educational
21 agency with respect to which 35 percent or
22 more of the total student enrollment of the
23 schools of the agency are children de-
24 scribed in subparagraph (D) or (E) (or a
25 combination thereof) of subsection (a)(1),

1 and that has an enrollment of children de-
2 scribed in subparagraphs (A), (B), or (C)
3 of such subsection equal to at least 10 per-
4 cent of the agency's total enrollment, the
5 Secretary shall calculate the weighted stu-
6 dent units of those children described in
7 subparagraph (D) or (E) of such sub-
8 section by multiplying the number of such
9 children by a factor of 0.55.

10 “(bb) Notwithstanding subitem (aa), a
11 local educational agency that received a
12 payment under this paragraph for fiscal
13 year 2006 shall not be required to have an
14 enrollment of children described in sub-
15 paragraphs (A), (B), or (C) of subsection
16 (a)(1) equal to at least 10 percent of the
17 agency's total enrollment.”; and

18 (iv) by amending subclause (III) of
19 clause (ii) by striking “(B)(i)(II)(aa)” and
20 inserting “subparagraph (B)(i)(I)”;

21 (F) in subparagraph (D)(i)(II) (as so re-
22 designated), by striking “6,000” and inserting
23 “5,500”;

24 (G) in subparagraph (E) (as so redesign-
25 nated)—

1 (i) by striking “Secretary” and all
2 that follows through “shall use” and in-
3 serting “Secretary shall use”;

4 (ii) by striking “; and” and inserting
5 a period; and

6 (iii) by striking clause (ii);

7 (H) in subparagraph (F) (as so redesign-
8 nated), by striking “subparagraph
9 (C)(i)(II)(bb)” and inserting “subparagraph
10 (B)(i)(II)(bb)”;

11 (I) in subparagraph (G) (as so redesign-
12 nated)—

13 (i) in clause (i)—

14 (I) by striking “subparagraph
15 (B), (C), (D), or (E)” and inserting
16 “subparagraph (B), (C), or (D)”;

17 (II) by striking “by reason of”
18 and inserting “due to”;

19 (III) by inserting after “clause
20 (iii)” the following “, or as the direct
21 result of base realignment and closure
22 or modularization as determined by
23 the Secretary of Defense and force
24 structure change or force relocation,”;
25 and

1 (IV) by inserting before the pe-
2 riod, the following: “or during such
3 time as activities associated with base
4 closure and realignment,
5 modularization, force structure
6 change, or force relocation are ongo-
7 ing”; and

8 (ii) in clause (ii), by striking “(D) or
9 (E)” each place it appears and inserting
10 “(C) or (D)”;

11 (4) in paragraph (3)—

12 (A) in subparagraph (B)—

13 (i) by amending clause (iii) to read as
14 follows:

15 “(iii) In the case of a local educational
16 agency providing a free public education to
17 students enrolled in kindergarten through
18 grade 12, but which enrolls students de-
19 scribed in subparagraphs (A), (B), and (D)
20 of subsection (a)(1) only in grades 9
21 through 12, and which received a final
22 payment in fiscal year 2009 calculated
23 under this paragraph (as this paragraph
24 was in effect on the day before the date of
25 enactment of the Encouraging Innovation

1 and Effective Teachers Act) for students
2 in grades 9 through 12, the Secretary
3 shall, in calculating the agency's payment,
4 consider only that portion of such agency's
5 total enrollment of students in grades 9
6 through 12 when calculating the percent-
7 age under clause (i)(I) and only that por-
8 tion of the total current expenditures at-
9 tributed to the operation of grades 9
10 through 12 in such agency when calcu-
11 lating the percentage under clause
12 (i)(II)."; and

13 (ii) by adding at the end the fol-
14 lowing:

15 “(v) In the case of a local educational
16 agency that is providing a program of dis-
17 tance education to children not residing
18 within the geographic boundaries of the
19 agency, the Secretary shall—

20 “(I) for purposes of the calcula-
21 tion under clause (i)(I), disregard
22 such children from the total number
23 of children in average daily attend-
24 ance at the schools served by such
25 agency; and

1 “(II) for purposes of the calcula-
2 tion under clause (i)(II), disregard
3 any funds received for such children
4 from the total current expenditures
5 for such agency.”;

6 (B) in subparagraph (C), by striking “sub-
7 paragraph (D) or (E) of paragraph (2), as the
8 case may be” and inserting “paragraph
9 (2)(D)”;

10 (C) by amending subparagraph (D) to read
11 as follows:

12 “(D) Ratable Distribution.—For any
13 fiscal year described in subparagraph (A) for
14 which the sums available exceed the amount re-
15 quired to pay each local educational agency 100
16 percent of its threshold payment, the Secretary
17 shall distribute the excess sums to each eligible
18 local educational agency that has not received
19 its full amount computed under paragraph (1)
20 or (2) (as the case may be) by multiplying—

21 “(i) a percentage, the denominator of
22 which is the difference between the full
23 amount computed under paragraph (1) or
24 (2) (as the case may be) for all local edu-
25 cational agencies and the amount of the

1 threshold payment (as calculated under
2 subparagraphs (B) and (C)) of all local
3 educational agencies, and the numerator of
4 which is the aggregate of the excess sums,
5 by;

6 “(ii) the difference between the full
7 amount computed under paragraph (1) or
8 (2) (as the case may be) for the agency
9 and the amount of the threshold payment
10 as calculated under subparagraphs (B) and
11 (C) of the agency.”; and

12 (D) by inserting at the end the following
13 new subparagraphs:

14 “(E) INSUFFICIENT PAYMENTS.—For each
15 fiscal year described in subparagraph (A) for
16 which the sums appropriated under section
17 3(c)(2) are insufficient to pay each local edu-
18 cational agency all of the local educational
19 agency’s threshold payment described in sub-
20 paragraph (D), the Secretary shall ratably re-
21 duce the payment to each local educational
22 agency under this paragraph.

23 “(F) INCREASES.—If the sums appro-
24 priated under section 3(c)(2) are sufficient to
25 increase the threshold payment above the 100

1 percent threshold payment described in sub-
2 paragraph (D), then the Secretary shall in-
3 crease payments on the same basis as such pay-
4 ments were reduced, except no local educational
5 agency may receive a payment amount greater
6 than 100 percent of the maximum payment cal-
7 culated under this subsection.”; and

8 (5) in paragraph (4)—

9 (A) in subparagraph (A), by striking
10 “through (D)” and inserting “and (C)”;

11 (B) in subparagraph (B), by striking “sub-
12 paragraph (D) or (E)” and inserting “subpara-
13 graph (C) or (D)”.

14 (c) PRIOR YEAR DATA.—Paragraph (2) of section
15 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
16 lows:

17 “(2) EXCEPTION.—Calculation of payments for
18 a local educational agency shall be based on data
19 from the fiscal year for which the agency is making
20 an application for payment if such agency—

21 “(A) is newly established by a State, for
22 the first year of operation of such agency only;

23 “(B) was eligible to receive a payment
24 under this section for the previous fiscal year
25 and has had an overall increase in enrollment

1 (as determined by the Secretary in consultation
2 with the Secretary of Defense, the Secretary of
3 Interior, or the heads of other Federal agen-
4 cies)—

5 “(i) of not less than 10 percent, or
6 100 students, of children described in—

7 “(I) subparagraph (A), (B), (C),
8 or (D) of subsection (a)(1); or

9 “(II) subparagraph (F) and (G)
10 of subsection (a)(1), but only to the
11 extent such children are civilian de-
12 pendents of employees of the Depart-
13 ment of Defense or the Department of
14 Interior; and

15 “(ii) that is the direct result of closure
16 or realignment of military installations
17 under the base closure process or the relo-
18 cation of members of the Armed Forces
19 and civilian employees of the Department
20 of Defense as part of the force structure
21 changes or movements of units or per-
22 sonnel between military installations or be-
23 cause of actions initiated by the Secretary
24 of the Interior or the head of another Fed-
25 eral agency; or

1 “(C) was eligible to receive a payment
2 under this section for the previous fiscal year
3 and has had an increase in enrollment (as de-
4 termined by the Secretary)—

5 “(i) of not less than 10 percent of
6 children described in subsection (a)(1) or
7 not less than 100 of such children; and

8 “(ii) that is the direct result of the
9 closure of a local educational agency that
10 received a payment under subsection (b)(1)
11 or (b)(2) in the previous fiscal year.”.

12 (d) CHILDREN WITH DISABILITIES.—Section
13 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
14 “section 8014(c)” and inserting “section 3(c)(3)”.

15 (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.
16 7703(e)) is amended—

17 (1) by amending paragraph (1) to read as fol-
18 lows:

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 the total amount the Secretary shall pay a local edu-
21 cational agency under subsection (b)—

22 “(A) for fiscal year 2013, shall not be less
23 than 90 percent of the total amount that the
24 local educational agency received under sub-

1 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
2 year 2012;

3 “(B) for fiscal year 2014, shall not be less
4 than 85 percent of the total amount that the
5 local educational agency received under sub-
6 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
7 year 2012; and

8 “(C) for fiscal year 2015, shall not be less
9 than 80 percent of the total amount that the
10 local educational agency received under sub-
11 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
12 year 2012.”; and

13 (2) by amending paragraph (2) to read as fol-
14 lows:

15 “(2) MAXIMUM AMOUNT.—The total amount
16 provided to a local educational agency under sub-
17 paragraph (A), (B), or C of paragraph (1) for a fis-
18 cal year shall not exceed the maximum basic support
19 payment amount for such agency determined under
20 paragraph (1) or (2) of subsection (b), as the case
21 may be, for such fiscal year.”.

22 (f) MAINTENANCE OF EFFORT.—Section 8003 (20
23 U.S.C. 7703) is amended by striking subsection (g).

1 **SEC. 304. POLICIES AND PROCEDURES RELATING TO CHIL-**
2 **DREN RESIDING ON INDIAN LANDS.**

3 Section 8004(e)(9) is amended by striking “Bureau
4 of Indian Affairs” and inserting “Bureau of Indian Edu-
5 cation”.

6 **SEC. 305. APPLICATION FOR PAYMENTS UNDER SECTIONS**
7 **8002 AND 8003.**

8 Section 8005(b) (20 U.S.C. 7705(b)) is amended in
9 the matter preceding paragraph (1) by striking “and shall
10 contain such information”.

11 **SEC. 306. CONSTRUCTION.**

12 Section 8007 (20 U.S.C. 7707) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “section
15 8014(c)” and inserting “section 3(c)(4)”;

16 (B) in paragraph (2), by adding at the end
17 the following:

18 “(C) The agency is eligible under section
19 8003(b)(2) or is receiving basic support pay-
20 ments under circumstances described in section
21 8003(b)(2)(B)(ii).”; and

22 (C) in paragraph (3), by striking “section
23 8014(c)” each place it appears and inserting
24 “section 3(c)(4)”;

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “section
2 8014(c)” and inserting “section 3(c)(4)”;

3 (B) in paragraph (3)—

4 (i) in subparagraph (C)(i)(I), by add-
5 ing at the end the following:

6 “(cc) At least 10 percent of
7 the property in the agency is ex-
8 empt from State and local tax-
9 ation under Federal law.”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(F) LIMITATIONS ON ELIGIBILITY RE-
13 QUIREMENTS.—The Secretary shall not limit
14 eligibility—

15 “(i) under subparagraph (C)(i)(I)(aa),
16 to those local educational agencies in which
17 the number of children determined under
18 section 8003(a)(1)(C) for each such agency
19 for the preceding school year constituted
20 more than 40 percent of the total student
21 enrollment in the schools of each such
22 agency during the preceding school year;
23 and

24 “(ii) under subparagraph (C)(i)(I)(cc),
25 to those local educational agencies in which

1 more than 10 percent of the property in
2 each such agency is exempt from State and
3 local taxation under Federal law.”; and

4 (C) in paragraph (6)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “in such manner,
7 and accompanied by such information”
8 and inserting “and in such manner”; and

9 (ii) by striking subparagraph (F).

10 **SEC. 307. FACILITIES.**

11 Section 8008 (20 U.S.C. 7708) is amended in sub-
12 section (a), by striking “section 8014(f)” and inserting
13 “section 3(c)(5)”.

14 **SEC. 308. STATE CONSIDERATION OF PAYMENTS PRO-**
15 **VIDING STATE AID.**

16 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is
17 amended by striking “and contain the information”.

18 **SEC. 309. FEDERAL ADMINISTRATION.**

19 Section 8010 (20 U.S.C. 7710) is amended—

20 (1) in subsection (c), by striking “paragraph
21 (3)” each place it appears and inserting “paragraph
22 (2)”;

23 (2) by adding at the end the following new sub-
24 section:

25 “(d) **TIMELY PAYMENTS.**—

1 “(1) IN GENERAL.—The Secretary shall pay the
2 full amount that a local educational agency is eligi-
3 ble to receive under this title not later than Sep-
4 tember 30 of the second fiscal year following the fis-
5 cal year for which such amount has been appro-
6 priated if, not later than 1 calendar year following
7 the fiscal year in which such amount has been ap-
8 propriated, such local educational agency submits to
9 the Secretary all the data and information necessary
10 for the Secretary to pay the full amount that the
11 agency is eligible to receive under this title for such
12 fiscal year.

13 “(2) PAYMENTS WITH RESPECT TO FISCAL
14 YEARS IN WHICH INSUFFICIENT FUNDS ARE APPRO-
15 PRIATED.—For a fiscal year in which the amount
16 appropriated under section 3(c) is insufficient to pay
17 the full amount a local educational agency is eligible
18 to receive under this title, paragraph (1) shall be ap-
19 plied by substituting ‘is available to pay the agency’
20 for ‘the agency is eligible to receive’ each place it ap-
21 pears.”.

1 **SEC. 310. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
2 **VIEW.**

3 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
4 striking “or under the Act” and all the follows through
5 “1994)”.

6 **SEC. 311. DEFINITIONS.**

7 Section 8013 is amended—

8 (1) in paragraph (1), by striking “and Marine
9 Corps” and inserting “Marine Corps, and Coast
10 Guard”;

11 (2) in paragraph (4), by striking “and title VI”;

12 (3) in paragraph (5)(A)(iii)—

13 (A) in subclause (II), by striking “Stewart
14 B. McKinney Homeless Assistance Act” and in-
15 serting “McKinney-Vento Homeless Assistance
16 Act (42 U.S.C. 114111 et seq.)”; and

17 (B) in subclause (III), by inserting before
18 the semicolon, “(26 U.S.C. 4101 et seq.)”;

19 (4) in paragraph (8)(A), by striking and
20 verified by and inserting “, and verified by,”; and

21 (5) in paragraph (9)(B), by inserting a comma
22 before “on a case-by-case basis”.

23 **SEC. 312. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 8014 (20 U.S.C. 7801) is repealed.

1 **SEC. 313. CONFORMING AMENDMENTS.**

2 (a) REPEAL.—Title IV (20 U.S.C. 7101 et seq.), as
3 amended by section 201(b)(2) of the Student Success Act,
4 is repealed.

5 (b) TRANSFER AND REDESIGNATION.—Title VIII (20
6 U.S.C. 7701 et seq.), as amended by this title, is trans-
7 ferred to and redesignated as title IV (20 U.S.C. 7101
8 et seq.).

9 (c) TITLE IV.—The heading relating to title IV of
10 such Act (20 U.S.C. 7101 et seq.) is amended to read as
11 follows:

12 **“TITLE IV—IMPACT AID”.**

13 (d) TITLE VIII REFERENCES.—The Act (20 U.S.C.
14 6301 et seq.) is amended—

15 (1) by redesignating sections 8001 through
16 8005 as sections 4001 through 4005, respectively;

17 (2) by redesignating sections 8007 through
18 8013 as sections 4007 through 4013, respectively;

19 (3) by striking “section 8002” each place it ap-
20 pears and inserting “section 4002”;

21 (4) by striking “section 8002(b)” each place it
22 appears and inserting “section 4002(b)”;

23 (5) by striking “section 8003” each place it ap-
24 pears and inserting “section 4003”, respectively;

25 (6) by striking “section 8003(a)” each place it
26 appears and inserting “section 4003(a)”;

1 (7) by striking “section 8003(a)(1)” each place
2 it appears and inserting “section 4003(a)(1)”;

3 (8) by striking “section 8003(a)(1)(C)” each
4 place it appears and inserting “section
5 4003(a)(1)(C)”;

6 (9) by striking “section 8002(a)(2)” each place
7 it appears and inserting “section 4002(a)(2)”;

8 (10) by striking “section 8003(b)” each place it
9 appears and inserting “section 4003(b)”;

10 (11) by striking “section 8003(b)(1)” each
11 place it appears and inserting “section 4003(b)(1)”;

12 (12) in section 4002(b)(1)(C), by striking “sec-
13 tion 8003(b)(1)(C)” and inserting “section
14 4003(b)(1)(C)”;

15 (13) in section 4002(n)(1) (as so redesignated),
16 by striking “section 8013(5)(C)(iii)” and inserting
17 “section 4013(5)(C)(iii)”;

18 (14) in section 4005(b)(2) (as so redesign-
19 nated)—

20 (A) by striking “or 8003” each place it ap-
21 pears and inserting “or 4003”; and

22 (B) in subsection (b)(2), by striking “sec-
23 tion 8004” and inserting “section 4004”; and

24 (C) in subsection (d)(2), by striking “sec-
25 tion 8003(e)” and inserting “section 4003(e)”;

1 (15) in section 4007(a)(3)(A)(i) (as so redesign-
2 nated), by striking “section 8008(a)” and inserting
3 “section 4008(a)”;

4 (16) in section 4007(a)(4) (as so redesignated),
5 by striking “section 8013(3)” and inserting “section
6 4013(3)”;

7 (17) in section 4009 (as so redesignated)—

8 (A) in subsection (b)(1)—

9 (i) by striking “or 8003(b)” and in-
10 serting “or 4003(b)”;

11 (ii) by striking “section
12 8003(a)(2)(B)” and inserting “section
13 4003(a)(2)(B)”;

14 (iii) by striking “section 8003(b)(2)”
15 and inserting “section 4003(b)(2)”;

16 (B) by striking “section 8011(a)” each
17 place it appears and inserting “section
18 4011(a)”;

19 (18) in section 8010(c)(2)(D) (as so redesign-
20 nated) by striking “section 8009(b)” and inserting
21 “section 4009(b)”.

22 (e) REPEAL.—Title VIII of the Elementary and Sec-
23 ondary Education Act of 1965 is repealed.

1 **TITLE IV—TROOPS-TO-**
2 **TEACHERS PROGRAM**

3 **SEC. 401. TROOPS-TO-TEACHERS PROGRAM.**

4 (a) TRANSFER OF FUNCTIONS.—The responsibility
5 and authority for operation and administration of the
6 Troops-to-Teachers Program is transferred from the Sec-
7 retary of Education to the Secretary of Defense.

8 (b) ENACTMENT AND MODIFICATION OF PROGRAM
9 AUTHORITY IN TITLE 10, UNITED STATES CODE.—

10 (1) IN GENERAL.—Chapter 58 of title 10,
11 United States Code, is amended by adding at the
12 end the following new section:

13 **“SEC. 1154. ASSISTANCE TO ELIGIBLE MEMBERS TO OBTAIN**
14 **EMPLOYMENT AS TEACHERS: TROOPS-TO-**
15 **TEACHERS PROGRAM.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) PROGRAM.—The term ‘Program’ means
18 the Troops-to-Teachers Program authorized by this
19 section.

20 “(2) CHARTER SCHOOL.—The term ‘charter
21 school’ has the meaning given that term in section
22 5101 of the Elementary and Secondary Education
23 Act of 1965 (20 U.S.C. 7221i).

1 “(3) MEMBER OF THE ARMED FORCES.—The
2 term ‘member of the Armed Forces’ includes a
3 former member of the Armed Forces.

4 “(4) ADDITIONAL TERMS.—The terms ‘elemen-
5 tary school’, ‘local educational agency’, ‘secondary
6 school’, and ‘State’ have the meanings given those
7 terms in section 5101 of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C. 7801).

9 “(b) PROGRAM AUTHORIZATION.—The Secretary of
10 Defense (in this section referred to as the ‘Secretary’) may
11 carry out a program (to be known as the ‘Troops-to-
12 Teachers Program’)—

13 “(1) to assist eligible members of the armed
14 forces described in subsection (c) to obtain certifi-
15 cation or licensing as elementary school teachers,
16 secondary school teachers, or career or technical
17 teachers; and

18 “(2) to facilitate the employment of such mem-
19 bers—

20 “(A) by local educational agencies or pub-
21 lic charter schools that the Secretary of Edu-
22 cation identifies as—

23 “(i) receiving grants under subpart 1
24 of part A of title I of the Elementary and
25 Secondary Education Act of 1965 (20

1 U.S.C. 6311 et seq.) as a result of having
2 within their jurisdictions concentrations of
3 children from low-income families; or

4 “(ii) experiencing a shortage of effec-
5 tive teachers, in particular a shortage of
6 science, mathematics, special education, or
7 career or technical teachers; and

8 “(B) in elementary schools or secondary
9 schools, or as career or technical teachers.

10 “(c) ELIGIBILITY AND APPLICATION PROCESS.—

11 “(1) ELIGIBLE MEMBERS.—The following mem-
12 bers of the armed forces are eligible for selection to
13 participate in the Program:

14 “(A) Any member who—

15 “(i) on or after October 1, 1999, be-
16 comes entitled to retired or retainer pay
17 under this title or title 14;

18 “(ii) has an approved date of retire-
19 ment that is within one year after the date
20 on which the member submits an applica-
21 tion to participate in the Program; or

22 “(iii) transfers to the Retired Reserve.

23 “(B) Any member who, on or after Janu-
24 ary 8, 2002—

1 “(i)(I) is separated or released from
2 active duty after 6 or more years of contin-
3 uous active duty immediately before the
4 separation or release; or

5 “(II) has completed a total of at
6 least ten years of active duty service,
7 10 years of service computed under
8 section 12732 of this title, or 10 years
9 of any combination of such service;
10 and

11 “(ii) executes a reserve commitment
12 agreement for a period of not less than 3
13 years under paragraph (5)(B).

14 “(C) Any member who, on or after Janu-
15 ary 8, 2002, is retired or separated for physical
16 disability under chapter 61 of this title.

17 “(2) SUBMITTAL OF APPLICATIONS.—(A) Selec-
18 tion of eligible members of the armed forces to par-
19 ticipate in the Program shall be made on the basis
20 of applications submitted to the Secretary. An appli-
21 cation shall be in such form as the Secretary may
22 require.

23 “(B) An application may be considered to
24 be submitted on a timely basis under subpara-
25 graph (A)(i), (B), or (C) of paragraph (1) if the

1 application is submitted not later than 4 years
2 after the date on which the member is retired
3 or separated or released from active duty,
4 whichever applies to the member.

5 “(3) SELECTION CRITERIA; EDUCATIONAL
6 BACKGROUND REQUIREMENTS AND HONORABLE
7 SERVICE REQUIREMENT.—(A) Subject to subpara-
8 graphs (B) and (C), the Secretary shall prescribe
9 the criteria to be used to select eligible members of
10 the armed forces to participate in the Program.

11 “(B)(i) If a member of the armed forces is
12 applying for assistance for placement as an ele-
13 mentary school or secondary school teacher, the
14 Secretary shall require the member to have re-
15 ceived a baccalaureate or advanced degree from
16 an accredited institution of higher education.

17 “(ii) If a member of the armed forces is
18 applying for assistance for placement as a ca-
19 reer or technical teacher, the Secretary shall re-
20 quire the member—

21 “(I) to have received the equivalent of
22 one year of college from an accredited in-
23 stitution of higher education or the equiva-
24 lent in military education and training as
25 certified by the Department of Defense; or

1 “(II) to otherwise meet the certifi-
2 cation or licensing requirements for a ca-
3 reer or technical teacher in the State in
4 which the member seeks assistance for
5 placement under the Program.

6 “(iii) A member of the armed forces is eli-
7 gible to participate in the Program only if the
8 member’s last period of service in the armed
9 forces was honorable, as characterized by the
10 Secretary concerned. A member selected to par-
11 ticipate in the Program before the retirement of
12 the member or the separation or release of the
13 member from active duty may continue to par-
14 ticipate in the Program after the retirement,
15 separation, or release only if the member’s last
16 period of service is characterized as honorable
17 by the Secretary concerned.

18 “(4) SELECTION PRIORITIES.—In selecting eli-
19 gible members of the armed forces to receive assist-
20 ance under the Program, the Secretary shall give
21 priority to members who—

22 “(A) have educational or military experi-
23 ence in science, mathematics, special education,
24 or career and technical subjects; and

1 “(B) agree to seek employment as science,
2 mathematics, or special education teachers in
3 elementary schools or secondary schools or in
4 other schools under the jurisdiction of a local
5 educational agency.

6 “(5) OTHER CONDITIONS ON SELECTION.—(A)
7 The Secretary may not select an eligible member of
8 the armed forces to participate in the Program and
9 receive financial assistance unless the Secretary has
10 sufficient appropriations for the Program available
11 at the time of the selection to satisfy the obligations
12 to be incurred by the United States under subsection
13 (d) with respect to the member.

14 “(B) The Secretary may not select an eli-
15 gible member of the armed forces described in
16 paragraph (1)(B)(i) to participate in the Pro-
17 gram under this section and receive financial
18 assistance under subsection (d) unless the mem-
19 ber executes a written agreement to serve as a
20 member of the Selected Reserve of a reserve
21 component of the armed forces for a period of
22 not less than 3 years (in addition to any other
23 reserve commitment the member may have).

24 “(d) PARTICIPATION AGREEMENT AND FINANCIAL
25 ASSISTANCE.—

1 “(1) PARTICIPATION AGREEMENT.—(A) An eli-
2 gible member of the armed forces selected to partici-
3 pate in the Program under subsection (c) and re-
4 ceive financial assistance under this subsection shall
5 be required to enter into an agreement with the Sec-
6 retary in which the member agrees—

7 “(i) within such time as the Secretary
8 may require, to obtain certification or li-
9 censing as an elementary school teacher,
10 secondary school teacher, or career and
11 technical teacher; and

12 “(ii) to accept an offer of full-time
13 employment beginning the school year
14 after obtaining such certification or licens-
15 ing as an elementary school teacher, sec-
16 ondary school teacher, or career and tech-
17 nical teacher for not less than three school
18 years with a local educational agency re-
19 ceiving grants under subpart 1 of part A
20 of title I of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C.6311 et
22 seq.) or a public charter school.

23 “(B) The Secretary may waive the three-
24 year commitment described in subparagraph
25 (A)(ii) for a participant if the Secretary deter-

1 mines the waiver to be appropriate. If the Sec-
2 retary provides the waiver, the participant shall
3 not be considered to be in violation of the
4 agreement and shall not be required to provide
5 reimbursement under subsection (e), for failure
6 to meet the three-year commitment.

7 “(2) VIOLATION OF PARTICIPATION AGREE-
8 MENT; EXCEPTIONS.—A participant in the Program
9 shall not be considered to be in violation of the par-
10 ticipation agreement entered into under paragraph
11 (1) during any period in which the participant—

12 “(A) is pursuing a full-time course of
13 study related to the field of teaching at an in-
14 stitution of higher education;

15 “(B) is serving on active duty as a member
16 of the armed forces;

17 “(C) is temporarily totally disabled for a
18 period of time not to exceed 3 years as estab-
19 lished by sworn affidavit of a qualified physi-
20 cian;

21 “(D) is unable to secure employment for a
22 period not to exceed 12 months by reason of the
23 care required by a spouse who is disabled;

24 “(E) is an effective teacher who is seeking
25 and unable to find full-time employment as a

1 teacher in an elementary school or secondary
2 school or as a career and technical teacher for
3 a single period not to exceed 27 months; or

4 “(F) satisfies such other criteria as may be
5 prescribed by the Secretary.

6 “(3) STIPEND FOR PARTICIPANTS.—(A) Subject
7 to subparagraph (B), the Secretary may pay to a
8 participant in the Program selected under this sec-
9 tion a stipend in an amount of not more than
10 \$5,000.

11 “(B) The total number of stipends that
12 may be paid under subparagraph (A) in any fis-
13 cal year may not exceed 5,000.

14 “(4) BONUS FOR PARTICIPANTS.—(A) Subject
15 to subparagraph (B), the Secretary may, in lieu of
16 paying a stipend under paragraph (3), pay a bonus
17 of \$10,000 to a participant in the Program selected
18 under this section who agrees in the participation
19 agreement under paragraph (1) to accept full-time
20 employment as an elementary school teacher, sec-
21 ondary school teacher, or career and technical teach-
22 er for not less than 3 school years in a high-need
23 school.

1 “(B) The total number of bonuses that
2 may be paid under subparagraph (A) in any fis-
3 cal year may not exceed 3,000.

4 “(C) For purposes of subparagraph (A),
5 the term ‘high-need school’ means a public ele-
6 mentary school, public secondary school, or
7 public charter school that meets one or more of
8 the following criteria:

9 “(i) At least 50 percent of the stu-
10 dents enrolled in the school were from low-
11 income families (as described in subsection
12 (b)(2)(A)(i)).

13 “(ii) The school has a large percent-
14 age of students who qualify for assistance
15 under part B of the Individuals with Dis-
16 abilities Education Act (20 U.S.C. 1411 et
17 seq.).

18 “(5) TREATMENT OF STIPEND AND BONUS.—A
19 stipend or bonus paid under this subsection to a
20 participant in the Program shall be taken into ac-
21 count in determining the eligibility of the participant
22 for Federal student financial assistance provided
23 under title IV of the Higher Education Act of 1965
24 (20 U.S.C. 1070 et seq.).

1 “(e) REIMBURSEMENT UNDER CERTAIN CIR-
2 CUMSTANCES.—

3 “(1) REIMBURSEMENT REQUIRED.—A partici-
4 pant in the Program who is paid a stipend or bonus
5 under subsection (d) shall be required to repay the
6 stipend or bonus under the following circumstances:

7 “(A) The participant fails to obtain teach-
8 er certification or licensing or to obtain employ-
9 ment as an elementary school teacher, sec-
10 ondary school teacher, or career and technical
11 teacher as required by the participation agree-
12 ment under subsection (d)(1).

13 “(B) The participant voluntarily leaves, or
14 is terminated for cause from, employment as an
15 elementary school teacher, secondary school
16 teacher, or career and technical teacher during
17 the 3 years of required service in violation of
18 the participation agreement.

19 “(C) The participant executed a written
20 agreement with the Secretary concerned under
21 subsection (c)(5)(B) to serve as a member of a
22 reserve component of the armed forces for a pe-
23 riod of 3 years and fails to complete the re-
24 quired term of service.

1 “(2) AMOUNT OF REIMBURSEMENT.—A partici-
2 pant required to reimburse the Secretary for a sti-
3 pend or bonus paid to the participant under sub-
4 section (d) shall pay an amount that bears the same
5 ratio to the amount of the stipend or bonus as the
6 unserved portion of required service bears to the
7 three years of required service. Any amount owed by
8 the participant shall bear interest at the rate equal
9 to the highest rate being paid by the United States
10 on the day on which the reimbursement is deter-
11 mined to be due for securities having maturities of
12 90 days or less and shall accrue from the day on
13 which the participant is first notified of the amount
14 due.

15 “(3) TREATMENT OF OBLIGATION.—The obliga-
16 tion to reimburse the Secretary under this sub-
17 section is, for all purposes, a debt owing the United
18 States. A discharge in bankruptcy under title 11
19 shall not release a participant from the obligation to
20 reimburse the Secretary under this subsection.

21 “(4) EXCEPTIONS TO REIMBURSEMENT RE-
22 QUIREMENT.—A participant shall be excused from
23 reimbursement under this subsection if the partici-
24 pant becomes permanently totally disabled as estab-
25 lished by sworn affidavit of a qualified physician.

1 The Secretary may also waive the reimbursement in
2 cases of extreme hardship to the participant, as de-
3 termined by the Secretary.

4 “(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
5 UNDER MONTGOMERY GI BILL.—The receipt by a partic-
6 ipant in the Program of a stipend or bonus under this
7 subsection (d) shall not reduce or otherwise affect the enti-
8 tlement of the participant to any benefits under chapter
9 30 or 33 of title 38 or chapter 1606 of this title.

10 “(g) PARTICIPATION BY STATES.—

11 “(1) DISCHARGE OF STATE ACTIVITIES
12 THROUGH CONSORTIA OF STATES.—The Secretary
13 may permit States participating in the Program to
14 carry out activities authorized for such States under
15 the Program through one or more consortia of such
16 States.

17 “(2) ASSISTANCE TO STATES.—(A) Subject to
18 subparagraph (B), the Secretary may make grants
19 to States participating in the Program, or to con-
20 sortia of such States, in order to permit such States
21 or consortia of States to operate offices for purposes
22 of recruiting eligible members of the armed forces
23 for participation in the Program and facilitating the
24 employment of participants in the Program as ele-

1 mentary school teachers, secondary school teachers,
2 and career and technical teachers.

3 “(B) The total amount of grants made
4 under subparagraph (A) in any fiscal year may
5 not exceed \$5,000,000.

6 “(h) COUNSELING AND REFERRAL SERVICES.—The
7 Secretary may provide counseling and referral services to
8 members of the Armed Forces who meet the criteria de-
9 scribed in subsection (c), including those members who are
10 not eligible for assistance under paragraphs (3) and (4)
11 of subsection (d).”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 58 of such title is
14 amended by adding at the end the following new
15 item:

“1154. Assistance to eligible members to obtain employment as teachers:
Troops-to-Teachers Program”.

16 (3) CONFORMING AMENDMENT.—Section
17 1142(b) (4)(C) of such title is amended by striking
18 “under sections 1152 and 1153 of this title and the
19 Troops-to-Teachers Program under section 2302 of
20 the Elementary and Secondary Education Act of
21 1965 (20 U.S.C. 6672)” and inserting “under sec-
22 tions 1152, 1153, and 1154 of this title”.

1 **TITLE V—REPEAL**

2 **SEC. 501. REPEAL OF TITLE VI.**

3 The Act is amended by striking title VI (20 U.S.C.
4 7301 et seq.).

5 **TITLE VI—HOMELESS**
6 **EDUCATION**

7 **SEC. 601. STATEMENT OF POLICY.**

8 Section 721 of the McKinney-Vento Homeless Assist-
9 ance Act (42 U.S.C. 11431) is amended—

10 (1) by amending paragraph (2) to read as fol-
11 lows:

12 “(2) In any State where compulsory residency
13 requirements or other requirements, laws, regula-
14 tions, practices, or policies may act as a barrier to
15 the identification, enrollment, attendance, or success
16 in school of homeless children and youths, the State
17 and local educational agencies will review and under-
18 take steps to revise such laws, regulations, practices,
19 or policies to ensure that homeless children and
20 youths are afforded the same free, appropriate pub-
21 lic education as is provided to other children and
22 youths.”;

23 (2) in paragraph (3), by striking “alone”; and

1 (3) in paragraph (4), by striking “challenging
2 State student academic achievement” and inserting
3 “State academic”.

4 **SEC. 602. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
5 **THE EDUCATION OF HOMELESS CHILDREN**
6 **AND YOUTHS.**

7 Section 722 of such Act (42 U.S.C. 11432) is amend-
8 ed—

9 (1) in subsection (a), by striking “(g).” and in-
10 serting “(h).”;

11 (2) by striking subsection (b);

12 (3) in subsection (c)—

13 (A) in paragraph (1)(A)—

14 (i) in clause (i), by adding “or” at the
15 end;

16 (ii) in clause (ii), by striking “;or” a
17 the end and inserting a period; and

18 (iii) by striking clause (iii); and

19 (B) by striking paragraph (3);

20 (4) in subsection (d)—

21 (A) in the matter preceding paragraph (1),
22 by striking “Grants” and inserting “Grant
23 funds from a grant made to a State”;

24 (B) by amending paragraph (2) to read as
25 follows:

1 “(2) To provide services and activities to im-
2 prove the identification of homeless children (includ-
3 ing preschool-aged homeless children and youths)
4 that enable such children and youths to enroll in, at-
5 tend, and succeed in school, or, if appropriate, in
6 preschool programs.”;

7 (C) in paragraph (3), by inserting before
8 the period at the end the following: “that can
9 sufficiently carry out the duties described in
10 this subtitle”;

11 (D) by amending paragraph (5) to read as
12 follows:

13 “(5) To develop and implement professional de-
14 velopment programs for liaisons designated under
15 subsection (g)(1)(J)(ii) and other local educational
16 agency personnel—

17 “(A) to improve their identification of
18 homeless children and youths; and

19 “(B) to heighten their awareness of, and
20 capacity to respond to, specific needs in the
21 education of homeless children and youths.”.

22 (5) in subsection (e)—

23 (A) in paragraph (1)—

24 (i) by striking “sums” and inserting
25 “grant funds”; and

1 (ii) by inserting “a State under sub-
2 section (a) to” after “each year to”;

3 (B) in paragraph (2), by striking “funds
4 made available for State use under this sub-
5 title” and inserting “the grant funds remaining
6 after the State educational agency distributes
7 subgrants under paragraph (1)”; and

8 (C) in paragraph (3)—

9 (i) in subparagraph (C)(iv)(II), by
10 striking “sections 1111 and 1116” and in-
11 serting “section 1111”;

12 (ii) in subparagraph (F)—

13 (I) in clause (i)—

14 (aa) in the matter preceding
15 subclause (I), by striking “a re-
16 port” and inserting “an annual
17 report”;

18 (bb) by striking “and” at
19 the end of subclause (II);

20 (cc) by adding “and” at the
21 end of subclause (III); and

22 (dd) by adding at the end
23 the following:

24 “(IV) the progress the separate
25 schools are making in helping all stu-

1 dents meet the State academic stand-
2 ards.”; and

3 (II) in clause (iii), by striking
4 “Not later than 2 years after the date
5 of enactment of the McKinney-Vento
6 Homeless Education Assistance Im-
7 provements Act of 2001, the” and in-
8 serting “The”;

9 (6) by amending subsection (f) to read as fol-
10 lows:

11 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
12 NATOR.—The Coordinator for Education of Homeless
13 Children and Youths established in each State shall—

14 “(1) gather and make publically available reli-
15 able, valid, and comprehensive information on—

16 “(A) the number of homeless children and
17 youths identified in the State, posted annually
18 on the State educational agency’s website;

19 “(B) the nature and extent of the problems
20 homeless children and youths have in gaining
21 access to public preschool programs and to pub-
22 lic elementary schools and secondary schools;

23 “(C) the difficulties in identifying the spe-
24 cial needs and barriers to the participation and
25 achievement of such children and youths;

1 “(D) any progress made by the State edu-
2 cational agency and local educational agencies
3 in the State in addressing such problems and
4 difficulties; and

5 “(E) the success of the programs under
6 this subtitle in identifying homeless children
7 and youths and allowing such children and
8 youths to enroll in, attend, and succeed in,
9 school;

10 “(2) develop and carry out the State plan de-
11 scribed in subsection (g);

12 “(3) collect data for and transmit to the Sec-
13 retary, at such time and in such manner as the Sec-
14 retary may require, a report containing information
15 necessary to assess the educational needs of home-
16 less children and youths within the State, including
17 data necessary for the Secretary to fulfill the respon-
18 sibilities under section 724(h);

19 “(4) in order to improve the provision of com-
20 prehensive education and related support services to
21 homeless children and youths and their families, co-
22 ordinate and collaborate with—

23 “(A) educators, including teachers, special
24 education personnel, administrators, and child
25 development and preschool program personnel;

1 “(B) providers of services to homeless chil-
2 dren and youths and their families, including
3 services of public and private child welfare and
4 social services agencies, law enforcement agen-
5 cies, juvenile and family courts, agencies pro-
6 viding mental health services, domestic violence
7 agencies, child care providers, runaway and
8 homeless youth centers, and providers of serv-
9 ices and programs funded under the Runaway
10 and Homeless Youth Act (42 U.S.C. 5701 et
11 seq.);

12 “(C) providers of emergency, transitional,
13 and permanent housing to homeless children
14 and youths, and their families, including public
15 housing agencies, shelter operators, operators of
16 transitional housing facilities, and providers of
17 transitional living programs for homeless
18 youths;

19 “(D) local educational agency liaisons des-
20 ignated under subsection (g)(1)(J)(ii) for home-
21 less children and youths; and

22 “(E) community organizations and groups
23 representing homeless children and youths and
24 their families;

1 “(5) provide technical assistance to local edu-
2 cational agencies, in coordination with local edu-
3 cational agency liaisons designated under subsection
4 (g)(1)(J)(ii), to ensure that local educational agen-
5 cies comply with the requirements of subsection
6 (e)(3), paragraphs (3) through (7) of subsection (g),
7 and subsection (h);

8 “(6) provide professional development opportu-
9 nities for local educational agency personnel and the
10 homeless liaison designated under subsection
11 (g)(1)(J)(ii) to assist such personnel in meeting the
12 needs of homeless children and youths; and

13 “(7) respond to inquiries from parents and
14 guardians of homeless children and youths and un-
15 accompanied youths to ensure that each child or
16 youth who is the subject of such an inquiry receives
17 the full protections and services provided by this
18 subtitle.”;

19 (7) by amending subsection (g) to read as fol-
20 lows:

21 “(g) STATE PLAN.—

22 “(1) IN GENERAL.—In order to be eligible to
23 receive a grant under this section, each State edu-
24 cational agency shall submit to the Secretary a plan
25 to provide for the education of homeless children

1 and youths within the State that includes the fol-
2 lowing:

3 “(A) A description of how such children
4 and youths are (or will be) given the oppor-
5 tunity to meet the same State academic stand-
6 ards that all students are expected to meet.

7 “(B) A description of the procedures the
8 State educational agency will use to identify
9 such children and youths in the State and to
10 assess their needs.

11 “(C) A description of procedures for the
12 prompt resolution of disputes regarding the
13 educational placement of homeless children and
14 youths.

15 “(D) A description of programs for school
16 personnel (including liaisons, school leaders, at-
17 tendance officers, teachers, enrollment per-
18 sonnel, and specialized instructional support
19 personnel) to heighten the awareness of such
20 personnel of the specific needs of homeless ado-
21 lescents, including runaway and homeless
22 youths.

23 “(E) A description of procedures that en-
24 sure that homeless children and youths who
25 meet the relevant eligibility criteria are able to

1 participate in Federal, State, or local nutrition
2 programs.

3 “(F) A description of procedures that en-
4 sure that—

5 “(i) homeless children have equal ac-
6 cess to public preschool programs, adminis-
7 tered by the State educational agency or
8 local educational agency, as provided to
9 other children in the State;

10 “(ii) homeless youths and youths sep-
11 arated from public schools are identified
12 and accorded equal access to appropriate
13 secondary education and support services;
14 and

15 “(iii) homeless children and youth
16 who meet the relevant eligibility criteria
17 are able to participate in Federal, State, or
18 local education programs.

19 “(G) Strategies to address problems identi-
20 fied in the report provided to the Secretary
21 under subsection (f)(3).

22 “(H) Strategies to address other problems
23 with respect to the education of homeless chil-
24 dren and youths, including problems resulting
25 from enrollment delays that are caused by—

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

3 “(ii) residency requirements;

4 “(iii) lack of birth certificates, school
5 records, or other documentation;

6 “(iv) guardianship issues; or

7 “(v) uniform or dress code require-
8 ments.

9 “(I) A demonstration that the State edu-
10 cational agency and local educational agencies
11 in the State have developed, and shall review
12 and revise, policies to remove barriers to the
13 identification, enrollment, and retention of
14 homeless children and youths in schools in the
15 State.

16 “(J) Assurances that the following will be
17 carried out:

18 “(i) The State educational agency and
19 local educational agencies in the State will
20 adopt policies and practices to ensure that
21 homeless children and youths are not stig-
22 matized or segregated on the basis of their
23 status as homeless.

24 “(ii) Local educational agencies will
25 designate an appropriate staff person, who

1 may also be a coordinator for other Fed-
2 eral programs, as a local educational agen-
3 cy liaison for homeless children and
4 youths, to carry out the duties described in
5 paragraph (6)(A).

6 “(iii) The State and its local edu-
7 cational agencies will adopt policies and
8 practices to ensure that transportation is
9 provided, at the request of the parent or
10 guardian (or in the case of an unaccom-
11 panied youth, the liaison), to and from the
12 school of origin, as determined in para-
13 graph (3)(A), in accordance with the fol-
14 lowing, as applicable:

15 “(I) If the child or youth con-
16 tinues to live in the area served by the
17 local educational agency in which the
18 school of origin is located, the child’s
19 or youth’s transportation to and from
20 the school of origin shall be provided
21 or arranged by the local educational
22 agency in which the school of origin is
23 located.

24 “(II) If the child’s or youth’s liv-
25 ing arrangements in the area served

1 by the local educational agency of ori-
2 gin terminate and the child or youth,
3 though continuing his or her edu-
4 cation in the school of origin, begins
5 living in an area served by another
6 local educational agency, the local
7 educational agency of origin and the
8 local educational agency in which the
9 child or youth is living shall agree
10 upon a method to apportion the re-
11 sponsibility and costs for providing
12 the child with transportation to and
13 from the school of origin. If the local
14 educational agencies are unable to
15 agree upon such method, the responsi-
16 bility and costs for transportation
17 shall be shared equally.

18 “(2) COMPLIANCE.—

19 “(A) IN GENERAL.—Each plan adopted
20 under this subsection shall also describe how
21 the State will ensure that local educational
22 agencies in the State will comply with the re-
23 quirements of paragraphs (3) through (7).

24 “(B) COORDINATION.—Such plan shall in-
25 dicate what technical assistance the State will

1 furnish to local educational agencies and how
2 compliance efforts will be coordinated with the
3 local educational agency liaisons designated
4 under paragraph (1)(J)(ii).

5 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
6 MENTS.—

7 “(A) IN GENERAL.—The local educational
8 agency serving each child or youth to be as-
9 sisted under this subtitle shall, according to the
10 child’s or youth’s best interest—

11 “(i) continue the child’s or youth’s
12 education in the school of origin for the
13 duration of homelessness—

14 “(I) in any case in which a fam-
15 ily becomes homeless between aca-
16 demic years or during an academic
17 year; or

18 “(II) for the remainder of the
19 academic year, if the child or youth
20 becomes permanently housed during
21 an academic year; or

22 “(ii) enroll the child or youth in any
23 public school that nonhomeless students
24 who live in the attendance area in which

1 the child or youth is actually living are eli-
2 gible to attend.

3 “(B) SCHOOL STABILITY.—In determining
4 the best interest of the child or youth under
5 subparagraph (A), the local educational agency
6 shall—

7 “(i) presume that keeping the child or
8 youth in the school of origin is in the child
9 or youth’s best interest, except when doing
10 so is contrary to the wishes of the child’s
11 or youth’s parent or guardian, or the unac-
12 companied youth;

13 “(ii) consider student-centered factors
14 related to the child’s or youth’s best inter-
15 est, including factors related to the impact
16 of mobility on achievement, education,
17 health, and safety of homeless children and
18 youth, giving priority to the wishes of the
19 homeless child’s or youth’s parent of
20 guardian or the unaccompanied youth in-
21 volved;

22 “(iii) if, after conducting the best in-
23 terest determination based on consider-
24 ation of the presumption in clause (i) and
25 the student-centered factors in clause (ii),

1 the local educational agency determines
2 that it is not in the child's or youth's best
3 interest to attend the school of origin or
4 the school requested by the parent, guard-
5 ian, or unaccompanied youth, provide the
6 child's or youth's parent or guardian or
7 the unaccompanied youth with a written
8 explanation of the reasons for its deter-
9 mination, in a manner and form under-
10 standable to such parent, guardian, or un-
11 accompanied youth, including information
12 regarding the right to appeal under sub-
13 paragraph (E); and

14 “(iv) in the case of an unaccompanied
15 youth, ensure that the homeless liaison
16 designated under paragraph (1)(J)(ii) as-
17 sists in placement or enrollment decisions
18 under this subparagraph, gives priority to
19 the views of such unaccompanied youth,
20 and provides notice to such youth of the
21 right to appeal under subparagraph (E).

22 “(C) ENROLLMENT.—

23 “(i) IN GENERAL.—The school se-
24 lected in accordance with this paragraph

1 shall immediately enroll the homeless child
2 or youth, even if the child or youth—

3 “(I) is unable to produce records
4 normally required for enrollment, such
5 as previous academic records, records
6 of immunization and other required
7 health records, proof of residency, or
8 other documentation; or

9 “(II) has missed application or
10 enrollment deadlines during any pe-
11 riod of homelessness.

12 “(ii) RELEVANT ACADEMIC
13 RECORDS.—The enrolling school shall im-
14 mediately contact the school last attended
15 by the child or youth to obtain relevant
16 academic and other records.

17 “(iii) RELEVANT HEALTH RECORDS.—
18 If the child or youth needs to obtain immu-
19 nizations or other required health records,
20 the enrolling school shall immediately refer
21 the parent or guardian of the child or
22 youth, or the unaccompanied child or
23 youth, to the local educational agency liai-
24 son designated under paragraph (1)(J)(ii),
25 who shall assist in obtaining necessary im-

1 munizations or screenings, or immuniza-
2 tion or other required health records, in
3 accordance with subparagraph (D).

4 “(iv) NO LIABILITY.—Whenever the
5 school selected enrolls an unaccompanied
6 youth in accordance with this paragraph,
7 no liability shall be imposed upon the
8 school by reason of enrolling the youth
9 without parent or guardian consent.

10 “(D) RECORDS.—

11 “(i) IN GENERAL.—Any record ordi-
12 narily kept by the school, including immu-
13 nization or other required health records,
14 academic records, birth certificates, guard-
15 ianship records, and evaluations for special
16 services or programs, regarding each
17 homeless child or youth shall be main-
18 tained—

19 “(I) so that the records involved
20 are available, in a timely fashion,
21 when a child or youth enters a new
22 school or school district; and

23 “(II) in a manner consistent with
24 section 444 of the General Education
25 Provisions Act (20 U.S.C. 1232g).

1 “(E) ENROLLMENT DISPUTES.—If a dis-
2 pute arises over school selection or enrollment
3 in a school—

4 “(i) the child or youth shall be imme-
5 diately enrolled in the school in which en-
6 rollment is sought, pending final resolution
7 of the dispute, including all available ap-
8 peals;

9 “(ii) the parent, guardian, or unac-
10 panied youth shall be provided with a
11 written explanation of any decisions made
12 by the school, the local educational agency,
13 or the State educational agency involved,
14 including the rights of the parent, guard-
15 ian, or youth to appeal such decisions;

16 “(iii) the parent, guardian, or unac-
17 panied youth shall be referred to the
18 local educational agency liaison designated
19 under paragraph (1)(J)(ii), who shall carry
20 out the dispute resolution process as de-
21 scribed in paragraph (1)(C) as expedi-
22 tiously as possible after receiving notice of
23 the dispute; and

24 “(iv) in the case of an unaccompanied
25 youth, the liaison shall ensure that the

1 youth is immediately enrolled in school in
2 which the youth seeks enrollment pending
3 resolution of such dispute.

4 “(F) PLACEMENT CHOICE.—The choice re-
5 garding placement shall be made regardless of
6 whether the child or youth lives with the home-
7 less parents or has been temporarily placed
8 elsewhere.

9 “(G) SCHOOL OF ORIGIN DEFINED.—

10 “(i) IN GENERAL.—In this paragraph,
11 the term ‘school of origin’ means the
12 school that a child or youth attended when
13 permanently housed or the school in which
14 the child or youth was last enrolled.

15 “(ii) RECEIVING SCHOOL.—When the
16 child or youth completes the final grade
17 level served by the school of origin, as de-
18 scribed in clause (i), the term “school of
19 origin” shall include the designated receiv-
20 ing school at the next grade level for all
21 feeder schools.

22 “(H) CONTACT INFORMATION.—Nothing
23 in this subtitle shall prohibit a local educational
24 agency from requiring a parent or guardian of
25 a homeless child to submit contact information.

1 “(I) PRIVACY.—Information about a home-
2 less child’s or youth’s living situation shall be
3 treated as a student education record under
4 section 444 of the General Education Provi-
5 sions Act (20 U.S.C. 1232g) and shall not be
6 released to housing providers, employers, law
7 enforcement personnel, or other persons or
8 agencies not authorized to have such informa-
9 tion under section 99.31 of title 34, Code of
10 Federal Regulations.

11 “(J) ACADEMIC ACHIEVEMENT.—The
12 school selected in accordance with this para-
13 graph shall ensure that homeless children and
14 youth have opportunities to meet the same
15 State academic standards to which other stu-
16 dents are held.

17 “(4) COMPARABLE SERVICES.—Each homeless
18 child or youth to be assisted under this subtitle shall
19 be provided services comparable to services offered
20 to other students in the school selected under para-
21 graph (3), including the following:

22 “(A) Transportation services.

23 “(B) Educational services for which the
24 child or youth meets the eligibility criteria, such
25 as services provided under title I of the Elemen-

1 tary and Secondary Education Act of 1965 (20
2 U.S.C. 6301 et seq.) or similar State or local
3 programs, educational programs for children
4 with disabilities, and educational programs for
5 English learners.

6 “(C) Programs in career and technical
7 education.

8 “(D) Programs for gifted and talented stu-
9 dents.

10 “(E) School nutrition programs.

11 “(5) COORDINATION.—

12 “(A) IN GENERAL.—Each local educational
13 agency serving homeless children and youths
14 that receives assistance under this subtitle shall
15 coordinate—

16 “(i) the provision of services under
17 this subtitle with local social services agen-
18 cies and other agencies or entities pro-
19 viding services to homeless children and
20 youths and their families, including serv-
21 ices and programs funded under the Run-
22 away and Homeless Youth Act (42 U.S.C.
23 5701 et seq.); and

1 “(ii) transportation, transfer of school
2 records, and other interdistrict activities,
3 with other local educational agencies.

4 “(B) HOUSING ASSISTANCE.—If applica-
5 ble, each State educational agency and local
6 educational agency that receives assistance
7 under this subtitle shall coordinate with State
8 and local housing agencies responsible for devel-
9 oping the comprehensive housing affordability
10 strategy described in section 105 of the Cran-
11 ston-Gonzalez National Affordable Housing Act
12 (42 U.S.C. 12705) to minimize educational dis-
13 ruption for children and youths who become
14 homeless.

15 “(C) COORDINATION PURPOSE.—The co-
16 ordination required under subparagraphs (A)
17 and (B) shall be designed to—

18 “(i) ensure that all homeless children
19 and youths are promptly identified;

20 “(ii) ensure that homeless children
21 and youths have access to, and are in rea-
22 sonable proximity to, available education
23 and related support services; and

24 “(iii) raise the awareness of school
25 personnel and service providers of the ef-

1 fects of short-term stays in a shelter and
2 other challenges associated with homeless-
3 ness.

4 “(D) HOMELESS CHILDREN AND YOUTHS
5 WITH DISABILITIES.—For children and youth
6 who are to be assisted both under this subtitle,
7 and under the Individuals with Disabilities
8 Education Act (20 U.S.C. 1400 et seq.) or sec-
9 tion 504 of the Rehabilitation Act of 1973 (29
10 U.S.C. 794), each local educational agency shall
11 coordinate the provision of services under this
12 subtitle with the provision of programs for chil-
13 dren with disabilities served by that local edu-
14 cational agency and other involved local edu-
15 cational agencies.

16 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—
17 “(A) DUTIES.—Each local educational
18 agency liaison for homeless children and youths,
19 designated under paragraph (1)(J)(ii), shall en-
20 sure that—

21 “(i) homeless children and youths are
22 identified by school personnel through out-
23 reach and coordination activities with other
24 entities and agencies;

1 “(ii) homeless children and youths are
2 enrolled in, and have a full and equal op-
3 portunity to succeed in, schools of that
4 local educational agency;

5 “(iii) homeless families, children, and
6 youths have access to and receive edu-
7 cational services for which such families,
8 children, and youths are eligible, including
9 services through Head Start, Early Head
10 Start, early intervention, and preschool
11 programs administered by the local edu-
12 cational agency;

13 “(iv) homeless families, children, and
14 youths receive referrals to health care serv-
15 ices, dental services, mental health and
16 substances abuse services, housing services,
17 and other appropriate services;

18 “(v) the parents or guardians of
19 homeless children and youths are informed
20 of the educational and related opportuni-
21 ties available to their children and are pro-
22 vided with meaningful opportunities to par-
23 ticipate in the education of their children;

24 “(vi) public notice of the educational
25 rights of homeless children and youths is

1 disseminated in locations frequented by
2 parents or guardians of such children and
3 youths, and unaccompanied youths, includ-
4 ing schools, shelters, public libraries, and
5 soup kitchens in a manner and form un-
6 derstandable to the parents and guardians
7 of homeless children and youths, and unac-
8 companied youths;

9 “(vii) enrollment disputes are medi-
10 ated in accordance with paragraph (3)(E);

11 “(viii) the parent or guardian of a
12 homeless child or youth, and any unaccom-
13 panied youth, is fully informed of all trans-
14 portation services, including transportation
15 to the school of origin, as described in
16 paragraph (1)(J)(iii), and is assisted in ac-
17 cessing transportation to the school that is
18 selected under paragraph (3)(A);

19 “(ix) school personnel providing serv-
20 ices under this subtitle receive professional
21 development and other support; and

22 “(x) unaccompanied youths—

23 “(I) are enrolled in school;

24 “(II) have opportunities to meet
25 the same State academic standards to

1 which other students are held, includ-
2 ing through implementation of the
3 policies and practices required by
4 paragraph (1)(F)(ii); and

5 “(III) are informed of their sta-
6 tus as independent students under
7 section 480 of the Higher Education
8 Act of 1965 (20 U.S.C. 1087vv) and
9 receive verification of such status for
10 purposes of the Free Application for
11 Federal Student Aid described in sec-
12 tion 483 of such Act (20 U.S.C.
13 1090).

14 “(B) NOTICE.—State coordinators estab-
15 lished under subsection (d)(3) and local edu-
16 cational agencies shall inform school personnel,
17 service providers, advocates working with home-
18 less families, parents and guardians of homeless
19 children and youths, and homeless children and
20 youths of the duties of the local educational
21 agency liaisons, including publishing an annu-
22 ally updated list of the liaisons on the State
23 educational agency’s website.

24 “(C) LOCAL AND STATE COORDINATION.—
25 Local educational agency liaisons for homeless

1 children and youths shall, as a part of their du-
2 ties, coordinate and collaborate with State coor-
3 dinators and community and school personnel
4 responsible for the provision of education and
5 related services to homeless children and
6 youths. Such coordination shall include col-
7 lecting and providing to the State Coordinator
8 the reliable, valid, and comprehensive data
9 needed to meet the requirements of paragraphs
10 (1) and (3) of subsection (f).

11 “(7) REVIEW AND REVISIONS.—

12 “(A) IN GENERAL.—Each State edu-
13 cational agency and local educational agency
14 that receives assistance under this subtitle shall
15 review and revise any policies that may act as
16 barriers to the enrollment of homeless children
17 and youths in schools that are selected under
18 paragraph (3).

19 “(B) CONSIDERATION.—In reviewing and
20 revising such policies, consideration shall be
21 given to issues concerning transportation, im-
22 munization, residency, birth certificates, school
23 records and other documentation, and guard-
24 ianship.

1 “(C) SPECIAL ATTENTION.—Special atten-
2 tion shall be given to ensuring the enrollment
3 and attendance of homeless children and youths
4 who are not currently attending school.”; and
5 (8) in subsection (h)(1)(A), by striking “fiscal
6 year 2009,” and inserting “fiscal years 2013
7 through 2018,”.

8 **SEC. 603. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
9 **THE EDUCATION OF HOMELESS CHILDREN**
10 **AND YOUTHS.**

11 Section 723 of such Act (42 U.S.C. 11433) is amend-
12 ed—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “facili-
15 tating the enrollment,” and inserting “facili-
16 tating the identification, enrollment,”;

17 (B) in paragraph (2)(A)—

18 (i) by adding “and” at the end of
19 clause (i);

20 (ii) by striking “; and” and inserting
21 a period at the end of clause (ii); and

22 (iii) by striking clause (iii); and

23 (C) by adding at the end the following:

1 “(4) DURATION OF GRANTS.—Subgrants
2 awarded under this section shall be for terms of not
3 to exceed 3 years.”;

4 (2) in subsection (b)—

5 (A) by striking paragraph (3) and redesign-
6 nating paragraphs (4) and (5) as paragraphs
7 (3) and (4), respectively; and

8 (B) by adding at the end the following:

9 “(6) An assurance that the local educational
10 agency will collect and promptly provide data re-
11 quested by the State Coordinator pursuant to para-
12 graphs (1) and (3) of section 722(f).

13 “(7) An assurance that the local educational
14 agency has removed barriers to complying with the
15 requirements of section 722(g)(1)(I).”;

16 (3) in subsection (c)—

17 (A) in paragraph (1), by striking “726”
18 and inserting “722(a)”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (A), by inserting
21 “identification,” before “enrollment”;

22 (ii) by amending subparagraph (B) to
23 read as follows:

24 “(B) The extent to which the application
25 reflects coordination with other local and State

1 agencies that serve homeless children and
2 youths.”; and

3 (iii) in subparagraph (C), by inserting
4 “(as of the date of submission of the appli-
5 cation)” after “current practice”;
6 (C) in paragraph (3)—

7 (i) by amending subparagraph (C) to
8 read as follows:

9 “(C) The extent to which the applicant will
10 promote meaningful involvement of parents or
11 guardians of homeless children or youths in the
12 education of their children.”;

13 (ii) in subparagraph (D), by striking
14 “within” and inserting “into”;

15 (iii) in subparagraph (G)—

16 (I) by striking “Such” and in-
17 serting “The extent to which the ap-
18 plicant’s program meets such”; and

19 (II) by striking “case manage-
20 ment or related”;

21 (iv) by redesignating subparagraph
22 (G) as subparagraph (I) and inserting
23 after subparagraph (F) the following:

24 “(G) The extent to which the local edu-
25 cational agency will use the subgrant to lever-

1 age resources, including by maximizing
2 nonsubgrant funding for the position of the liai-
3 son described in section 722(g)(1)(J)(ii) and
4 the provision of transportation.

5 “(H) How the local educational agency
6 uses funds to serve homeless children and
7 youths under section 1113(c)(3) of the Elemen-
8 tary and Secondary Education Act of 1965 (20
9 U.S.C. 6313(c)(3)).”; and

10 (v) by adding at the end the following:

11 “(J) An assurance that the applicant will
12 meet the requirements of section 722(g)(3).”;
13 and

14 (D) by striking paragraph (4).

15 (4) in subsection (d)—

16 (A) in paragraph (1)—

17 (i) by striking “challenging State aca-
18 demic content standards” and inserting
19 “State academic standards”; and

20 (ii) by striking “and challenging State
21 student academic achievement standards”;

22 (B) in paragraph (2)—

23 (i) by striking “students with limited
24 English proficiency,” and inserting
25 “English learners,” ; and

1 (ii) by striking “vocational” and in-
2 serting “career”;

3 (C) in paragraph (3), by striking “pupil
4 services” and inserting “specialized instruc-
5 tional support”;

6 (D) in paragraph (7), by striking “, and
7 unaccompanied youths,” and inserting “, par-
8 ticularly homeless children and youths who are
9 not enrolled in school,”;

10 (E) in paragraph (9) by striking “medical”
11 and inserting “other required health”;

12 (F) in paragraph (10), by inserting before
13 the period at the end “, and other activities de-
14 signed to increase the meaningful involvement
15 of parents or guardians of homeless children or
16 youths in the education of their children”;

17 (G) in paragraph (12), by striking “pupil”
18 and inserting “specialized instructional sup-
19 port”; and

20 (H) in paragraph (13), by inserting before
21 the period at the end “and parental mental
22 health or substance abuse problems”.

23 **SEC. 604. SECRETARIAL RESPONSIBILITIES.**

24 Section 724 of such Act (42 U.S.C. 11434) is amend-
25 ed—

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

3 “(c) NOTICE.—

4 “(1) IN GENERAL.—The Secretary shall, before
5 the next school year that begins after the date of the
6 enactment of the Encouraging Innovation and Effec-
7 tive Teachers Act, update and disseminate nation-
8 wide the public notice described in this subsection
9 (as in effect prior to such date) of the educational
10 rights of homeless children and youths.

11 “(2) DISSEMINATION.—The Secretary shall dis-
12 seminate the notice nationally to all Federal agen-
13 cies, program grantees, and grant recipients serving
14 homeless families, children, and youths.”;

15 (2) in subsection (d), by striking “and dissemi-
16 nation” and inserting “, dissemination, and technical
17 assistance”;

18 (3) in subsection (e)—

19 (A) by striking “this subtitle” and insert-
20 ing “section 722”;

21 (B) by striking “60-day” and inserting
22 “120-day”; and

23 (C) by striking “120-day” and inserting
24 “180-day”;

1 (4) in subsection (f), by adding at the end the
2 following: “The Secretary shall provide support and
3 technical assistance to State educational agencies in
4 areas in which barriers to a free appropriate public
5 education persist.”;

6 (5) by amending subsection (g) to read as fol-
7 lows:

8 “(g) GUIDELINES.—The Secretary shall develop,
9 issue, and publish in the Federal Register, not later than
10 60 days after the date of the enactment of the Encour-
11 aging Innovation and Effective Teachers Act, strategies
12 by which a State—

13 “(1) may assist local educational agencies to
14 implement the provisions amended by the Act; and

15 “(2) can review and revise State policies and
16 procedures that may present barriers to the identi-
17 fication, enrollment, attendance, and success of
18 homeless children and youths in school.”;

19 (6) in subsection (h)(1), by inserting “in all
20 areas served by local educational agencies” before
21 the semicolon at the end; and

22 (7) in subsection (i), by striking “McKinney-
23 Vento Homeless Education Assistance Improvements
24 Act of 2001” and inserting “Encouraging Innova-
25 tion and Effective Teachers Act”.

1 **SEC. 605. DEFINITIONS.**

2 Section 725 of such Act (42 U.S.C. 11434a) is
3 amended—

4 (1) in paragraph (2)(B)(iv), by striking “1309”
5 and inserting “1139” and

6 (2) in paragraph (3), by striking “9101” and
7 inserting “5101”

8 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

9 Section 726 of such Act (42 U.S.C. 11435) is amend-
10 ed to read as follows:

11 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) IN GENERAL.—For the purpose of carrying out
13 this subtitle, there are authorized to be appropriated
14 \$65,173,000 for fiscal year 2013.

15 “(b) OUT YEARS.—The amount authorized under
16 subsection (a) shall be increased for each of fiscal years
17 2014 through 2018 by a percentage equal to the percent-
18 age of inflation according to the Consumer Price Index,
19 for the calendar year ending prior to the beginning of that
20 fiscal year.”.

