

[DISCUSSION DRAFT]

112TH CONGRESS
2^D SESSION

H. R. _____

To encourage effective teachers in the classrooms of the United States and innovative education programs in our Nation's schools.

IN THE HOUSE OF REPRESENTATIVES

Mr. KLINE introduced the following bill; which was referred to the Committee
on _____

A BILL

To encourage effective teachers in the classrooms of the United States and innovative education programs in our Nation's schools.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Encouraging Innova-
5 tion and Effective Teachers Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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.

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

1 and Secondary Education Act of 1965 (20 U.S.C. 6301
2 et seq.) prior to the date of the enactment of this Act shall
3 continue to receive funds in accordance with the terms of
4 such award, except that funds for such award may not
5 continue more than one year after the date of the enact-
6 ment of this Act.

7 **SEC. 5. EFFECTIVE DATES.**

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

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

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

21 (d) IMPACT AID.—With respect to title IV of the Act
22 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the
23 amendments made by this Act, shall take effect with re-
24 spect to appropriations for use under that title for fiscal
25 year 2013.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

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

5 “(a) TITLE II.—There are authorized to be appro-
6 priated to carry out title II \$3,000,564,000 for fiscal year
7 2013.

8 “(b) TITLE III.—

9 “(1) PART A.—

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

13 “(B) SUBPART 2.—There are authorized to
14 be appropriated to carry out subpart 2 of part
15 A of title III \$99,800,000 for fiscal year 2013.

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

19 “(2) PART B.—There are authorized to be ap-
20 propriated to carry out part B of title III
21 \$2,683,161,000 for fiscal year 2013.

22 “(c) TITLE IV.—

23 “(1) PAYMENTS FOR FEDERAL ACQUISITION OF
24 REAL PROPERTY.—For the purpose of making pay-
25 ments under section 4002, there are authorized to
26 be appropriated \$67,074,000 for fiscal year 2013.

1 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-
2 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—
3 For the purpose of making payments under section
4 4003(b), there are authorized to be appropriated
5 \$1,155,724,000 for fiscal year 2013.

6 “(3) PAYMENTS FOR CHILDREN WITH DISABIL-
7 ITIES.—For the purpose of making payments under
8 section 4003(d), there are authorized to be appro-
9 priated \$48,505,000 for fiscal year 2013.

10 “(4) CONSTRUCTION.—For the purpose of car-
11 rying out section 4007, there are authorized to be
12 appropriated \$17,474,000 for fiscal year 2013.

13 “(5) FACILITIES MAINTENANCE.—For the pur-
14 pose of carrying out section 4008, there are author-
15 ized to be appropriated \$4,854,000 for fiscal year
16 2013.

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

1 **TITLE I—TEACHER PREPARA-**
2 **TION AND EFFECTIVENESS**

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

4 (a) IN GENERAL.—Title II (20 U.S.C. 6601 et seq.)
5 is amended to read as follows:

6 “TITLE II—TEACHER PREPARATION AND
7 EFFECTIVENESS

8 “PART A—SUPPORTING EFFECTIVE INSTRUCTION

9 “SEC. 2101. PURPOSE.

10 “The purpose of this part is to provide grants to
11 State educational agencies and subgrants to local edu-
12 cational agencies to—

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

15 “(2) improve teacher and school leader effec-
16 tiveness;

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

19 “(4) develop and implement teacher evaluation
20 systems to link teacher performance with student
21 achievement to determine teacher effectiveness.

22 “SUBPART 1—GRANTS TO STATES

23 “SEC. 2111. ALLOTMENTS TO STATES.

24 “(a) IN GENERAL.—Of the amounts appropriated
25 under section 3(a), the Secretary shall reserve 82 percent

1 to make grants to States with applications approved under
2 section 2112 to pay for the Federal share of the cost of
3 carrying out the activities specified in section 2113. Each
4 grant shall consist of the allotment determined for a State
5 under subsection (b).

6 “(b) DETERMINATION OF ALLOTMENTS.—

7 “(1) RESERVATION OF FUNDS.—Of the amount
8 reserved under subsection (a) for a fiscal year, the
9 Secretary shall reserve—

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

12 “(B) one-half of 1 percent for allotments
13 for the United States Virgin Islands, Guam,
14 American Samoa, and the Commonwealth of
15 the Northern Mariana Islands, to be distributed
16 among those outlying areas on the basis of their
17 relative need, as determined by the Secretary,
18 in accordance with the purpose of this part; and

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

23 “(2) STATE ALLOTMENTS.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), from the funds reserved under sub-

1 section (a) for any fiscal year and not reserved
2 under paragraph (1), the Secretary shall allot
3 to each of the 50 States, the District of Colum-
4 bia, and the Commonwealth of Puerto Rico the
5 sum of—

6 “(i) 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 in the State, as determined by the Sec-
10 retary on the basis of the most recent sat-
11 isfactory data, bears to the number of
12 those individuals in all such States, as so
13 determined; and

14 “(ii) an amount that bears the same
15 relationship to 50 percent of the funds as
16 the number of individuals age 5 through
17 17 from families with incomes below the
18 poverty line, in the State, as determined by
19 the Secretary on the basis of the most re-
20 cent satisfactory data, bears to the number
21 of those individuals in all such States, as
22 so determined.

23 “(B) SMALL STATE MINIMUM.—No State
24 receiving an allotment under subparagraph (A)
25 may receive less than one-half of 1 percent of

1 the total amount of funds allotted under such
2 subparagraph for a fiscal year.

3 “(c) ALTERNATE DISTRIBUTION OF FUNDS.—

4 “(1) IN GENERAL.—Subject to paragraphs (2)
5 through (5), if a State does not apply to the Sec-
6 retary for an allotment under this section, a local
7 educational agency located in such State may apply
8 to the Secretary for a portion of the funds that
9 would have been allotted to the State had such State
10 applied for an allotment under this section to carry
11 out the activities under this part.

12 “(2) APPLICATION.—In order to receive an al-
13 lotment under paragraph (1), a local educational
14 agency shall submit to the Secretary an application
15 at such time, in such manner, and containing the in-
16 formation described in section 2122.

17 “(3) USE OF FUNDS.—A local educational
18 agency receiving an allotment under paragraph
19 (1)—

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

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

24 “(4) REPORTING REQUIREMENTS.—A local edu-
25 cational agency receiving an allotment under para-

1 graph (1) shall carry out the reporting requirements
2 described in section 2131(a), except that annual re-
3 ports shall be submitted to the Secretary and not a
4 State educational agency.

5 “(5) AMOUNT OF ALLOTMENT.—An allotment
6 made to a local educational agency under paragraph
7 (1) for a fiscal year shall be equal to the amount of
8 subgrant funds that the local educational agency
9 would have received under subpart 2 had such agen-
10 cy applied for a subgrant under such subpart for
11 such fiscal year.

12 “(d) REALLOTMENT.—If a State does not apply for
13 an allotment under this section for any fiscal year or only
14 a portion of the State’s allotment is allotted under sub-
15 section (c), the Secretary shall reallocate the State’s entire
16 allotment or the remaining portion of its allotment, as the
17 case may be, to the remaining States in accordance with
18 subsection (b).

19 **“SEC. 2112. STATE APPLICATION.**

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

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

3 “(2) A description of how the State educational
4 agency will use a grant received under section 2111,
5 including the grant funds the State will reserve for
6 State-level activities under section 2113(b).

7 “(3) A description of how the State educational
8 agency will facilitate the sharing of evidence-based
9 and other effective strategies among local edu-
10 cational agencies.

11 “(4) In the case of a State educational agency
12 that is not developing or implementing a statewide
13 teacher evaluation system, a description of how the
14 State educational agency will ensure that each local
15 educational agency in the State receiving a subgrant
16 under subpart 2 will implement a teacher evaluation
17 system that meets the requirements of clauses (i)
18 through (v) of section 2123(1)(A).

19 “(5) In the case of a State educational agency
20 that is developing or implementing a statewide
21 teacher evaluation system, a description of how the
22 State educational agency will work with local edu-
23 cational agencies in the State to implement the
24 statewide evaluation system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(1) shall use the amount described in sub-
13 section (a)(1) to—

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

16 “(i) in the case of a State educational
17 agency not implementing a statewide
18 teacher evaluation system—

19 “(I) the development and imple-
20 mentation of a teacher evaluation sys-
21 tem that meets the requirements of
22 clauses (i) through (v) of section
23 2123(1)(A); and

24 “(II) training school leaders in
25 using such evaluation system; or

1 “(ii) in the case of a State educational
2 agency implementing a statewide teacher
3 evaluation system, implementing such eval-
4 uation system; and

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

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

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

15 “(B) provide professional development for
16 teachers and school leaders in the State con-
17 sistent with clauses (i) through (v) of section
18 2123(2)(B).

19 “SUBPART 2—SUBGRANTS TO LOCAL EDUCATIONAL
20 AGENCIES

21 “**SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
22 **CIES.**

23 “(a) IN GENERAL.—Each State receiving a grant
24 under section 2111 shall use the funds reserved under sec-

1 tion 2113(a)(1)(A) to award subgrants to local edu-
2 cational agencies under this section.

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

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

16 “(2) an amount that bears the same relation-
17 ship to 50 percent of the funds as the number of in-
18 dividuals age 5 through 17 from families with in-
19 comes below the poverty line in the geographic area
20 served by the local educational agency, as deter-
21 mined by the State on the basis of the most recent
22 satisfactory data, bears to the number of those indi-
23 viduals in the geographic areas served by all the
24 local educational agencies in the State, as so deter-
25 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) how, in the case of a local educational
17 agency not in a State with a statewide teacher
18 evaluation system, the local educational agency
19 will develop and implement a teacher evaluation
20 system that meets the requirements described
21 in clauses (i) through (v) of section 2123(1)(A);

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

1 schools served by the local educational agency;
2 and

3 “(E) the timeline for the development and
4 implementation of such a teacher evaluation
5 system.

6 “(2) In the case of a local educational agency
7 in a State with a statewide teacher evaluation sys-
8 tem, a description of how the local educational agen-
9 cy will work with the State educational agency to
10 implement the statewide teacher evaluation system.

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

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

15 “A local educational agency receiving a subgrant
16 under this subpart—

17 “(1) shall use such funds—

18 “(A) to develop and implement a teacher
19 evaluation system that—

20 “(i) uses student achievement data as
21 a significant factor in determining a teach-
22 er’s evaluation;

23 “(ii) uses multiple measures of evalua-
24 tion for evaluating teachers;

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

3 “(iv) shall be used to make personnel
4 decisions, as determined by the local edu-
5 cational agency; and

6 “(v) is based on input from parents,
7 school leaders, teachers, and other staff of
8 schools served by the local educational
9 agency; or

10 “(B) in the case of a local educational
11 agency located in a State that has adopted a
12 statewide teacher evaluation system, to imple-
13 ment such system; and

14 “(2) may use such funds for—

15 “(A) the training of school leaders for the
16 purpose of evaluating teachers under a teacher
17 evaluation system described in subparagraph
18 (A) or (B) of paragraph (1), as appropriate;

19 “(B) professional development for teachers
20 and school leaders that is evidence-based, job-
21 embedded, and continuous, such as—

22 “(i) subject-based professional devel-
23 opment for teachers;

24 “(ii) professional development aligned
25 with the State’s academic standards;

1 “(iii) professional development for
2 teachers of student with disabilities and
3 English learners;

4 “(iv) professional development for
5 teachers identified as in need of additional
6 support through data provided by a teach-
7 er evaluation system described in subpara-
8 graph (A) or (B) of paragraph (1), as ap-
9 propriate; or

10 “(v) professional development for
11 school leaders, including mentorship pro-
12 grams for such leaders;

13 “(C) partnering with a public or private
14 organization or a consortium of such organiza-
15 tions to develop and implement a teacher eval-
16 uation system described in subparagraph (A) or
17 (B) of paragraph (1), as appropriate; or

18 “(D) class size reduction, except that the
19 local educational agency may not use more than
20 10 percent of such funds for this purpose.

21 “SUBPART 3—GENERAL PROVISIONS

22 **“SEC. 2131. REPORTING REQUIREMENTS.**

23 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
24 educational agency receiving a subgrant under subpart 2
25 shall submit to the State educational agency involved, on

1 an annual basis until the last year in which the local edu-
2 cational agency receives such subgrant funds, a report
3 on—

4 “(1) how the local educational agency is meet-
5 ing the purposes of this part described in section
6 2101;

7 “(2) how the local educational agency uses such
8 subgrant funds; and

9 “(3) the number and percentage of teachers in
10 each category established under clause (iii) of sec-
11 tion 2123(1)(A) by the teacher evaluation system
12 implemented by the local educational agency under
13 such section.

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

19 “(1) how the State is meeting the purposes of
20 this part described in section 2101; and

21 “(2) how the State is using such grant funds.

22 **“SEC. 2132. NATIONAL ACTIVITIES.**

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

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

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

8 “PART B—TEACHER AND SCHOOL LEADER FLEXIBLE
9 GRANT

10 **“SEC. 2201. PURPOSE.**

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

13 “(1) State educational agencies, local edu-
14 cational agencies, schools, teachers, and school lead-
15 ers to ensure all students meet the State’s academic
16 standards; and

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

20 “SUBPART 1—FORMULA GRANTS TO STATES

21 **“SEC. 2211. STATE ALLOTMENTS.**

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

1 “(1) shall reserve 18 percent to award grants to
2 States under this subpart; and

3 “(2) of the amount reserved under paragraph
4 (1), shall reserve—

5 “(A) not more than 1 percent for national
6 activities described in section 2231;

7 “(B) one-half of 1 percent for allotments
8 for the United States Virgin Islands, Guam,
9 American Samoa, and the Commonwealth of
10 the Northern Mariana Islands, to be distributed
11 among those outlying areas on the basis of their
12 relative need, as determined by the Secretary,
13 in accordance with the purpose of this part; and

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

18 “(b) STATE ALLOTMENTS.—

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

1 State bears to the school-age population of all
2 States.

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

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

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

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

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

23 “(3) describe the procedures and criteria the
24 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 purpose 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 95 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.—A State edu-
16 cational agency shall use the amount made available
17 to the State under subsection (b) and not reserved
18 under paragraphs (1) and (2) to carry out 1 or more
19 of the following activities:

20 “(A) Reforming teacher and school leader
21 certification, recertification, licensing, and ten-
22 ure systems to ensure that—

23 “(i) each teacher has the subject mat-
24 ter knowledge and teaching skills necessary

1 to help students meet the State’s academic
2 standards; and

3 “(ii) school leaders have the instruc-
4 tional leadership skills to help teachers in-
5 struct and students learn.

6 “(B) Carrying out programs that establish,
7 expand, or improve alternative routes for State
8 certification or licensure of teachers and school
9 leaders, including such programs for—

10 “(i) mid-career professionals from
11 other occupations;

12 “(ii) former military personnel; and

13 “(iii) recent graduates of an institu-
14 tion of higher education, with a record of
15 academic distinction, who demonstrate the
16 potential to become effective teachers or
17 school leaders.

18 “(C) Developing, or assisting eligible enti-
19 ties in developing—

20 “(i) performance-based pay systems
21 for teachers and school leaders;

22 “(ii) strategies that provide differen-
23 tial, incentive, or bonus pay for teachers;
24 or

1 “(iii) teacher advancement initiatives
2 that promote professional growth and em-
3 phasize multiple career paths and pay dif-
4 ferentiation.

5 “(D) Developing, or assisting eligible enti-
6 ties in developing, new teacher and school lead-
7 ers induction and mentoring programs that are
8 designed to—

9 “(i) improve instruction and student
10 learning and achievement; and

11 “(ii) increase the retention of effective
12 teachers and school leaders.

13 “(E) Providing professional development
14 for teachers and school leaders that is focused
15 on—

16 “(i) improving teaching and student
17 learning and achievement in the core aca-
18 demic subjects; and

19 “(ii) improving teaching, student
20 learning, and achievement for students
21 with disabilities, English learners, and
22 other special populations.

23 “(F) Providing training and technical as-
24 sistance to eligible entities that receive a
25 subgrant under section 2221.

1 “(G) Other activities identified by the
2 State that meet the purpose of this part.

3 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
4 **CATIONS.**

5 “(a) DEEMED APPROVAL.—An application submitted
6 by a State pursuant to section 2211(c) shall be deemed
7 to be approved by the Secretary unless the Secretary
8 makes a written determination, prior to the expiration of
9 the 120-day period beginning on the date on which the
10 Secretary received the application, that the application is
11 not in compliance with section 2211(c).

12 “(b) DISAPPROVAL PROCESS.—

13 “(1) IN GENERAL.—The Secretary shall not fi-
14 nally disapprove an application submitted under sec-
15 tion 2211(c), except after giving the State edu-
16 cational agency notice and an opportunity for a
17 hearing.

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

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

23 “(B) notify the State educational agency of
24 the finding of noncompliance and, in such noti-
25 fication, shall—

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

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

6 “(3) RESPONSE.—If a State educational agency
7 responds to a notification from the Secretary under
8 paragraph (2)(B) during the 45-day period begin-
9 ning on the date on which the State educational
10 agency received the notification, and resubmits the
11 application with the requested information described
12 in paragraph (2)(B)(ii), the Secretary shall approve
13 or disapprove such application prior to the later of—

14 “(A) the expiration of the 45-day period
15 beginning on the date on which the application
16 is resubmitted; or

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

19 “(4) FAILURE TO RESPOND.—If the State edu-
20 cational agency does not respond to a notification
21 from the Secretary under paragraph (2)(B) during
22 the 45-day period beginning on the date on which
23 the State educational agency received the notifica-
24 tion, such application shall be deemed to be dis-
25 approved.

1 “SUBPART 2—LOCAL COMPETITIVE GRANT PROGRAM

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

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

9 “(b) APPLICATION.—

10 “(1) IN GENERAL.—To be eligible to receive a
11 subgrant under this section, an eligible entity shall
12 submit an application to the State educational agen-
13 cy at such time, in such manner, and including such
14 information as the State educational agency may
15 reasonably require.

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

18 “(A) a description of the programs and ac-
19 tivities to be funded and how they are con-
20 sistent with the purpose of this part; and

21 “(B) an assurance that the eligible entity
22 will comply with section 5501 (regarding par-
23 ticipation by private school children and teach-
24 ers).

1 “(c) PEER REVIEW.—In reviewing applications under
2 this section, a State educational agency shall use a peer
3 review process or other methods of assuring the quality
4 of such applications but the review shall only judge the
5 likelihood of the activity to increase student academic
6 achievement. The reviewers shall not make a determina-
7 tion based on the policy of the proposed activity.

8 “(d) GEOGRAPHIC DIVERSITY.—A State educational
9 agency shall distribute funds under this section equitably
10 among geographic areas within the State, including rural,
11 suburban, and urban communities.

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

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

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

21 “(a) IN GENERAL.—Each eligible entity receiving a
22 subgrant under section 2221 shall use such subgrant
23 funds to develop, implement, and evaluate comprehensive
24 programs and activities, that are in accordance with the
25 purpose of this part and—

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

3 “(2) may include, among other programs and
4 activities—

5 “(A) developing and implementing initia-
6 tives to assist in recruiting, hiring, and retain-
7 ing highly effective teachers and school leaders,
8 including initiatives that provide—

9 “(i) differential, incentive, or bonus
10 pay for teachers;

11 “(ii) performance-based pay systems
12 for teachers and school leaders;

13 “(iii) teacher advancement initiatives
14 that promote professional growth and em-
15 phasize multiple career paths and pay dif-
16 ferentiation;

17 “(iv) new teacher and school leader
18 induction and mentoring programs that
19 are designed to improve instruction, stu-
20 dent learning and achievement, and to in-
21 crease teacher and school leader retention;
22 and

23 “(v) teacher residency programs, and
24 school leader residency programs, designed

1 to develop and support new teachers or
2 new school leaders, respectively;

3 “(B) recruiting qualified individuals from
4 other fields, including mid-career professionals
5 from other occupations and former military per-
6 sonnel;

7 “(C) establishing, improving, or expanding
8 model instructional programs in the core aca-
9 demic subjects to ensure that all children meet
10 the State’s academic standards;

11 “(D) providing high-quality professional
12 development for teachers and school leaders fo-
13 cused on improving teaching and student learn-
14 ing and achievement in the core academic sub-
15 jects; and

16 “(E) 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.—

20 “(1) IN GENERAL.—For a program or activity
21 developed pursuant to this section to meet the prin-
22 ciples of effectiveness, such program or activity
23 shall—

24 “(A) be based upon an assessment of ob-
25 jective data regarding the need for programs

1 and activities in the elementary schools and sec-
2 ondary schools served to increase the number of
3 teachers and school leaders who are effective in
4 improving student academic achievement;

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

11 “(C) include meaningful and ongoing con-
12 sultation with, and input from, teachers, school
13 leaders, and parents, in the development of the
14 application and administration of the program
15 or activity.

16 “(2) PERIODIC EVALUATION.—

17 “(A) IN GENERAL.—The program or activ-
18 ity carried out by the eligible entity shall under-
19 go a periodic evaluation by the State edu-
20 cational agency involved to assess the eligible
21 entity’s progress toward achieving the purpose
22 of this part.

23 “(B) USE OF RESULTS.—The results of
24 evaluations described under subparagraph (A)
25 shall be—

1 “(i) used to refine, improve, and
2 strengthen the program or activity, and to
3 refine the performance measures; and

4 “(ii) made available to the public upon
5 request, with public notice of such avail-
6 ability provided.

7 “SUBPART 3—GENERAL PROVISIONS

8 **“SEC. 2231. NATIONAL ACTIVITIES.**

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

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

15 “(2) acting through the Institute of Education
16 Sciences, conduct national evaluations of activities
17 carried out by States and eligible entities under this
18 part.

19 **“SEC. 2232. DEFINITIONS.**

20 “In this part:

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

23 “(A) a local educational agency or consor-
24 tium of local educational agencies;

1 “(B) a local educational agency in partner-
2 ship with an institution of higher education;

3 “(C) a partnership consisting of—

4 “(i) a local educational agency; and

5 “(ii) a for-profit organization, a non-
6 profit organization, or a consortium of
7 such organizations; or

8 “(D) a local educational agency in consor-
9 tium with one or more of the following part-
10 ners:

11 “(i) An institution of higher edu-
12 cation.

13 “(ii) A for-profit organization.

14 “(iii) A nonprofit organization.

15 “(2) TEACHER RESIDENCY PROGRAM.—The
16 term ‘teacher residency program’ means a school-
17 based teacher preparation program in which a pro-
18 spective teacher—

19 “(A) for one academic year, teaches along-
20 side an effective teacher, as determined by a
21 teacher evaluation system implemented under
22 part A, who is the teacher of record;

23 “(B) receives concurrent instruction during
24 the year described in subparagraph (A) from
25 the partner institution (as defined in section

1 200 of the Higher Education Act of 1965 (20
2 U.S.C. 1021), which courses may be taught by
3 local educational agency personnel or residency
4 program faculty, in the teaching of the content
5 area in which the teacher will become certified
6 or licensed; and

7 “(C) acquires effective teaching skills.

8 “PART C—TEACHER LIABILITY PROTECTION

9 **“SEC. 2361. PURPOSE.**

10 “ The purpose of this part is to provide teachers,
11 school leaders, and other school professionals the tools
12 they need to undertake reasonable actions to maintain
13 order, discipline, and an appropriate educational environ-
14 ment.

15 **“SEC. 2362. APPLICABILITY.**

16 “ This part shall only apply to States that receive
17 funds under this Act, and shall apply to such a State as
18 a condition of receiving such funds.

19 **“SEC. 2363. PREEMPTION AND ELECTION OF STATE NON-**
20 **APPLICABILITY.**

21 “(a) PREEMPTION.—This part preempts the laws of
22 any State to the extent that such laws are inconsistent
23 with this part, except that this part shall not preempt any
24 State law that provides additional protection from liability
25 relating to teachers.

1 “(b) ELECTION OF STATE REGARDING NONAPPLICA-
2 BILITY.—This part shall not apply to any civil action in
3 a State court against a teacher with respect to claims aris-
4 ing within that State if such State enacts a statute in ac-
5 cordance with State requirements for enacting legisla-
6 tion—

7 “(1) citing the authority of this subsection;

8 “(2) declaring the election of such State that
9 this part shall not apply, as of a date certain, to
10 such civil action in the State; and

11 “(3) containing no other provisions.

12 **“SEC. 2364. LIMITATION ON LIABILITY FOR TEACHERS.**

13 “(a) LIABILITY PROTECTION FOR TEACHERS.—Ex-
14 cept as provided in subsection (b), no teacher in a school
15 shall be liable for harm caused by an act or omission of
16 the teacher on behalf of the school if—

17 “(1) the teacher was acting within the scope of
18 the teacher’s employment or responsibilities to a
19 school or governmental entity;

20 “(2) the actions of the teacher were carried out
21 in conformity with Federal, State, and local laws
22 (including rules and regulations) in furtherance of
23 efforts to control, discipline, expel, or suspend a stu-
24 dent or maintain order or control in the classroom
25 or school;

1 “(3) if appropriate or required, the teacher was
2 properly licensed, certified, or authorized by the ap-
3 propriate authorities for the activities or practice in-
4 volved in the State in which the harm occurred,
5 where the activities were or practice was undertaken
6 within the scope of the teacher’s responsibilities;

7 “(4) the harm was not caused by willful or
8 criminal misconduct, gross negligence, reckless mis-
9 conduct, or a conscious, flagrant indifference to the
10 rights or safety of the individual harmed by the
11 teacher; and

12 “(5) the harm was not caused by the teacher
13 operating a motor vehicle, vessel, aircraft, or other
14 vehicle for which the State requires the operator or
15 the owner of the vehicle, craft, or vessel to—

16 “(A) possess an operator’s license; or

17 “(B) maintain insurance.

18 “(b) EXCEPTIONS TO TEACHER LIABILITY PROTEC-
19 TION.—If the laws of a State limit teacher liability subject
20 to one or more of the following conditions, such conditions
21 shall not be construed as inconsistent with this section:

22 “(1) A State law that requires a school or gov-
23 ernmental entity to adhere to risk management pro-
24 cedures, including mandatory training of teachers.

1 “(2) A State law that makes the school or gov-
2 ernmental entity liable for the acts or omissions of
3 its teachers to the same extent as an employer is lia-
4 ble for the acts or omissions of its employees.

5 “(3) A State law that makes a limitation of li-
6 ability inapplicable if the civil action was brought by
7 an officer of a State or local government pursuant
8 to State or local law.

9 “(c) LIMITATION ON PUNITIVE DAMAGES BASED ON
10 THE ACTIONS OF TEACHERS.—

11 “(1) GENERAL RULE.—Punitive damages may
12 not be awarded against a teacher in an action
13 brought for harm based on the act or omission of a
14 teacher acting within the scope of the teacher’s em-
15 ployment or responsibilities to a school or govern-
16 mental entity unless the claimant establishes by
17 clear and convincing evidence that the harm was
18 proximately caused by an act or omission of such
19 teacher that constitutes willful or criminal mis-
20 conduct, or a conscious, flagrant indifference to the
21 rights or safety of the individual harmed.

22 “(2) CONSTRUCTION.—Paragraph (1) does not
23 create a cause of action for punitive damages and
24 does not preempt or supersede any Federal or State

1 law to the extent that such law would further limit
2 the award of punitive damages.

3 “(d) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

4 “(1) IN GENERAL.—The limitations on the li-
5 ability of a teacher under this part shall not apply
6 to any misconduct that—

7 “(A) constitutes a crime of violence (as
8 that term is defined in section 16 of title 18,
9 United States Code) or act of international ter-
10 rorism (as that term is defined in section 2331
11 of title 18, United States Code) for which the
12 defendant has been convicted in any court;

13 “(B) involves a sexual offense, as defined
14 by applicable State law, for which the defendant
15 has been convicted in any court;

16 “(C) involves misconduct for which the de-
17 fendant has been found to have violated a Fed-
18 eral or State civil rights law; or

19 “(D) where the defendant was under the
20 influence (as determined pursuant to applicable
21 State law) of intoxicating alcohol or any drug at
22 the time of the misconduct.

23 “(2) HIRING.—The limitations on the liability
24 of a teacher under this part shall not apply to mis-

1 conduct during background investigations, or during
2 other actions, involved in the hiring of a teacher.

3 “(e) RULES OF CONSTRUCTION.—

4 “(1) CONCERNING RESPONSIBILITY OF TEACH-
5 ERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—

6 Nothing in this part shall be construed to affect any
7 civil action brought by any school or any govern-
8 mental entity against any teacher of such school.

9 “(2) CONCERNING CORPORAL PUNISHMENT.—

10 Nothing in this part shall be construed to affect any
11 State or local law (including a rule or regulation) or
12 policy pertaining to the use of corporal punishment.

13 **“SEC. 2365. ALLOCATION OF RESPONSIBILITY FOR NON-**
14 **ECONOMIC LOSS.**

15 “(a) GENERAL RULE.—In any civil action against a
16 teacher, based on an act or omission of a teacher acting
17 within the scope of the teacher’s employment or respon-
18 sibilities to a school or governmental entity, the liability
19 of the teacher for noneconomic loss shall be determined
20 in accordance with subsection (b).

21 “(b) AMOUNT OF LIABILITY.—

22 “(1) IN GENERAL.—

23 “(A) LIABILITY.—Each defendant who is a
24 teacher shall be liable only for the amount of
25 noneconomic loss allocated to that defendant in

1 direct proportion to the percentage of responsi-
2 bility of that defendant (determined in accord-
3 ance with paragraph (2)) for the harm to the
4 claimant with respect to which that defendant
5 is liable.

6 “(B) SEPARATE JUDGMENT.—The court
7 shall render a separate judgment against each
8 defendant in an amount determined pursuant to
9 subparagraph (A).

10 “(2) PERCENTAGE OF RESPONSIBILITY.—For
11 purposes of determining the amount of noneconomic
12 loss allocated to a defendant who is a teacher under
13 this section, the trier of fact shall determine the per-
14 centage of responsibility of each person responsible
15 for the claimant’s harm, whether or not such person
16 is a party to the action.

17 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to preempt or supersede any Fed-
19 eral or State law that further limits the application of joint
20 liability in a civil action described in subsection (a), be-
21 yond the limitations established in this section.

22 **“SEC. 2366. DEFINITIONS.**

23 “ For purposes of this part:

24 “(1) ECONOMIC LOSS.—The term ‘economic
25 loss’ means any pecuniary loss resulting from harm

1 (including the loss of earnings or other benefits re-
2 lated to employment, medical expense loss, replace-
3 ment services loss, loss due to death, burial costs,
4 and loss of business or employment opportunities) to
5 the extent recovery for such loss is allowed under ap-
6 plicable State law.

7 “(2) HARM.—The term ‘harm’ includes phys-
8 ical, nonphysical, economic, and noneconomic losses.

9 “(3) NONECONOMIC LOSS.—The term ‘non-
10 economic loss’ means loss for physical or emotional
11 pain, suffering, inconvenience, physical impairment,
12 mental anguish, disfigurement, loss of enjoyment of
13 life, loss of society or companionship, loss of consor-
14 tium (other than loss of domestic service), hedonic
15 damages, injury to reputation, or any other nonpecu-
16 niary loss of any kind or nature.

17 “(4) SCHOOL.—The term ‘school’ means a pub-
18 lic or private kindergarten, a public or private ele-
19 mentary school or secondary school, or a home
20 school.

21 “(5) STATE.—The term ‘State’ means each of
22 the several States of the United States, the District
23 of Columbia, the Commonwealth of Puerto Rico, the
24 United States Virgin Islands, Guam, American
25 Samoa, the Commonwealth of the Northern Mariana

1 Islands, any other territory or possession of the
2 United States, or any political subdivision of any
3 such State, territory, or possession.

4 “(6) TEACHER.—The term ‘teacher’ means—

5 “(A) a teacher, instructor, school leader, or
6 administrator;

7 “(B) another educational professional who
8 works in a school;

9 “(C) a professional or nonprofessional em-
10 ployee who—

11 “(i) works in a school; and

12 “(ii)(I) in the employee’s job, main-
13 tains discipline or ensures safety; or

14 “(II) in an emergency, is called on to
15 maintain discipline or ensure safety; or

16 “(D) an individual member of a school
17 board (as distinct from the board).

18 “PART D—GENERAL PROVISIONS

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

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

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

2 “ At the beginning of each school year, a local edu-
3 cational agency that receives funds under this title shall
4 notify the parents of each student attending any school
5 receiving funds under this title that the parents may re-
6 quest, and the agency will provide the parents on request
7 (and in a timely manner), information regarding the re-
8 sults, as they become available, of the evaluations of the
9 student’s classroom teachers conducted under the teacher
10 evaluation system developed and implemented by the local
11 educational agency under part A.

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

13 “Funds received under this title shall be used to sup-
14 plement, and not supplant, non-Federal funds that would
15 otherwise be used for activities authorized under this title.

16 **“SEC. 2404. PROHIBITION AGAINST FEDERAL MANDATES,**
17 **DIRECTION, OR CONTROL.**

18 “Nothing in this title shall be construed to authorize
19 the Secretary or any other officer or employee of the Fed-
20 eral Government to mandate, direct, control, support, or
21 exercise any direction or supervision over a State, local
22 educational agency, or school’s instructional content or
23 materials, curriculum, program of instruction, academic
24 standards, academic assessments, or the development or
25 implementation of a teacher evaluation system.”.

1 **SEC. 102. CONFORMING REPEALS.**

2 (a) CONFORMING REPEALS.—Title II of the Higher
3 Education Act of 1965 (20 U.S.C. 1021 et seq.) is amend-
4 ed—

5 (1) by repealing sections 201 through 204; and

6 (2) by repealing part B.

7 (b) EFFECTIVE DATE.—The amendments and re-
8 peals made in subsection (a) shall take effect October 1,
9 2012.

10 **TITLE II—PARENTAL ENGAGE-**
11 **MENT AND LOCAL FLEXI-**
12 **BILITY**

13 **SEC. 201. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
14 **BILITY.**

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

17 “TITLE III—PARENTAL ENGAGEMENT AND
18 LOCAL FLEXIBILITY

19 “PART A—PARENTAL ENGAGEMENT

20 “SUBPART 1—CHARTER SCHOOL PROGRAM

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

22 “It is the sense of the House of Representatives that
23 the programs for public charter schools under part B of
24 title V be reauthorized as such part was amended under
25 the provisions of H.R. 2218, as passed by the House of

1 Representatives on September 13, 2011, and be trans-
2 ferred and redesignated to this subpart.

3 “SUBPART 2—MAGNET SCHOOL ASSISTANCE

4 “**SEC. 3021. PURPOSE.**

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

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

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

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

16 **“SEC. 3022. 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. 3023. 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. 3024. 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. 3025. 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 3021;

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. 3026. 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; and

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

19 **“SEC. 3027. USE OF FUNDS.**

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

23 “(1) for planning and promotional activities di-
24 rectly related to the development, expansion, con-

1 continuation, or enhancement of academic programs
2 and services offered at magnet schools;

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

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

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

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

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

22 “(5) for activities, which may include profes-
23 sional development, that will build the recipient’s ca-
24 pacity to operate magnet school programs once the
25 grant period has ended;

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

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

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

18 **“SEC. 3028. PROHIBITION.**

19 “Grants under this subpart shall not be used for con-
20 struction, transportation, or any activity that does not
21 augment academic improvement.

22 **“SEC. 3029. LIMITATIONS.**

23 “(a) DURATION OF AWARDS.—A grant under this
24 subpart shall be awarded for a period that shall not exceed
25 3 fiscal years.

1 “(b) LIMITATION ON PLANNING FUNDS.—A local
2 educational agency, or consortium of such agencies, may
3 expend for planning (professional development shall not
4 be considered to be planning for purposes of this sub-
5 section) not more than 50 percent of the grant funds re-
6 ceived under this subpart for the first year of the program
7 and not more than 15 percent of such funds for each of
8 the second and third such years.

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

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

16 **“SEC. 3030. EVALUATIONS.**

17 “(a) RESERVATION.—The Secretary may reserve not
18 more than 2 percent of the funds appropriated under sec-
19 tion 3031(a) for any fiscal year to carry out evaluations,
20 provide technical assistance, and carry out dissemination
21 projects with respect to magnet school programs assisted
22 under this subpart.

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

1 “(1) how and the extent to which magnet school
2 programs lead to educational quality and academic
3 improvement;

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

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

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

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

18 **“SEC. 3031. RESERVATION.**

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

1 “SUBPART 3—FAMILY ENGAGEMENT IN EDUCATION
2 PROGRAMS

3 **“SEC. 3131. 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, and community-based organi-
14 zations in strengthening partnerships among par-
15 ents, teachers, school leaders, administrators, and
16 other school personnel in meeting the educational
17 needs of children.

18 “(3) To support State educational agencies and
19 local educational agencies in developing and
20 strengthening the relationship between parents and
21 their children’s school in order to further the devel-
22 opmental progress of children.

23 “(4) To coordinate activities funded under this
24 subpart with parent involvement initiatives funded
25 under section 1118 and other provisions of this Act.

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

6 **“SEC. 3132. GRANTS AUTHORIZED.**

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

19 “(b) GEOGRAPHIC DISTRIBUTION.—In awarding
20 grants under this section, the Secretary shall, to the extent
21 practicable, ensure that a grant is—

22 “(1) awarded for a Statewide Family Engage-
23 ment Center in each State and outlying area; and

24 “(2) in an amount of not less than \$500,000.

1 **“SEC. 3133. APPLICATIONS.**

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

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

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

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

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

20 “(A) management and governance;

21 “(B) statewide leadership; or

22 “(C) systemic services for family engage-
23 ment in education.

24 “(4) A description of the applicant’s experience
25 in providing training, information, and support to
26 State educational agencies, local educational agen-

1 cies, schools, and organizations on family engage-
2 ment in education policies and practices that are ef-
3 fective for parents (including low-income parents)
4 and families, English learners, minorities, parents of
5 students with disabilities, parents of homeless stu-
6 dents, foster parents and students, and parents of
7 migratory students.

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

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

11 “(i) parents of children from birth
12 through young adulthood, who shall con-
13 stitute a majority of the members of the
14 special advisory committee;

15 “(ii) representatives of education pro-
16 fessionals with expertise in improving serv-
17 ices for disadvantaged children;

18 “(iii) representatives of local elemen-
19 tary schools and secondary schools, includ-
20 ing students;

21 “(iv) representatives of the business
22 community; and

23 “(v) representatives of State edu-
24 cational agencies and local educational
25 agencies;

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

10 “(C) operate a Statewide Family Engage-
11 ment Center of sufficient size, scope, and qual-
12 ity to ensure that the Center is adequate to
13 serve the State educational agencies, local edu-
14 cational agencies, and community-based organi-
15 zations;

16 “(D) ensure that the Center will retain
17 staff with the requisite training and experience
18 to serve parents in the State;

19 “(E) serve urban, suburban, and rural
20 local educational agencies and schools;

21 “(F) work with—

22 “(i) other Statewide Family Engage-
23 ment Centers assisted under this subpart;
24 and

1 “(ii) parent training and information
2 centers and community parent resource
3 centers assisted under sections 671 and
4 672 of the Individuals with Disabilities
5 Education Act;

6 “(G) use not less than 30 percent of the
7 funds received under this subpart for each fiscal
8 year to establish or expand technical assistance
9 for evidence-based parent education programs,
10 including early childhood education programs;

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

16 “(I) work with State educational agencies,
17 local educational agencies, and schools to deter-
18 mine parental needs and the best means for de-
19 livery of services to address such needs; and

20 “(J) conduct sufficient outreach to assist
21 parents, including parents who the applicant
22 may have a difficult time engaging with a
23 school or local educational agency.

1 **“SEC. 3134. USES OF FUNDS.**

2 “(a) IN GENERAL.—Grantees shall use grant funds
3 received under this subpart to provide training and tech-
4 nical assistance to State educational agencies, local edu-
5 cational agencies, and organizations that support family-
6 school partnerships, to enable those agencies and organi-
7 zations—

8 “(1) to assist parents in participating effectively
9 in their children’s education and to help their chil-
10 dren meet State standards, such as assisting par-
11 ents—

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

17 “(B) to communicate effectively with their
18 children, teachers, school leaders, counselors,
19 administrators, and other school personnel;

20 “(C) to become active participants in the
21 development, implementation, and review of
22 school-parent compacts, family engagement in
23 education policies, and school planning and im-
24 provement;

1 “(D) to participate in the design and pro-
2 vision of assistance to students who are not
3 making academic progress;

4 “(E) to participate in State and local deci-
5 sionmaking;

6 “(F) to train other parents; and

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

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

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

17 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—
18 For each fiscal year after the first fiscal year for which
19 an organization or consortium receives assistance under
20 this section, the organization or consortium shall dem-
21 onstrate in the application that a portion of the services
22 provided by the organization or consortium is supported
23 through non-Federal contributions, which may be in cash
24 or in-kind.

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

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

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

12 “(2) working with another agency that serves
13 children.

14 “(e) PARENTAL RIGHTS.—Notwithstanding any
15 other provision of this section—

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

21 “(2) no program or center assisted under this
22 section shall take any action that infringes in any
23 manner on the right of a parent to direct the edu-
24 cation of their children.

1 **“SEC. 3135. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

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

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

8 **“SEC. 3201. PURPOSE.**

9 “The purpose of this part is to provide local edu-
10 cational agencies with the opportunity to access funds to
11 support the initiatives important to their schools and stu-
12 dents to improve academic achievement.

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

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

17 “(1) not more than 1 percent for national ac-
18 tivities to provide technical assistance to eligible en-
19 tities in carrying out programs under this part; and

20 “(2) not more than 1 percent for payments to
21 the outlying areas and the Bureau of Indian Edu-
22 cation, to be allotted in accordance with their respec-
23 tive needs for assistance under this part, as deter-
24 mined by the Secretary, to enable the outlying areas
25 and the Bureau to carry out the purpose of this
26 part.

1 “(b) STATE ALLOTMENTS.—

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

15 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
16 State does not receive an allotment under this part
17 for a fiscal year, the Secretary shall realLOT the
18 amount of the State’s allotment to the remaining
19 States in accordance with this section.

20 “(c) STATE USE OF FUNDS.—

21 “(1) IN GENERAL.—Each State that receives an
22 allotment under this part shall reserve not less than
23 85 percent of the amount allotted to such State
24 under subsection (b) for each fiscal year for awards
25 to eligible entities under section 3204.

1 “(2) AWARDS TO NONGOVERNMENTAL ENTI-
2 TIES TO IMPROVE STUDENT ACADEMIC ACHIEVE-
3 MENT.—Each State that receives an allotment under
4 this part for a fiscal year shall reserve not less than
5 10 percent of the amount allotted for awards under
6 section 3205.

7 “(3) STATE ACTIVITIES AND STATE ADMINIS-
8 TRATION.—A State educational agency may use not
9 more than 5 percent of the amount made available
10 to the State under subsection (b) for the following:

11 “(A) The administrative costs of carrying
12 out its responsibilities under this part, except
13 that not more than 1 percent of the amount
14 may be used for this purpose.

15 “(B) Monitoring and evaluation of pro-
16 grams and activities assisted under this part.

17 “(C) Providing training and technical as-
18 sistance under this part.

19 “(D) Statewide academic focused pro-
20 grams.

21 “(E) Sharing evidence-based and effective
22 strategies with eligible entities.

23 **“SEC. 3203. STATE APPLICATION.**

24 “(a) IN GENERAL.—In order to receive an allotment
25 under section 3202 for any fiscal year, a State shall sub-

1 mit to the Secretary, at such time as the Secretary may
2 require, an application that—

3 “(1) designates the State educational agency as
4 the agency responsible for the administration and
5 supervision of programs assisted under this part;

6 “(2) describes how the State educational agency
7 will use funds received under this part, including
8 funds reserved for State-level activities;

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

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

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

20 “(B) in amounts that are consistent with
21 section 3204(f);

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

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

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

10 “(7) describes how programs under this part
11 will be coordinated with programs under this Act,
12 and other programs as appropriate;

13 “(8) contains an assurance that the State edu-
14 cational agency—

15 “(A) will make awards for programs for a
16 period of not less than 3 years and not more
17 than 5 years; and

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

23 “(9) contains an assurance that funds appro-
24 priated to carry out this part will be used to supple-
25 ment, and not supplant, other Federal, State, and

1 local public funds expended to provide programs and
2 activities authorized under this part and other simi-
3 lar programs.

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

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

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

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

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

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

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

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

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

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

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

22 “(g) RULE OF CONSTRUCTION.—An application sub-
23 mitted by a State educational agency pursuant to sub-
24 section (a) shall not be approved or disapproved based
25 upon the activities for which the agency may make funds

1 available to eligible entities under section 3204 if the agen-
2 cy's use of funds is consistent with section 3204(b).

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

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

8 “(b) USE OF FUNDS.—

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

12 “(A) are evidence-based;

13 “(B) will improve student academic
14 achievement;

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

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

18 “(i) Supplemental student support ac-
19 tivities, such as after-school activities, tu-
20 toring, and extended day, but not including
21 athletics or in-school learning activities.

22 “(ii) Classroom support activities,
23 such as academic subject specific pro-
24 grams, adjunct teacher programs, and par-
25 ent engagement, but not including activi-

1 ties to support smaller class sizes, con-
2 struction, or to provide compensation or
3 benefits to teachers, school leaders, or
4 other school officials.

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

10 “(c) APPLICATION.—

11 “(1) IN GENERAL.—To be eligible to receive an
12 award under this part, an eligible entity shall submit
13 an application to the State educational agency at
14 such time, in such manner, and including such infor-
15 mation as the State educational agency may reason-
16 ably require, including the contents required by
17 paragraph (2).

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

20 “(A) a description of the activities to be
21 funded and how they are consistent with sub-
22 section (b);

23 “(B) an assurance that funds under this
24 part will be used to increase the level of State,
25 local, and other non-Federal funds that would,

1 in the absence of funds under this part, be
2 made available for programs and activities au-
3 thorized under this part, and in no case sup-
4 plant Federal, State, local, or non-Federal
5 funds; and

6 “(C) an assurance that the community will
7 be given notice of an intent to submit an appli-
8 cation and that the application will be available
9 for public review after submission of the appli-
10 cation.

11 “(d) REVIEW.—In reviewing local applications under
12 this section, a State educational agency shall use a peer
13 review process or other methods of assuring the quality
14 of such applications but the review shall only judge the
15 likelihood of the project to increase student academic
16 achievement.

17 “(e) GEOGRAPHIC DIVERSITY.—A State educational
18 agency shall distribute funds under this part equitably
19 among geographic areas within the State, including rural,
20 suburban, and urban communities.

21 “(f) AWARD.—A grant shall be awarded to all eligible
22 entities that submit an application that meets the require-
23 ments of this section in an amount that is not less than
24 \$10,000.

1 “(g) DURATION OF AWARDS.—Grants under this
2 part may be awarded for a period of not less than 3 years
3 and not more than 5 years.

4 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**
5 **IMPROVE ACADEMIC ACHIEVEMENT.**

6 “(a) IN GENERAL.—From the amount reserved
7 under section 3202(c)(2), a State educational agency shall
8 award grants to public or private organizations, commu-
9 nity-based organizations, and business entities for a pro-
10 gram for elementary or secondary school students (or
11 both) that will help improve academic achievement in com-
12 pliance with the requirements in this section. Subject to
13 the availability of funds, the State educational agency
14 shall award a grant to each eligible applicant that meets
15 the requirements in a sufficient size and scope to support
16 the program.

17 “(b) APPLICATION.—The State educational agency
18 shall require an application that includes the following in-
19 formation:

20 “(1) A description of the program the applicant
21 will use the funds to support.

22 “(2) A description of how the applicant is using
23 other State, local, or private funding to support the
24 program.

1 “(3) A description of how the program will help
2 increase student academic achievement, including
3 the evidence to support this claim.

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

8 “(5) A description of how the applicant will
9 conduct sufficient outreach to ensure students can
10 participate in the program.

11 “(6) A description of any partnerships the ap-
12 plicant has entered into with the local educational
13 agencies the applicant will work with, if applicable.

14 “(7) A description of how the applicant will
15 work to share evidence-based and other effective
16 strategies from the program with local educational
17 agencies and other entities working with students to
18 increase academic achievement.

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

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

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

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

4 “(3) the entity meets the matching requirement
5 described in subsection (c); and

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

8 “(e) DISTRIBUTION OF FUNDS.—If the application
9 requests exceed the funds available, the State educational
10 agency shall prioritize projects that support students in
11 high-need local educational agencies and ensure geo-
12 graphic diversity, including serving rural, suburban, and
13 urban areas.

14 **“SEC. 3206. REPORT.**

15 “Each recipient of a grant under section 3204 or
16 3205 shall report to the State educational agency on—

17 “(1) the success of the program in reaching the
18 goals of the program;

19 “(2) a description of the students served by the
20 program; and

21 “(3) the results of any evaluation conducted on
22 the success of the program.

23 **“SEC. 3207. DEFINITION OF ELIGIBLE ENTITY.**

24 “In this part, the term ‘eligible entity’ means—

1 “(1) a local educational agency in partnership
2 with a community-based organization, private sector
3 business entity, or nongovernmental entity;

4 “(2) a community-based organization in part-
5 nership with a local educational agency and, if appli-
6 cable, a private sector business entity or nongovern-
7 mental entity; or

8 “(3) a private sector business entity in partner-
9 ship with a local educational agency and, if applica-
10 ble, a community-based organization or nongovern-
11 mental entity.”.

12 **TITLE III—IMPACT AID**

13 **SEC. 301. PURPOSE.**

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

17 **SEC. 302. PAYMENTS RELATING TO FEDERAL ACQUISITION** 18 **OF REAL PROPERTY.**

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

20 (1) in subsection (a)—

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

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

1 “(C) had an assessed value according to
2 original records (including facsimiles or other
3 reproductions of those records) or other records
4 that the Secretary determines to be appropriate
5 and reliable, including Federal agency records
6 or local historical records, aggregating 10 per-
7 cent or more of the assessed value of—”;

8 (2) in subsection (b)—

9 (A) by amending paragraph (2) to read as
10 follows:

11 “(2) DETERMINATION OF ESTIMATED TAXABLE
12 VALUE FOR ELIGIBLE FEDERAL PROPERTY.—

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

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

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

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

5 “(II) the difference between the
6 total acres located within the bound-
7 aries of the local educational agency
8 and the number of Federal acres in
9 that agency eligible under this section.

10 “(iii) Multiply—

11 “(I) the per acre value calculated
12 under clause (ii), by

13 “(II) the number of Federal
14 acres in that agency eligible under
15 this section.

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

21 “(i) calculate the per acre value of the
22 eligible Federal property of each such local
23 educational agency in accordance with sub-
24 paragraph (A); and

1 “(ii) carry out the calculation under
2 subparagraph (A)(iii) by multiplying—

3 “(I) the average of the per acre
4 values of such eligible Federal prop-
5 erties, by

6 “(II) the acres of the Federal
7 property in that agency eligible under
8 this section.”; and

9 (B) by amending paragraph (3) to read as
10 follows:

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

21 (3) by repealing subsection (f);

22 (4) by amending subsection (g) to read as fol-
23 lows:

24 “(g) FORMER DISTRICTS.—

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

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

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

21 “(B) a local educational agency formed by
22 the consolidation of 2 or more school districts,
23 at least one of which was eligible for assistance
24 under this section for the fiscal year preceding
25 the year of the consolidation, if—

1 “(i) for fiscal years 2006 through
2 2012, the local educational agency notifies
3 the Secretary not later than 30 days after
4 the date of enactment of the Encouraging
5 Innovation and Effective Teachers Act of
6 the designation described in paragraph (1);
7 and

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

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

20 (5) in subsection (h)—

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

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

25 “(1) FOUNDATION PAYMENTS.—

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

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

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

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

19 “(i) For a local educational agency
20 described in subparagraph (A)(i) the
21 amount of payment shall be equal to 90
22 percent of the amount received by such
23 local educational agency under subsection
24 (b) for fiscal year 2006.

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

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

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

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

22 “(D) INSUFFICIENT APPROPRIATIONS.—If
23 the amount appropriated under section 3(c)(1)
24 is insufficient to pay the full amount deter-
25 mined under this paragraph for all eligible local

1 educational agencies for the fiscal year, then
2 the Secretary shall ratably reduce the payment
3 to each such local educational agency under this
4 paragraph.”;

5 (C) by amending paragraph (2) to read as
6 follows:

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

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

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

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

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

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

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

23 (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 (B)—

2 (i) by striking “CONTINUING” in the
3 heading;

4 (ii) by amending clause (i) to read as
5 follows:

6 “(i) IN GENERAL.—A heavily im-
7 pacted local educational agency is eligible
8 to receive a basic support payment under
9 subparagraph (A) with respect to a num-
10 ber of children determined under sub-
11 section (a)(1) if the agency is 1 of the fol-
12 lowing local educational agencies:

13 “(I) A local educational agency
14 whose boundaries are the same as a
15 Federal military installation or an is-
16 land property designed by the Sec-
17 retary of the Interior to be property
18 that is held in trust by the Federal
19 Government and the agency has no
20 taxing authority.

21 “(II) A local educational agency
22 that has an enrollment of children de-
23 scribed in subsection (a)(1) that con-
24 stitutes a percentage of the total stu-

1 dent enrollment of the agency that is
2 not less than 45 percent.

3 “(III) A local educational agency
4 that has a per pupil expenditure that
5 is less than—

6 “(aa) for a local educational
7 agency that has a total student
8 enrollment of 500 or more stu-
9 dents, 125 percent of the average
10 per-pupil expenditure of the
11 State in which the agency is lo-
12 cated; or

13 “(bb) for a local educational
14 agency that has a total student
15 enrollment less than 500, 150
16 percent of the average per pupil
17 expenditure of the State in which
18 the agency is located or the aver-
19 age per pupil expenditure of
20 three or more comparable local
21 educational agencies in the State
22 in which the agency is located.

23 “(IV) A local educational agency
24 that—

1 “(aa) has a tax rate for gen-
2 eral fund purposes that is at
3 least 95 percent of the average
4 tax rate for general fund pur-
5 poses of comparable local edu-
6 cational agencies in the State; or

7 “(bb) was eligible to receive
8 a payment under this subsection
9 for fiscal year 2012 and is lo-
10 cated in a State that by State
11 law has eliminated ad valorem
12 tax as a revenue for local edu-
13 cational agencies.

14 “(V) A local educational agency
15 that has an enrollment of children de-
16 scribed in subsection (a)(1) that con-
17 stitutes a percentage of the total stu-
18 dent enrollment of the agency which is
19 not less than 30 percent, and has a
20 tax rate for general fund purposes
21 which is not less than 125 percent of
22 the average tax rate for general fund
23 purposes for comparable local edu-
24 cational agencies in the State.

1 “(VI) A local educational agency
2 that has a total student enrollment of
3 not less than 25,000 students, of
4 which not less than 50 percent are
5 children described in subsection (a)(1)
6 and not less than 5,500 of such chil-
7 dren are children described in sub-
8 paragraphs (A) and (B) of subsection
9 (a)(1).

10 “(VII) A local educational agency
11 that—

12 “(aa) has an enrollment of
13 children described in subsection
14 (a)(1) including, for purposes of
15 determining eligibility, those chil-
16 dren described in subparagraphs
17 (F) and (G) of such subsection,
18 that is not less than 35 percent
19 of the total student enrollment of
20 the agency; and

21 “(bb) was eligible to receive
22 assistance under subparagraph
23 (A) for fiscal year 2001.”; and
24 (iii) in clause (ii)—

1 (I) by striking “A heavily” and
2 inserting the following: “(I) IN GEN-
3 ERAL.—Subject to subclause (II), a
4 heavily”; and

5 (II) adding at the end the fol-
6 lowing:

7 “(II) LOSS OF ELIGIBILITY DUE
8 TO FALLING BELOW 95 PERCENT OF
9 THE AVERAGE TAX RATE FOR GEN-
10 ERAL FUND PURPOSES.—In a case of
11 a heavily impacted local educational
12 agency that fails to meet the require-
13 ments of clause (i) for a fiscal year by
14 reason of having a tax rate for gen-
15 eral fund purposes that falls below 95
16 percent of the average tax rate for
17 general fund purposes of comparable
18 local educational agencies in the
19 State, subclause (I) shall be applied
20 as if ‘and the subsequent fiscal year’
21 were inserted before the period at the
22 end.”;

23 (B) by striking subparagraph (C);

1 (C) by redesignating subparagraphs (D)
2 through (H) as subparagraphs (C) through (G),
3 respectively;

4 (D) in subparagraph (C) (as so redesign-
5 nated)—

6 (i) in the heading, by striking “REG-
7 ULAR”;

8 (ii) by striking “Except as provided in
9 subparagraph (E)” and inserting “Except
10 as provided in subparagraph (D)”;

11 (iii) by amending subclause (I) of
12 clause (ii) to read as follows:

13 “(ii)(I)(aa) For a local educational
14 agency with respect to which 35 percent or
15 more of the total student enrollment of the
16 schools of the agency are children de-
17 scribed in subparagraph (D) or (E) (or a
18 combination thereof) of subsection (a)(1),
19 and that has an enrollment of children de-
20 scribed in subparagraphs (A), (B), or (C)
21 of such subsection equal to at least 10 per-
22 cent of the agency’s total enrollment, the
23 Secretary shall calculate the weighted stu-
24 dent units of those children described in
25 subparagraph (D) or (E) of such sub-

1 section by multiplying the number of such
2 children by a factor of 0.55.

3 “(bb) Notwithstanding subitem (aa), a
4 local educational agency that received a
5 payment under this paragraph for fiscal
6 year 2006 shall not be required to have an
7 enrollment of children described in sub-
8 paragraphs (A), (B), or (C) of subsection
9 (a)(1) equal to at least 10 percent of the
10 agency’s total enrollment.”; and

11 (iv) by amending subclause (III) of
12 clause (ii) by striking “(B)(i)(II)(aa)” and
13 inserting “subparagraph (B)(i)(I)”;

14 (E) in subparagraph (D)(i)(II) (as so re-
15 designated), by striking “6,000” and inserting
16 “5,500”;

17 (F) in subparagraph (E) (as so redesign-
18 nated)—

19 (i) by striking “Secretary” and all
20 that follows through “shall use” and in-
21 serting “Secretary shall use”;

22 (ii) by striking “; and” and inserting
23 a period; and

24 (iii) by striking clause (ii);

1 (G) in subparagraph (F) (as so redesign-
2 nated), by striking “subparagraph
3 (C)(i)(II)(bb)” and inserting “subparagraph
4 (B)(i)(II)(bb)”;

5 (H) in subparagraph (G) (as so redesign-
6 nated)—

7 (i) in clause (i)—

8 (I) by striking “subparagraph
9 (B), (C), (D), or (E)” and inserting
10 “subparagraph (B), (C), or (D)”;

11 (II) by striking “by reason of”
12 and inserting “due to”;

13 (III) by inserting after “clause
14 (iii)” the following “, or as the direct
15 result of base realignment and closure
16 or modularization as determined by
17 the Secretary of Defense and force
18 structure change or force relocation,”;
19 and

20 (IV) by inserting before the pe-
21 riod, the following: “or during such
22 time as activities associated with base
23 closure and realignment,
24 modularization, force structure

1 change, or force relocation are ongoing;
2 ing”; and

3 (I) in clause (ii), by striking “(D) or (E)”
4 each place it appears and inserting “(C) or
5 (D)”; and

6 (4) in paragraph (3)—

7 (A) in subparagraph (B)—

8 (i) by striking clause (iii); and

9 (ii) by inserting after clause (ii) the
10 following:

11 “(iii) In the case of a local educational
12 agency that is providing a program of distance
13 education to children not residing
14 within the geographic boundaries of the
15 agency, the Secretary shall—

16 “(I) for purposes of the calculation
17 under clause (i)(I), disregard
18 such children from the total number
19 of children in average daily attendance
20 at the schools served by such
21 agency; and

22 “(II) for purposes of the calculation
23 under clause (i)(II), disregard
24 any funds received for such children

1 from the total current expenditures
2 for such agency.”;

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

7 (C) by amending subparagraph (D) to read
8 as follows:

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

18 “(i) a percentage, the denominator of
19 which is the difference between the full
20 amount computed under paragraph (1) or
21 (2) (as the case may be) for all local edu-
22 cational agencies and the amount of the
23 threshold payment (as calculated under
24 subparagraphs (B) and (C) of all local
25 educational agencies, and the numerator of

1 which is the aggregate of the excess sums,
2 by;

3 “(ii) the difference between the full
4 amount computed under paragraph (1) or
5 (2) (as the case may be) for the agency
6 and the amount of the threshold payment
7 as calculated under subparagraphs (B) and
8 (C) of the agency.”; and
9 (D) by inserting at the end the following
10 new subparagraphs:

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

20 “(F) INCREASES.—If the sums appro-
21 priated under section 3(c)(2) are sufficient to
22 increase the threshold payment above the 100
23 percent threshold payment described in sub-
24 paragraph (D), then the Secretary shall in-
25 crease payments on the same basis as such pay-

1 ments were reduced, except no local educational
2 agency may receive a payment amount greater
3 than 100 percent of the maximum payment cal-
4 culated under this subsection.”; and
5 (5) by repealing paragraph (4).

6 (c) PRIOR YEAR DATA.—Paragraph (2) of section
7 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
8 lows:

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

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

15 “(B) was eligible to receive a payment
16 under this section for the previous fiscal year
17 and has had an overall increase in enrollment
18 (as determined by the Secretary in consultation
19 with the Secretary of Defense, the Secretary of
20 Interior, or the heads of other Federal agen-
21 cies)—

22 “(i) of not less than 10 percent, or
23 100 students, of children described in—

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

1 “(II) subparagraph (F) and (G)
2 of subsection (a)(1), but only to the
3 extent such children are civilian de-
4 pendents of employees of the Depart-
5 ment of Defense or the Department of
6 Interior; and

7 “(ii) that is the direct result of closure
8 or realignment of military installations
9 under the base closure process or the relo-
10 cation of members of the Armed Forces
11 and civilian employees of the Department
12 of Defense as part of the force structure
13 changes or movements of units or per-
14 sonnel between military installations or be-
15 cause of actions initiated by the Secretary
16 of the Interior or the head of another Fed-
17 eral agency; or

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

22 “(i) of not less than 10 percent of
23 children described in subsection (a)(1) or
24 not less than 100 of such children; and

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

5 (d) CHILDREN WITH DISABILITIES.—Section
6 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
7 “section 8014(c)” and inserting “section 3(c)(3)”.

8 (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.
9 7703(e)) is amended—

10 (1) by amending paragraph (1) to read as fol-
11 lows:

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

15 “(A) for fiscal year 2013, shall not be less
16 than 90 percent of the total amount that the
17 local educational agency received under sub-
18 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
19 year 2012;

20 “(B) for fiscal year 2014, shall not be less
21 than 85 percent of the total amount that the
22 local educational agency received under sub-
23 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
24 year 2012; and

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

6 (2) by amending paragraph (2) to read as fol-
7 lows:

8 “(2) MAXIMUM AMOUNT.—The total amount
9 provided to a local educational agency under sub-
10 paragraph (A), (B), or C of paragraph (1) for a fis-
11 cal year shall not exceed the maximum basic support
12 payment amount for such agency determined under
13 paragraph (1) or (2) of subsection (b), as the case
14 may be, for such fiscal year.”.

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

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

19 Section 8004(e)(9) is amended by striking “Bureau
20 of Indian Affairs” and inserting “Bureau of Indian Edu-
21 cation”.

1 **SEC. 305. APPLICATION FOR PAYMENTS UNDER SECTIONS**
2 **8002 AND 8003.**

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

6 **SEC. 306. CONSTRUCTION.**

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

8 (1) in subsection (a)—

9 (A) in paragraph (1), by striking “section
10 8014(c)” and inserting “section 3(c)(4)”;

11 (B) in paragraph (2), by adding at the end
12 the following:

13 “(C) The agency is eligible under section
14 8003(b)(2) or is receiving basic support pay-
15 ments under circumstances described in section
16 8003(b)(2)(B)(ii).”; and

17 (C) in paragraph (3), by striking “section
18 8014(c)” each place it appears and inserting
19 “section 3(c)(4)”;

20 (2) in subsection (b)—

21 (A) in paragraph (1), by striking “section
22 8014(c)” and inserting “section 3(c)(4)”;

23 (B) in paragraph (6)—

24 (i) in the matter preceding subpara-
25 graph (A), by striking “in such manner,

1 and accompanied by such information”
2 and inserting “and in such manner”; and
3 (ii) by striking subparagraph (F).

4 **SEC. 307. FACILITIES.**

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

8 **SEC. 308. STATE CONSIDERATION OF PAYMENTS PRO-**
9 **VIDING STATE AID.**

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

12 **SEC. 309. FEDERAL ADMINISTRATION.**

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

14 (1) in subsection (c), by striking “paragraph
15 (3)” each place it appears and inserting “paragraph
16 (2)”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(d) **TIMELY PAYMENTS.**—

20 “(1) **IN GENERAL.**—The Secretary shall pay the
21 full amount that a local educational agency is eligi-
22 ble to receive under this title not later than Sep-
23 tember 30 of the second fiscal year following the fis-
24 cal year for which such amount has been appro-
25 priated if, not later than 1 calendar year following

1 the fiscal year in which such amount has been ap-
2 propriated, such local educational agency submits to
3 the Secretary all the data and information necessary
4 for the Secretary to pay the full amount that the
5 agency is eligible to receive under this title for such
6 fiscal year.

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

16 **SEC. 310. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
17 **VIEW.**

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

21 **SEC. 311. DEFINITIONS.**

22 Section 8013 is amended—

23 (1) in paragraph (1), by striking “and Marine
24 Corps” and inserting “Marine Corps, and Coast
25 Guard”;

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

2 (3) in paragraph (5)(A)(iii)—

3 (A) in subclause (II), by striking “Stewart
4 B. McKinney Homeless Assistance Act” and in-
5 serting “McKinney-Vento Homeless Assistance
6 Act (42 U.S.C. 114111 et seq.)”; and

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

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

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

13 **SEC. 312. AUTHORIZATION OF APPROPRIATIONS.**

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

15 **SEC. 313. CONFORMING AMENDMENTS.**

16 (a) REPEAL.—Title IV (20 U.S.C. 7101 et seq.) is
17 repealed.

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

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

1 **“TITLE IV—IMPACT AID”.**

2 (d) TITLE VIII REFERENCES.—The Act (20 U.S.C.
3 6301 et seq.) is amended—

4 (1) by redesignating sections 8001 through
5 8005 as sections 4001 through 4005, respectively;

6 (2) by redesignating sections 8007 through
7 8013 as sections 4007 through 4013, respectively;

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

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

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

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

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

18 (8) by striking “section 8003(a)(1)(C)” each
19 place it appears and inserting “section
20 4003(a)(1)(C)”;

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

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

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

3 (12) in section 4002(b)(1)(C), by striking “sec-
4 tion 8003(b)(1)(C)” and inserting “section
5 4003(b)(1)(C)”;

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

9 (14) in section 4005(b)(2) (as so redesign-
10 nated)—

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

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

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

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

20 (16) in section 4007(a)(4) (as so redesignated),
21 by striking “section 8013(3)” and inserting “section
22 4013(3)”;

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

24 (A) in subsection (b)(1)—

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

3 (ii) by striking “section
4 8003(a)(2)(B)” and inserting “section
5 4003(a)(2)(B)”;

6 (iii) by striking “section 8003(b)(2)”
7 and inserting “section 4003(b)(2)”;

8 (B) by striking “section 8011(a)” each
9 place it appears and inserting “section
10 4011(a)”;

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

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

16 **TITLE IV—TROOPS-TO-** 17 **TEACHERS PROGRAM**

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

19 (a) TRANSFER OF FUNCTIONS.—The responsibility
20 and authority for operation and administration of the
21 Troops-to-Teachers Program is transferred from the Sec-
22 retary of Education to the Secretary of Defense.

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

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

4 **“SEC. 1154. ASSISTANCE TO ELIGIBLE MEMBERS TO OBTAIN**
5 **EMPLOYMENT AS TEACHERS: TROOPS-TO-**
6 **TEACHERS PROGRAM.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) PROGRAM.—The term ‘Program’ means
9 the Troops-to-Teachers Program authorized by this
10 section.

11 “(2) CHARTER SCHOOL.—The term ‘charter
12 school’ has the meaning given that term in section
13 5101 of the Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 7221i).

15 “(3) ADDITIONAL TERMS.—The terms ‘elemen-
16 tary school’, ‘local educational agency’, ‘secondary
17 school’, and ‘State’ have the meanings given those
18 terms in section 5101 of the Elementary and Sec-
19 ondary Education Act of 1965 (20 U.S.C. 7801).

20 “(b) PROGRAM AUTHORIZATION.—The Secretary of
21 Defense may carry out a program (to be known as the
22 ‘Troops-to-Teachers Program’)—

23 “(1) to assist eligible members of the armed
24 forces described in subsection (c) to obtain certifi-
25 cation or licensing as elementary school teachers,

1 secondary school teachers, or career or technical
2 teachers; and

3 “(2) to facilitate the employment of such mem-
4 bers—

5 “(A) by local educational agencies or pub-
6 lic charter schools that the Secretary of Edu-
7 cation identifies as—

8 “(i) receiving grants under subpart 1
9 of part A of title I of the Elementary and
10 Secondary Education Act of 1965 (20
11 U.S.C. 6311 et seq.) as a result of having
12 within their jurisdictions concentrations of
13 children from low-income families;

14 “(ii) experiencing a shortage of effec-
15 tive teachers, in particular a shortage of
16 science, mathematics, special education, or
17 career or technical teachers; or

18 “(iii) a Bureau-funded school (as such
19 term is defined in section 1141 of the Edu-
20 cation Amendments of 1978 (25 U.S.C.
21 2021)); and

22 “(B) in elementary schools or secondary
23 schools, or as career or technical teachers.

24 “(c) ELIGIBILITY AND APPLICATION PROCESS.—

1 “(1) ELIGIBLE MEMBERS.—The following mem-
2 bers of the armed forces are eligible for selection to
3 participate in the Program:

4 “(A) Any member who—

5 “(i) on or after the date of the enact-
6 ment of the National Defense Authoriza-
7 tion Act for Fiscal Year 2011, becomes en-
8 titled to retired or retainer pay under this
9 title or title 14;

10 “(ii) has an approved date of retire-
11 ment that is within one year after the date
12 on which the member submits an applica-
13 tion to participate in the Program; or

14 “(iii) transfers to the Retired Reserve.

15 “(B) Any member who, on or after the
16 date of the enactment of the National Defense
17 Authorization Act for Fiscal Year 2011—

18 “(i)(I) is separated or released from
19 active duty after 4 or more years of contin-
20 uous active duty immediately before the
21 separation or release; or

22 “(II) has completed a total of at
23 least ten years of active duty service,
24 10 years of service computed under
25 section 12732 of this title, or 10 years

1 of any combination of such service;
2 and

3 “(ii) executes a reserve commitment
4 agreement for a period of not less than 3
5 years under paragraph (5)(B).

6 “(C) Any member who, on or after the
7 date of the enactment of the National Defense
8 Authorization Act for Fiscal Year 2011, is re-
9 tired or separated for physical disability under
10 chapter 61 of this title.

11 “(2) SUBMITTAL OF APPLICATIONS.—(A) Selec-
12 tion of eligible members of the armed forces to par-
13 ticipate in the Program shall be made on the basis
14 of applications submitted to the Secretary. An appli-
15 cation shall be in such form as the Secretary may
16 require.

17 “(B) An application may be considered to
18 be submitted on a timely basis under subpara-
19 graph (A)(i), (B), or (C) of paragraph (1) if the
20 application is submitted not later than 2 years
21 after the date on which the member is retired
22 or separated or released from active duty,
23 whichever applies to the member.

24 “(3) SELECTION CRITERIA; EDUCATIONAL
25 BACKGROUND REQUIREMENTS AND HONORABLE

1 SERVICE REQUIREMENT.—(A) Subject to subpara-
2 graph (B), the Secretary shall prescribe the criteria
3 to be used to select eligible members of the armed
4 forces to participate in the Program.

5 “(B) A member of the armed forces is eli-
6 gible to participate in the Program only if the
7 member’s last period of service in the armed
8 forces was honorable, as characterized by the
9 Secretary concerned. A member selected to par-
10 ticipate in the Program before the retirement of
11 the member or the separation or release of the
12 member from active duty may continue to par-
13 ticipate in the Program after the retirement,
14 separation, or release only if the member’s last
15 period of service is characterized as honorable
16 by the Secretary concerned.

17 “(4) SELECTION PRIORITIES.—In selecting eli-
18 gible members of the armed forces to receive assist-
19 ance under the Program, the Secretary shall give
20 priority to members who—

21 “(A) have educational or military experi-
22 ence in science, mathematics, special education,
23 or career and technical subjects; and

24 “(B) agree to seek employment as science,
25 mathematics, or special education teachers in

1 elementary schools or secondary schools or in
2 other schools under the jurisdiction of a local
3 educational agency.

4 “(5) OTHER CONDITIONS ON SELECTION.—(A)
5 The Secretary may not select an eligible member of
6 the armed forces to participate in the Program and
7 receive financial assistance unless the Secretary has
8 sufficient appropriations for the Program available
9 at the time of the selection to satisfy the obligations
10 to be incurred by the United States under subsection
11 (d) with respect to the member.

12 “(B) The Secretary may not select an eli-
13 gible member of the armed forces described in
14 paragraph (1)(B)(i) to participate in the Pro-
15 gram under this section and receive financial
16 assistance under subsection (d) unless the mem-
17 ber executes a written agreement to serve as a
18 member of the Selected Reserve of a reserve
19 component of the armed forces for a period of
20 not less than 3 years (in addition to any other
21 reserve commitment the member may have).

22 “(d) PARTICIPATION AGREEMENT AND FINANCIAL
23 ASSISTANCE.—

24 “(1) PARTICIPATION AGREEMENT.—(A) An eli-
25 gible member of the armed forces selected to partici-

1 pate in the Program under subsection (c) and re-
2 ceive financial assistance under this subsection shall
3 be required to enter into an agreement with the Sec-
4 retary in which the member agrees—

5 “(i) within such time as the Secretary
6 may require, to obtain certification or li-
7 censing as an elementary school teacher,
8 secondary school teacher, or career and
9 technical teacher; and

10 “(ii) to accept an offer of full-time
11 employment as an elementary school teach-
12 er, secondary school teacher, or career and
13 technical teacher for not less than three
14 school years with a local educational agen-
15 cy receiving grants under subpart 1 of part
16 A of title I of the Elementary and Sec-
17 ondary Education Act of 1965 (20
18 U.S.C.6311 et seq.), a Bureau-funded
19 school (as such term is defined in section
20 1141 of the Education Amendments of
21 1978 (25 U.S.C. 11 2021)), or a public
22 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 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 58 of such title is
8 amended by adding at the end the following new
9 item:

 “1154. Assistance to eligible members to obtain employment as teachers:
 Troops-to-Teachers Program”.

10 (3) CONFORMING AMENDMENT.—Section
11 1142(b) (4)(C) of such title is amended by striking
12 “under sections 1152 and 1153 of this title and the
13 Troops-to-Teachers Program under section 2302 of
14 the Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 6672)” and inserting “under sec-
16 tions 1152, 1153, and 1154 of this title”.

17 **TITLE V—REPEAL**

18 **SEC. 501. REPEAL OF TITLE VI.**

19 The Act is amended by striking title VI (20 U.S.C.
20 7301 et seq.).