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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Encouraging Innovation and Effective Teachers Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

TITLE I—TEACHER PREPARATION AND EFFECTIVENESS

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

TITLE II—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

Sec. 201. Parental engagement and local flexibility.

TITLE III—IMPACT AID

Sec. 301. Purpose.
Sec. 302. Payments relating to Federal acquisition of real property.
Sec. 303. Payments for eligible federally connected children.
Sec. 304. Policies and procedures relating to children residing on Indian lands.
Sec. 305. Application for payments under sections 8002 and 8003.
Sec. 306. Construction.
Sec. 307. Facilities.
Sec. 308. State consideration of payments providing State aid.
Sec. 309. Federal administration.
Sec. 310. Administrative hearings and judicial review.
Sec. 311. Definitions.
Sec. 312. Authorization of appropriations.
Sec. 313. Conforming amendments.

TITLE IV—TROOPS-TO-TEACHERS PROGRAM

Sec. 401. Troops-to-teachers program.

TITLE V—REPEAL

Sec. 501. Repeal of title VI.

TITLE VI—HOMELESS EDUCATION

Sec. 601. Statement of policy.
Sec. 602. Grants for State and local activities for the education of homeless children and youths.
Sec. 603. Local educational agency subgrants for the education of homeless children and youths.
Sec. 604. Secretarial responsibilities.
Sec. 605. Definitions.
Sec. 606. Authorization of appropriations.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provi-
sec.

ion, the reference shall be considered to be made to a
section or other provision of the Elementary and Sec-
ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 4. TRANSITION.

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

SEC. 5. EFFECTIVE DATES.

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

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

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

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

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

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

“SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) TITLE II.—There are authorized to be appropriated to carry out title II $2,988,070,000 for fiscal year 2013.

“(b) TITLE III.—

“(1) PART A.—

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

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

“(C) SUBPART 3.—There are authorized to be appropriated to carry out subpart 3 of part A of title III $25,000,000 for fiscal year 2013.
“(2) PART B.—There are authorized to be appropriated to carry out part B of title III $2,677,476,000 for fiscal year 2013.

“(c) TITLE IV.—

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

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

“(3) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 4003(d), there are authorized to be appropriated $48,413,000 for fiscal year 2013.

“(4) CONSTRUCTION.—For the purpose of carrying out section 4007, there are authorized to be appropriated $17,441,000 for fiscal year 2013.

“(5) FACILITIES MAINTENANCE.—For the purpose of carrying out section 4008, there are authorized to be appropriated $4,845,000 for fiscal year 2013.
“(d) OUT YEARS.—The amounts authorized in subsections (a), (b), and (e) shall be increased for each of fiscal years 2014 through 2018 by a percentage equal to the percentage of inflation according to the Consumer Price Index, for the calendar year ending prior to the beginning of that fiscal year.”

TITLE I—TEACHER PREPARATION AND EFFECTIVENESS

SEC. 101. TEACHER PREPARATION AND EFFECTIVENESS.

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

“TITLE II—TEACHER PREPARATION AND EFFECTIVENESS”.

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

“PART A—SUPPORTING EFFECTIVE INSTRUCTION

SEC. 2101. PURPOSE.

“The purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to—

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

“(2) improve teacher and school leader effectiveness;
“(3) provide evidence-based, continuous, job-embedded professional development; and

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

“Subpart 1—Grants to States

“Sec. 2111. Allotments to States.

“(a) In general.—Of the amounts appropriated under section 3(a), the Secretary shall reserve 82 percent to make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

“(b) Determination of allotments.—

“(1) Reservation of funds.—Of the amount reserved under subsection (a) for a fiscal year, the Secretary shall reserve—

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

“(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and
“(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

“(2) STATE ALLOTMENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), from the funds reserved under subsection (a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State the sum of—

“(i) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(ii) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number
of those individuals in all such States, as
so determined.

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

“(c) ALTERNATE DISTRIBUTION OF FUNDS.—

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

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

“(3) USE OF FUNDS.—A local educational
agency receiving an allotment under paragraph
(1)—
“(A) shall use such funds to carry out the activities described in section 2123(1); and

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

“(4) REPORTING REQUIREMENTS.—A local educational agency receiving an allotment under paragraph (1) shall carry out the reporting requirements described in section 2131(a), except that annual reports shall be submitted to the Secretary and not a State educational agency.

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

“(d) REALLOTMENT.—If a State does not apply for an allotment under this section for any fiscal year or only a portion of the State’s allotment is allotted under subsection (c), the Secretary shall reallocate the State’s entire allotment or the remaining portion of its allotment, as the case may be, to the remaining States in accordance with subsection (b).
“SEC. 2112. STATE APPLICATION.

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

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

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

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

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

“(A) a description of how the State educational agency will work with local educational agencies in the State to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Encouraging Innovation and Effective Teachers Act; and

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

“(6) An assurance that the State educational agency will comply with section 5501 (regarding participation by private school children and teachers).

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

“(c) DISAPPROVAL.—The Secretary shall not finally disapprove an application, except after giving the State
1 educational agency notice and an opportunity for a hear-
2 ing.
3 “(d) NOTIFICATION.—If the Secretary finds that an
4 application is not in compliance, in whole or in part, with
5 this subpart, the Secretary shall—
6 “(1) give the State educational agency notice
7 and an opportunity for a hearing; and
8 “(2) notify the State educational agency of the
9 finding of noncompliance and, in such notification,
10 shall—
11 “(A) cite the specific provisions in the ap-
12 plication that are not in compliance; and
13 “(B) request additional information, only
14 as to the noncompliant provisions, needed to
15 make the application compliant.
16 “(e) RESPONSE.—If a State educational agency re-
17 sponds to a notification from the Secretary under sub-
18 section (d)(2) during the 45-day period beginning on the
19 date on which the agency received the notification, and
20 resubmits the application with the requested information
21 described in subsection (d)(2)(B), the Secretary shall ap-
22 prove or disapprove such application prior to the later of—
23 “(1) the expiration of the 45-day period begin-
24 ning on the date on which the application is resub-
25 mitted; or
“(2) the expiration of the 120-day period described in subsection (b).

“(f) FAILURE TO RESPOND.—If a State educational agency does not respond to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“SEC. 2113. STATE USE OF FUNDS.

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

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

“(2) use the remainder of the funds, after reserving funds under paragraph (1), for the State activities described in subsection (b), except that the State may reserve not more than 1 percent of the grant funds for planning and administration related to carrying out activities described in subsection (b).

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

“(1) shall use the amount described in subsection (a)(2) to—
“(A) provide training and technical assistance to local educational agencies on—

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

“(I) the development and implementation of a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A); and

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

“(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system; and

“(B) fulfill the State educational agency’s responsibilities with respect to the proper and efficient administration of the subgrant program carried out under this part; and

“(2) may use the amount described in subsection (a)(2) to—

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

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

“SUBPART 2—SUBGRANTS TO LOCAL EDUCATIONAL
AGENCIES

“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-
CIES.

“(a) In General.—Each State receiving a grant
under section 2111 shall use the funds reserved under sec-
tion 2113(a)(1) to award subgrants to local educational
agencies under this section.

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

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

“(2) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the local educational agency, as determined by the State on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

“SEC. 2122. LOCAL APPLICATIONS.

“To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency involved at such time, in such a manner, and containing such information as the State educational agency may reasonably require that, at a minimum, shall include the following:

“(1) A description of—

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

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

“(C) how, in the case of a local educational agency not in a State with a statewide teacher evaluation system, the local educational agency will develop and implement a teacher evaluation system that meets the requirements described in clauses (i) through (v) of section 2123(1)(A);

“(D) how, in developing and implementing such a teacher evaluation system, the local educational agency will work with parents, teachers, school leaders, and other staff of the schools served by the local educational agency; and

“(E) how the local educational agency will develop and implement such a teacher evaluation system within 3 years of the date of enactment of the Encouraging Innovation and Effective Teachers Act.

“(2) In the case of a local educational agency in a State with a statewide teacher evaluation system, a description of how the local educational agency will work with the State educational agency to implement the statewide teacher evaluation system
within 3 years of the date of enactment of the Encouraging Innovation and Effective Teachers Act.

“(3) An assurance that the local educational agency will comply with section 5501 (regarding participation by private school children and teachers).

“SEC. 2123. LOCAL USE OF FUNDS.

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

“(1) shall use such funds—

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

“(i) uses student achievement data as a significant factor in determining a teacher’s evaluation;

“(ii) uses multiple measures of evaluation for evaluating teachers;

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

“(iv) shall be used to make personnel decisions, as determined by the local educational agency; and

“(v) is based on input from parents, school leaders, teachers, and other staff of schools served by the local educational agency; or
“(B) in the case of a local educational agency located in a State implementing a state-wide teacher evaluation system, to implement such evaluation system; and

“(2) may use such funds for—

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

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

“(i) subject-based professional development for teachers;

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

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

“(iv) professional development for teachers identified as in need of additional support through data provided by a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;
“(v) professional development based on the current science of learning, which includes research on positive brain change and cognitive skill development;

“(vi) professional development for school leaders, including mentorship programs for such leaders; or

“(vii) professional development on integrated, interdisciplinary, and project-based teaching strategies, including for career and technical education teachers;

“(C) partnering with a public or private organization or a consortium of such organizations to develop and implement a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate; or

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

“SUBPART 3—GENERAL PROVISIONS

“SEC. 2131. REPORTING REQUIREMENTS.

“(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under subpart 2 shall submit to the State educational agency involved, on an annual basis until the last year in which the local edu-
(1) how the local educational agency is meeting the purposes of this part described in section 2101;

(2) how the local educational agency is using such subgrant funds; and

(3) the number and percentage of teachers in each category established under clause (iii) of section 2123(1)(A).

(b) State Educational Agencies.—Each State educational agency receiving a grant under subpart 1 shall submit to the Secretary a report, on an annual basis until the last year in which the State educational agency receives such grant funds, on—

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

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

SEC. 2132. NATIONAL ACTIVITIES.

From the funds reserved by the Secretary under section 2111(b)(1)(A), the Secretary shall, directly or 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.

“SEC. 2133. STATE DEFINED.

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

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

“PART B—TEACHER AND SCHOOL LEADER FLEXIBLE GRANT

“SEC. 2201. PURPOSE.

“The purpose of this part is to improve student academic achievement in the core academic subjects by—

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

“(2) increasing the number of teachers and school leaders who are effective in increasing student academic achievement.
“Subpart 1—Formula Grants to States

SEC. 2211. STATE ALLOTMENTS.

“(a) RESERVATIONS.—From the amount appropriated under section 3(a) for any fiscal year, the Secretary—

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

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

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

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

“(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

“(b) STATE ALLOTMENTS.—

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

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

“(3) REALLOTMENT.—If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.

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

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

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

“(3) describe the procedures and criteria the State educational agency will use for reviewing appli-
cations and awarding subgrants to eligible entities
under section 2221 on a competitive basis;

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

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

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

“(7) include an assurance that, other than pro-
viding technical and advisory assistance and moni-
toring compliance with this part, the State edu-
cational agency has not exercised, and will not exer-
cise, any influence in the decision-making processes
of eligible entities as to the expenditure of funds
made pursuant to an application submitted under section 2221(b).

“(d) STATE USE OF FUNDS.—

“(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal year, for subgrants to eligible entities under subpart 2.

“(2) STATE ADMINISTRATION.—A State educational agency may reserve not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out such State educational agency’s responsibilities under this subpart.

“(3) STATE-LEVEL ACTIVITIES.—A State educational agency shall use the amount made available to the State under subsection (b) and not reserved under paragraphs (1) and (2) to carry out 1 or more of the following activities:

“(A) Reforming teacher and school leader certification, recertification, licensing, and tenure systems to ensure that—

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

“(ii) school leaders have the instructional leadership skills to help teachers instruct and students learn.

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

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

“(ii) former military personnel; and

“(iii) recent graduates of an institution of higher education, with a record of academic distinction, who demonstrate the potential to become effective teachers or school leaders.

“(C) Developing, or assisting eligible entities in developing—

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

“(ii) strategies that provide differential, incentive, or bonus pay for teachers; or
“(iii) teacher advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation.

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

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

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

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

“(i) improving teaching and student learning and achievement in the core academic subjects; and

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

“(F) Providing training and technical assistance to eligible entities that receive a subgrant under section 2221.
“(G) Other activities identified by the State that meet the purpose of this part.

“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLICATIONS.

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

“(b) DISAPPROVAL PROCESS.—

“(1) IN GENERAL.—The Secretary shall not finally disapprove an application submitted under section 2211(c), except after giving the State educational agency notice and an opportunity for a hearing.

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

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

“(B) notify the State educational agency of the finding of noncompliance and, in such notification, shall—
“(i) cite the specific provisions in the application that are not in compliance; and
“(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.
“(3) RESPONSE.—If a State educational agency responds to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—
“(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or
“(B) the expiration of the 120-day period described in subsection (a).
“(4) FAILURE TO RESPOND.—If the State educational agency does not respond to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, such application shall be deemed to be disapproved.
“Subpart 2—Local Competitive Grant Program

“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.

“(a) IN GENERAL.—A State that receives an allotment under section 2211(b) for a fiscal year shall use the amount reserved under section 2211(d)(1) to award subgrants, on a competitive basis, to eligible entities in accordance with this section to enable such entities to carry out the programs and activities described in section 2222.

“(b) APPLICATION.—

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

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

“(A) a description of the programs and activities to be funded and how they are consistent with the purposes of this part; and

“(B) an assurance that the eligible entity will comply with section 5501 (regarding participation by private school children and teachers).

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

“(d) Geographic Diversity.—A State educational agency shall distribute funds under this section equitably among geographic areas within the State, including rural, suburban, and urban communities.

“(e) Duration of Awards.—A State educational agency may award subgrants under this section for a period of not less than 3 years and not more than 5 years.

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

“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.

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

“(1) are consistent with the principles of effectiveness described in subsection (b); and
“(2) may include, among other programs and activities—

“(A) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers and school leaders, including initiatives that provide—

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

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

“(iii) teacher advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation;

“(iv) new teacher and school leader induction and mentoring programs that are designed to improve instruction, student learning and achievement, and to increase teacher and school leader retention; and

“(v) teacher residency programs, and school leader residency programs, designed to develop and support new teachers or new school leaders, respectively;
“(B) recruiting qualified individuals from other fields, including mid-career professionals from other occupations and former military personnel;

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

“(D) providing high-quality professional development for teachers and school leaders focused on improving teaching and student learning and achievement in the core academic subjects;

“(E) implementing programs based on the current science of learning, which includes research on positive brain change and cognitive skill development; and

“(F) other activities and programs identified as necessary by the local educational agency that meet the purpose of this part.

“(b) PRINCIPLES OF EFFECTIVENESS.—

“(1) IN GENERAL.—For a program or activity developed pursuant to this section to meet the principles of effectiveness, such program or activity shall—
“(A) be based upon an assessment of objective data regarding the need for programs and activities in the elementary schools and secondary schools served to increase the number of teachers and school leaders who are effective in improving student academic achievement;

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

“(C) include meaningful and ongoing consultation with, and input from, teachers, school leaders, and parents, in the development of the application and administration of the program or activity.

“(2) PERIODIC EVALUATION.—

“(A) IN GENERAL.—The program or activity carried out by the eligible entity shall undergo a periodic evaluation by the State educational agency involved to assess the eligible entity’s progress toward achieving the purpose of this part.
“(B) Use of results.—The results of evaluations described under subparagraph (A) shall be—

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

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

“Subpart 3—General Provisions

“SEC. 2231. NATIONAL ACTIVITIES.

“From the funds reserved by the Secretary under section 2211(a)(1), the Secretary shall, directly or through grants and contracts—

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

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

“SEC. 2232. DEFINITIONS.

“In this part:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—
“(A) a local educational agency or consortium of local educational agencies;

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

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

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

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

“(3) TEACHER RESIDENCY PROGRAM.—The term ‘teacher residency program’ means a school-based teacher preparation program in which a prospective teacher—

“(A) for one academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A, who is the teacher of record;
“(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution (as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021), which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed; and

“(C) acquires effective teaching skills.”.

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

(1) by striking subparts 1 through 4;

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

(3) by striking sections 2361 and 2368;

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

(5) in section 2363(6)(A), by striking “principal” and inserting “school leader”;

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

(7) by redesignating section 2362 as section 2361;
(8) by redesignating section 2363 as section 2366; and

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

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

“PART D—GENERAL PROVISIONS

“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.

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

“SEC. 2402. PARENTS’ RIGHT TO KNOW.

“At the beginning of each school year, a local educational agency that receives funds under this title shall notify the parents of each student attending any school receiving funds under this title that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the results, as they become available, of the evaluations of the student’s classroom teachers conducted under the teacher evaluation system developed and implemented by the local educational agency under part A.
“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.

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

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

“Nothing in this title shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, control, support, or exercise any direction or supervision over the instructional content or materials, curriculum, program of instruction, academic standards, academic assessments, or the development or implementation of a teacher evaluation system of a State, local educational agency, or school.”.

SEC. 102. CONFORMING REPEALS.

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

(b) EFFECTIVE DATE.—The amendments and repeals made in subsection (a) shall take effect October 1, 2012.
TITLE II—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

SEC. 201. PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY.

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

"TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

"PART A—PARENTAL ENGAGEMENT

"SUBPART 1—CHARTER SCHOOL PROGRAM

"SEC. 3101. SENSE OF THE HOUSE OF REPRESENTATIVES.

"It is the sense of the House of Representatives that the programs for public charter schools under part B of title V be reauthorized as such part was amended under the provisions of H.R. 2218, as passed by the House of Representatives on September 13, 2011, and be transferred and redesignated to this subpart.

"SUBPART 2—MAGNET SCHOOL ASSISTANCE

"SEC. 3121. PURPOSE.

"The purpose of this subpart is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—
“(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary de-segregation in public schools;

“(2) the development and implementation of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet State academic standards;

“(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

“(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable career, technical, and professional skills of students attending such schools;

“(5) improving the ability of local educational agencies, including through professional development, to continue operating magnet schools at a
high performance level after Federal funding for the magnet schools is terminated; and

“(6) ensuring that students enrolled in the magnet school programs have equitable access to a quality education that will enable the students to succeed academically and continue with postsecondary education or employment.

“SEC. 3122. DEFINITION.

“For the purpose of this subpart, the term ‘magnet school’ means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

“SEC. 3123. PROGRAM AUTHORIZED.

“From the amount appropriated under section 3(b)(1)(B), the Secretary, in accordance with this subpart, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this subpart for magnet schools that are—

“(1) part of an approved desegregation plan; and
“(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

SEC. 3124. ELIGIBILITY.

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

“(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

“(2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this subpart, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.
“SEC. 3125. APPLICATIONS AND REQUIREMENTS.

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

(b) INFORMATION AND ASSURANCES.—Each application submitted under subsection (a) shall include—

(1) a description of—

(A) how a grant awarded under this subpart will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

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

(C) how the applicant will continue the magnet school program after assistance under this subpart is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this subpart cannot be con-
continued without the use of grant funds under this subpart;

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

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

“(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and

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

“(2) assurances that the applicant will—

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

“(B) employ effective teachers in the courses of instruction assisted under this subpart;

“(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

“(i) the hiring, promotion, or assignment of employees of the applicant or
other personnel for whom the applicant has any administrative responsibility;

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

“(iii) designing or operating extracurricular activities for students;

“(D) carry out a quality education program that will encourage greater parental decisionmaking and involvement; and

“(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

“(c) SPECIAL RULE.—No grant shall be awarded under this subpart unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

“SEC. 3126. PRIORITY.

“In awarding grants under this subpart, the Secretary shall give priority to applicants that—
“(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

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

“(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination.

“SEC. 3127. USE OF FUNDS.

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

“(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

“(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;
“(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

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

“(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

“(B) further the purpose of this subpart;

“(5) for activities, which may include professional development, that will build the recipient’s capacity to operate magnet school programs once the grant period has ended;

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

“(b) Special Rule.—Grant funds under this subpart may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the State’s academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.

“SEC. 3128. PROHIBITION.

“Grants under this subpart shall not be used for construction, transportation, or any activity that does not augment academic improvement.

“SEC. 3129. LIMITATIONS.

“(a) Duration of Awards.—A grant under this subpart shall be awarded for a period that shall not exceed 3 fiscal years.

“(b) Limitation on Planning Funds.—A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds re-
ceived under this subpart for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

“(c) AMOUNT.—No local educational agency, or consortium of such agencies, awarded a grant under this subpart shall receive more than $4,000,000 under this subpart for any 1 fiscal year.

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

“SEC. 3130. EVALUATIONS.

“(a) RESERVATION.—The Secretary may reserve not more than 2 percent of the funds appropriated under section 3(b)(1)(B) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this subpart.

“(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

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

“(2) the extent to which magnet school programs enhance student access to a quality education;
“(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and

“(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

“(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

“SEC. 3131. RESERVATION.

“In any fiscal year for which the amount appropriated under section 3(b)(1)(B) exceeds $75,000,000, the Secretary shall give priority in using such amounts in excess of $75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this subpart in the preceding fiscal year.

“SUBPART 3—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

“SEC. 3141. PURPOSES.

“The purposes of this subpart are the following:
“(1) To provide financial support to organizations to provide technical assistance and training to State and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

“(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

“(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children’s school in order to further the developmental progress of children.

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

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

“SEC. 3142. GRANTS AUTHORIZED.

“(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 3(b)(1)(C), the Secretary is authorized to award grants for each fiscal year to statewide organizations (and consortia of such organizations and State educational agencies), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out parent education and family engagement in education programs.

“(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than $500,000.

“SEC. 3143. APPLICATIONS.

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

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

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

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

“(3) A description of the applicant’s plan for building a statewide infrastructure for family engagement in education, that includes—

“(A) management and governance;

“(B) statewide leadership; or

“(C) systemic services for family engagement in education.

“(4) A description of the applicant’s demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families,
English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

“(5) An assurance that the applicant will—

“(A) establish a special advisory committee, the membership of which includes—

“(i) parents, who shall constitute a majority of the members of the special advisory committee;

“(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

“(iii) representatives of local elementary schools and secondary schools, including students;

“(iv) representatives of the business community; and

“(v) representatives of State educational agencies and local educational agencies;

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

“(C) operate a Statewide Family Engagement Center of sufficient size, scope, and quality to ensure that the Center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

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

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

“(F) work with—

“(i) other Statewide Family Engagement Centers assisted under this subpart; and

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

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

“(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;

“(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs; and

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

“SEC. 3144. USES OF FUNDS.

“(a) In General.—Grantees shall use grant funds received under this subpart, based on the needs determined under section 3143(b)(5)(I), to provide training and technical assistance to State educational agencies,
local educational agencies, and organizations that support
family-school partnerships, and activities, services, and
training for local educational agencies, school leaders, edu-
cators, and parents—

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

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

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

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

“(D) to participate in the design and pro-
vision of assistance to students who are not
making academic progress;
“(E) to participate in State and local decisionmaking;

“(F) to train other parents; and

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

“(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

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

“(b) Matching Funds for Grant Renewal.—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this section, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

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

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—

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

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

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

“(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

“(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of a parent to direct the education of their children.

“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.

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

“PART B—LOCAL ACADEMIC FLEXIBLE GRANT

“SEC. 3201. PURPOSE.

“The purpose of this part is to—

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

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

“SEC. 3202. ALLOTMENTS TO STATES.

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

“(1) not more than one-half of 1 percent for
national activities to provide technical assistance to
eligible entities in carrying out programs under this
part; and

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

“(b) STATE ALLOTMENTS.—

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

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

“(c) STATE USE OF FUNDS.—

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

“(2) AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State that receives an allotment under subsection (b) for each fiscal year shall reserve not less than 10 percent of the amount allotted to the State for awards to nongovernmental entities under section 3205.

“(3) STATE ACTIVITIES AND STATE ADMINISTRATION.—A State educational agency may reserve not more than 15 percent of the amount allotted to the State under subsection (b) for each fiscal year for the following:

“(A) Enabling the State educational agency—

“(i) to pay the costs of developing the State assessments and standards required under section 1111(b), which may include the costs of working, at the sole discretion of the State, in voluntary partnerships with other States to develop such assessments and standards; or

“(ii) if the State has developed the assessments and standards required under
section 1111(b), to administer those as-

essments or carry out other activities re-

lated to ensuring that the State’s schools

and local educational agencies are helping

students meet the State’s academic stand-

ards under such section.

“(B) The administrative costs of carrying

out its responsibilities under this part, except

that not more than 5 percent of the reserved

amount may be used for this purpose.

“(C) Monitoring and evaluation of pro-

grams and activities assisted under this part.

“(D) Providing training and technical as-

sistance under this part.

“(E) Statewide academic focused pro-

grams.

“(F) Sharing evidence-based and other ef-

fective strategies with eligible entities.

“SEC. 3203. STATE APPLICATION.

“(a) IN GENERAL.—In order to receive an allotment

under section 3202 for any fiscal year, a State shall sub-

mit to the Secretary, at such time as the Secretary may

require, an application that—
“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

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

“(3) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include reviewing how the proposed project will help increase student academic achievement;

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

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

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

“(5) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, and dissemination of evidence-based and other effective strategies;
“(6) describes how the State educational agency will consider students across all grades when making these awards;

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

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

“(9) contains an assurance that the State educational agency——

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

“(B) will require each eligible entity seeking such an award to submit a plan describing how the project to be funded through the award will continue after funding under this part ends, if applicable; and

“(10) contains an assurance that funds appropriated to carry out this part will be used to supple-
ment, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs.

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

“(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

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

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

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

“(A) cite the specific provisions in the application that are not in compliance; and
“(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(e) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (b).

“(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“(g) RULE OF CONSTRUCTION.—An application submitted by a State educational agency pursuant to subsection (a) shall not be approved or disapproved based upon the activities for which the agency may make funds
available to eligible entities under section 3204 if the agency’s use of funds is consistent with section 3204(b).

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“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.

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

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives an award under this part shall use the funds for activities that—

“(A) are evidence-based;

“(B) will improve student academic achievement;

“(C) are allowable under State law; and

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

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

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

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

“(II) provide compensation or benefits to teachers, school leaders, other school officials, or local educational agency staff.

“(2) PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.—An eligible entity that receives an award under this part shall ensure compliance with section 5501 (relating to participation of children enrolled in private schools).

“(c) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require, including the contents required by paragraph (2).

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include—
“(A) a description of the activities to be funded and how they are consistent with sub-
section (b);

“(B) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds; and

“(C) an assurance that the community will be given notice of an intent to submit an application with an opportunity for comment, and that the application will be available for public review after submission of the application.

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

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

“(f) AWARD.—A grant shall be awarded to all eligible entities that submit an application that meets the requirements of this section in an amount that is not less than $10,000.

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

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

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

“(2) a consortium of local educational agencies working in partnership;

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

“(4) a private sector business entity in partnership with a local educational agency and, if applicable, a community-based organization or nongovernmental entity.
“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE ACADEMIC ACHIEVEMENT.

“(a) In General.—From the amount reserved under section 3202(c)(2), a State educational agency shall award grants to nongovernmental entities, including public or private organizations, community-based or faith-based organizations, and business entities for a program or project for elementary or secondary school students (or both) that will help improve academic achievement in compliance with the requirements in this section. Subject to the availability of funds, the State educational agency shall award a grant to each eligible applicant that meets the requirements in a sufficient size and scope to support the program.

“(b) Application.—The State educational agency shall require an application that includes the following information:

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

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

“(3) A description of how the program or project will help increase student academic achievement, including the evidence to support this claim.
“(4) A description of the student population the program or project is targeting to impact, and if the program will prioritize students in high-need local educational agencies.

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

“(6) A description of any partnerships the applicant has entered into with the local educational agencies or other entities the applicant will work with, if applicable.

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

“(c) MATCHING CONTRIBUTION.—An eligible applicant receiving a grant under this section shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

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

“(1) the applicant is an eligible applicant;
“(2) the application clearly describes the required elements in subsection (b);

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

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

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

“(f) ADMINISTRATIVE COSTS.—Not more than 1 percent of a grant awarded under this section may be used for administrative costs.

“SEC. 3206. REPORT.

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

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

“(2) a description of the students served by the program and how the students’ academic achievement improved; and

“(3) the results of any evaluation conducted on the success of the program.”.
TITLE III—IMPACT AID

SEC. 301. PURPOSE.
Section 8002 (20 U.S.C. 7701) is amended by striking “challenging State standards” and inserting “State academic standards”.

SEC. 302. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.
Section 8002 (20 U.S.C. 7702) is amended—
(1) in subsection (a)—
(A) in the matter preceding paragraph (1), by striking “2003” and inserting “2018”; and
(B) by amending paragraph (1)(C) to read as follows:
“(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) or other records that the Secretary determines to be appropriate and reliable, including Federal agency records or local historical records, aggregating 10 percent or more of the assessed value of—”;
(2) in subsection (b)—
(A) by amending paragraph (2) to read as follows:
“(2) Determination of estimated taxable value for eligible Federal property.—
“(A) IN GENERAL.—Subject to subparagraph (B), in determining the estimated taxable value of eligible Federal property located within the boundaries of a local educational agency for fiscal year 2013 and each succeeding fiscal year, the Secretary shall carry out the following:

“(i) Determine the total taxable value of real property located within the boundaries of such local educational agency for the purpose of levying a property tax for current expenditures.

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

“(I) the total taxable value determined under clause (i), by

“(II) the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres in that agency eligible under this section.

“(iii) Multiply—

“(I) the per acre value calculated under clause (ii), by
“(II) the number of Federal acres in that agency eligible under this section.

“(B) SPECIAL RULE.—In a case in which a local educational agency shares eligible Federal property with 2 or more local educational agencies, the local educational agency may elect to have the Secretary—

“(i) calculate the per acre value of the eligible Federal property of each such local educational agency in accordance with subparagraph (A); and

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

“(I) the average of the per acre values of such eligible Federal properties, by

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

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

“(3) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency is eligible to receive
for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined estimated taxable value of such acquired Federal property as calculated under paragraph (2).”;

(3) by amending subsection (f) to read as follows:

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

(4) by amending subsection (g) to read as follows:

“(g) FORMER DISTRICTS.—

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

“(2) Eligible local educational agencies.—A local educational agency described in this paragraph is—

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

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

“(i) for fiscal years 2006 through 2012, the local educational agency notifies the Secretary not later than 30 days after the date of enactment of the Encouraging Innovation and Effective Teachers Act of the designation described in paragraph (1); and
“(ii) for fiscal year 2013, and each subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

“(3) Availability of funds.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after fiscal year 2005, the Secretary may obligate funds remaining after final payments have been made for any of such fiscal years to carry out this subsection.”;

(5) in subsection (h)—

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

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

“(1) Foundation payments.—

“(A) In general.—From the amount appropriated under section 3(c)(1) for the fiscal year involved, the Secretary shall first make a payment to the following local educational agencies:

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

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

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

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

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

“(I) calculating a payment estimate for fiscal year 2006 for such local educational agency under subsection (b) in the same manner as
payments were determined for local educational agencies eligible for and receiving payments for fiscal year 2006 under such section; and

“(II) multiplying the amount determined under subclause (I) by 90 percent.

“(C) Foundation Payment.—The amount of payments calculated under clause (i) or (ii) of subparagraph (B) for a local educational agency shall be considered the local educational agency’s foundation payments for each succeeding fiscal year.

“(D) Insufficient Appropriations.—If the amount appropriated under section 3(c)(1) is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each such local educational agency under this paragraph.”;

(C) by amending paragraph (2) to read as follows:
“(2) REMAINING FUNDS.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall—

“(A) sum the amounts determined for all eligible local educational agencies under subsection (b)(2);

“(B) determine each eligible local educational agency’s proportional share of the amount calculated under subparagraph (A); and

“(C) pay each eligible local educational agency its share of the remaining funds based on the proportion calculated under subparagraph (B).”; and

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

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

(7) by redesignating subsection (l) as subsection (i);

(8) by amending subsection (i) (as so redesignated) by striking ““(h)(4)(B)” and inserting ““(h)(2)”;

(9) by repealing subsection (m); and

(10) by redesignating subsection (n) as subsection (j).
SEC. 303. PAYMENTS FOR ELIGIBLE FEDERALLY CON-
NECTED CHILDREN.

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

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

(2) in paragraph (4)—

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

(B) in subparagraph (A), by striking “or
rebuilding” each place it appears and inserting
“, rebuilding, or authorized for demolition by
the Secretary of Defense or the head of another
Federal agency”; and

(C) in subparagraph (B)—

(i) by striking “or rebuilding” each
place it appears and inserting “, rebuild-
ing, or authorized for demolition by the
Secretary of Defense or the head of another Federal agency’’; and

(ii) by striking ‘‘3 fiscal years’’ each place it appears and inserting ‘‘4 fiscal years (which are not required to run consecutively)’’; and

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

(b) Basic Support Payments for Heavily Impacted Local Educational Agencies.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by striking ‘‘section 8014(b)’’ each place it appears and inserting ‘‘section 3(c)(2)’’;

(2) in paragraph (1), by repealing subparagraph (E);

(3) in paragraph (2)—

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

“(iii) The Secretary shall—

“(I) deem each local educational agency that received a basic support payment under this paragraph for fiscal year 2009 as eligible to receive a
basic support payment under this paragraph for each of fiscal years 2010, 2011, and 2012; and

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

(B) in subparagraph (B)—

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

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

“(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

“(I) is a local educational agency—

“(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is
held in trust by the Federal Government; and

“(bb) that has no taxing authority;

“(II) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

“(bb) has a per-pupil expenditure that is less than—

“(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

“(BB) for any agency that has a total student enrollment less than 500, 150 percent of the average per-
pupil expenditure of the 
State in which the agency is 
located; or the average per-
pupil expenditure of 3 or 
more comparable local edu-
cational agencies in the 
State in which the agency is 
located; and 
“(ce) is an agency that— 
“(AA) has a tax rate 
for general fund purposes 
that is not less than 95 per-
cent of the average tax rate 
for general fund purposes of 
comparable local educational 
agencies in the State; or 
“(BB) was eligible to 
receive a payment under this 
subsection for fiscal year 
2012 and is located in a 
State that by State law has 
eliminated ad valorem tax as 
a revenue for local edu-
cational agencies;
“(III) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent;

“(bb) for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and

“(cc) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund
purposes for comparable local educational agencies in the State;

“(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

“(aa) not less than 50 percent are children described in subsection (a)(1); and

“(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(V) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency; and
“(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.”; and

(iii) in clause (ii)—

(I) by striking “A heavily” and inserting the following: “(I) IN GENERAL.—Subject to subclause (II), a heavily”; and

(II) adding at the end the following:

“(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In a case of a heavily impacted local educational agency that fails to meet the requirements of clause (i) for a fiscal year by reason of having a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, subclause (I) shall be applied as if ‘and the subsequent fiscal year’
were inserted before the period at the end.”;

(C) by striking subparagraph (C);

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

(E) in subparagraph (C) (as so redesignated)—

(i) in the heading, by striking “REGULAR”;

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

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

“(ii)(I)(aa) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraphs (A), (B), or (C) of such subsection equal to at least 10 percent of the agency’s total enrollment, the
Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

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

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

(F) in subparagraph (D)(i)(II) (as so redesignated), by striking “6,000” and inserting “5,500”;

(G) in subparagraph (E) (as so redesignated)—

(i) by striking “Secretary” and all that follows through “shall use” and inserting “Secretary shall use”;
(ii) by striking “; and” and inserting a period; and

(iii) by striking clause (ii);

(H) in subparagraph (F) (as so redesignated), by striking “subparagraph (C)(i)(II)(bb)” and inserting “subparagraph (B)(i)(II)(bb)”;

(I) in subparagraph (G) (as so redesignated)—

(i) in clause (i)—

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

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

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

and

(IV) by inserting before the pe-
period, the following: “or during such time as activities associated with base
closure and realignment,

modularization, force structure
change, or force relocation are ongo-
ing”; and

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

(4) in paragraph (3)—

(A) in subparagraph (B)—

(i) by striking clause (iii); and

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

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

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

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

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

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

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

“(i) a percentage, the denominator of
which is the difference between the full
amount computed under paragraph (1) or
(2) (as the case may be) for all local edu-
cational agencies and the amount of the
threshold payment (as calculated under
subparagraphs (B) and (C)) of all local
educational agencies, and the numerator of which is the aggregate of the excess sums, by;

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

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

“(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(c)(2) are insufficient to pay each local educational agency all of the local educational agency’s threshold payment described in subparagraph (D), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

“(F) INCREASES.—If the sums appropriated under section 3(c)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in subparagraph (D), then the Secretary shall in-
crease payments on the same basis as such pay-
ments were reduced, except no local educational
agency may receive a payment amount greater
than 100 percent of the maximum payment cal-
culated under this subsection.”; and

(5) in paragraph (4)—

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

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

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

ows:

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

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

“(B) was eligible to receive a payment
under this section for the previous fiscal year
and has had an overall increase in enrollment
(as determined by the Secretary in consultation
with the Secretary of Defense, the Secretary of
Interior, or the heads of other Federal agencies)—

“(i) of not less than 10 percent, or

100 students, of children described in—

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

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

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

“(C) was eligible to receive a payment
under this section for the previous fiscal year
and has had an increase in enrollment (as determined by the Secretary)—

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

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

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

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

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

“(1) IN GENERAL.—Subject to paragraph (2), the total amount the Secretary shall pay a local educational agency under subsection (b)—

“(A) for fiscal year 2013, shall not be less than 90 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2012;
“(B) for fiscal year 2014, shall not be less than 85 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2012; and

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

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

“(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A), (B), or C of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be, for such fiscal year.”.

(f) MAINTENANCE OF EFFORT.—Section 8003 (20 U.S.C. 7703) is amended by striking subsection (g).
SEC. 304. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

Section 8004(e)(9) is amended by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”.

SEC. 305. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

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

SEC. 306. CONSTRUCTION.

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

(1) in subsection (a)—

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

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

“(C) The agency is eligible under section 8003(b)(2) or is receiving basic support payments under circumstances described in section 8003(b)(2)(B)(ii).”; and

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

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

(B) in paragraph (3)—

(i) in subparagraph (C)(i)(I), by adding at the end the following:

“(cc) At least 10 percent of the property in the agency is nontaxable due to the presence of the Federal Government.”; and

(ii) by adding at the end the following:

“(F) LIMITATIONS ON ELIGIBILITY REQUIREMENTS.—The Secretary shall not limit eligibility—

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

“(ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which
more than 10 percent of the property in each such agency is nontaxable due to the presence of the Federal Government.”; and

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “in such manner, and accompanied by such information” and inserting “and in such manner”; and

(ii) by striking subparagraph (F).

SEC. 307. FACILITIES.

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

SEC. 308. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.

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

SEC. 309. FEDERAL ADMINISTRATION.

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

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

(2) by adding at the end the following new subsection:

“(d) TIMELY PAYMENTS.—
(1) IN GENERAL.—The Secretary shall pay the full amount that a local educational agency is eligible to receive under this title not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For a fiscal year in which the amount appropriated under section 3(c) is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting ‘is available to pay the agency’ for ‘the agency is eligible to receive’ each place it appears.”
SEC. 310. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

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

SEC. 311. DEFINITIONS.

Section 8013 is amended—

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

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

(3) in paragraph (5)(A)(iii)—

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

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

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

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

SEC. 312. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7801) is repealed.
SEC. 313. CONFORMING AMENDMENTS.

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

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

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

“TITLE IV—IMPACT AID”.

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

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

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

(3) by striking “section 8002” each place it appears and inserting “section 4002”;

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

(5) by striking “section 8003” each place it appears and inserting “section 4003”, respectively;

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

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

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

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

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

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

(12) in section 4002(b)(1)(C), by striking “section 8003(b)(1)(C)” and inserting “section 4003(b)(1)(C)”; 

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

(14) in section 4005(b)(2) (as so redesignated)—

(A) by striking “or 8003” each place it appears and inserting “or 4003”; and 

(B) in subsection (b)(2), by striking “section 8004” and inserting “section 4004”; and 

(C) in subsection (d)(2), by striking “section 8003(e)” and inserting “section 4003(e)”;
(15) in section 4007(a)(3)(A)(i) (as so redesignated), by striking “section 8008(a)” and inserting “section 4008(a)”;

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

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

(A) in subsection (b)(1)—

(i) by striking “or 8003(b)” and inserting “or 4003(b)”;

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

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

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

(18) in section 8010(c)(2)(D) (as so redesignated) by striking “section 8009(b)” and inserting “section 4009(b)”.

(c) REPEAL.—Title VIII of the Elementary and Secondary Education Act of 1965 is repealed.
TITLE IV—TROOPS-TO-TEACHERS PROGRAM

SEC. 401. TROOPS-TO-TEACHERS PROGRAM.

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

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

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

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

“(a) DEFINITIONS.—In this section:

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

“(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).
“(3) MEMBER OF THE ARMED FORCES.—The term ‘member of the Armed Forces’ includes a former member of the Armed Forces.


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

“(1) to assist eligible members of the armed forces described in subsection (e) to obtain certification or licensing as elementary school teachers, secondary school teachers, or career or technical teachers; and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or public charter schools that the Secretary of Education identifies as—

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

“(ii) experiencing a shortage of effective teachers, in particular a shortage of science, mathematics, special education, or career or technical teachers; or

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

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

“(c) ELIGIBILITY AND APPLICATION PROCESS.—

“(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or
“(iii) transfers to the Retired Reserve.

“(B) Any member who, on or after January 8, 2002—

“(i)(I) is separated or released from active duty after 4 or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least ten years of active duty service, 10 years of service computed under section 12732 of this title, or 10 years of any combination of such service; and

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

“(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

“(2) SUBMITTAL OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary. An application shall be in such form as the Secretary may require.
“(B) An application may be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than 4 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member.

“(3) Selection criteria; educational background requirements and honorable service requirement.—(A) Subject to subparagraph (B), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B) A member of the armed forces is eligible to participate in the Program only if the member’s last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member’s last period of service is characterized as honorable by the Secretary concerned.
“(4) Selection priorities.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary shall give priority to members who—

“(A) have educational or military experience in science, mathematics, special education, or career and technical subjects; and

“(B) agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

“(5) Other conditions on selection.—(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (d) unless the mem-
ber executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).

“(d) Participation Agreement and Financial Assistance.—

“(1) Participation Agreement.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (c) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or career and technical teacher; and

“(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career and technical teacher for not less than three school years with a local educational agency receiving grants under subpart 1 of part A of title I of the Elementary and Sec-
ondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 112021)).

“(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines the waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (e), for failure to meet the three-year commitment.

“(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

“(B) is serving on active duty as a member of the armed forces;
“(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

“(E) is an effective teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a career and technical teacher for a single period not to exceed 27 months; or

“(F) satisfies such other criteria as may be prescribed by the Secretary.

“(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may pay to a participant in the Program selected under this section a stipend in an amount of not more than $5,000.

“(B) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

“(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (3), pay a bonus
of $10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to accept full-time employment as an elementary school teacher, secondary school teacher, or career and technical teacher for not less than 3 school years in a high-need school.

“(B) The total number of bonuses that may be paid under subparagraph (A) in any fiscal year may not exceed 3,000.

“(C) For purposes of subparagraph (A), the term ‘high-need school’ means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

“(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in subsection (b)(2)(A)(i)).

“(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).
“(5) Treatment of stipend and bonus.—A
stipend or bonus paid under this subsection to a
participant in the Program shall be taken into ac-
count in determining the eligibility of the participant
for Federal student financial assistance provided
under title IV of the Higher Education Act of 1965
(20 U.S.C. 1070 et seq.).
“(e) Reimbursement under certain cir-
cumstances.—
“(1) Reimbursement required.—A partici-
pant in the Program who is paid a stipend or bonus
under subsection (d) shall be required to repay the
stipend or bonus under the following circumstances:
“(A) The participant fails to obtain teach-
er certification or licensing or to obtain employ-
ment as an elementary school teacher, sec-
ondary school teacher, or career and technical
teacher as required by the participation agree-
ment under subsection (d)(1).
“(B) The participant voluntarily leaves, or
is terminated for cause from, employment as an
elementary school teacher, secondary school
teacher, or career and technical teacher during
the 3 years of required service in violation of
the participation agreement.
“(C) The participant executed a written agreement with the Secretary concerned under subsection (c)(5)(B) to serve as a member of a reserve component of the armed forces for a period of 3 years and fails to complete the required term of service.

“(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (d) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11
shall not release a participant from the obligation to reimburse the Secretary under this subsection.

“(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this subsection (d) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(g) PARTICIPATION BY STATES.—

“(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants
to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and career and technical teachers.

“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed $5,000,000.

“(h) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and referral services to members of the Armed Forces who meet the criteria described in subsection (c), including those members who are not eligible for assistance under paragraphs (3) and (4) of subsection (d).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following new item:

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

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

**TITLE V—REPEAL**

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

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

**TITLE VI—HOMELESS EDUCATION**

**SEC. 601. STATEMENT OF POLICY.**

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

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

“(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, the State and local educational agencies will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate pub-
lic education as is provided to other children and
youths.”;

(2) in paragraph (3), by striking “alone”; and

(3) in paragraph (4), by striking “challenging
State student academic achievement” and inserting
“State academic”.

SEC. 602. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR
THE EDUCATION OF HOMELESS CHILDREN
AND YOUTHS.

Section 722 of such Act (42 U.S.C. 11432) is amend-
ed—

(1) in subsection (a), by striking “(g).” and in-
serting “(h).”;

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)(A)—

(i) in clause (i), by adding “or” at the
end;

(ii) in clause (ii), by striking “;or” a
the end and inserting a period; and

(iii) by striking clause (iii); and

(B) by striking paragraph (3);

(4) in subsection (d)—
(A) in the matter preceding paragraph (1), by striking “Grants” and inserting “Grant funds from a grant made to a State”;

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

“(2) To provide services and activities to improve the identification of homeless children (including preschool-aged homeless children and youths) that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.”;

(C) in paragraph (3), by inserting before the period at the end the following: “that can sufficiently carry out the duties described in this subtitle”;

(D) by amending paragraph (5) to read as follows:

“(5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—

“(A) to improve their identification of homeless children and youths; and
“(B) to heighten their awareness of, and capacity to respond to, specific needs in the education of homeless children and youths.”.

(5) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

“(1) **MINIMUM DISBURSEMENTS BY STATES.**—
From the grant funds made available each year to a State under subsection (a) to carry out this subtitle, the State educational agency—

“(A) may use not more that 20 percent of the State’s allocation under subsection (c)(1) for State-level activities; and

“(B) shall use the remainder of the State’s allocation after using amounts for State-level activities under subparagraph (A) to award subgrants to local educational agencies for the purposes of carrying out section 723.”;

(B) in paragraph (2), by striking “under this subtitle” and inserting “under paragraph (1)(A)”;

(C) in paragraph (3)—

(i) in subparagraph (C)(iv)(II), by striking “sections 1111 and 1116” and inserting “section 1111”;
(ii) in subparagraph (F)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking “a report” and inserting “an annual report”;

(bb) by striking “and” at the end of subclause (II);

(cc) by adding “and” at the end of subclause (III); and

(dd) by adding at the end the following:

“(IV) the progress the separate schools are making in helping all students meet the State academic standards.”; and

(II) in clause (iii), by striking “Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the” and inserting “The”;
“(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

“(1) gather and make publically available reliable, valid, and comprehensive information on—

“(A) the number of homeless children and youths identified in the State, posted annually on the State educational agency’s website;

“(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

“(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

“(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

“(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;
“(2) develop and carry out the State plan described in subsection (g);

“(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

“(4) in order to improve the provision of comprehensive education and related support services to homeless children and youths and their families, coordinate and collaborate with—

“(A) educators, including teachers, special education personnel, administrators, and child development and preschool program personnel;

“(B) providers of services to homeless children and youths and their families, including services of public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway
and Homeless Youth Act (42 U.S.C. 5701 et seq.);

“(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

“(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

“(E) community organizations and groups representing homeless children and youths and their families;

“(5) provide technical assistance to local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3), paragraphs (3) through (7) of subsection (g), and subsection (h);

“(6) provide professional development opportunities for local educational agency personnel and the homeless liaison designated under subsection
(g)(1)(J)(ii) to assist such personnel in meeting the needs of homeless children and youths; and

“(7) respond to inquiries from parents and guardians of homeless children and youths and unaccompanied youths to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.”;

(7) by amending subsection (g) to read as follows:

“(g) STATE PLAN.—

“(1) IN GENERAL.—In order to be eligible to receive a grant under this section, each State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State that includes the following:

“(A) A description of how such children and youths are (or will be) given the opportunity to meet the same State academic standards that all students are expected to meet.

“(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.
“(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

“(D) A description of programs for school personnel (including liaisons, school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youths.

“(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

“(F) A description of procedures that ensure that—

“(i) homeless children have equal access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;
“(ii) homeless youths and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services; and

“(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local education programs.

“(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

“(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

“(i) immunization and other health records requirements;

“(ii) residency requirements;

“(iii) lack of birth certificates, school records, or other documentation;

“(iv) guardianship issues; or

“(v) uniform or dress code requirements.
“(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, polices to remove barriers to the identification, enrollment, and retention of homeless children and youths in schools in the State.

“(J) Assurances that the following will be carried out:

“(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.

“(ii) Local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A).

“(iii) The State and its local educational agencies will adopt policies and practices to ensure that transportation is
provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

“(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child’s or youth’s transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

“(II) If the homeless child’s or youth’s living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which
the homeless child or youth is living
shall agree upon a method to apportion the responsibility and costs for
providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

“(2) COMPLIANCE.—

“(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

“(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

“(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

“(A) IN GENERAL.—The local educational agency serving each child or youth to be as-
sisted under this subtitle shall, according to the child’s or youth’s best interest—

“(i) continue the child’s or youth’s education in the school of origin for the duration of homelessness—

“(I) in any case in which a family becomes homeless between academic years or during an academic year; or

“(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

“(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

“(B) SCHOOL STABILITY.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

“(i) presume that keeping the child or youth in the school of origin is in the child or youth’s best interest, except when doing
so is contrary to the wishes of the child’s or youth’s parent or guardian, or the unaccompanied youth;

“(ii) consider student-centered factors related to the child’s or youth’s best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child’s or youth’s parent of guardian or the unaccompanied youth involved;

“(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child’s or youth’s best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide the child’s or youth’s parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form under-
standable to such parent, guardian, or un-
accompanied youth, including information
regarding the right to appeal under sub-
paragraph (E); and

“(iv) in the case of an unaccompanied youth, ensure that the homeless liaison
designated under paragraph (1)(J)(ii) as-
ists in placement or enrollment decisions
under this subparagraph, gives priority to
the views of such unaccompanied youth,
and provides notice to such youth of the
right to appeal under subparagraph (E).

“(C) ENROLLMENT.—

“(i) IN GENERAL.—The school se-
lected in accordance with this paragraph
shall immediately enroll the homeless child
or youth, even if the child or youth—

“(I) is unable to produce records
normally required for enrollment, such
as previous academic records, records
of immunization and other required
health records, proof of residency, or
other documentation; or
“(II) has missed application or
enrollment deadlines during any pe-
period of homelessness.
“(ii) RELEVANT ACADEMIC
records.—The enrolling school shall im-
mediately contact the school last attended
by the child or youth to obtain relevant
academic and other records.
“(iii) RELEVANT HEALTH RECORDS.—
If the child or youth needs to obtain immu-
nizations or other required health records,
the enrolling school shall immediately refer
the parent or guardian of the child or
youth, or the unaccompanied child or
youth, to the local educational agency liai-
son designated under paragraph (1)(J)(ii),
who shall assist in obtaining necessary im-
munizations or screenings, or immuniza-
tion or other required health records, in
accordance with subparagraph (D).
“(iv) NO LIABILITY.—Whenever the
school selected enrolls an unaccompanied
youth in accordance with this paragraph,
no liability shall be imposed upon the
school by reason of enrolling the youth
without parent or guardian consent.

“(D) RECORDS.—

“(i) IN GENERAL.—Any record ordi-
narily kept by the school, including immu-
nization or other required health records,
academic records, birth certificates, guar-d-
ianship records, and evaluations for special
services or programs, regarding each
homeless child or youth shall be main-
tained—

“(I) so that the records involved
are available, in a timely fashion,
when a child or youth enters a new
school or school district; and

“(II) in a manner consistent with
section 444 of the General Education

“(E) ENROLLMENT DISPUTES.—If a dis-
pute arises over school selection or enrollment
in a school—

“(i) the child or youth shall be imme-
diately enrolled in the school in which en-
rollment is sought, pending final resolution
of the dispute, including all available appeals;

“(ii) the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or youth to appeal such decisions;

“(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

“(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school in which the youth seeks enrollment pending resolution of such dispute.

“(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the home-
less parents or has been temporarily placed elsewhere.

“(G) SCHOOL OF ORIGIN DEFINED.—

“(i) IN GENERAL.—In this paragraph, the term ‘school of origin’ means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

“(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term “school of origin” shall include the designated receiving school at the next grade level for all feeder schools.

“(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

“(I) PRIVACY.—Information about a homeless child’s or youth’s living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law
enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations.

“(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same State academic standards to which other students are held.

“(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

“(A) Transportation services.

“(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners.
“(C) Programs in career and technical education.

“(D) Programs for gifted and talented students.

“(E) School nutrition programs.

“(5) COORDINATION.—

“(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—

“(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

“(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

“(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State
and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

“(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

“(i) ensure that all homeless children and youths are promptly identified;

“(ii) ensure that homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

“(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

“(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities
Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.

“(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

“(A) DUTIES.—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

“(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;

“(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

“(iii) homeless families, children, and youths have access to and receive educational services for which such families, children, and youths are eligible, including
services through Head Start, Early Head
Start, early intervention, and preschool
programs administered by the local edu-
cational agency;

“(iv) homeless families, children, and
youths receive referrals to health care serv-
ices, dental services, mental health and
substances abuse services, housing services,
and other appropriate services;

“(v) the parents or guardians of
homeless children and youths are informed
of the educational and related opportuni-
ties available to their children and are pro-
vided with meaningful opportunities to par-
ticipate in the education of their children;

“(vi) public notice of the educational
rights of homeless children and youths is
disseminated in locations frequented by
parents or guardians of such children and
youths, and unaccompanied youths, includ-
ing schools, shelters, public libraries, and
soup kitchens in a manner and form un-
derstandable to the parents and guardians
of homeless children and youths, and unac-
accompanied youths;
“(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

“(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

“(ix) school personnel providing services under this subtitle receive professional development and other support; and

“(x) unaccompanied youths—

“(I) are enrolled in school;

“(II) have opportunities to meet the same State academic standards to which other students are held, including through implementation of the policies and practices required by paragraph (1)(F)(ii); and

“(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and
receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

“(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency’s website.

“(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data
needed to meet the requirements of paragraphs
(1) and (3) of subsection (f).

“(7) REVIEW AND REVISIONS.—

“(A) IN GENERAL.—Each State edu-
cational agency and local educational agency
that receives assistance under this subtitle shall
review and revise any policies that may act as
barriers to the enrollment of homeless children
and youths in schools that are selected under
paragraph (3).

“(B) CONSIDERATION.—In reviewing and
revising such policies, consideration shall be
given to issues concerning transportation, im-
umination, residency, birth certificates, school
records and other documentation, and guard-
ianship.

“(C) SPECIAL ATTENTION.—Special atten-
tion shall be given to ensuring the enrollment
and attendance of homeless children and youths
who are not currently attending school.”; and

(8) in subsection (h)(1)(A), by striking “fiscal
year 2009,” and inserting “fiscal years 2013
through 2018,”.”
SEC. 603. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR 
THE EDUCATION OF HOMELESS CHILDREN 
AND YOUTHS.

Section 723 of such Act (42 U.S.C. 11433) is amend-
ed—

(1) in subsection (a)—

(A) in paragraph (1), by striking “facili-
tating the enrollment,” and inserting “facili-
tating the identification, enrollment,”;

(B) in paragraph (2)(A)—

(i) by adding “and” at the end of
clause (i);

(ii) by striking “; and” and inserting
a period at the end of clause (ii); and

(iii) by striking clause (iii); and

(C) by adding at the end the following:

“(4) DURATION OF GRANTS.—Subgrants
awarded under this section shall be for terms of not
to exceed 3 years.”;

(2) in subsection (b)—

(A) by striking paragraph (3) and redesig-
nating paragraphs (4) and (5) as paragraphs
(3) and (4), respectively; and

(B) by adding at the end the following:

“(6) An assurance that the local educational
agency will collect and promptly provide data re-
quested by the State Coordinator pursuant to para-
graphs (1) and (3) of section 722(f).

“(7) An assurance that the local educational
agency has removed barriers to complying with the
requirements of section 722(g)(1)(I).”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “726”
and inserting “722(a)”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting
“identification,” before “enrollment”;

(ii) by amending subparagraph (B) to
read as follows:

“(B) The extent to which the application
reflects coordination with other local and State
agencies that serve homeless children and
youths.”; and

(iii) in subparagraph (C), by inserting
“(as of the date of submission of the appli-
cation)” after “current practice”;

(C) in paragraph (3)—

(i) by amending subparagraph (C) to
read as follows:

“(C) The extent to which the applicant will
promote meaningful involvement of parents or
guardians of homeless children or youths in the
education of their children.”;

(ii) in subparagraph (D), by striking
“within” and inserting “into”;

(iii) in subparagraph (G)—

(I) by striking “Such” and in-
serting “The extent to which the ap-
licant’s program meets such”; and

(II) by striking “case manage-
ment or related”;

(iv) by redesignating subparagraph
(G) as subparagraph (I) and inserting
after subparagraph (F) the following:

“(G) The extent to which the local edu-
cational agency will use the subgrant to lever-
age resources, including by maximizing
nonsubgrant funding for the position of the liai-
son described in section 722(g)(1)(J)(ii) and
the provision of transportation.

“(H) How the local educational agency
uses funds to serve homeless children and
youths under section 1113(c)(3) of the Element-
tary and Secondary Education Act of 1965 (20
U.S.C. 6313(c)(3)).”; and

(v) by adding at the end the following:
“(J) An assurance that the applicant will meet the requirements of section 722(g)(3).”;

and

(D) by striking paragraph (4).

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “challenging State academic content standards” and inserting “State academic standards”; and

(ii) by striking “and challenging State student academic achievement standards”; 

(B) in paragraph (2)—

(i) by striking “students with limited English proficiency,” and inserting “English learners,”; and

(ii) by striking “vocational” and inserting “career”;

(C) in paragraph (3), by striking “pupil services” and inserting “specialized instructional support”; 

(D) in paragraph (7), by striking “, and unaccompanied youths,” and inserting “, particularly homeless children and youths who are not enrolled in school,”;
(E) in paragraph (9) by striking “medical” and inserting “other required health”; 

(F) in paragraph (10), by inserting before the period at the end “, and other activities designed to increase the meaningful involvement of parents or guardians of homeless children or youths in the education of their children”; 

(G) in paragraph (12), by striking “pupil” and inserting “specialized instructional support”; and 

(H) in paragraph (13), by inserting before the period at the end “and parental mental health or substance abuse problems”.

SEC. 604. SECRETARIAL RESPONSIBILITIES.

Section 724 of such Act (42 U.S.C. 11434) is amended—

(1) by amending subsection (c) to read as follows:

“(c) NOTICE.—

“(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of the enactment of the Encouraging Innovation and Effective Teachers Act, update and disseminate nationwide the public notice described in this subsection
(as in effect prior to such date) of the educational rights of homeless children and youths.

“(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally to all Federal agencies, program grantees, and grant recipients serving homeless families, children, and youths.”;

(2) in subsection (d), by striking “and dissemination” and inserting “, dissemination, and technical assistance”;

(3) in subsection (e)—

(A) by striking “this subtitle” and inserting “section 722”;

(B) by striking “60-day” and inserting “120-day”; and

(C) by striking “120-day” and inserting “180-day”;

(4) in subsection (f), by adding at the end the following: “The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.”;

(5) by amending subsection (g) to read as follows:

“(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than
60 days after the date of the enactment of the Encouraging Innovation and Effective Teachers Act, strategies by which a State—

“(1) may assist local educational agencies to implement the provisions amended by the Act; and

“(2) can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.”;

(6) in subsection (h)(1), by inserting “in all areas served by local educational agencies” before the semicolon at the end; and

(7) in subsection (i), by striking “McKinney-Vento Homeless Education Assistance Improvements Act of 2001” and inserting “Encouraging Innovation and Effective Teachers Act”.

SEC. 605. DEFINITIONS.

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(iv), by striking “1309” and inserting “1139” and

(2) in paragraph (3), by striking “9101” and inserting “5101”
SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of such Act (42 U.S.C. 11435) is amended to read as follows:

“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—For the purpose of carrying out this subtitle, there are authorized to be appropriated $65,173,000 for fiscal year 2013.

“(b) OUT YEARS.—The amount authorized under subsection (a) shall be increased for each of fiscal years 2014 through 2018 by a percentage equal to the percentage of inflation according to the Consumer Price Index, for the calendar year ending prior to the beginning of that fiscal year.”.