

**SUBSTITUTE AMENDMENT TO THE AMENDMENT IN  
THE NATURE OF A SUBSTITUTE TO H.R. 5  
OFFERED BY MR. SCOTT OF VIRGINIA**

Strike the text and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**3 SEC. 2. REFERENCES.**

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

**10 SEC. 3. TABLE OF CONTENTS.**

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

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- Sec. 2. References.
- Sec. 3. Table of contents.

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DISADVANTAGED**

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- Sec. 102. Authorization of appropriations.
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1 **TITLE I—IMPROVING THE ACA-**  
2 **DEMIC ACHIEVEMENT OF THE**  
3 **DISADVANTAGED**

4 **SEC. 101. STATEMENT OF PURPOSE.**

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

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

8 “The purpose of this title is to ensure that all chil-  
9 dren have a fair, equal, and significant opportunity to ob-  
10 tain a high-quality education and to graduate ready to  
11 succeed in college and the workforce by—

12 “(1) meeting the educational needs of low-  
13 achieving children in our Nation’s highest-poverty  
14 schools, English learners, migrant children, children  
15 with disabilities, Indian children, and neglected or  
16 delinquent children;

17 “(2) ensuring high-quality college and career  
18 ready standards, academic assessments, account-  
19 ability systems, teacher preparation and training,  
20 curriculum, and instructional materials are devel-  
21 oped and implemented to prepare students to com-  
22 pete in the global economy;

23 “(3) closing the achievement gap between high-  
24 and low-performing children, especially between mi-  
25 nority and nonminority students and between dis-

1        advantaged children and their more advantaged  
2        peers;

3            “(4) holding schools, local educational agencies,  
4        and States accountable for improving the academic  
5        achievement for all students including the mastery  
6        of content knowledge and the ability to think criti-  
7        cally, solve problems, and communicate effectively,  
8        ensuring all students graduate ready to succeed in  
9        college and the workforce;

10           “(5) distributing and targeting resources to  
11        support local educational agencies and schools with  
12        the greatest need;

13           “(6) improving and maintaining accountability  
14        for student achievement and graduation rates, and  
15        increasing local flexibility and authority to improve  
16        schools; and

17           “(7) ensuring parents have substantial and  
18        meaningful opportunities to participate in the edu-  
19        cation of their children.”.

20    **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

21        Section 1002 (20 U.S.C. 6302) is amended—

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

24            “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For  
25        the purpose of carrying out part A, there are authorized

1 to be appropriated \$30,000,000,000 for fiscal year 2016  
2 and such sums as may be necessary for each of the 5 suc-  
3 ceeding fiscal years.”;

4 (2) in subsection (c)—

5 (A) by striking “\$410,000,000” and in-  
6 serting “\$500,000,000”; and

7 (B) by striking “2002” and inserting  
8 “2016”; and

9 (3) in subsection (d)—

10 (A) by striking “\$50,000,000” and insert-  
11 ing “\$55,000,000”; and

12 (B) by striking “2002” and inserting  
13 “2016”.

14 **SEC. 103. STATE PLANS.**

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

17 **“SEC. 1111. STATE PLAN.**

18 “(a) PLANS REQUIRED.—

19 “(1) IN GENERAL.—For any State desiring to  
20 receive a grant under this part, the State edu-  
21 cational agency shall submit to the Secretary a plan,  
22 developed by the State educational agency, in con-  
23 sultation with representatives of local educational  
24 agencies, teachers, school leaders, specialized in-  
25 structional support personnel, early childhood edu-

1 cation providers, parents, community organizations,  
2 communities representing underserved populations,  
3 and Indian tribes, that satisfies the requirements of  
4 this section, and that is coordinated with other pro-  
5 grams of this Act, the Individuals with Disabilities  
6 Education Act, the Carl D. Perkins Career and  
7 Technical Education Act of 2006, the Head Start  
8 Act, the Adult Education and Family Literacy Act,  
9 and the McKinney-Vento Homeless Assistance Act.

10 “(2) CONSOLIDATED PLAN.—A State plan sub-  
11 mitted under paragraph (1) may be submitted as a  
12 part of a consolidated plan under section 9302.

13 “(b) COLLEGE AND CAREER READY CONTENT  
14 STANDARDS, ASSESSMENTS, AND ACHIEVEMENT STAND-  
15 ARDS.—

16 “(1) GENERAL REQUIREMENTS.—Each State  
17 plan shall include evidence that the State’s college  
18 and career ready content standards, assessments,  
19 and achievement standards under this subsection  
20 are—

21 “(A) vertically aligned from kindergarten  
22 through grade 12; and

23 “(B) developed and implemented to ensure  
24 that proficiency in the content standards will



1           signify that a student is on-track to graduate  
2           prepared for—

3                   “(i) according to written affirmation  
4                   from the State’s public institutions of high-  
5                   er education, placement in credit-bearing,  
6                   nonremedial courses at the 2-and 4-year  
7                   public institutions of higher education in  
8                   the State; and

9                   “(ii) success on relevant State career  
10                  and technical education standards.

11               “(2) COLLEGE AND CAREER READY CONTENT  
12               STANDARDS.—

13                   “(A) IN GENERAL.—Each State plan shall  
14                   demonstrate that, not later than the 2015–2016  
15                   school year the State educational agency will  
16                   adopt and implement high-quality, college and  
17                   career ready content standards that comply  
18                   with this paragraph.

19                   “(B) SUBJECTS.—The State educational  
20                   agency shall have such high-quality, academic  
21                   content standards for students in kindergarten  
22                   through grade 12 for, at a minimum, English  
23                   language arts, math, and science.

1           “(C) ELEMENTS.—College and career  
2 ready content standards under this paragraph  
3 shall—

4           “(i) be developed through participa-  
5 tion in a State-led process that engages—

6           “(I) kindergarten through-grade-  
7 12 education experts (including teach-  
8 ers and educational leaders); and

9           “(II) representatives of institu-  
10 tions of higher education, the business  
11 community, and the early learning  
12 community;

13           “(ii) be rigorous, internationally  
14 benchmarked, and evidence-based, requir-  
15 ing students to demonstrate the ability to  
16 think critically, solve problems, and com-  
17 municate effectively;

18           “(iii) be either—

19           “(I) validated, including through  
20 written affirmation from the State’s  
21 public institutions of higher education,  
22 to ensure that proficiency in the con-  
23 tent standards will signify that a stu-  
24 dent is on-track to graduate prepared  
25 for—

1                   “(aa) placement in credit-  
2                   bearing, nonremedial courses at  
3                   the 2-and 4-year public institu-  
4                   tions of higher education in the  
5                   State; and

6                   “(bb) success on relevant  
7                   State career and technical edu-  
8                   cation standards; or

9                   “(II) State-developed and volun-  
10                  tarily adopted by a significant number  
11                  of States;

12                  “(iv) for standards from kindergarten  
13                  through grade 3, reflect progression in how  
14                  children develop and learn the requisite  
15                  skills and content from earlier grades (in-  
16                  cluding preschool) to later grades; and

17                  “(v) apply to all schools and students  
18                  in the State.

19                  “(D) ENGLISH LANGUAGE PROFICIENCY  
20                  STANDARDS.—Each State educational agency  
21                  shall develop and implement statewide, high-  
22                  quality English language proficiency standards  
23                  that—

24                  “(i) are aligned with the State’s aca-  
25                  demic content standards;

1                   “(ii) reflect the academic language  
2                   that is required for success on the State  
3                   educational agency’s academic content as-  
4                   sessments;

5                   “(iii) predict success on the applicable  
6                   grade level English language arts content  
7                   assessment;

8                   “(iv) ensure proficiency in each of the  
9                   domains of speaking, listening, reading,  
10                  and writing in the appropriate amount of  
11                  time; and

12                  “(v) address the different proficiency  
13                  levels of English learners.

14                  “(E) EARLY LEARNING STANDARDS.—The  
15                  State educational agency shall, in collaboration  
16                  with the State agencies responsible for over-  
17                  seeing early care and education programs and  
18                  the State early care and education advisory  
19                  council, develop and implement early learning  
20                  standards across all major domains of develop-  
21                  ment for preschoolers that—

22                         “(i) demonstrate alignment with the  
23                         State academic content standards;

24                         “(ii) are implemented through dis-  
25                         semination, training, and other means to

1 applicable early care and education pro-  
2 grams;

3 “(iii) reflect research and evidence-  
4 based developmental and learning expecta-  
5 tions;

6 “(iv) inform teaching practices and  
7 professional development and services; and

8 “(v) for preschool age children, appro-  
9 priately assist in the transition to kinder-  
10 garten.

11 “(F) ASSURANCE.—Each State plan shall  
12 include an assurance that the State has imple-  
13 mented the same content standards for all stu-  
14 dents in the same grade and does not have a  
15 policy of using different content standards for  
16 any student subgroup.

17 “(3) HIGH-QUALITY ASSESSMENTS.—

18 “(A) IN GENERAL.—Each State plan shall  
19 demonstrate that the State educational agency  
20 will adopt and implement high-quality assess-  
21 ments in English language arts, math, and  
22 science not later than the 2016–2017 school  
23 year that comply with this paragraph.

24 “(B) ELEMENTS.—Such assessments  
25 shall—

1 “(i) be valid, reliable, appropriate, and  
2 of adequate technical quality for each pur-  
3 pose required under this Act, and be con-  
4 sistent with relevant, nationally recognized  
5 professional and technical standards;

6 “(ii) measure the knowledge and skills  
7 necessary to demonstrate proficiency in the  
8 academic content standards under para-  
9 graph (2) for the grade in which the stu-  
10 dent is enrolled;

11 “(iii) be developed as part of a system  
12 of assessments providing data (including  
13 individual student achievement data and  
14 individual student growth data), that shall  
15 be used to improve teaching, learning, and  
16 program outcomes;

17 “(iv) be used in determining the per-  
18 formance of each local educational agency  
19 and school in the State in accordance with  
20 the State’s accountability system under  
21 subsection (c);

22 “(v) provide an accurate measure of—

23 “(I) student achievement at all  
24 levels of student performance; and

25 “(II) student academic growth;

1           “(vi) allow for complex demonstra-  
2           tions or applications of knowledge and  
3           skills including the ability to think criti-  
4           cally, solve problems, and communicate ef-  
5           fectively;

6           “(vii) be accessible for all students, in-  
7           cluding students with disabilities and  
8           English learners, by—

9                   “(I) incorporating principles of  
10                   universal design as defined by section  
11                   3(a) of the Assistive Technology Act  
12                   of 1998 (29 U.S.C. 3002(a)); and

13                   “(II) being interoperable when  
14                   using any digital assessment, such as  
15                   computer-based and online assess-  
16                   ments;

17           “(viii) provide for accommodations,  
18           including for computer-based and online  
19           assessments, for students with disabilities  
20           and English learners to provide a valid and  
21           reliable measure of such students’ achieve-  
22           ment;

23           “(ix) produce individual student inter-  
24           pretive, descriptive, and diagnostic reports  
25           that allow parents, teachers, and school

1 leaders to understand and address the spe-  
2 cific academic needs of students, and in-  
3 clude information regarding achievement  
4 on academic assessments, and that are  
5 provided to parents, teachers, and school  
6 leaders, as soon as is practicable after the  
7 assessment is given, in an understandable  
8 and uniform format, and to the extent  
9 practicable, in a language that parents can  
10 understand; and

11 “(x) may be partially delivered in the  
12 form of portfolios, projects, or extended  
13 performance tasks as long as such assess-  
14 ments meet the requirements of this sub-  
15 section.

16 “(C) ADMINISTRATION.—Such assessments  
17 shall—

18 “(i) be administered to all students,  
19 including all subgroups described in sub-  
20 section (c)(3)(A), in the same grade level  
21 for each content area assessed, except as  
22 provided under subparagraph (E),  
23 through—

24 “(I) a single summative assess-  
25 ment each school year; or



1                   “(II) multiple statewide assess-  
2                   ments over the course of the school  
3                   year that result in a single summative  
4                   score that provides valid, reliable, and  
5                   transparent information on student  
6                   achievement for each tested content  
7                   area in each grade level;

8                   “(ii) for English language arts and  
9                   math—

10                   “(I) be administered annually, at  
11                   a minimum, for students in grade 3  
12                   through grade 8; and

13                   “(II) be administered at least  
14                   once, but not earlier than 11th grade  
15                   for students in grades 9 through  
16                   grade 12; and

17                   “(iii) for science, be administered at  
18                   least once during grades 3 through 5,  
19                   grades 6 through 8, and grades 9 through  
20                   12.

21                   “(D) NATIVE LANGUAGE ASSESSMENTS.—

22                   Each State educational agency with at least  
23                   10,000 English learners, at least 25 percent of  
24                   which speak the same language that is not  
25                   English, shall adopt and implement native lan-

1           guage assessments for that language consistent  
2           with State law. Such assessments shall be for  
3           students—

4                   “(i) for whom the academic assess-  
5                   ment in the student’s native language  
6                   would likely yield more accurate and reli-  
7                   able information about such student’s con-  
8                   tent knowledge;

9                   “(ii) who are literate in the native lan-  
10                  guage and have received formal education  
11                  in such language; or

12                  “(iii) who are enrolled in a bilingual  
13                  or dual language program and the native  
14                  language assessment is consistent with  
15                  such program’s language of instruction.

16                  “(E) ALTERNATE ASSESSMENTS FOR STU-  
17                  DENTS WITH THE MOST SIGNIFICANT COG-  
18                  NITIVE DISABILITIES.—In the case of a State  
19                  educational agency that adopts alternate  
20                  achievement standards for students with the  
21                  most significant cognitive disabilities described  
22                  in paragraph (4)(D), the State shall adopt and  
23                  implement high-quality statewide alternate as-  
24                  sessments aligned to such alternate achievement  
25                  standards that meet the requirements of sub-

1 paragraphs (B) and (C), so long as the State  
2 ensures that in the State the total number of  
3 students in each grade level assessed in each  
4 subject does not exceed the cap established  
5 under subsection (c)(3)(E)(iii)(II).

6 “(F) ENGLISH LANGUAGE PROFICIENCY  
7 ASSESSMENTS.—Each State educational agency  
8 shall adopt and implement statewide English  
9 language proficiency assessments that—

10 “(i) are administered annually and  
11 aligned with the State’s English language  
12 proficiency standards and academic con-  
13 tent standards;

14 “(ii) are accessible, valid, and reliable;

15 “(iii) measure proficiency in reading,  
16 listening, speaking, and writing in English  
17 both individually and collectively;

18 “(iv) assess progress and growth on  
19 language and content acquisition; and

20 “(v) allow for the local educational  
21 agency to retest a student in the individual  
22 domain areas that the student did not  
23 pass, unless the student is newly entering  
24 a school in the State, or is in the third,  
25 fifth, or eighth grades.

1           “(G) SPECIAL RULE WITH RESPECT TO  
2 BUREAU FUNDED SCHOOLS.—In determining  
3 the assessments to be used by each school oper-  
4 ated or funded by the Department of the Inte-  
5 rior’s Bureau of Indian Education receiving  
6 funds under this part, the following shall apply:

7           “(i) Each such school that is accred-  
8 ited by the State in which it is operating  
9 shall use the assessments the State has de-  
10 veloped and implemented to meet the re-  
11 quirements of this section, or such other  
12 appropriate assessment as approved by the  
13 Secretary of the Interior.

14           “(ii) Each such school that is accred-  
15 ited by a regional accrediting organization  
16 shall adopt an appropriate assessment, in  
17 consultation with and with the approval of,  
18 the Secretary of the Interior and consistent  
19 with assessments adopted by other schools  
20 in the same State or region, that meets the  
21 requirements of this section.

22           “(iii) Each such school that is accred-  
23 ited by a tribal accrediting agency or tribal  
24 division of education shall use an assess-  
25 ment developed by such agency or division,

1           except that the Secretary of the Interior  
2           shall ensure that such assessment meets  
3           the requirements of this section.

4           “(H) ASSURANCE.—Each State plan shall  
5           include an assurance that the State educational  
6           agency will take steps to ensure that the State  
7           assessment system, which includes all statewide  
8           assessments and local assessments is coordi-  
9           nated and streamlined to eliminate duplication  
10          of assessment purposes, practices, and use.

11          “(I) ACCOMMODATIONS.—Each State plan  
12          shall—

13                 “(i) describe the accommodations for  
14                 English learners and students with disabil-  
15                 ities on the assessments used by the State  
16                 which may include accommodations such  
17                 as text-to-speech technology or read aloud,  
18                 braille, large print, calculator, speech-to-  
19                 text technology or scribe, extended time,  
20                 and frequent breaks;

21                 “(ii) include evidence of the effective-  
22                 ness of such accommodations in maintain-  
23                 ing valid results for the appropriate popu-  
24                 lation; and

1                   “(iii) include evidence that such ac-  
2                   commodations do not change the construct  
3                   intended to be measured by the assessment  
4                   or the meaning of the resulting scores.

5                   “(J) ADAPTIVE ASSESSMENTS.—In the  
6                   case of a State educational agency that develops  
7                   and administers computer adaptive assess-  
8                   ments, such assessments shall meet the require-  
9                   ments of this paragraph, and must measure, at  
10                  a minimum, each student’s academic proficiency  
11                  against the State’s content standards as de-  
12                  scribed in paragraph (2) for the grade in which  
13                  the student is enrolled.

14                  “(4) COLLEGE AND CAREER READY ACHIEVE-  
15                  MENT AND GROWTH STANDARDS.—

16                  “(A) IN GENERAL.—Each State plan shall  
17                  demonstrate that the State will adopt and im-  
18                  plement college and career ready achievement  
19                  standards in English language arts, math, and  
20                  science by the 2015–2016 school year that com-  
21                  ply with this paragraph.

22                  “(B) ELEMENTS.—Such academic achieve-  
23                  ment standards shall establish at a minimum, 3  
24                  levels of student achievement that describe how  
25                  well a student is demonstrating proficiency in

1 the State’s academic content standards that dif-  
2 ferentiate levels of performance to—

3 “(i) describe 2 levels of high achieve-  
4 ment (on-target and advanced) that indi-  
5 cate, at a minimum, that a student is pro-  
6 ficient in the academic content standards  
7 under paragraph (2) as measured by the  
8 performance on assessments under para-  
9 graph (3); and

10 “(ii) describe a third level of achieve-  
11 ment (catch-up) that provides information  
12 about the progress of a student toward be-  
13 coming proficient in the academic content  
14 standards under paragraph (2) as meas-  
15 ured by the performance on assessments  
16 under paragraph (3).

17 “(C) VERTICAL ALIGNMENT.—Such  
18 achievement standards are vertically aligned to  
19 ensure a student who achieves at the on-target  
20 or advanced levels under subparagraph (B)(i)  
21 signifies that student is on-track to graduate  
22 prepared for—

23 “(i) placement in credit-bearing, non-  
24 remedial courses at the 2- and 4-year pub-

1           lic institutions of higher education in the  
2           State; and

3                   “(ii) success on relevant State career  
4                   and technical education standards.

5                   “(D) ALTERNATE ACHIEVEMENT STAND-  
6           ARDS.—If a State educational agency adopts al-  
7           ternate achievement standards for students with  
8           the most significant cognitive disabilities, such  
9           academic achievement standards shall establish,  
10          at a minimum, 3 levels of student achievement  
11          that describe how well a student is dem-  
12          onstrating proficiency in the State’s academic  
13          content standards that—

14                   “(i) are aligned to the State’s college  
15                   and career ready content standards under  
16                   paragraph (2);

17                   “(ii) are vertically aligned to ensure  
18                   that a student who achieves at the on-tar-  
19                   get or advanced level under clause (v)(I)  
20                   signifies that the student is on-track to ac-  
21                   cess a postsecondary education or competi-  
22                   tive integrated employment;

23                   “(ii) reflect concepts and skills that  
24                   students should know and understand for  
25                   each grade;



1                   “(iv) are supported by evidence-based  
2                   learning progressions to age and grade-  
3                   level performance; and

4                   “(v) establish, at a minimum—

5                   “(I) 2 levels of high achievement  
6                   (on-target and advanced) that indi-  
7                   cate, at a minimum, that a student  
8                   with the most significant cognitive  
9                   disabilities is proficient in the aca-  
10                  demic content standards under para-  
11                  graph (2) as measured by the per-  
12                  formance on assessments under para-  
13                  graph (3)(E); and

14                  “(II) a third level of achievement  
15                  (catch-up) that provides information  
16                  about the progress of a student with  
17                  the most significant cognitive disabili-  
18                  ties toward becoming proficient in the  
19                  academic content standards under  
20                  paragraph (2) as measured by the  
21                  performance on assessments under  
22                  paragraph (3)(E).

23                  “(E) STUDENT GROWTH STANDARDS.—

24                  Each State plan shall demonstrate that the  
25                  State will adopt and implement student growth

1 standards for students in the assessed grades  
2 that comply with this subparagraph, as follows:

3 “(i) ON-TARGET AND ADVANCED LEV-  
4 ELS.—For a student who is achieving at  
5 the on-target or advanced level of achieve-  
6 ment, the student growth standard is not  
7 less than the rate of academic growth nec-  
8 essary for the student to remain at that  
9 level of student achievement for not less  
10 than 3 years.

11 “(ii) CATCH-UP LEVEL.—For a stu-  
12 dent who is achieving at the catch-up level  
13 of achievement, the student growth stand-  
14 ard is not less than the rate of academic  
15 growth necessary for the student to achieve  
16 an on-target level of achievement within 3  
17 or 4 years, as determined by the State.

18 “(F) PROHIBITION.—A State may not es-  
19 tablish alternate or modified achievement stand-  
20 ards for any subgroup of students, except as  
21 provided under subparagraph (D).

22 “(5) RULE OF CONSTRUCTION.—Nothing in  
23 paragraph (3) shall be construed to prescribe the  
24 use of the academic assessments established pursu-

1           ant to such paragraph for student promotion or  
2           graduation purposes.

3           “(c) ACCOUNTABILITY AND SCHOOL IMPROVEMENT  
4 SYSTEM.—The State plan shall demonstrate that not later  
5 than the 2016 – 2017 school year, the State educational  
6 agency, in consultation with representatives of local edu-  
7 cational agencies, teachers, school leaders, parents, com-  
8 munity organizations, communities representing under-  
9 served populations and Indian tribes, has developed a sin-  
10 gle statewide accountability and school improvement sys-  
11 tem (in this subsection known as the ‘accountability sys-  
12 tem’) that ensures all students have the knowledge and  
13 skills to successfully enter the workforce or postsecondary  
14 education without the need for remediation by complying  
15 with this subsection as follows:

16                   “(1) ELEMENTS.—Each State accountability  
17           system shall, at a minimum—

18                           “(A) annually measure academic achieve-  
19                           ment for all students, including each subgroup  
20                           described in paragraph (3)(A), in each public  
21                           school, including each charter school, in the  
22                           State, including—

23                                   “(i) student academic achievement in  
24                                   accordance with the academic achievement  
25                                   standards described in subsection (b)(4);

1                   “(ii) student growth in accordance  
2                   with the student growth standards de-  
3                   scribed in subsection (b)(4)(E); and

4                   “(iii) graduation rates in diploma  
5                   granting schools;

6                   “(B) set clear performance and growth  
7                   targets in accordance with paragraph (2) to im-  
8                   prove the academic achievement of all students  
9                   as measured under subparagraph (A) of this  
10                  paragraph and to close achievement gaps so  
11                  that all students graduate ready for postsec-  
12                  ondary education and the workforce;

13                  “(C) establish equity indicators to diagnose  
14                  school challenges and measure school progress  
15                  within the improvement system described in  
16                  section 1116, including factors to measure, for  
17                  all students and each subgroup described in  
18                  paragraph (3)(A)—

19                  “(i) academic learning, such as—

20                         “(I) percentage of students suc-  
21                         cessfully completing rigorous  
22                         coursework that aligns with college  
23                         and career ready standards described  
24                         under subsection (b)(2) such as dual  
25                         enrollment, Advanced Placement (AP)

1 or International Baccalaureate (IB)  
2 courses;

3 “(II) percentage of students en-  
4 rolled in arts courses;

5 “(III) student success on State  
6 or local educational agency end-of  
7 course examinations; and

8 “(IV) student success on per-  
9 formance-based assessments that are  
10 valid, reliable and comparable across a  
11 local educational agency and meet the  
12 requirements of paragraph (3)(B);

13 “(ii) student engagement, such as—

14 “(I) student attendance rates;

15 “(II) student discipline data, in-  
16 cluding suspension and expulsion  
17 rates;

18 “(III) incidents of bullying and  
19 harassment; and

20 “(IV) surveys of student engage-  
21 ment and satisfaction;

22 “(iii) student advancement, such as—

23 “(I) student on-time promotion  
24 rates;

1 “(II) on-time credit accumulation  
2 rates;

3 “(III) course failure rates; and

4 “(IV) post-secondary and work-  
5 force entry rates;

6 “(iv) student health and wellness;

7 “(v) student access to instructional  
8 quality, such as—

9 “(I) number of qualified teachers  
10 and paraprofessionals;

11 “(II) number of specialized in-  
12 structional support personnel;

13 “(III) instructional personnel at-  
14 tendance, vacancies, and turnover;  
15 and

16 “(IV) rates of effective teachers  
17 and principals, as determined by the  
18 State or local educational agency;

19 “(vi) school climate and conditions for  
20 student success, such as—

21 “(I) the availability of up-to-date  
22 instructional materials, technology,  
23 and supplies;

24 “(II) measures of school safety;  
25 and

1                   “(III) the condition of school fa-  
2                   cilities; including accounting for well-  
3                   equipped instructional spaces; and

4                   “(vii) family and community engage-  
5                   ment in education;

6                   “(D) annually differentiate performance  
7                   and condition of schools based on—

8                   “(i) the achievement measured under  
9                   subparagraph (A);

10                  “(ii) whether the school meets the  
11                  performance and growth targets set under  
12                  paragraph (2); and

13                  “(iii) to a lesser extent, data on the  
14                  State-established equity indicators, as de-  
15                  scribed in subparagraph (C); and

16                  “(E) identify using the differentiation de-  
17                  scribed in subparagraph (D), for the purposes  
18                  under section 1116—

19                  “(i) high priority schools that—

20                         “(I) according to the State-estab-  
21                         lished parameters described in  
22                         1116(a)(2), have the lowest perform-  
23                         ance in the local educational agency  
24                         and the State using current and prior  
25                         year academic achievement, growth,

1 and graduation rate data as described  
2 in subparagraph (A) and data on the  
3 state-established equity indicators de-  
4 scribed in subparagraph (C); or

5 “(II) as of the date of enactment  
6 of the Student Success Act, have been  
7 identified under 1003(g); and

8 “(ii) schools in need of support that  
9 have not met one or more of the perform-  
10 ance targets set under paragraph (2) for  
11 any subgroup described in paragraph  
12 (3)(A) in the same grade level and subject,  
13 for two consecutive years; and

14 “(iii) reward schools that have—

15 “(I) the highest performance in  
16 the State for all students and student  
17 subgroups described in paragraph  
18 (3)(A); or

19 “(II) made the most progress  
20 over at least the most recent 2-year  
21 period in the State in increasing stu-  
22 dent academic achievement and grad-  
23 uation rates for all students and stu-  
24 dent subgroups described in para-  
25 graph (3)(A); and



1                   “(III) made significant progress  
2                   in overcoming school challenges identi-  
3                   fied using the State-established equity  
4                   indicators, as described in subpara-  
5                   graph (C).

6                   “(2) GOALS AND TARGETS.—

7                   “(A) IN GENERAL.—Each State edu-  
8                   cational agency shall establish goals and targets  
9                   for the State accountability and school improve-  
10                  ment system that comply with this paragraph.  
11                  Such targets shall be established separately for  
12                  all elementary school and secondary school stu-  
13                  dents, economically disadvantaged students,  
14                  students from major racial and ethnic groups,  
15                  students with disabilities, and English learners  
16                  and expect accelerated academic gains from  
17                  subgroups who are the farthest away from col-  
18                  lege and career-readiness as determined by an-  
19                  nual academic achievement measures described  
20                  in paragraph (1)(A).

21                  “(B) ACHIEVEMENT GOALS.—Each State  
22                  educational agency shall set multi-year goals  
23                  that are consistent with the academic and  
24                  growth achievement standards under subsection  
25                  (b)(4) to ensure that all students graduate pre-

1           pared to enter the workforce or postsecondary  
2           education without the need for remediation.

3           “(C) PERFORMANCE TARGETS.—Each  
4           State educational agency shall set ambitious,  
5           but achievable annual performance targets sep-  
6           arately for each subgroup of students described  
7           in paragraph (3)(A), for local educational agen-  
8           cies and schools, for each grade level and in  
9           English language arts and math that reflect the  
10          progress required for all students and each sub-  
11          group of students described in paragraph  
12          (3)(A) to meet the State-determined goals as  
13          required under subparagraph (B), as approved  
14          by the Secretary.

15          “(D) GROWTH TARGETS.—Each State edu-  
16          cational agency shall set ambitious but achiev-  
17          able growth targets that—

18                 “(i) assist the State in achieving the  
19                 academic achievement goals described in  
20                 subparagraph (B); and

21                 “(ii) include targets that ensure all  
22                 students, including subgroups of students  
23                 described in paragraph (3)(A), meet the  
24                 growth standards described in subsection  
25                 (b)(4)(E).

1                   “(E) GRADUATION RATE GOALS AND TAR-  
2                   GETS.—

3                   “(i) GRADUATION RATE GOALS.—  
4                   Each State educational agency shall set a  
5                   graduation rate goal of not less than 90  
6                   percent.

7                   “(ii) GRADUATION RATE TARGETS.—  
8                   Each State educational agency shall estab-  
9                   lish graduation rate targets which shall not  
10                  be less rigorous than the targets approved  
11                  under section 200.19 of title 34, Code of  
12                  Federal Regulations (or a successor regula-  
13                  tion).

14                  “(iii) EXTENDED-YEAR GRADUATION  
15                  RATE TARGETS.—In the case of a State  
16                  that chooses to use an extended year grad-  
17                  uation rate in the accountability and school  
18                  improvement system described under this  
19                  subsection, the State shall set extended  
20                  year graduation rate targets that are more  
21                  rigorous than the targets set under clause  
22                  (ii) and, if applicable, are not less rigorous  
23                  than the targets approved under section  
24                  200.19 of title 34, Code of Federal Regula-  
25                  tions (or a successor regulation).

1           “(3) FAIR ACCOUNTABILITY.—Each State edu-  
2           cational agency shall establish fair and appropriate  
3           policies and practices, as a component of the ac-  
4           countability system established under this sub-  
5           section, to measure school, local educational agency,  
6           and State performance under the accountability sys-  
7           tem that, at a minimum, comply with this paragraph  
8           as follows:

9           “(A) DISAGGREGATE.—Each State edu-  
10          cational agency shall disaggregate student  
11          achievement data in a manner that complies  
12          with the State’s group size requirements under  
13          subparagraph (B) for the school’s, local edu-  
14          cational agency’s, and the State’s performance  
15          on its goals and performance targets established  
16          under paragraph (2), by each content area and  
17          each grade level for which such goals and tar-  
18          gets are established, and, if applicable, by im-  
19          provement indicators described in paragraph  
20          (1)(D) for each of the following groups:

21                 “(i) All public elementary and sec-  
22                 ondary school students.

23                 “(ii) Economically disadvantaged stu-  
24                 dents.

1                   “(iii) Students from major racial and  
2 ethnic groups.

3                   “(iv) Students with disabilities.

4                   “(v) English learners.

5                   “(B) SUBGROUP SIZE.—Each State edu-  
6 cational agency shall establish group size re-  
7 quirements for performance measurement and  
8 reporting under the accountability system  
9 that—

10                   “(i) is the same for all subgroups de-  
11 scribed in subparagraph (A);

12                   “(ii) does not exceed 15 students;

13                   “(iii) yields statistically reliable infor-  
14 mation; and

15                   “(iv) does not reveal personally identi-  
16 fiable information about an individual stu-  
17 dent.

18                   “(C) PARTICIPATION.—Each State edu-  
19 cational agency shall ensure that—

20                   “(i) not less than 95 percent of the  
21 students in each subgroup described sub-  
22 paragraph (A) take the State’s assess-  
23 ments under subsection (b)(2); and

24                   “(ii) any school or local educational  
25 agency that does not comply with the re-

1           requirement described in clause (i) of this  
2           subparagraph may not be considered to  
3           have met its goals or performance targets  
4           under paragraph (2).

5           “(D) AVERAGING.—Each State educational  
6           agency may average achievement data with the  
7           year immediately preceding that school year for  
8           the purpose of determining whether schools,  
9           local educational agencies, and the State have  
10          met their performance targets under paragraph  
11          (2).

12          “(E) STUDENTS WITH THE MOST SIGNIFI-  
13          CANT COGNITIVE DISABILITIES.—

14                 “(i) IN GENERAL.—In calculating the  
15                 percentage of students scoring at the on-  
16                 target levels of achievement and the grad-  
17                 uation rate for the purpose of determining  
18                 whether schools, local educational agencies,  
19                 and the State have met their performance  
20                 targets under paragraph (2), a State shall  
21                 include all students with disabilities, even  
22                 those students with the most significant  
23                 cognitive disabilities, and—

24                         “(I) may include the on-target  
25                         and advanced scores of students with

1 the most significant cognitive disabil-  
2 ities taking alternate assessments  
3 under subsection (b)(3)(E) provided  
4 that the number and percentage of  
5 such students who score at the on-tar-  
6 get or advanced level on such alter-  
7 nate assessments at the local edu-  
8 cational agency and the State levels,  
9 respectively, does not exceed the cap  
10 established by the Secretary under  
11 clause (iii) in the grades assessed and  
12 subjects used under the accountability  
13 system established under this sub-  
14 section; and

15 “(II) may include students with  
16 the most significant cognitive disabil-  
17 ities, who are assessed using alternate  
18 assessments described in subsection  
19 (b)(3)(E) and who receive a State-de-  
20 fined standards-based alternate di-  
21 ploma aligned with alternate achieve-  
22 ment standards described in subpara-  
23 graph (4)(D) and with completion of  
24 the student’s right to a free and ap-  
25 propriate public education under the

1 Individuals with Disabilities Edu-  
2 cation Act, as graduating with a reg-  
3 ular secondary school diploma, pro-  
4 vided that the number and percentage  
5 of those students who receive a State-  
6 defined standards-based alternate di-  
7 ploma at the local educational agency  
8 and the State levels, respectively, does  
9 not exceed the cap established by the  
10 Secretary under clause (iii).

11 “(ii) STATE REQUIREMENTS.—If the  
12 number and percentage of students taking  
13 alternate assessments or receiving a State-  
14 defined standards-based alternate diploma  
15 exceeds the cap under clause (iii) at the  
16 local educational agency or State level, the  
17 State educational agency, in determining  
18 whether the local educational agency or  
19 State, respectively, has met its perform-  
20 ance targets under paragraph (2), shall—

21 “(I) include all students with the  
22 most significant cognitive disabilities;

23 “(II) count at the catch-up level  
24 of achievement or as not graduating  
25 such students who exceed the cap;



1                   “(III) include such students at  
2                   the catch-up level of achievement or  
3                   as not graduating in each applicable  
4                   subgroup at the school, local edu-  
5                   cational agency, and State level; and

6                   “(IV) ensure that parents are in-  
7                   formed of the actual academic  
8                   achievement levels and graduation sta-  
9                   tus of their children with the most  
10                  significant cognitive disabilities.

11                  “(iii) SECRETARIAL DUTIES.—The  
12                  Secretary shall establish a cap for the pur-  
13                  poses of this subparagraph which—

14                  “(I) shall be based on the most  
15                  recently available data on—

16                  “(aa) the incidence of stu-  
17                  dents with the most significant  
18                  cognitive disabilities;

19                  “(bb) the participation  
20                  rates, including by disability cat-  
21                  egory, on alternate assessments  
22                  using alternate achievement  
23                  standards pursuant to subsection  
24                  (b)(3)(E);

1                   “(cc) the percentage of stu-  
2                   dents, including by disability cat-  
3                   egory, scoring at each achieve-  
4                   ment level on such alternate as-  
5                   sessments; and

6                   “(dd) other factors the Sec-  
7                   retary deems necessary; and

8                   “(II) may not exceed 1 percent of  
9                   all students in the combined grades  
10                  assessed.

11                 “(4) TRANSITION PROVISIONS.—

12                 “(A) IN GENERAL.—The Secretary shall  
13                 take such steps as necessary to provide for the  
14                 orderly transition to the new accountability and  
15                 school improvement systems required under this  
16                 subsection from prior accountability and school  
17                 improvement systems in existence on the day  
18                 before the date of enactment of the Student  
19                 Success Act.

20                 “(B) TRANSITION.—To enable the success-  
21                 ful transition described in this paragraph, each  
22                 State educational agency receiving funds under  
23                 this part shall—

24                         “(i) administer assessments that were  
25                         in existence on the day before the date of

1 enactment of the Student Success Act and  
2 beginning not later than the 2014–2015  
3 school year, administer high-quality assess-  
4 ments described in subsection (b)(3);

5 “(ii) report student performance on  
6 the assessments described in subparagraph  
7 (I), consistent with the requirements under  
8 this title;

9 “(iii) set a new baseline for perform-  
10 ance targets, as described in paragraph  
11 (2)(C) and (2)(D), once new high-quality  
12 assessments described in subsection (b)(3)  
13 are implemented;

14 “(iv) implement the accountability  
15 and school improvement requirements of  
16 sections 1111 and 1116, except—

17 “(I) the State shall not be re-  
18 quired to identify new persistently low  
19 achieving schools or schools in need of  
20 improvement under section 1116 for 1  
21 year after high-quality assessments  
22 described in subsection (b)(3) have  
23 been implemented; and

24 “(II) shall continue to implement  
25 school improvement requirements of

1 section 1116 in persistently low  
2 achieving schools and schools in need  
3 of improvement that were identified as  
4 such in the year prior to implementa-  
5 tion of new high-quality assessments;  
6 and

7 “(v) assist local educational agencies  
8 in providing training and professional de-  
9 velopment on the implementation of new  
10 college and career ready standards and  
11 high-quality assessments.

12 “(C) END OF TRANSITION.—The transition  
13 described in this paragraph shall be completed  
14 by no later than 2 years from the date of enact-  
15 ment of the Student Success Act.

16 “(d) OTHER PROVISIONS TO SUPPORT TEACHING  
17 AND LEARNING.—Each State plan shall contain the fol-  
18 lowing:

19 “(1) DESCRIPTIONS.—A description of—

20 “(A) how the State educational agency will  
21 carry out the responsibilities of the State under  
22 section 1116;

23 “(B) a plan to identify and reduce inequi-  
24 ties in the allocation of State and local re-  
25 sources, including personnel and nonpersonnel

1 resources, between schools that are receiving  
2 funds under this title and schools that are not  
3 receiving such funds under this title, consistent  
4 with the requirements in section 1120A, includ-  
5 ing—

6 “(i) a description of how the State  
7 will support local educational agencies in  
8 meeting the requirements of section  
9 1120A; and

10 “(ii) a description of how the State  
11 will support local educational agencies to  
12 align plans under subparagraph (A), ef-  
13 forts to improve educator supports and  
14 working conditions described in section  
15 2112(b)(3), and efforts to improve the eq-  
16 uitable distribution of teachers and prin-  
17 cipals described in section 2112(b)(5), with  
18 efforts to improve the equitable allocation  
19 of resources as described in this sub-  
20 section;

21 “(C) how the State educational agency will  
22 ensure that the results of the State assessments  
23 described in subsection (b)(3) and the school  
24 identifications described in subsection (c)(1), re-  
25 spectively, will be provided to local educational

1 agencies, schools, teachers, and parents prompt-  
2 ly, but not later than before the beginning of  
3 the school year following the school year in  
4 which such assessments, other indicators, or  
5 evaluations are taken or completed, and in a  
6 manner that is clear and easy to understand;

7 “(D) how the State educational agency will  
8 meet the diverse learning needs of students  
9 by—

10 “(i) identifying and addressing State-  
11 level barriers to implementation of uni-  
12 versal design for learning, as described in  
13 section 5429(b)(21), and multi-tier system  
14 of supports; and

15 “(ii) developing and making available  
16 to local educational agencies technical as-  
17 sistance for implementing universal design  
18 for learning, as described in section  
19 5429(b)(21), and multi-tier system of sup-  
20 ports;

21 “(E) for a State educational agency that  
22 adopts alternate achievement standards for stu-  
23 dents with the most significant cognitive dis-  
24 abilities under subsection (b)(4)(D)—

1                   “(i) the clear and appropriate guide-  
2                   lines for individualized education program  
3                   teams to apply in determining when a stu-  
4                   dent’s significant cognitive disability justi-  
5                   fies alternate assessment based on alter-  
6                   nate achievement standards, which shall  
7                   include guidelines to ensure—

8                   “(I) students with the most sig-  
9                   nificant cognitive disabilities have ac-  
10                  cess to the general education cur-  
11                  riculum for the grade in which the  
12                  student is enrolled;

13                  “(II) participation in an alternate  
14                  assessment does not influence a stu-  
15                  dent’s placement in the least restric-  
16                  tive environment;

17                  “(III) determinations are made  
18                  separately for each subject and are re-  
19                  determined each year during the an-  
20                  nual individualized education program  
21                  team meeting;

22                  “(IV) the student’s mode of com-  
23                  munication has been identified and  
24                  accommodated to the extent possible;  
25                  and

1                   “(V) parents of such students  
2                   give informed consent that—

3                   “(aa) their child’s achieve-  
4                   ment be based on alternate  
5                   achievement standards; and

6                   “(bb) if applicable, that par-  
7                   ticipation in such assessments  
8                   precludes the student from com-  
9                   pleting the requirements for a  
10                  regular secondary school diploma;  
11                  and

12                  “(ii) the procedures the State edu-  
13                  cational agency will use to ensure and  
14                  monitor that individualized education pro-  
15                  gram teams implement the requirements of  
16                  clause (i); and

17                  “(iii) the plan to disseminate informa-  
18                  tion on and promote use of appropriate ac-  
19                  commodations to increase the number of  
20                  students with the most significant cog-  
21                  nitive disabilities who are assessed using  
22                  achievement standards described in sub-  
23                  paragraphs (B) and (C) of subsection  
24                  (b)(4);



1                   “(F) how the State educational agency will  
2 meet the needs of English learners, including—

3                   “(i) the method for identifying an  
4 English learner that shall be used by all  
5 local educational agencies in the State;

6                   “(ii) the entrance and exit require-  
7 ments for students enrolled in limited  
8 English proficient classes, which shall—

9                   “(I) be based on rigorous English  
10 language standards; and

11                   “(II) prepare such students to  
12 successfully complete the State’s as-  
13 sessments; and

14                   “(iii) timelines and targets for moving  
15 students from the lowest levels of English  
16 language proficiency to the State-defined  
17 English proficient level, including an assur-  
18 ance that—

19                   “(I) such targets will be based on  
20 student’s initial language proficiency  
21 level when first identified as limited  
22 English proficient and grade; and

23                   “(II) such timelines will ensure  
24 students achieve English proficiency  
25 by 18 years of age, unless the State

1                   has obtained prior approval by the  
2                   Secretary;

3                   “(G) how the State educational agency will  
4 assist local educational agencies in improving  
5 instruction in all core academic subjects;

6                   “(H) how the State educational agency will  
7 develop and improve the capacity of local edu-  
8 cational agencies to use technology to improve  
9 instruction; and

10                  “(I) how any State educational agency  
11 with a charter school law will support high-  
12 quality public charter schools that receive funds  
13 under this title by—

14                   “(i) ensuring the quality of the au-  
15 thorized public chartering agencies in the  
16 State by establishing—

17                   “(I) a system of periodic evalua-  
18 tion and certification of public char-  
19 tering agencies using nationally-recog-  
20 nized professional standards; or

21                   “(II) a statewide, independent  
22 chartering agency that meets nation-  
23 ally-recognized professional standards;

1                   “(ii) including in the procedure estab-  
2                   lished pursuant to clause (i) requirements  
3                   for—

4                   “(I) the annual filing and public  
5                   reporting of independently audited fi-  
6                   nancial statements including disclo-  
7                   sure of amount and duration of any  
8                   nonpublic financial and in-kind con-  
9                   tributions of support, by each public  
10                  chartering agency, for each school au-  
11                  thorized by such agency, and by each  
12                  local educational agency and the  
13                  State;

14                  “(II) the adoption and enforce-  
15                  ment of school employee compensation  
16                  and conflict of interest guidelines for  
17                  all schools authorized, which shall in-  
18                  clude disclosure of executive pay and  
19                  affiliated parties with financial inter-  
20                  est in the management operations, or  
21                  contractual obligations of the school;

22                  “(III) a legally binding charter or  
23                  performance contract between each  
24                  charter school and the school’s au-

1                   thorized public chartering agency  
2                   that—

3                   “(aa) describes the rights,  
4                   duties, and remedies of the  
5                   school and the public chartering  
6                   agency; and

7                   “(bb) bases charter renewal  
8                   and revocation decisions on an  
9                   agreed-to school accountability  
10                  plan which includes financial and  
11                  organizational indicators, with  
12                  significant weight given to the  
13                  student achievement on the  
14                  achievement goals, performance  
15                  targets, and growth targets es-  
16                  tablished pursuant to subpara-  
17                  graphs (B), (C), and (D) of sub-  
18                  section (c)(2), respectively, for  
19                  each student subgroup described  
20                  in subsection (c)(3)(A), as well as

21                  “(iii) developing and implementing, in  
22                  consultation and coordination with local  
23                  educational agencies, a system of interven-  
24                  tion, revocation, or closure for charter  
25                  schools and public chartering agencies fail-

1           ing to meet the requirements and stand-  
2           ards described in clauses (i) and (ii),  
3           which, at a minimum provides for—

4                   “(I) initial and regular review, no  
5                   less than once every 3 years, of each  
6                   public chartering agency; and

7                   “(II) intervention, revocation, or  
8                   closure of any charter school identi-  
9                   fied for school improvement under  
10                  section 1116.

11           “(2) ASSURANCES.—Assurances that—

12                   “(A) the State educational agency will partici-  
13                   pate in biennial State academic assessments  
14                   of 4th, 8th, and 12th grade reading, mathe-  
15                   matics, and science under the National Assess-  
16                   ment of Educational Progress carried out under  
17                   section 303(b)(2) of the National Assessment of  
18                   Educational Progress Authorization Act, if the  
19                   Secretary pays the costs of administering such  
20                   assessments;

21                   “(B) the State educational agency will—

22                           “(i) notify local educational agencies  
23                           and the public of the content and student  
24                           academic achievement standards and aca-  
25                           demic assessments developed under this

1 section, and of the authority to operate  
2 schoolwide programs; and

3 “(ii) fulfill the State educational agen-  
4 cy’s responsibilities regarding local edu-  
5 cational agency and school improvement  
6 under section 1116;

7 “(C) the State educational agency will en-  
8 courage local educational agencies to consoli-  
9 date funds from other Federal, State, and local  
10 sources for school improvement activities under  
11 1116 and for schoolwide programs under sec-  
12 tion 1114;

13 “(D) the State educational agency has  
14 modified or eliminated State fiscal and account-  
15 ing barriers so that schools can easily consoli-  
16 date funds from other Federal, State, and local  
17 sources for schoolwide programs under section  
18 1114;

19 “(E) that State educational agency will co-  
20 ordinate data collection efforts to fulfill the re-  
21 quirements of this Act and reduce the duplica-  
22 tion of data collection to the extent practicable;

23 “(F) the State educational agency will pro-  
24 vide the least restrictive and burdensome regu-  
25 lations for local educational agencies and indi-

1 individual schools participating in a program as-  
2 sisted under this part;

3 “(G) the State educational agency will in-  
4 form local educational agencies in the State of  
5 the local educational agency’s authority—

6 “(i) to transfer funds under title VI;

7 “(ii) to obtain waivers under part D  
8 of title IX; and

9 “(iii) if the State is an Ed-Flex Part-  
10 nership State, to obtain waivers under the  
11 Education Flexibility Partnership Act of  
12 1999;

13 “(H) the State educational agency will  
14 work with other agencies, including educational  
15 service agencies or other local consortia and  
16 comprehensive centers established under the  
17 Educational Technical Assistance Act of 2002,  
18 and institutions to provide professional develop-  
19 ment and technical assistance to local edu-  
20 cational agencies and schools;

21 “(I) the State educational agency will en-  
22 sure that local educational agencies in the State  
23 comply with the requirements of subtitle B of  
24 title VII of the McKinney-Vento Homeless As-  
25 sistance Act (42 U.S.C. 1117); and

1           “(J) the State educational agency has en-  
2           gaged in timely and meaningful consultation  
3           with representatives of Indian tribes located in  
4           the State in the development of the State plan  
5           to serve local educational agencies under its ju-  
6           risdiction in order to—

7                   “(i) improve the coordination of ac-  
8                   tivities under this Act;

9                   “(ii) meet the purpose of this title;  
10                  and

11                   “(iii) meet the unique cultural, lan-  
12                   guage, and educational needs of Indian  
13                   students.

14           “(e) FAMILY ENGAGEMENT.—Each State plan shall  
15           include a plan for strengthening family engagement in  
16           education. Each such plan shall, at a minimum, include—

17                   “(1) a description of the State’s criteria and  
18                   schedule for review and approval of local educational  
19                   agency engagement policies and practices pursuant  
20                   to section 1112(e)(3);

21                   “(2) a description of the State’s system and  
22                   process for assessing local educational agency imple-  
23                   mentation of section 1118 responsibilities;

24                   “(3) a description of the State’s criteria for  
25                   identifying local educational agencies that would



1 benefit from training and support related to family  
2 engagement in education;

3 “(4) a description of the State’s statewide sys-  
4 tem of capacity-building and technical assistance for  
5 local educational agencies and schools on effectively  
6 implementing family engagement in education prac-  
7 tices and policies to increase student achievement;

8 “(5) an assurance that the State will refer to  
9 Statewide Family Engagement Centers, as described  
10 in section 5702, those local educational agencies that  
11 would benefit from training and support related to  
12 family engagement in education; and

13 “(6) a description of the relationship between  
14 the State educational agency and Statewide Family  
15 Engagement Centers, parent training and informa-  
16 tion centers, and community parent resource centers  
17 in the State established under sections 671 and 672  
18 of the Individuals with Disabilities Education Act.

19 “(f) PEER REVIEW AND SECRETARIAL APPROVAL.—

20 “(1) SECRETARIAL DUTIES.—The Secretary  
21 shall—

22 “(A) establish a peer-review process to as-  
23 sist in the review of State plans;

24 “(B) appoint individuals to the peer-review  
25 process who are representative of parents,

1 teachers, State educational agencies, local edu-  
2 cational agencies, and experts and who are fa-  
3 miliar with educational standards, assessments,  
4 accountability, the needs of low-performing  
5 schools, and other educational needs of stu-  
6 dents;

7 “(C) approve a State plan within 120 days  
8 of its submission unless the Secretary deter-  
9 mines that the plan does not meet the require-  
10 ments of this section;

11 “(D) if the Secretary determines that the  
12 State plan does not meet the requirements of  
13 this section immediately notify the State of  
14 such determination and the reasons for such de-  
15 termination;

16 “(E) not decline to approve a State’s plan  
17 before—

18 “(i) offering the State an opportunity  
19 to revise its plan;

20 “(ii) providing technical assistance in  
21 order to assist the State to meet the re-  
22 quirements of this section; and

23 “(iii) providing a hearing; and

24 “(F) have the authority to disapprove a  
25 State plan for not meeting the requirements of

1           this part, but shall not have the authority to re-  
2           quire a State, as a condition of approval of the  
3           State plan, to include in, or delete from, such  
4           plan one or more specific elements of the  
5           State’s academic content standards or to use  
6           specific academic assessment instruments or  
7           items.

8           “(2) STATE REVISIONS.—A State plan shall be  
9           revised by the State educational agency if the revi-  
10          sion is necessary to satisfy the requirements of this  
11          section.

12          “(3) PUBLIC REVIEW.—Notifications under this  
13          subsection shall be made available to the public  
14          through the website of the Department, including—

15                 “(A) State plans submitted or resubmitted  
16                 by a State;

17                 “(B) peer review comments;

18                 “(C) State plan determinations by the Sec-  
19                 retary, including approvals or disapprovals;

20                 “(D) amendments or changes to State  
21                 plans; and

22                 “(E) hearings.

23          “(g) DURATION OF THE PLAN.—

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

1           “(A) remain in effect for the duration of  
2           the State’s participation under this part or 4  
3           years, whichever is shorter; and

4           “(B) be periodically reviewed and revised  
5           as necessary by the State educational agency to  
6           reflect changes in the State’s strategies and  
7           programs under this part, including information  
8           on the progress the State has made in fulfilling  
9           the requirements of this section.

10          “(2) RENEWAL.—A State educational agency  
11          that desires to continue participation under this part  
12          shall submit a renewed plan every 4 years, including  
13          information on progress the State has made in—

14                 “(A) implementing college- and career-  
15                 ready content and achievement standards and  
16                 high-quality assessments described in paragraph  
17                 (b);

18                 “(B) meeting its goals and performance  
19                 targets described in subsection (c)(2); and

20                 “(C) improving the capacity and skills of  
21                 teachers and principals as described in section  
22                 2112.

23          “(2) ADDITIONAL INFORMATION.—If significant  
24          changes are made to a State’s plan, such as the  
25          adoption of new State academic content standards

1 and State student achievement standards, new aca-  
2 demic assessments, or new performance goals or tar-  
3 get, growth goals or targets, or graduation rate  
4 goals or targets, such information shall be submitted  
5 to the Secretary for approval.

6 “(h) FAILURE TO MEET REQUIREMENTS.—If a State  
7 fails to meet any of the requirements of this section, the  
8 Secretary may withhold funds for State administration  
9 under this part until the Secretary determines that the  
10 State has fulfilled those requirements.

11 “(i) REPORTS.—

12 “(1) ANNUAL STATE REPORT CARD.—

13 “(A) IN GENERAL.—A State that receives  
14 assistance under this part shall prepare and  
15 disseminate an annual State report card. Such  
16 dissemination shall include, at a minimum, pub-  
17 licly posting the report card on the home page  
18 of the State educational agency’s website.

19 “(B) IMPLEMENTATION.—The State report  
20 card shall be—

21 “(i) concise; and

22 “(ii) presented in an understandable  
23 and uniform format and, to the extent  
24 practicable, provided in a language that  
25 the parents can understand.

1                   “(C)    REQUIRED    INFORMATION.—The  
2                   State shall include in its annual State report  
3                   card—

4                   “(i) information, in the aggregate,  
5                   and disaggregated and cross-tabulated by  
6                   the same major groups as the decennial  
7                   census of the population, ethnicity, gender,  
8                   disability status, migrant status, English  
9                   proficiency, and status as economically dis-  
10                  advantaged,        except        that        such  
11                  disaggregation and cross-tabulation shall  
12                  not be required in a case in which the  
13                  number of students in a category is insuffi-  
14                  cient to yield statistically reliable informa-  
15                  tion or the results would reveal personally  
16                  identifiable information about an individual  
17                  student on—

18                  “(I) student achievement at each  
19                  achievement level on the State aca-  
20                  demic assessments described in sub-  
21                  section (b)(3), including the most re-  
22                  cent 2-year trend;

23                  “(II) student growth on the State  
24                  academic assessments described in

1 subsection (b)(3), including the most-  
2 recent 2-year trend;

3 “(III) the four-year adjusted co-  
4 hort rate, the extended-year gradua-  
5 tion rate (where applicable), and the  
6 graduation rate by type of diploma,  
7 including the most recent 2-year  
8 trend;

9 “(IV) the State established eq-  
10 uity indicators under subsection  
11 (c)(1)(C);

12 “(V) the percentage of students  
13 who did not take the State assess-  
14 ments; and

15 “(VI) the most recent 2-year  
16 trend in student achievement and stu-  
17 dent growth in each subject area and  
18 for each grade level, for which assess-  
19 ments under this section are required;

20 “(ii) information that provides a com-  
21 parison between the actual achievement  
22 levels and growth of each group of stu-  
23 dents described in subsection (c)(3)(A) and  
24 the performance targets and growth tar-  
25 gets in subsection (c)(2) for each such

1 group of students on each of the academic  
2 assessments and for graduation rates re-  
3 quired under this part;

4 “(iii) if a State adopts alternate  
5 achievement standards for students with  
6 the most significant cognitive disabilities,  
7 the number and percentage of students  
8 taking the alternate assessments and infor-  
9 mation on student achievement at each  
10 achievement level and student growth, by  
11 grade and subject;

12 “(iv) the number of students who are  
13 English learners, and the performance of  
14 such students, on the State’s English lan-  
15 guage proficiency assessments, including  
16 the students’ attainment of, and progress  
17 toward, higher levels of English language  
18 proficiency;

19 “(v) information on the performance  
20 of local educational agencies in the State  
21 regarding school improvement, including  
22 the number and names of each school iden-  
23 tified for school improvement under section  
24 1116 and information on the outcomes of



1 the equity indicators outlined in section  
2 1111(c)(1)(C);

3 “(vi) the professional qualifications of  
4 teachers in the State, the percentage of  
5 such teachers teaching with emergency or  
6 provisional credentials, and the percentage  
7 of classes in the State not taught by quali-  
8 fied teachers, in the aggregate and  
9 disaggregated by high-poverty compared to  
10 low-poverty schools which, for the purpose  
11 of this clause, means schools in the top  
12 quartile of poverty and the bottom quartile  
13 of poverty in the State;

14 “(vii) information on teacher effective-  
15 ness, as determined by the State, in the  
16 aggregate and disaggregated by high-pov-  
17 erty compared to low-poverty schools  
18 which, for the purpose of this clause,  
19 means schools in the top quartile of pov-  
20 erty and the bottom quartile of poverty in  
21 the State;

22 “(viii) a clear and concise description  
23 of the State’s accountability system, in-  
24 cluding a description of the criteria by  
25 which the State educational agency evalu-

1           ates school performance, and the criteria  
2           that the State educational agency has es-  
3           tablished, consistent with subsection (c), to  
4           determine the status of schools with re-  
5           spect to school improvement; and

6                   “(ix) outcomes related to quality char-  
7           ter authorizing standards as described in  
8           subsection (d)(1)(I), including, at a min-  
9           imum, annual filing as described in sub-  
10          section (d)(1)(I)(ii)(I).

11                   “(2) ANNUAL LOCAL EDUCATIONAL AGENCY  
12          REPORT CARDS.—

13                   “(A) REPORT CARDS.—A local educational  
14          agency that receives assistance under this part  
15          shall prepare and disseminate an annual local  
16          educational agency report card.

17                   “(B) MINIMUM REQUIREMENTS.—The  
18          State educational agency shall ensure that each  
19          local educational agency collects appropriate  
20          data and includes in the local educational agen-  
21          cy’s annual report the information described in  
22          paragraph (1)(C) as applied to the local edu-  
23          cational agency and each school served by the  
24          local educational agency, and—

1                   “(i) in the case of a local educational  
2                   agency—

3                   “(I) the number and percentage  
4                   of schools identified for school im-  
5                   provement under section 1116 and  
6                   how long the schools have been so  
7                   identified; and

8                   “(II) information that shows how  
9                   students served by the local edu-  
10                  cational agency achieved on the state-  
11                  wide academic assessment compared  
12                  to students in the State as a whole;

13                  “(III) per-pupil expenditures  
14                  from Federal, State, and local  
15                  sources, including personnel and non-  
16                  personnel resources, for each school in  
17                  the local educational agency, con-  
18                  sistent with the requirements under  
19                  section 1120A;

20                  “(IV) the number and percentage  
21                  of secondary school students who have  
22                  been removed from the 4-year ad-  
23                  justed cohort by leaver code, and the  
24                  number and percentage of students  
25                  from each adjusted cohort that have

1           been enrolled in high school for more  
2           than 4 years but have not graduated  
3           with a regular diploma; and

4                   “(V) information on the number  
5           of military-connected students (stu-  
6           dents who are a dependent of a mem-  
7           ber of the Armed Forces, including re-  
8           serve components thereof) served by  
9           the local educational agency and how  
10          such military-dependent students  
11          achieved on the statewide academic  
12          assessment compared to all students  
13          served by the local educational agency;  
14          and

15                   “(ii) in the case of a school—

16                           “(I) whether the school has been  
17                           identified for school improvement; and

18                                   “(II) information that shows how  
19                           the school’s students achievement on  
20                           the statewide academic assessments  
21                           and other improvement indicators  
22                           compared to students in the local edu-  
23                           cational agency and the State as a  
24                           whole.

1           “(C) OTHER INFORMATION.—A local edu-  
2           cational agency may include in its annual local  
3           educational agency report card any other appro-  
4           priate information, whether or not such infor-  
5           mation is included in the annual State report  
6           card.

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

14          “(E) PUBLIC DISSEMINATION.—The local  
15          educational agency shall publicly disseminate  
16          the report cards described in this paragraph to  
17          all schools in the school district served by the  
18          local educational agency and to all parents of  
19          students attending those schools in an acces-  
20          sible, understandable, and uniform format and,  
21          to the extent practicable, provided in a lan-  
22          guage that the parents can understand, and  
23          make the information widely available through  
24          public means, such as posting on the Internet,

1 distribution to the media, and distribution  
2 through public agencies.

3 “(3) PREEEXISTING REPORT CARDS.—A State  
4 educational agency or local educational agency that  
5 was providing public report cards on the perform-  
6 ance of students, schools, local educational agencies,  
7 or the State prior to the date of enactment of the  
8 Student Success Act may use those report cards for  
9 the purpose of this subsection, so long as any such  
10 report card is modified, as may be needed, to con-  
11 tain the information required by this subsection.

12 “(4) COST REDUCTION.—Each State edu-  
13 cational agency and local educational agency receiv-  
14 ing assistance under this part shall, wherever pos-  
15 sible, take steps to reduce data collection costs and  
16 duplication of effort by obtaining the information re-  
17 quired under this subsection through existing data  
18 collection efforts.

19 “(5) ANNUAL STATE REPORT TO THE SEC-  
20 RETARY.—Each State educational agency receiving  
21 assistance under this part shall report annually to  
22 the Secretary, and make widely available within the  
23 State—

24 “(A) information on the State’s progress in  
25 developing and implementing

1 “(i) the college and career ready  
2 standards described in subsection (b)(2);

3 “(ii) the academic assessments de-  
4 scribed in subsection (b)(3); and

5 “(iii) the accountability and school im-  
6 provement system described in subsection  
7 (c); and

8 “(B) the annual State report card under  
9 paragraph (1).

10 “(6) REPORT TO CONGRESS.—The Secretary  
11 shall transmit annually to the Committee on Edu-  
12 cation and the Workforce of the House of Rep-  
13 resentatives and the Committee on Health, Edu-  
14 cation, Labor, and Pensions of the Senate a report  
15 that provides national and State-level data on the in-  
16 formation collected under paragraph (5).

17 “(7) PARENTS RIGHT-TO-KNOW.—

18 “(A) ACHIEVEMENT INFORMATION.—At  
19 the beginning of each school year, a school that  
20 receives funds under this subpart shall provide  
21 to each individual parent—

22 “(i) information on the level of  
23 achievement and growth of the parent’s  
24 child on each of the State academic assess-  
25 ments and, as appropriate, other improve-

1                   ment indicators adopted in accordance with  
2                   this subpart; and

3                   “(ii) timely notice that the parent’s  
4                   child has been assigned, or has been  
5                   taught for four or more consecutive weeks  
6                   by, a teacher who is not qualified or has  
7                   been found to be ineffective, as determined  
8                   by the State or local educational agency.

9                   “(B) QUALIFICATIONS.—At the beginning  
10                  of each school year, a local educational agency  
11                  that receives funds under this part shall notify  
12                  the parents of each student attending any  
13                  school receiving funds under this part, informa-  
14                  tion regarding the professional qualifications of  
15                  the student’s classroom teachers, including, at a  
16                  minimum, the following:

17                  “(i) Whether the teacher has met  
18                  State qualification and licensing criteria  
19                  for the grade levels and subject areas in  
20                  which the teacher provides instruction.

21                  “(ii) Whether the teacher is teaching  
22                  under emergency or other provisional sta-  
23                  tus through which State qualification or li-  
24                  censing criteria have been waived.



1                   “(iii) Whether the teacher is currently  
2                   enrolled in an alternative certification pro-  
3                   gram.

4                   “(iv) Whether the child is provided  
5                   services by paraprofessionals or specialized  
6                   instructional support personnel and, if so,  
7                   their qualifications.

8                   “(C) FORMAT.—The notice and informa-  
9                   tion provided to parents under this paragraph  
10                  shall be in an understandable and uniform for-  
11                  mat and, to the extent practicable, provided in  
12                  a language that the parents can understand.

13                  “(j) PRIVACY.—Information collected under this sec-  
14                  tion shall be collected and disseminated in a manner that  
15                  protects the privacy of individuals.

16                  “(k) TECHNICAL ASSISTANCE.—The Secretary shall  
17                  provide a State educational agency, at the State edu-  
18                  cational agency’s request, technical assistance in meeting  
19                  the requirements of this section, including the provision  
20                  of advice by experts in the development of college and ca-  
21                  reer ready standards, high-quality academic assessments,  
22                  and goals and targets that are valid and reliable, and other  
23                  relevant areas.

24                  “(l) VOLUNTARY PARTNERSHIPS.—A State may  
25                  enter into a voluntary partnership with another State to

1 develop and implement the academic assessments and  
2 standards required under this section.

3 “(m) DEFINITIONS.—In this section:

4 “(1) ADJUSTED COHORT; EXTENDED-YEAR; EN-  
5 TERING COHORT; TRANSFERRED INTO; TRANS-  
6 FERRED OUT.—

7 “(A) ADJUSTED COHORT.—Subject to sub-  
8 paragraph (D)(ii) through (G), the term ‘ad-  
9 justed cohort’ means the difference of—

10 “(i) the sum of—

11 “(I) the entering cohort; plus

12 “(II) any students that trans-  
13 ferred into the cohort in any of grades  
14 9 through 12; minus

15 “(ii) any students that are removed  
16 from the cohort as described in subpara-  
17 graph (E).

18 “(B) EXTENDED YEAR.—The term ‘ex-  
19 tended year’ when used with respect to a grad-  
20 uation rate, means the fifth or sixth year after  
21 the school year in which the entering cohort, as  
22 described in subparagraph (C), is established  
23 for the purpose of calculating the adjusted co-  
24 hort.

1           “(C) ENTERING COHORT.—The term ‘en-  
2           tering cohort’ means the number of first-time  
3           9th graders enrolled in a secondary school 1  
4           month after the start of the secondary school’s  
5           academic year.

6           “(D) TRANSFERRED INTO.—The term  
7           ‘transferred into’ when used with respect to a  
8           secondary school student, means a student  
9           who—

10                   “(i) was a first-time 9th grader dur-  
11                   ing the same school year as the entering  
12                   cohort; and

13                   “(ii) enrolls after the entering cohort  
14                   is calculated as described in subparagraph  
15                   (B).

16           “(E) TRANSFERRED OUT.—

17                   “(i) IN GENERAL.—The term ‘trans-  
18                   ferred out’ when used with respect to a  
19                   secondary school student, means a student  
20                   who the secondary school or local edu-  
21                   cational agency has confirmed has trans-  
22                   ferred to another—

23                           “(I) school from which the stu-  
24                           dent is expected to receive a regular  
25                           secondary school diploma; or

1                   “(II) educational program from  
2                   which the student is expected to re-  
3                   ceive a regular secondary school di-  
4                   ploma.

5                   “(ii) CONFIRMATION REQUIRE-  
6                   MENTS.—

7                   “(I) DOCUMENTATION RE-  
8                   QUIRED.—The confirmation of a stu-  
9                   dent’s transfer to another school or  
10                  educational program described in  
11                  clause (i) requires documentation  
12                  from the receiving school or program  
13                  that the student enrolled in the receiv-  
14                  ing school or program.

15                  “(II) LACK OF CONFIRMATION.—  
16                  A student who was enrolled, but for  
17                  whom there is no confirmation of the  
18                  student having transferred out, shall  
19                  remain in the cohort as a non-grad-  
20                  uate for reporting and accountability  
21                  purposes under this section.

22                  “(iii) PROGRAMS NOT PROVIDING  
23                  CREDIT.—A student enrolled in a GED or  
24                  other alternative educational program that  
25                  does not issue or provide credit toward the

1           issuance of a regular secondary school di-  
2           ploma shall not be considered transferred  
3           out.

4           “(F) COHORT REMOVAL.—To remove a  
5           student from a cohort, a school or local edu-  
6           cational agency shall require documentation to  
7           confirm that the student has transferred out,  
8           emigrated to another country, or is deceased.

9           “(G) TREATMENT OF OTHER LEAVERS  
10          AND WITHDRAWALS.—A student who was re-  
11          tained in a grade, enrolled in a GED program,  
12          aged-out of a secondary school or secondary  
13          school program, or left secondary school for any  
14          other reason, including expulsion, shall not be  
15          considered transferred out, and shall remain in  
16          the adjusted cohort.

17          “(H) SPECIAL RULE.—For those sec-  
18          ondary schools that start after grade 9, the en-  
19          tering cohort shall be calculated 1 month after  
20          the start of the secondary school’s academic  
21          year in the earliest secondary school grade at  
22          the secondary school.

23          “(2) 4-YEAR ADJUSTED COHORT GRADUATION  
24          RATE.—The term ‘4-year adjusted cohort graduation

1 rate' means the percent obtained by calculating the  
2 product of—

3 “(A) the result of—

4 “(i) the number of students who—

5 “(I) formed the adjusted cohort 4  
6 years earlier; and

7 “(II) graduate in 4 years or less  
8 with a regular secondary school di-  
9 ploma; divided by

10 “(ii) the number of students who  
11 formed the adjusted cohort for that year's  
12 graduating class 4 years earlier; multiplied  
13 by

14 “(B) 100.

15 “(3) EXTENDED-YEAR GRADUATION RATE.—

16 The term ‘extended-year graduation rate’ for a  
17 school year is defined as the percent obtained by cal-  
18 culating the product of the result of—

19 “(A) the sum of—

20 “(i) the number of students who—

21 “(I) form the adjusted cohort for  
22 that year's graduating class; and

23 “(II) graduate in an extended  
24 year with a regular secondary school  
25 diploma; or

1                   “(III) graduate before exceeding  
2                   the age for eligibility for a free appro-  
3                   priate public education (as defined in  
4                   section 602 of the Individuals with  
5                   Disabilities Education Act) under  
6                   State law; divided by

7                   “(ii) the result of—

8                   “(I) the number of students who  
9                   form the adjusted cohort for that  
10                  year’s graduating class; plus

11                  “(II) the number of students who  
12                  transferred in during the extended  
13                  year defined in paragraph (1)(B),  
14                  minus

15                  “(III) students who transferred  
16                  out, emigrated, or died during the ex-  
17                  tended year defined in paragraph  
18                  (1)(B); multiplied by

19                  “(B) 100.

20                  “(4) LEAVER CODE.—The term ‘leaver code’  
21                  means a number or series of numbers and letters as-  
22                  signed to a categorical reason for why a student left  
23                  the high school from which she or he is enrolled  
24                  without having earned a regular high school di-  
25                  ploma, except that—

1           “(A) an individual student with either a  
2           duplicative code or whom has not been assigned  
3           a leaver code shall not be removed from the co-  
4           hort assigned for the purpose of calculating the  
5           adjusted cohort graduation rate; and

6           “(B) the number of students with either a  
7           duplicative leaver code or who have not been as-  
8           signed a leaver code shall be included in report-  
9           ing requirements for the leaver code.

10          “(5) MULTI-TIER SYSTEM OF SUPPORTS.—The  
11          term ‘multi-tier system of supports’ means a com-  
12          prehensive system of differentiated supports that in-  
13          cludes evidence-based instruction, universal screen-  
14          ing, progress monitoring, formative assessment, and  
15          research-based interventions matched to student  
16          needs, and educational decision-making using stu-  
17          dent outcome data.

18          “(6) GRADUATION RATE.—The term ‘gradua-  
19          tion rate’ means a 4-year adjusted cohort graduation  
20          rate and the extended-year graduation rate.

21          “(7) REGULAR SECONDARY SCHOOL DI-  
22          PLOMA.—

23                 “(A) The term ‘regular secondary school  
24                 diploma’ means standard secondary school di-  
25                 ploma awarded to the preponderance of stu-



1           dents in the State that is fully aligned with the  
2           State’s college and career ready achievement  
3           standards as described under subsection (b)(4),  
4           or a higher diploma. Such term shall not in-  
5           clude GED’s, certificates of attendance, or any  
6           lesser diploma awards.

7           “(B) If a State adopts different paths to  
8           the regular secondary school diploma, such dif-  
9           ferent paths shall—

10                   “(i) be available to all students in the  
11                   State;

12                   “(ii) be equally rigorous in their re-  
13                   quirements; and

14                   “(iii) signify that a student is pre-  
15                   pared for college or a career without the  
16                   need for remediation.”.

17 **SEC. 104. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

18           Section 1113(c)(3) (20 U.S.C. 6313(c)(3)) is amend-  
19           ed to read as follows:

20                   “(3) RESERVATION.—

21                   “(A) IN GENERAL.—A local educational  
22                   agency shall reserve such funds as are nec-  
23                   essary under this part to provide services com-  
24                   parable to those provided to children in schools  
25                   funded under this part to serve—

1                   “(i) homeless children who are attend-  
2                   ing any public school served by the local  
3                   educational agency, including providing  
4                   educationally related support services to  
5                   children in shelters and other locations  
6                   where children may live;

7                   “(ii) children in local institutions for  
8                   neglected children;

9                   “(iii) if appropriate, children in local  
10                  institutions for delinquent children, and  
11                  neglected or delinquent children in commu-  
12                  nity day school programs; and

13                  “(iv) children in foster care (as de-  
14                  fined by section 1442(1)), including pro-  
15                  viding points of contact (as described in  
16                  section 1441(d)) in local educational  
17                  agencies for child welfare agencies and chil-  
18                  dren in foster care.

19                  “(B) RESERVATION OF FUNDS.—Notwith-  
20                  standing the requirements of subsections (b)  
21                  and (c) of section 1120A, funds reserved under  
22                  subparagraph (A) may be used to provide  
23                  homeless children and youths with services not  
24                  ordinarily provided to other students under this

1 part, including providing transportation pursu-  
2 ant to section 722(g)(1)(J)(iii) of such Act.

3 “(C) AMOUNT RESERVED.—The amount of  
4 funds reserved under subparagraph (A)(i) shall  
5 be determined by an assessment of the numbers  
6 and the needs of homeless children and youths  
7 in the local educational agency.”.

8 **SEC. 105. ACADEMIC ASSESSMENT AND LOCAL EDU-**  
9 **CATIONAL AGENCY AND SCHOOL IMPROVE-**  
10 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

11 Section 1116 (20 U.S.C. 6316) is amended to read  
12 as follows:

13 **“SEC. 1116. SCHOOL IMPROVEMENT.**

14 “(a) LOCAL REVIEW.—

15 “(1) IN GENERAL.—Each local educational  
16 agency receiving funds under this part shall—

17 “(A) use the State academic assessments,  
18 including measures of student growth and grad-  
19 uation rates, and data on the state-established  
20 equity indicators described in section  
21 1111(c)(1)(C) to review, annually, the progress  
22 of each school served under this part, and con-  
23 sistent with the parameters described in para-  
24 graph (2), to determine whether the school is—

1           “(i) meeting performance targets,  
2           growth targets, and graduation rate tar-  
3           gets established under section 1111(c)(2);  
4           and

5           “(ii) making progress to address  
6           school challenges identified using the state-  
7           established equity indicators described in  
8           section 1111(c)(1)(C);

9           “(B) based on the review conducted under  
10          subparagraph (A), determine whether a school  
11          served under this part is—

12           “(i) in need of support as described  
13           under section 1111(c)(1)(E)(ii); or

14           “(ii) a high priority school that meets  
15           the State-established parameters under  
16           paragraph (2);

17           “(C) publicize and disseminate the results  
18           of the local annual review described in subpara-  
19           graph (A) to parents, teachers, principals,  
20           schools, and the community so that the teach-  
21           ers, principals, other staff, and schools can con-  
22           tinually refine, in an instructionally useful man-  
23           ner, the program of instruction to help all chil-  
24           dren served under this part meet the college

1 and career ready achievement standards estab-  
2 lished under section 1111(b); and

3 “(D) use the equity indicators established  
4 under section 1111(c)(1)(C) to diagnose school  
5 challenges and measure school progress in car-  
6 rying out the school improvement activities  
7 under this section.

8 “(2) HIGH PRIORITY SCHOOLS.—The State  
9 educational agency shall establish parameters, con-  
10 sistent with section 1111(c)(1)(E)(i), to assist local  
11 educational agencies in identifying high priority  
12 schools within the local educational agency that—

13 “(A) for elementary schools—

14 “(i) shall use student achievement on  
15 the assessments required under section  
16 1111(b)(3), including prior year data;

17 “(ii) shall use student growth data on  
18 the assessments under section 1111(b)(3),  
19 including prior year data; and

20 “(iii) shall use, to a lesser extent than  
21 each of the parameters established in  
22 clauses (i) and (ii), data on the equity indi-  
23 cators established under section  
24 1111(c)(1)(C); and

25 “(B) for secondary schools—

1                   “(i) shall use student achievement on  
2                   the assessments required under section  
3                   1111(b)(3), including prior year data;

4                   “(ii) shall use student growth data on  
5                   the assessments under section 1111(b)(3),  
6                   including prior year data;

7                   “(iii) shall use graduation rate data,  
8                   including prior year data; and

9                   “(iv) shall use, to a lesser extent than  
10                  each of the parameters established in  
11                  clauses (i) through clause (iii), data on the  
12                  equity indicators established under section  
13                  1111(c)(1)(C); or

14                  “(v) shall include schools with 4-year  
15                  adjusted cohort graduation rates below 67  
16                  percent as high priority schools.

17                  “(b) SCHOOL IMPROVEMENT.—

18                  “(1) IN GENERAL.—Each school served under  
19                  this part determined to be a school in need of sup-  
20                  port pursuant to section 1111(c)(1)(C)(ii) or a high-  
21                  priority school pursuant to 1111(c)(1)(C)(i), shall  
22                  form a school improvement team described in para-  
23                  graph (2) to develop and implement a school im-  
24                  provement plan described in paragraph (3) to im-

1       prove educational outcomes for all students and ad-  
2       dress existing resource inequities.

3               “(2) SCHOOL IMPROVEMENT TEAM.—

4                       “(A) IN GENERAL.—Each school described  
5       in paragraph (1) shall form a school improve-  
6       ment team, which shall include school leaders,  
7       teachers, parents, community members, and  
8       specialized instructional support personnel.

9                       “(B) SCHOOLS IN NEED OF SUPPORT.—

10       Each school improvement team for a school in  
11       need of support may include an external part-  
12       ner and representatives of the local educational  
13       agency and the State educational agency.

14                      “(C) HIGH-PRIORITY SCHOOLS.—Each

15       school improvement team for a high-priority  
16       school shall include an external partner and  
17       representatives of the local educational agency  
18       and the State educational agency.

19               “(3) SCHOOL IMPROVEMENT PLAN.—

20                      “(A) IN GENERAL.—A school improvement  
21       team shall develop, implement, and make pub-  
22       licly available a school improvement plan that  
23       uses information available under the account-  
24       ability and school improvement system estab-  
25       lished under section 1111(c), data available

1 under the early warning indicator system estab-  
2 lished under subsection (c)(5), data on the im-  
3 provement indicators established under section  
4 1111(c)(1)(D), and other relevant data to iden-  
5 tify—

6 “(i) each area in which the school  
7 needs support for improvement;

8 “(ii) the type of support required;

9 “(iii) how the school plans to use com-  
10 prehensive, evidence-based strategies to ad-  
11 dress such needs;

12 “(iv) how the school will measure  
13 progress in addressing such needs using  
14 the goals and targets and improvement in-  
15 dicators established under paragraphs (2)  
16 and (1)(D) of section 1111(c), respectively,  
17 and identify which of the goals and targets  
18 are not currently being met by the school;  
19 and

20 “(v) how the school will review its  
21 progress and make adjustments and cor-  
22 rections to ensure continuous improvement.

23 “(B) PLANNING PERIOD.—The school im-  
24 provement team may use a planning period,  
25 which shall not be longer than one school year



1 to develop and prepare to implement the school  
2 improvement plan.

3 “(C) PLAN REQUIREMENTS.—Each school  
4 improvement plan shall describe the following:

5 “(i) PLANNING AND PREPARATION.—  
6 The activities during the planning period,  
7 including—

8 “(I) the preparation activities  
9 conducted to effectively implement the  
10 budgeting, staffing, curriculum, and  
11 instruction changes described in the  
12 plan; and

13 “(II) how the school improve-  
14 ment team engaged parents and com-  
15 munity organizations.

16 “(ii) TARGETS.—The performance,  
17 growth, and graduation rate targets that  
18 contributed to the school’s status as a  
19 school in need of support or high-priority  
20 school, and the school challenges identified  
21 by the school improvement indicators  
22 under section 1111(e)(1)(D).

23 “(iii) EVIDENCE-BASED, SCHOOL IM-  
24 PROVED STRATEGIES.—Evidence-  
25 based, school improvement strategies to

1 address the factors and challenges de-  
2 scribed in clause (ii), to improve instruc-  
3 tion, including in all core academic sub-  
4 jects, to improve the achievement of all  
5 students and address the needs of students  
6 identified at the catch-up level of achieve-  
7 ment.

8 “(iv) NEEDS AND CAPACITY ANAL-  
9 YSIS.—A description and analysis of the  
10 school’s ability and the resources necessary  
11 to implement the evidence-based, school  
12 improvement strategies identified under  
13 clause (iii), including an analysis of—

14 “(I) staffing resources, such as  
15 the number, experience, training level,  
16 effectiveness as determined by the  
17 State or local educational agency, re-  
18 sponsibilities, and stability of existing  
19 administrative, instructional, and non-  
20 instructional staff;

21 “(II) budget resources, including  
22 how Federal, State, and local funds  
23 are being spent for instruction and  
24 operations to determine how existing

1 resources can be aligned and used to  
2 support improvement;

3 “(III) the school curriculum;

4 “(IV) the use of time, such as  
5 the school’s schedule and use of addi-  
6 tional learning time; and

7 “(V) any additional resources  
8 and staff necessary to effectively im-  
9 plement the school improvement ac-  
10 tivities identified in the school im-  
11 provement plan.

12 “(v) IDENTIFYING ROLES.—The roles  
13 and responsibilities of the State edu-  
14 cational agency, the local educational agen-  
15 cy, the school and, if applicable, the exter-  
16 nal partner in the school improvement ac-  
17 tivities, including providing interventions,  
18 support, and resources necessary to imple-  
19 ment improvements.

20 “(vi) PLAN FOR EVALUATION.—The  
21 plan for continuous evaluation of the evi-  
22 dence-based, school improvement strate-  
23 gies, including implementation of and fidel-  
24 ity to the school improvement plan, that

1 includes at least quarterly reviews of the  
2 effectiveness of such activities.

3 “(D) ADDITIONAL REQUIREMENTS FOR  
4 HIGH-PRIORITY SCHOOLS.—For a persistently-  
5 low achieving school, the school improvement  
6 plan shall, in addition to the requirements de-  
7 scribed in subparagraph (B), describe how the  
8 school will—

9 “(i) address school-wide factors to im-  
10 prove student achievement, including—

11 “(I) establishing high expecta-  
12 tions for all students, which at a min-  
13 imum, align with the achievement  
14 standards and growth standards  
15 under section 1111(b)(4);

16 “(II) improving school climate,  
17 including student attendance and  
18 school discipline, through the use of  
19 school-wide positive behavioral sup-  
20 ports and interventions and other evi-  
21 dence based approaches to improving  
22 school climate;

23 “(III) ensuring that the staff  
24 charged with implementing the school

1 improvement plan are engaged in the  
2 plan and the school turnaround effort;  
3 “(IV) establishing clear—  
4 “(aa) benchmarks for imple-  
5 mentation of the plan; and  
6 “(bb) targets for improve-  
7 ment on the equity indicators  
8 under section 1111(c)(1)(C);  
9 “(ii) organize the school to improve  
10 teaching and learning, including through—  
11 “(I) strategic use of time, such  
12 as—  
13 “(aa) establishing common  
14 planning time for teachers and  
15 interdisciplinary teams who share  
16 common groups of students;  
17 “(bb) redesigning the school  
18 calendar year or day, such as  
19 through block scheduling, sum-  
20 mer learning programs, or in-  
21 creasing the number of hours or  
22 days, in order to create addi-  
23 tional learning time; or  
24 “(cc) creating a flexible  
25 school period to address specific

1 student academic needs and in-  
2 terests such as credit recovery,  
3 electives, enrichment activities, or  
4 service learning; and

5 “(II) alignment of resources to  
6 improvement goals, such as through  
7 ensuring that students in transition  
8 grades are taught by teachers pre-  
9 pared to meet their specific learning  
10 needs;

11 “(iii) increase teacher and school lead-  
12 er effectiveness, as determined by the State  
13 or local educational agency, including  
14 through—

15 “(I) demonstrating the principal  
16 has the skills, capacity, and record of  
17 success to significantly improve stu-  
18 dent achievement and lead a school  
19 turnaround, which may include replac-  
20 ing the principal;

21 “(II) screening all existing staff  
22 at the school, with the leadership  
23 team, through a process that ensures  
24 a rigorous and fair review of their ap-  
25 plications;

1                   “(III) improving the recruitment  
2                   and retention of qualified and effec-  
3                   tive teachers and principals, as deter-  
4                   mined by the State or local edu-  
5                   cational agency, to work in the school;

6                   “(IV) professional development  
7                   activities that respond to student and  
8                   school-wide needs aligned with the  
9                   school improvement plan, such as—

10                   “(aa) training teachers,  
11                   leaders, and administrators to-  
12                   gether with staff from schools  
13                   making achievement goals and  
14                   performance targets under the  
15                   accountability system under sec-  
16                   tion 1111(c) that serve similar  
17                   populations and in such schools;

18                   “(bb) establishing peer  
19                   learning and coaching among  
20                   teachers; or

21                   “(cc) facilitating collabora-  
22                   tion, including through profes-  
23                   sional communities across subject  
24                   area and interdisciplinary groups  
25                   and similar schools;

1                   “(V) appropriately identifying  
2 teachers for each grade and course;  
3 and

4                   “(VI) the development of effec-  
5 tive leadership structures, supports,  
6 and clear decision making processes,  
7 such as through developing distribu-  
8 tive leadership and leadership teams;

9                   “(iv) improve curriculum and instruc-  
10 tion, including through—

11                   “(I) demonstrating the relevance  
12 of the curriculum and learning for all  
13 students, including instruction in all  
14 core academic subjects, and may in-  
15 clude the use of online course-work as  
16 long as such course-work meets stand-  
17 ards of quality and best practices for  
18 online education;

19                   “(II) increasing access to rig-  
20 orous and advanced course-work, in-  
21 cluding adoption and implementation  
22 of a college- and career-ready cur-  
23 riculum, and evidence-based, engaging  
24 instructional materials aligned with  
25 such a curriculum, for all students;



1                   “(III) increasing access to  
2 contextualized learning opportunities  
3 aligned with readiness for postsec-  
4 ondary education and the workforce,  
5 such as providing—

6                   “(aa) work-based, project-  
7 based, and service-learning op-  
8 portunities; or

9                   “(bb) a high-quality, college  
10 preparatory curriculum in the  
11 context of a rigorous career and  
12 technical education core;

13                   “(IV) regularly collecting and  
14 using data to inform instruction, such  
15 as—

16                   “(aa) through use of forma-  
17 tive assessments;

18                   “(bb) creating and using  
19 common grading rubrics; or

20                   “(cc) identifying effective in-  
21 structional approaches to meet  
22 student needs; and

23                   “(V) emphasizing core skills in-  
24 struction, such as literacy, across con-  
25 tent areas;

1                   “(v) provide students with academic  
2                   and social support to address individual  
3                   student learning needs, including  
4                   through—

5                   “(I) ensuring access to services  
6                   and expertise of specialized instruc-  
7                   tional support personnel;

8                   “(II) supporting students at the  
9                   catch-up level of achievement who  
10                  need intensive intervention;

11                  “(III) increasing personalization  
12                  of the school experience through  
13                  learning structures that facilitate the  
14                  development of student and staff rela-  
15                  tionships;

16                  “(IV) offering extended-learning,  
17                  credit recovery, mentoring, or tutoring  
18                  options of sufficient scale to meet stu-  
19                  dent needs;

20                  “(V) providing evidence-based,  
21                  accelerated learning for students with  
22                  academic skill levels below grade level;

23                  “(VI) coordinating and increas-  
24                  ing access to integrated services, such

1 as providing specialized instructional  
2 support personnel;

3 “(VII) providing transitional sup-  
4 port between grade-spans, including  
5 postsecondary planning.

6 “(VIII) meeting the diverse  
7 learning needs of all students through  
8 strategies such as a multi-tier system  
9 of supports and universal design for  
10 learning, as described in section  
11 5429(b)(21); and

12 “(IX) engaging families and com-  
13 munity partners, including commu-  
14 nity-based organizations, organiza-  
15 tions representing underserved popu-  
16 lations, Indian tribes (as appropriate),  
17 organizations assisting parent involve-  
18 ment, institutions of higher education,  
19 and businesses, in school improvement  
20 activities through evidence-based  
21 strategies.

22 “(E) SUBMISSION AND APPROVAL.—The  
23 school improvement team shall submit the  
24 school improvement plan to the local edu-  
25 cational agency or the State educational agency,

1 as determined by the State educational agency  
2 based on the local educational agency's ability  
3 to effectively monitor and support the school  
4 improvement activities. Upon receiving the plan,  
5 the local educational agency or the State edu-  
6 cational agency, as appropriate, shall—

7 “(i) establish a peer review process to  
8 assist with review of the school improve-  
9 ment plan; and

10 “(ii) promptly review the plan, work  
11 with the school improvement team as nec-  
12 essary, and approve the plan if the plan  
13 meets the requirements of this paragraph.

14 “(F) REVISION OF PLAN.—A school im-  
15 provement team may revise the school improve-  
16 ment plan as additional information and data is  
17 available.

18 “(G) IMPLEMENTATION.—A school with  
19 the support and assistance of the local edu-  
20 cational agency shall implement the school im-  
21 provement plan expeditiously, but not later than  
22 the beginning of the next full school year after  
23 identification for improvement.

24 “(4) EVALUATION OF SCHOOL IMPROVE-  
25 MENT.—

1                   “(A) IN GENERAL.—

2                   “ (i) REVIEW.—The State educational  
3                   agency or local educational agency, as de-  
4                   termined by the State in accordance with  
5                   paragraph (3)(D) shall, annually, review  
6                   data with respect to each school in need of  
7                   support and each high-priority school to  
8                   set clear benchmarks for progress, to guide  
9                   adjustments and corrections, to evaluate  
10                  whether the supports and interventions  
11                  identified within the school improvement  
12                  plan are effective and the school is meeting  
13                  the targets for improvement established  
14                  under its such plan, and to specify what  
15                  actions ensue for schools not making  
16                  progress.

17                  “(ii) DATA.—In carrying out the an-  
18                  nual review under clause (i), the school,  
19                  the local educational agency, or State edu-  
20                  cational agency shall measure progress  
21                  on—

22                  “(I) student achievement, stu-  
23                  dent growth, and graduation rates  
24                  against the goals and targets estab-  
25                  lished under section 1111(c)(2); and

1                   “(II) improvement indicators as  
2                   established           under           section  
3                   1111(c)(1)(D).

4                   “(B) SCHOOLS IN NEED OF SUPPORT.—If,  
5                   after 3 years of implementing its school im-  
6                   provement plan, a school in need of support  
7                   does not meet the goals and targets under sec-  
8                   tion 1111(c)(2) that were identified under the  
9                   school improvement plan as not being met by  
10                  the school and the improvement indicators es-  
11                  tablished under section 1111(c)(1)(D), then—

12                  “(i) the local educational agency shall  
13                  evaluate school performance and other  
14                  data, and provide intensive assistance to  
15                  that school in order to improve the effec-  
16                  tiveness of the interventions; and

17                  “(ii) the State educational agency or  
18                  the local educational agency, as determined  
19                  by the State, shall determine whether the  
20                  school shall partner with an external part-  
21                  ner—

22                  “(I) to revise the school improve-  
23                  ment plan; and

24                  “(II) to improve, and as appro-  
25                  priate, revise, school improvement

1 strategies that meet the requirements  
2 of paragraph (3)(B)(iii).

3 “(C) HIGH-PRIORITY SCHOOLS.—If, after  
4 3 years of implementing its school improvement  
5 plan, a high-priority school does not dem-  
6 onstrate progress on the goals and targets  
7 under section 1111(c)(2) that were identified  
8 under the school improvement plan as not being  
9 met by the school or the equity indicators estab-  
10 lished under section 1111(c)(1)(C), then—

11 “(i) the local educational agency, in  
12 collaboration with the State educational  
13 agency, shall determine actionable next  
14 steps which may include school closure, re-  
15 placement, or State take-over of such  
16 school, shall provide all students enrolled  
17 with new high-quality educational options;

18 “(ii) the local educational agency, and  
19 as appropriate the State educational agen-  
20 cy, shall develop and implement a plan to  
21 assist with any resulting transition of the  
22 school under clause (i) that—

23 “(I) is developed in consultation  
24 with parents and the community;

1                   “(II) addresses the needs of the  
2                   students at the school by considering  
3                   strategies such as—

4                               “(aa) opening a new school;

5                               “(bb) graduating out cur-  
6                   rent students and closing the  
7                   school in stages; and

8                               “(cc) enrolling the students  
9                   who attended the school in other  
10                  schools in the local educational  
11                  agency that are higher achieving,  
12                  provided the other schools are  
13                  within reasonable proximity to  
14                  the closed school and ensures re-  
15                  ceiving schools have the capacity  
16                  to enroll incoming students; and

17                              “(III) provides information about  
18                  high-quality educational options and  
19                  transition and support services to stu-  
20                  dents who attended that school and  
21                  their parents.

22                              “(D) PERSISTENTLY LOW ACHIEVING  
23                  SCHOOL.—If, after 5 years of implementing its  
24                  school improvement plan, a persistently low  
25                  achieving school does not demonstrate progress



1           on the goals and targets under section  
2           1111(c)(2) that were identified under the school  
3           improvement plan, then the local educational  
4           agency, in collaboration with the State edu-  
5           cational agency, shall determine actionable next  
6           steps, which may include school closure, re-  
7           placement, or State take-over of such school,  
8           and shall provide all students with enrolled new  
9           high-quality educational options, as described in  
10          subparagraph (C).

11          “(c) LOCAL EDUCATIONAL AGENCY RESPONSIBIL-  
12       ITIES.—A local educational agency served by this part, in  
13       supporting the schools identified as a school in need of  
14       support or a high-priority school served by the agency,  
15       shall—

16               “(1) address resource inequities to improve stu-  
17       dent achievement by—

18                       “(A) targeting resources and support to  
19                       those schools identified as high priority or as in  
20                       need of support, including additional resources  
21                       and staff necessary to implement the school im-  
22                       provement plan, as described in subsection  
23                       (b)(3)(C)(iv)(V), and

1           “(B) ensuring the local educational agency  
2           budget calendar is aligned with school staff and  
3           budgeting needs;

4           “(2) address local educational agency-wide fac-  
5           tors to improve student achievement by—

6           “(A) supporting the use of data to improve  
7           teaching and learning through—

8           “(i) improving longitudinal data sys-  
9           tems;

10           “(ii) regularly analyzing and dissemi-  
11           nating usable data to educators, parents,  
12           and students;

13           “(iii) building the data and assess-  
14           ment literacy of teachers and principals;  
15           and

16           “(iv) evaluating at kindergarten entry  
17           the kindergarten readiness of children and  
18           addressing the educational and develop-  
19           ment needs determined by such evaluation;

20           “(B) addressing school transition needs of  
21           the local educational agency by—

22           “(i) using kindergarten readiness data  
23           to consider improving access to high-qual-  
24           ity early education opportunities; and

1                   “(ii) providing targeted research-  
2                   based interventions to middle schools that  
3                   feed into high schools identified for school  
4                   improvement under this section;

5                   “(C) supporting human capital systems  
6                   that ensure there is a sufficient pool of quali-  
7                   fied and effective teachers and school leaders,  
8                   as determined by the State or local educational  
9                   agency, to work in schools served by the local  
10                  educational agency;

11                  “(D) developing support for school im-  
12                  provement plans among key stakeholders such  
13                  as parents and families, community groups rep-  
14                  resenting underserved populations, Indian tribes  
15                  (as appropriate), educators, and teachers;

16                  “(E) carrying out administrative duties  
17                  under this section, including evaluation for  
18                  school improvement and technical assistance for  
19                  schools; and

20                  “(F) coordinating activities under this sec-  
21                  tion with other relevant State and local agen-  
22                  cies, as appropriate;

23                  “(3) supporting professional development activi-  
24                  ties for teachers, school leaders, and specialized in-

1 instructional support personnel aligned to school im-  
2 provement activities;

3 “(4) address curriculum and instruction factors  
4 to improve student achievement by—

5 “(A) ensuring curriculum alignment with  
6 the State’s early learning standards and post-  
7 secondary education programs;

8 “(B) providing academically rigorous edu-  
9 cation options such as—

10 “(i) effective dropout prevention, cred-  
11 it and dropout recovery and recuperative  
12 education programs for disconnected youth  
13 and students who are not making suffi-  
14 cient progress to graduate high school in  
15 the standard number of years or who have  
16 dropped out of high school;

17 “(ii) providing students with postsec-  
18 ondary learning opportunities, such as  
19 through access to a relevant curriculum or  
20 course of study that enables a student to  
21 earn a secondary school diploma and—

22 “(I) an associate’s degree; or

23 “(II) not more than 2 years of  
24 transferable credit toward a postsec-  
25 ondary degree or credential;

1                   “(iii) integrating rigorous academic  
2                   education with career training, including  
3                   training that leads to postsecondary cre-  
4                   dentials for students;

5                   “(iv) increasing access to Advanced  
6                   Placement or International Baccalaureate  
7                   courses and examinations; or

8                   “(v) developing and utilizing innova-  
9                   tive, high quality distance learning strate-  
10                  gies to improve student academic achieve-  
11                  ment; and

12                  “(C) considering how technology can be  
13                  used to support school improvement activities;

14                  “(5) address student support factors to improve  
15                  student achievement by—

16                  “(A) establishing an early warning indi-  
17                  cator system to identify students who are at  
18                  risk of dropping out of high school and to guide  
19                  preventive and recuperative school improvement  
20                  strategies, including—

21                  “(i) identifying and analyzing the aca-  
22                  demic risk factors that most reliably pre-  
23                  dict dropouts by using longitudinal data of  
24                  past cohorts of students;

1           “(ii) identifying specific indicators of  
2           student progress and performance, such as  
3           attendance, academic performance in core  
4           courses, and credit accumulation, to guide  
5           decision making;

6           “(iii) identifying or developing a  
7           mechanism for regularly collecting and  
8           analyzing data about the impact of inter-  
9           ventions on the indicators of student  
10          progress and performance; and

11          “(iv) analyzing academic indicators to  
12          determine whether students are on track to  
13          graduate secondary school in the standard  
14          numbers of years; and

15          “(B) identifying and implementing strate-  
16          gies for pairing academic support with inte-  
17          grated student services and case-managed inter-  
18          ventions for students requiring intensive sup-  
19          ports which may include partnerships with  
20          other external partners;

21          “(6) promote family outreach and engagement  
22          in school improvement activities, including those re-  
23          quired by section 1118, to improve student achieve-  
24          ment;

1           “(7) for each school identified for school im-  
2           provement, ensure the provision of technical assist-  
3           ance as the school develops and implements the  
4           school improvement plan throughout the plan’s du-  
5           ration; and

6           “(8) identify school improvement strategies that  
7           are consistently improving student outcomes and dis-  
8           seminate those strategies so that all schools can im-  
9           plement them.

10          “(d) STATE EDUCATIONAL AGENCY RESPONSIBIL-  
11          ITIES.—A State educational agency served by this part,  
12          in supporting schools identified as a school in need of sup-  
13          port or a high-priority school and the local educational  
14          agencies serving such schools, shall—

15               “(1) assess and address local capacity con-  
16               straints to ensure that its local educational agencies  
17               can meet the requirements of this section;

18               “(2) target resources and support to those  
19               schools in the State that are identified as a school  
20               in need of support or a high-priority school and to  
21               local educational agencies serving such schools, in-  
22               cluding additional resources necessary to implement  
23               the school improvement plan as described in sub-  
24               section (b)(3)(C)(iv)(V);

1           “(3) provide support and technical assistance,  
2           including assistance to school leaders, teachers, and  
3           other staff, to assist local educational agencies and  
4           schools in using data to support school equity and  
5           in addressing the equity indicators described in sec-  
6           tion 1111(c)(1)(C);

7           “(4) identify school improvement strategies that  
8           are consistently improving student outcomes and dis-  
9           seminate those strategies so that all schools can im-  
10          plement them;

11          “(5) leverage resources from other funding  
12          sources, such as school improvement funds, tech-  
13          nology funds, and professional development funds to  
14          support school improvement activities;

15          “(6) provide a statewide system of support, in-  
16          cluding regional support services, to improve teach-  
17          ing, learning, and student outcomes;

18          “(7) assist local educational agencies in devel-  
19          oping early warning indicator systems;

20          “(8) with respect to schools that will work with  
21          external partners to improve student achievement—

22                 “(A) develop and apply objective criteria to  
23                 potential external partners that are based on a  
24                 demonstrated record of effectiveness in school  
25                 improvement;



1           “(B) maintain an updated list of approved  
2 external partners across the State;

3           “(C) develop, implement, and publicly re-  
4 port on standards and techniques for moni-  
5 toring the quality and effectiveness of the serv-  
6 ices offered by approved external partners, and  
7 for withdrawing approval from external part-  
8 ners that fail to improve high-priority schools;  
9 and

10           “(D) may identify external partners as ap-  
11 proved, consistent with the requirements under  
12 paragraph (7), who agree to provide services on  
13 the basis of receiving payments only when stu-  
14 dent achievement has increased at an appro-  
15 priate level as determined by the State edu-  
16 cational agency and school improvement team  
17 under subsection (b)(2); and

18           “(9) carry out administrative duties under this  
19 section, including providing monitoring and technical  
20 assistance to local educational agencies and schools.

21           “(e) RULES OF CONSTRUCTION.—Nothing in this  
22 section shall be construed—

23           “(1) to alter or otherwise affect the rights, rem-  
24 edies, and procedures afforded school or local edu-  
25 cational agency employees under Federal, State, or

1 local laws (including applicable regulations or court  
2 orders) or under the terms of collective bargaining  
3 agreements, memoranda of understanding, or other  
4 agreements between such employees and their em-  
5 ployers;

6 “(2) to require a child to participate in an early  
7 learning program; or

8 “(3) to deny entry to kindergarten for any indi-  
9 vidual if the individual is legally eligible, as defined  
10 by State or local law.

11 “(f) DEFINITION.—In this section, the term ‘external  
12 partner’ means an entity—

13 “(1) that is an organization such as a nonprofit  
14 organization, community-based organization, local  
15 education fund, service organization, educational  
16 service agency, or institution of higher education;  
17 and

18 “(2) that has demonstrated expertise, effective-  
19 ness, and a record of success in providing evidence-  
20 based strategies and targeted support such as data  
21 analysis, professional development, or provision of  
22 nonacademic support and integrated student services  
23 to local educational agencies, schools, or students  
24 that leads to improved teaching, learning, and out-  
25 comes for students.”.

1 **SEC. 106. PARENTAL INVOLVEMENT.**

2 (a) PARENTAL INVOLVEMENT.—Section 1118 (20  
3 U.S.C. 6318) is amended—

4 (1) by redesignating subsections (a) through (h)  
5 as subsections (b) through (i), respectively; and

6 (2) by inserting before subsection (b), as redес-  
7 igned by paragraph (1), the following:

8 “(a) IN GENERAL.—Each local educational agency  
9 and each school receiving funds under this part shall de-  
10 velop policies and practices for family engagement in edu-  
11 cation that meet the following principles and standards for  
12 family-school partnerships:

13 “(1) Welcome all families to be active partici-  
14 pants in the life of the school, so that they feel val-  
15 ued and connected to each other, school staff, and  
16 student learning.

17 “(2) Communicate effectively by ensuring reg-  
18 ular two-way, meaningful communication between  
19 family members and local educational agency and  
20 school staff in a manner, language, and with tech-  
21 nology that family members can understand and ac-  
22 cess.

23 “(3) Support student success by fostering con-  
24 tinuous collaboration between family members and  
25 local educational agency and school staff to support

1 student learning and healthy student development at  
2 school and at home.

3 “(4) Speak up for every child and empower  
4 family members to be advocates for all students  
5 within the school.

6 “(5) Ensure that family members, local edu-  
7 cational agencies, and school staff are equal partners  
8 in family engagement in education decisionmaking.

9 “(6) Collaborate with community organizations  
10 and groups to turn the school into a hub of commu-  
11 nity life.

12 “(7) Create a continuum of family engagement  
13 in education in student learning and development  
14 from birth to young adulthood.

15 “(8) Train and support superintendents, prin-  
16 cipals, teachers, and specialized instructional support  
17 personnel to fully engage families in the education of  
18 their children.”.

19 (b) WRITTEN POLICY.—Section 1118(b)(2), as reded-  
20 icated by subsection (a), is amended—

21 (1) in subparagraph (C), by striking “sub-  
22 section (e)” and inserting “subsection (f)”;

23 (2) in subparagraph (E), by striking “and”  
24 after the semicolon;

1           (3) in subparagraph (F), by striking the period  
2           at the end and inserting a semicolon; and

3           (4) by adding at the end the following:

4                   “(G) participate in evaluations of the effec-  
5                   tiveness of family engagement in education  
6                   strategies and policies; and

7                   “(H) participate in developing rec-  
8                   ommendations for creating a positive school cli-  
9                   mate and safe and healthy schools.”.

10          (c) RESERVATION.—Section 1118(b)(3)(A), as reded-  
11          ignated by subsection (a), is amended to read as follows:

12                   “(A) IN GENERAL.—Each local educational  
13                   agency shall reserve not less than 2 percent of  
14                   its allocation under subpart 2 to carry out this  
15                   section, except that this subparagraph shall not  
16                   apply if 2 percent is such agency’s allocation  
17                   under subpart 2 for the fiscal year for which  
18                   the determination is made is \$10,000 or less.”.

19          (d) DISTRIBUTION.—Section 1118(b)(3)(C), as re-  
20          designated by subsection (a), is amended to read as fol-  
21          lows:

22                   “(C) DISTRIBUTION.—Not more than 20  
23                   percent of the funds reserved under subpara-  
24                   graph (A) shall be available for local edu-

1           cational agency programming and technical as-  
2           sistance to schools served under this part.”.

3           (e) RESERVED FUNDS.—Section 1118(b)(3), as re-  
4           designated by subsection (a), is amended—

5           (1) by redesignating subparagraphs (B) and (c)  
6           as subparagraphs (C) and (D), respectively; and

7           (2) by inserting after subparagraph (A) the fol-  
8           lowing:

9                   “(B) USE OF FUNDS.—Funds reserved  
10                   under subparagraph (A) may be used for the  
11                   following:

12                           “(i) Increasing capacity through es-  
13                           tablishment of a dedicated office or dedi-  
14                           cated office or dedicated personnel within  
15                           the local educational agency or at the  
16                           school level for family engagement in edu-  
17                           cation.

18                           “(ii) Supporting schools and nonprofit  
19                           organizations in providing professional de-  
20                           velopment on family engagement in edu-  
21                           cation for school staff, parent leadership  
22                           training, family literacy and numeracy pro-  
23                           grams, home visitation programs, family  
24                           volunteerism programs, and other innova-

1           tive programs that meaningfully engage  
2           families.

3           “(iii) Providing technical assistance  
4           and training to schools on the implementa-  
5           tion and assessment of family engagement  
6           in education policies and practices.

7           “(iv) Providing additional support to  
8           schools that have been identified for im-  
9           provement under section 1116(b) to assist  
10          in the implementation of family engage-  
11          ment in education programs.

12          “(v) Partnering with the Statewide  
13          Family Engagement Center and local com-  
14          munity-based organizations to identify  
15          community resources, services, and sup-  
16          ports to remove economic obstacles to fam-  
17          ily engagement in education by meeting  
18          families’ needs.

19          “(vi) Supporting schools and eligible  
20          entities in the development and implemen-  
21          tation of research-based practices and pro-  
22          grams that emphasize the importance of  
23          family engagement in academic success  
24          and positive development by addressing  
25          factors such as—

1                   “(I) successful transitions from  
2                   early learning to kindergarten through  
3                   grade 12 settings;

4                   “(II) improved understanding of  
5                   and shared responsibility for student  
6                   success;

7                   “(III) improved understanding  
8                   and use of student and school data;

9                   “(IV) open, effective communica-  
10                  tion between schools and families;

11                  “(V) early warning indicators  
12                  that a student is at risk of not grad-  
13                  uating on time;

14                  “(VI) improved understanding of  
15                  State and local accountability systems,  
16                  academic standards and student as-  
17                  sessments;

18                  “(VII) parent and community ad-  
19                  vocacy to increase parent participa-  
20                  tion;

21                  “(VIII) improved understanding  
22                  of the parents’ role in academic, so-  
23                  cial, and financial preparation for  
24                  postsecondary education, including ca-  
25                  reer and technical education.



1                   “(vii) Assisting schools in the develop-  
2                   ment, implementation, and assessment of  
3                   family engagement in education plans.

4                   “(viii) Monitoring and evaluating the  
5                   family engagement in education in edu-  
6                   cation policies and practices funded under  
7                   this section.

8                   “(ix) Supporting other activities ap-  
9                   proved in the local educational agency’s  
10                  plan for improving family engagement in  
11                  education.”.

12               (f) SCHOOL PARENTAL INVOLVEMENT POLICY.—  
13               Section 1118(c)(1), as redesignated by subsection (a), is  
14               amended in the first sentence by striking “subsections (c)  
15               through (f)” and inserting “subsections (d) through (g)”.

16               (g) SHARED RESPONSIBILITY FOR HIGH STUDENT  
17               ACHIEVEMENT.—Section 1118(e), as redesignated by sub-  
18               section (a), is amended—

19                   (1) in the matter preceding paragraph (1), by  
20                   striking “subsection (b)” and inserting “subsection  
21                   (c)”;

22                   (2) by striking paragraph (1) and inserting the  
23                   following:

24                   “(1) describe the school’s responsibility to—

1           “(A) provide high-quality curriculum and  
2 instruction in a supportive and effective learn-  
3 ing environment that enables the children  
4 served under this part to meet the State’s stu-  
5 dent academic achievement standards, and the  
6 ways in which parents and families will support  
7 their children’s learning, such as—  
8           “(i) monitoring attendance and home-  
9 work completion;  
10           “(ii) volunteering in their child’s  
11 classroom or school; and  
12           “(iii) participating, as appropriate, in  
13 decisions relating to the education of their  
14 children and positive use of extracurricular  
15 time; and  
16           “(B) engage families in the development of  
17 recommendations for student attendance, expec-  
18 tations, behavior, and school safety, including  
19 the development of reasonable disciplinary poli-  
20 cies and interventions, such as the implementa-  
21 tion of school-wide positive behavior interven-  
22 tions and supports and the phase-out of out-of-  
23 school suspension and expulsion and to address  
24 bullying and harassment; and”.

1 **SEC. 107. PARAPROFESSIONALS.**

2 Section 1119 (20 U.S.C. 6319) is amended—

3 (1) by striking subsections (e) through (g) and  
4 inserting the following:

5 “(c) PARAPROFESSIONALS.—

6 “(1) IN GENERAL.—Each local educational  
7 agency receiving assistance under this part shall en-  
8 sure that all paraprofessionals working in a program  
9 supported with funds under this part shall have—

10 “(A) completed at least 2 years of study at  
11 an institution of higher education;

12 “(B) obtained an associate’s (or higher)  
13 degree; or

14 “(C) met a rigorous standard of quality  
15 and can demonstrate, through a formal State or  
16 local academic assessment—

17 “(i) knowledge of, and the ability to  
18 assist in instructing, reading, writing, and  
19 mathematics; or

20 “(ii) knowledge of, and the ability to  
21 assist in instructing, reading readiness,  
22 writing readiness, and mathematics readi-  
23 ness, as appropriate.

24 “(2) CLARIFICATION.—The receipt of a sec-  
25 ondary school diploma (or its recognized equivalent)

1 shall be necessary but not sufficient to satisfy the  
2 requirements of paragraph (1)(C).

3 “(d) EXCEPTION FOR TRANSLATION AND PARENTAL  
4 INVOLVEMENT ACTIVITIES.—Subsection (c) shall not  
5 apply to a paraprofessional—

6 “(1) who is proficient in English and a lan-  
7 guage other than English and who provides services  
8 primarily to enhance the participation of children in  
9 programs under this part by acting as a translator;  
10 or

11 “(2) whose duties consist solely of conducting  
12 parental involvement activities consistent with sec-  
13 tion 1118.

14 “(e) GENERAL REQUIREMENT FOR ALL PARA-  
15 PROFESSIONALS.—Each local educational agency receiving  
16 assistance under this part shall ensure that all paraprofes-  
17 sionals working in a program supported with funds under  
18 this part, regardless of the paraprofessionals’ hiring date,  
19 have earned a secondary school diploma or its recognized  
20 equivalent.

21 “(f) DUTIES OF PARAPROFESSIONALS.—

22 “(1) IN GENERAL.—Each local educational  
23 agency receiving assistance under this part shall en-  
24 sure that a paraprofessional working in a program

1 supported with funds under this part is not assigned  
2 a duty inconsistent with this subsection.

3 “(2) RESPONSIBILITIES PARAPROFESSIONALS  
4 MAY BE ASSIGNED.—A paraprofessional described in  
5 paragraph (1) may be assigned—

6 “(A) to provide one-on-one tutoring for eli-  
7 gible students, if the tutoring is scheduled at a  
8 time when a student would not otherwise re-  
9 ceive instruction from a teacher;

10 “(B) to assist with classroom management,  
11 such as organizing instructional and other ma-  
12 terials;

13 “(C) to provide assistance in a computer  
14 laboratory;

15 “(D) to conduct parental involvement ac-  
16 tivities;

17 “(E) to provide support in a library or  
18 media center;

19 “(F) to act as a translator; or

20 “(G) to provide instructional services to  
21 students in accordance with paragraph (3).

22 “(3) ADDITIONAL LIMITATIONS.—A paraprofes-  
23 sional described in paragraph (1)—

24 “(A) may not provide any instructional  
25 service to a student unless the paraprofessional

1 is working under the direct supervision of a  
2 teacher consistent with section 1119; and

3 “(B) may assume limited duties that are  
4 assigned to similar personnel who are not work-  
5 ing in a program supported with funds under  
6 this part, including duties beyond classroom in-  
7 struction or that do not benefit participating  
8 children, so long as the amount of time spent  
9 on such duties is the same proportion of total  
10 work time as prevails with respect to similar  
11 personnel at the same school.”.

12 **SEC. 108. COMPARABLE ALLOCATION OF EXPENDITURES.**

13 (a) AMENDMENT.—Section 1120A(c) (20 U.S.C.  
14 6321(c)) is amended to read as follows:

15 “(c) COMPARABLE ALLOCATION OF EXPENDI-  
16 TURES.—

17 “(1) IN GENERAL.—

18 “(A) COMPARABLE FUNDING.—Not later  
19 than 5 full school years after the date of enact-  
20 ment the Student Success Act, except as pro-  
21 vided in paragraphs (5), (6), and (7), a local  
22 educational agency may receive funds under  
23 this part for a fiscal year only if, for the pre-  
24 ceding fiscal year, the combined expenditure per  
25 pupil of State and local funds, including per-

1           sonnel and nonpersonnel costs, in each school  
2           served under this part was at least comparable  
3           to the average combined expenditure per pupil  
4           of State and local funds, including personnel  
5           and nonpersonnel costs, across all schools  
6           served by the local educational agency that are  
7           not receiving funds under this part.

8           “(B) COMPARABLE FUNDING AMONG  
9           TITLE I SCHOOLS.—In any case where all of the  
10          schools served by a local educational agency re-  
11          ceive support under this part, such agency may  
12          receive funds under this part only if, for the  
13          preceding fiscal year, the combined expenditure  
14          per pupil of State and local funds in each high-  
15          er poverty school is at least comparable to the  
16          average combined expenditure per pupil of  
17          State and local funds across all lower poverty  
18          schools.

19          “(2) EQUIVALENCE.—A local educational agen-  
20          cy shall be considered to have met the requirements  
21          of paragraph (1), and to be eligible to receive funds  
22          under this part, if—

23                 “(A) such agency has filed annually with  
24                 the State educational agency a school-by-school  
25                 listing of per-pupil expenditures of State and

1 local funds, as described in paragraph (1), for  
2 each school served by the agency for the pre-  
3 ceding fiscal year; and

4 “(B) the listing described in subparagraph  
5 (A) demonstrates comparable allocation of per-  
6 pupil expenditures across schools as required by  
7 subparagraph (A) or (B) of paragraph (1).

8 “(3) BASIS.—A local educational agency may  
9 meet the requirements of paragraphs (1) or (2)  
10 across all schools or among schools serving a par-  
11 ticular grade span, if the local educational agency  
12 compares schools within not more than three grade  
13 spans.

14 “(4) REQUIREMENTS.—

15 “(A) REQUIREMENTS OF THE SEC-  
16 RETARY.—The Secretary shall issue regulations  
17 concerning the responsibilities of State edu-  
18 cational agencies and local educational agencies  
19 for meeting the requirements of this subsection.

20 “(B) REQUIREMENTS OF STATES.—Each  
21 State educational agency receiving funds under  
22 this part shall—

23 “(i) create and distribute to local edu-  
24 cational agencies, and make available to  
25 the public, regulations on the responsibil-



1           ities of local educational agencies for meet-  
2           ing the requirements of this subsection;  
3           and

4                   “(ii) submit a plan to the Secretary,  
5                   required under section 1111(d)(1)(B).

6                   “(C) REQUIREMENTS OF LOCAL EDU-  
7                   CATIONAL AGENCIES.—Not later than 18  
8                   months after the date of enactment of the Stu-  
9                   dent Success Act, each local educational agency  
10                  receiving funds under this part shall develop  
11                  and submit to the State educational agency a  
12                  plan, which shall be made available to the pub-  
13                  lic, that will ensure comparable allocation of re-  
14                  sources as described in paragraph (1) not later  
15                  than 5 full school years after the date of enact-  
16                  ment of the Student Success Act, including in-  
17                  formation on—

18                           “(i) a timeline and annual bench-  
19                           marks for making progress toward achiev-  
20                           ing comparable allocation of resources; and

21                           “(ii) how the local educational agency  
22                           is aligning school improvement efforts de-  
23                           scribed under section 1116(b) and (c), ef-  
24                           forts to improve educator supports and  
25                           working conditions described in section

1           2112(b)(3), and efforts to improve the eq-  
2           uitable distribution of teachers and prin-  
3           cipals described in section 2112(b)(5), with  
4           efforts to improve the comparable alloca-  
5           tion of resources as described in this sub-  
6           section;

7           “(5) INAPPLICABILITY.—This subsection shall  
8           not apply to a local educational agency that does not  
9           have more than one building for each grade span.

10          “(6) COMPLIANCE.—For the purpose of deter-  
11          mining compliance with paragraph (1), a local edu-  
12          cational agency—

13               “(A) shall exclude State and local funds  
14               expended for the excess costs of providing  
15               English language instruction for Limited  
16               English Proficient students as determined by  
17               the local educational agency;

18               “(B) shall exclude State and local funds  
19               expended for the excess costs of providing serv-  
20               ices to children with disabilities as determined  
21               by the local educational agency;

22               “(C) may exclude capital expenditures; and

23               “(D) may exclude supplemental State or  
24               local funds expended in any school attendance

1 area or school for programs that meet the in-  
2 tent and purpose of this part.

3 “(7) EXCLUSIONS.—A local educational agency  
4 need not include unpredictable or significant changes  
5 in student enrollment or personnel assignments that  
6 occur after the beginning of a school year in deter-  
7 mining the comparable allocation of expenditures  
8 under this subsection.

9 “(8) TRANSITIONAL COMPLIANCE.—Beginning  
10 on the date of enactment of Student Success Act,  
11 for no more than 5 full school years a local edu-  
12 cational agency shall be deemed to be in compliance  
13 with paragraph (1) and paragraph (4)(C)(i) for any  
14 school year, if the teachers hired to fill vacancies for  
15 individual schools served under this part, and for the  
16 schools not served under this part, improve the com-  
17 parable allocation of combined State and local per  
18 pupil expenditures compared to the preceding school  
19 year.

20 “(9) WAIVER.—A local educational agency may  
21 apply to the Secretary to waive the requirement of  
22 paragraph (1), for not more than 1 year at a time,  
23 if the Secretary determines that the failure to com-  
24 ply with such requirement is due to exceptional or  
25 uncontrollable circumstances, such as a natural dis-

1 aster or a precipitous and unforeseen decline in the  
2 agency's financial resources.

3 “(10) **RULE OF CONSTRUCTION.**—Nothing in  
4 this section shall be construed to alter or otherwise  
5 affect the rights, remedies, and procedures afforded  
6 school or local educational agency employees under  
7 Federal, State, or local laws (including applicable  
8 regulations or court orders) or under the terms of  
9 collective bargaining agreements, memoranda of un-  
10 derstanding, or other agreements between such em-  
11 ployees and their employers.

12 “(11) **NO FORCED TRANSFERS.**—Nothing in  
13 this subsection shall be construed to require a local  
14 educational agency to transfer school personnel in  
15 order to comply with the requirements of this sub-  
16 section.”.

17 **SEC. 109. COORDINATION REQUIREMENTS.**

18 Section 1120B (20 U.S.C. 6321(c)) is amended to  
19 read as follows:

20 **“SEC. 1120B. COORDINATION REQUIREMENTS.**

21 “(a) **IN GENERAL.**—Each local educational agency  
22 receiving assistance under this part shall—

23 “(1) coordinate, as feasible, with early child-  
24 hood programs to carry out the activities described  
25 in subsection (b); and

1           “(2) develop agreements with Head Start agen-  
2           cies to carry out the activities described in sub-  
3           section (b).

4           “(b) ACTIVITIES.—The activities referred to in sub-  
5           section (a) are activities that increase coordination be-  
6           tween the local educational agency and a Head Start agen-  
7           cy and, if feasible, other entities carrying out early child-  
8           hood development programs serving children who will at-  
9           tend the schools of the local educational agency, includ-  
10          ing—

11           “(1) developing and implementing a systematic  
12           procedure for receiving records regarding such chil-  
13           dren, transferred with parental consent from a Head  
14           Start program or, where applicable, another early  
15           childhood development program;

16           “(2) establishing channels of communication be-  
17           tween school staff and in such Head Start agencies  
18           or other entities carrying out early their counter-  
19           parts (including teachers, social workers, and health  
20           staff) childhood development programs, as appro-  
21           priate, to facilitate coordination of programs;

22           “(3) conducting meetings involving parents,  
23           kindergarten or elementary school teachers, and  
24           Head Start teachers or, if appropriate, teachers  
25           from other early childhood development programs, to

1 discuss the developmental and other needs of indi-  
2 vidual children;

3 “(4) organizing and participating in joint tran-  
4 sition-related training of school staff, Head Start  
5 program staff, and, where appropriate, other early  
6 childhood development program staff; and

7 “(5) linking the educational services provided  
8 by such local educational agency with the services  
9 provided by local Head Start agencies.

10 “(c) COORDINATION OF REGULATIONS.—The Sec-  
11 retary shall work with the Secretary of Health and Human  
12 Services to coordinate regulations promulgated under this  
13 part with regulations promulgated under the Head Start  
14 Act.”.

15 **SEC. 110. TREATMENT OF THE OUTLYING AREAS AND BU-**  
16 **REAU OF INDIAN EDUCATION SCHOOLS.**

17 (a) IN GENERAL.—Section 1121 (20 U.S.C. 6331)  
18 is amended—

19 (1) in the section heading, by striking “**THE**  
20 **OUTLYING AREAS AND**”;

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

23 “(a) RESERVATION OF FUNDS.—

24 “(1) IN GENERAL.—From the amount appro-  
25 priated for payments to States for any fiscal year

1 under sections 1002(a) and 1125A(f), the Secretary  
2 shall reserve—

3 “(A) for each fiscal year until the fiscal  
4 year described in paragraph (2), .67 percent to  
5 provide assistance to the Secretary of the Inte-  
6 rior in the amount necessary to make payments  
7 pursuant to subsection (b); and

8 “(B) for the fiscal year described in para-  
9 graph (2) and each succeeding fiscal year, 0.75  
10 percent to provide assistance to the Secretary of  
11 the Interior in the amount necessary to make  
12 payments pursuant to such subsection.

13 “(2) DESCRIPTION OF FISCAL YEAR.—A fiscal  
14 year described in this paragraph is a fiscal year for  
15 which the total amount allocated under this part for  
16 each State, after reserving funds in accordance with  
17 paragraph (1)(B), would be an amount that is not  
18 less than the total amount allocated under this part  
19 for such State for fiscal year 2015.”;

20 (3) by striking subsections (b) and (c);

21 (4) by redesignating subsection (d) as sub-  
22 section (b); and

23 (5) in subsection (b), as so redesignated—

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

1           “(1) IN GENERAL.—The amount allotted for  
2           payments to the Secretary of the Interior under sub-  
3           section (a) for any fiscal year shall be used to meet  
4           the special educational needs of—

5                   “(A) Indian children on reservations served  
6                   by elementary schools and secondary schools for  
7                   Indian children operated or supported by the  
8                   Department of the Interior; and

9                   “(B) out-of-State Indian children in ele-  
10                  mentary schools and secondary schools in local  
11                  educational agencies under special contracts  
12                  with the Department of the Interior.”; and

13                  (B) in paragraph (2), by striking “sub-  
14                  section (a)(2)” and inserting “subsection (a)”.

15           (b) ALLOCATIONS TO STATES.—Section 1122 (20  
16 U.S.C. 6332) is amended by striking subsection (e).

17           (c) BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-  
18           CIES.—Section 1124(d) (20 U.S.C. 6333(d)) is amend-  
19           ed—

20                   (1) in paragraph (2), by redesignating subpara-  
21                   graphs (A) and (B) as clauses (i) and (ii), respec-  
22                   tively, and indenting appropriately;

23                   (2) by redesignating paragraphs (1) and (2) as  
24                   subparagraphs (A) and (B), respectively, and indent-  
25                   ing appropriately;



1           (3) by striking “Notwithstanding section 1122”  
2           and inserting the following:

3           “(1) IN GENERAL.—Notwithstanding section  
4           1122 and except as provided in paragraph (2)”;

5           (4) in paragraph (1)(B)(i) (as so redesignated),  
6           by striking “calculated in paragraph (1)” and insert-  
7           ing “calculated in subparagraph (A)”;

8           (5) by adding at the end the following new  
9           paragraph:

10           “(2) EXCEPTION.—American Samoa, Guam,  
11           the Commonwealth of the Northern Mariana Is-  
12           lands, and the United States Virgin Islands shall  
13           each receive one-half of the lesser of the amounts  
14           calculated for each such jurisdiction under subpara-  
15           graphs (A) and (B) of paragraph (1).”.

16           (d) CONCENTRATION GRANTS TO LOCAL EDU-  
17           CATIONAL AGENCIES.—Section 1124A(a)(1)(B) (20  
18           U.S.C. 6334(a)(1)(B)) is amended—

19           (1) by inserting “STATE MINIMUM.—” after the  
20           subparagraph enumerator;

21           (2) in clause (ii)—

22           (A) in subclause (II), by redesignating  
23           items (aa) and (bb) as subitems (AA) and  
24           (BB), respectively, and indenting appropriately;  
25           and

1 (B) by redesignating subclauses (I) and  
2 (II) as items (aa) and (bb), respectively, and in-  
3 denting appropriately;

4 (3) by redesignating clauses (i) and (ii) as sub-  
5 clauses (I) and (II), respectively, and indenting ap-  
6 propriately;

7 (4) by striking “Notwithstanding section 1122”  
8 and inserting the following:

9 “(i) IN GENERAL.—Notwithstanding  
10 section 1122 and except as provided in  
11 clause (ii)”;

12 (5) in clause (i)(II)(aa) (as so redesignated) by  
13 striking “calculated under clause (i)” and inserting  
14 “calculated under subclause (I)”;

15 (6) by adding at the end the following new  
16 clause:

17 “(ii) EXCEPTION.—American Samoa,  
18 Guam, the Commonwealth of the Northern  
19 Mariana Islands, and the United States  
20 Virgin Islands shall each receive one-half  
21 of the lesser of the amounts calculated for  
22 each such jurisdiction under subclauses (I)  
23 and (II) of clause (i).”.

1 (e) TARGETED GRANTS TO LOCAL EDUCATIONAL  
2 AGENCIES.—Section 1125(e) (20 U.S.C. 6335(e)) is  
3 amended—

4 (1) in paragraph (2), by redesignating subpara-  
5 graphs (A) and (B) as clauses (i) and (ii), respec-  
6 tively, and indenting appropriately;

7 (2) by redesignating paragraphs (1) and (2) as  
8 subparagraphs (A) and (B), respectively, and indent-  
9 ing appropriately;

10 (3) by striking “Notwithstanding any other pro-  
11 vision of this section or section 1122” and inserting  
12 the following:

13 “(1) IN GENERAL.—Notwithstanding section  
14 1122 and except as provided in paragraph (2)”;

15 (4) by adding at the end the following new  
16 paragraph:

17 “(2) EXCEPTION.—American Samoa, Guam,  
18 the Commonwealth of the Northern Mariana Is-  
19 lands, and the United States Virgin Islands shall  
20 each receive one-half of the lesser of the amounts  
21 calculated for each such jurisdiction under subpara-  
22 graphs (A) and (B) of paragraph (1).”.

23 (f) EDUCATION FINANCE INCENTIVE GRANT PRO-  
24 GRAM.—Section 1125A(b) (20 U.S.C. 6337(b)) is amend-  
25 ed—

1 (1) in paragraph (1)(B)—

2 (A) in clause (ii), by redesignating sub-  
3 clauses (I) and (II) as items (aa) and (bb), re-  
4 spectively, and indenting appropriately;

5 (B) by redesignating clauses (i) and (ii) as  
6 subclauses (I) and (II), respectively, and in-  
7 denting appropriately;

8 (C) by striking “Notwithstanding any  
9 other provision of this section or section 1122”  
10 and inserting the following:

11 “(i) IN GENERAL.—Notwithstanding  
12 section 1122 and except as provided in  
13 clause (ii)”;

14 (D) by adding at the end the following new  
15 clause:

16 “(ii) EXCEPTION.—American Samoa,  
17 Guam, the Commonwealth of the Northern  
18 Mariana Islands, and the United States  
19 Virgin Islands shall each receive one-half  
20 of the lesser of the amounts calculated for  
21 each such jurisdiction under subclauses (I)  
22 and (II) of clause (i).”;

23 (2) in paragraph (2)(B)—

1 (A) in the subparagraph heading, by in-  
2 serting “AND CERTAIN OUTLYING AREAS” be-  
3 fore the period at the end; and

4 (B) by adding after “Commonwealth of  
5 Puerto Rico” the following: “, American  
6 Samoa, Guam, the Commonwealth of the  
7 Northern Mariana Islands, and the United  
8 States Virgin Islands”.

9 (g) DEFINITION.—Section 9101(30) (20 U.S.C.  
10 7801(30)) is amended by striking “section 1121(b) and  
11 any other” and inserting “any”.

12 **SEC. 111. SUPPORT FOR HIGH-QUALITY ASSESSMENTS.**

13 (a) AMENDMENT.—Part A of title I (20 U.S.C. 6311  
14 et seq.) is amended by adding at the end the following  
15 new subpart:

16 **“Subpart 3—Support for High-Quality Assessments**  
17 **“SEC. 1131. GRANTS TO IMPROVE DELIVERY OF HIGH-QUAL-**  
18 **ITY ASSESSMENTS AND FOR RELATED AC-**  
19 **TIVITIES.**

20 “(a) IN GENERAL.—From the amount reserved  
21 under section 1134(b)(5) and subject to subparagraphs  
22 (A) and (B) of such section, the Secretary shall make  
23 grants by allocating funds in accordance with subsection  
24 (b) of this section to States to enable the States to—

1           “(1) develop, administer, and further align  
2 State assessments required by section 1111(b)(3) to  
3 State content standards required by section  
4 1111(b)(1);

5           “(2) ensure the provision of appropriate accom-  
6 modations as required by section 1111(b)(3) to stu-  
7 dents with limited English proficiency and students  
8 with disabilities to improve the rates of inclusion in  
9 State assessments of such students;

10           “(3) develop State assessment systems aligned  
11 to the State’s content standards that support sys-  
12 tems of continuous improvement and meet the as-  
13 surance of coordination and alignment as described  
14 in section 1111(b)(3)(H);

15           “(4) support local educational agencies in iden-  
16 tifying uses of assessment data, which may include  
17 appropriate use of student assessment data as one  
18 of multiple measures of student learning for teacher  
19 and school leader performance and evaluation, where  
20 applicable; and

21           “(5) carry out the activities described in the re-  
22 port required under subsection (c).

23           “(b) ALLOCATION OF FUNDS.—From the amount re-  
24 served under section 1134(b)(5), each State shall receive  
25 an allocation for each fiscal year in an amount equal to—

1           “(1) \$4,000,000; and

2           “(2) with respect to any amounts remaining  
3 after the allocation is made under paragraph (1), an  
4 amount that bears the same relationship to such  
5 total remaining amounts as the number of students  
6 ages 5 through 17 in the State (as determined by  
7 the Secretary on the basis of the most recent satis-  
8 factory data) bears to the total number of such stu-  
9 dents in all States.

10          “(c) STATE REPORT.—Not later than 6 months after  
11 a State receives a grant under this section, the State shall,  
12 in consultation with education stakeholders, prepare and  
13 make publically available a report, that explains how the  
14 State has used, or will use, the grant to—

15           “(1) improve the quality and use of the State’s  
16 assessment system, including assessments not re-  
17 quired by section 1111(b)(3), and for related activi-  
18 ties;

19           “(2) ensure that all summative assessments  
20 that are used for accountability purposes, including  
21 accountability described in section 1111(c) are valid  
22 and reliable, and consistent with relevant, nationally  
23 recognized professional and technical standards; and

1           “(3) improve the use of State assessment data  
2           by school leaders, educators, and parents, and for  
3           related activities, such as—

4                   “(A) disseminating the assessment data in  
5                   an accessible and understandable format for  
6                   educators, parents, and families;

7                   “(B) decreasing time between admin-  
8                   istering such State assessments and releasing  
9                   assessment data;

10                   “(C) supporting the dissemination of  
11                   promising practices from local educational  
12                   agencies that have successfully used assessment  
13                   data to improve individual student and overall  
14                   school performance;

15                   “(D) identifying appropriate uses of as-  
16                   sessment data, which may include appropriate  
17                   use of student assessment data as one of mul-  
18                   tiple measures of student learning for teacher  
19                   and school leader performance and evaluation;  
20                   and

21                   “(E) providing professional development on  
22                   assessment and data literacy to teachers and  
23                   school leaders, including on the development  
24                   and effective use of formative and classroom-



1 based assessments aligned with State content  
2 standards.

3 **“SEC. 1132. GRANTS FOR ASSESSMENT SYSTEM ALIGN-**  
4 **MENT, QUALITY, AND USE.**

5 “(a) IN GENERAL.—From the amount reserved  
6 under section 1134(b)(3), the Secretary shall make grants  
7 to States to—

8 “(1) in the case of a grant awarded under this  
9 section to a State for the first time—

10 “(A) carry out an audit of the State as-  
11 sessment system and ensure that local edu-  
12 cational agencies carry out audits of local as-  
13 sessments under subsection (e)(1);

14 “(B) prepare and carry out the State plan  
15 under subsection (e)(6); and

16 “(C) award subgrants under subsection (f);  
17 and

18 “(2) in the case of a grant awarded under this  
19 section to a State that has previously received a  
20 grant under this section—

21 “(A) carry out the State plan on audit  
22 findings under subsection (e)(6); and

23 “(B) award subgrants under subsection  
24 (f).

1       “(b) MINIMUM AMOUNT.—Each State with an ap-  
2 proved application shall receive a grant amount of not less  
3 than \$2,000,000.

4       “(c) REALLOCATION.—If a State chooses not to apply  
5 to receive a grant under this subsection, or if such State’s  
6 application under subsection (d) is disapproved by the Sec-  
7 retary, the Secretary shall reallocate such grant amount  
8 to other States with approved applications.

9       “(d) APPLICATION.—A State desiring to receive a  
10 grant under this section shall submit an application to the  
11 Secretary at such time, in such manner, and containing  
12 such information as the Secretary may require.

13       “(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND  
14 LOCAL ASSESSMENTS.—

15               “(1) AUDIT REQUIREMENTS.—Not later than 1  
16 year after a State receives a grant under this section  
17 for the first time, the State shall—

18                       “(A) conduct an audit of the State assess-  
19 ment system;

20                       “(B) ensure that each local educational  
21 agency under the State’s jurisdiction and re-  
22 ceiving funds under this Act—

23                               “(i) conducts an audit of each local  
24 assessment administered by the local edu-  
25 cational agency; and

1                   “(ii) submits the results of such audit  
2                   to the State; and

3                   “(C) report the results of each State and  
4                   local educational agency audit conducted under  
5                   subparagraphs (A) and (B)—

6                   “(i) in a publicly available format,  
7                   such as a widely accessible online platform;  
8                   and

9                   “(ii) with appropriate accessibility  
10                  provisions for individuals with disabilities  
11                  and individuals with limited English pro-  
12                  ficiency.

13                  “(2) RESOURCES FOR LOCAL EDUCATIONAL  
14                  AGENCIES.—In carrying out paragraph (1)(B), each  
15                  State shall develop and provide local educational  
16                  agencies with resources, such as guidelines and pro-  
17                  tocols, to assist the agencies in conducting and re-  
18                  porting the results of the audit required under such  
19                  paragraph (1)(B).

20                  “(3) STATE ASSESSMENT SYSTEM DESCRIP-  
21                  TION.—An audit of a State assessment system con-  
22                  ducted under paragraph (1) shall include a descrip-  
23                  tion of each State assessment carried out in the  
24                  State, including—

1           “(A) the grade and subject matter as-  
2           sessed;

3           “(B) whether the assessment is required  
4           under section 1111(b)(3);

5           “(C) the annual cost to the State edu-  
6           cational agency involved in developing, pur-  
7           chasing, administering, and scoring the assess-  
8           ment;

9           “(D) the purpose for which the assessment  
10          was designed and the purpose for which the as-  
11          sessment is used, including assessments de-  
12          signed to contribute to systems of continuous  
13          improvement of teaching and learning;

14          “(E) the time for disseminating assess-  
15          ment results;

16          “(F) a description of how the assessment  
17          is aligned with the State’s content standards;

18          “(G) a description of any State law or reg-  
19          ulation that established the requirement for the  
20          assessment;

21          “(H) the schedule and calendar for all  
22          State assessments given; and

23          “(I) a description of the State’s policies for  
24          inclusion of students with limited English pro-  
25          ficiency and students with disabilities.

1           “(4) LOCAL ASSESSMENT DESCRIPTION.—An  
2           audit of a local assessment conducted under para-  
3           graph (1) shall include a description of the local as-  
4           sessment carried out by the local educational agency,  
5           including—

6                   “(A) the descriptions listed in subpara-  
7                   graphs (A), (D), and (E) of paragraph (3);

8                   “(B) the annual cost to the local edu-  
9                   cational agency of developing, purchasing, ad-  
10                  ministering, and scoring the assessment;

11                  “(C) the extent to which the assessment is  
12                  aligned to the State’s content standards;

13                  “(D) a description of any State or local  
14                  law or regulation that establishes the require-  
15                  ment for the assessment; and

16                  “(E) in the case of a summative assess-  
17                  ment that is used for accountability purposes,  
18                  whether the assessment is valid and reliable and  
19                  consistent with nationally recognized profes-  
20                  sional and technical standards.

21           “(5) STAKEHOLDER FEEDBACK.—Each audit of  
22           a State assessment system or local assessment sys-  
23           tem conducted under subparagraph (A) or (B) of  
24           paragraph (1) shall include feedback on such system

1 from education stakeholders, which shall cover infor-  
2 mation such as—

3 “(A) how educators and administrators use  
4 assessment data to improve and differentiate  
5 instruction;

6 “(B) the timing of release of assessment  
7 data;

8 “(C) the extent to which assessment data  
9 is presented in an accessible and understand-  
10 able format for educators, parents, students, if  
11 appropriate, and the community;

12 “(D) the opportunities, resources, and  
13 training educators and administrators are given  
14 to review assessment results and make effective  
15 use of assessment data;

16 “(E) the distribution of technological re-  
17 sources and personnel necessary to administer  
18 assessments;

19 “(F) the amount of time educators spend  
20 on test preparation;

21 “(G) the assessments that administrators,  
22 educators, parents, and students, if appropriate,  
23 do and do not find useful;

24 “(H) the amount of time students spend  
25 taking the assessments; and

1 “(I) other information as appropriate.

2 “(6) STATE PLAN ON AUDIT FINDINGS.—

3 “(A) PREPARING THE STATE PLAN ON  
4 AUDIT FINDINGS.—Not later than 6 months  
5 after a State conducts an audit under para-  
6 graph (1) and based on the results of such  
7 audit, the State shall, in coordination with the  
8 local educational agencies under the jurisdiction  
9 of the State, prepare and submit to the Sec-  
10 retary, a plan to improve and streamline State  
11 assessment systems and local assessment sys-  
12 tems, including through activities such as—

13 “(i) eliminating any assessments that  
14 are not required by section 1111(b)(3)  
15 (such as by buying out the remainder of  
16 procurement contracts with assessment de-  
17 velopers) and that—

18 “(I) are low-quality;

19 “(II) not aligned to the State’s  
20 content standards;

21 “(III) in the case of summative  
22 assessments used for accountability  
23 purposes, are not valid or reliable and  
24 are inconsistent with nationally recog-

1 nized professional and technical  
2 standards;

3 “(IV) do not contribute to sys-  
4 tems of continuous improvement for  
5 teaching and learning; or

6 “(V) are redundant;

7 “(ii) supporting the dissemination of  
8 promising practices from local educational  
9 agencies or other States that have success-  
10 fully improved assessment quality and effi-  
11 ciency to improve teaching and learning;

12 “(iii) supporting local educational  
13 agencies or consortia of local educational  
14 agencies to carry out efforts to streamline  
15 local assessment systems and implementing  
16 a regular process of review and evaluation  
17 of assessment use in local educational  
18 agencies;

19 “(iv) supporting appropriate uses of  
20 assessment data, which may include appro-  
21 priate use of student assessment data as  
22 one of multiple measures of student learn-  
23 ing for teacher and school leader perform-  
24 ance and evaluation; and



1           “(v) providing professional develop-  
2           ment to teachers and school leaders on se-  
3           lecting and implementing formative assess-  
4           ments, designing classroom-based assess-  
5           ments, and assessment and data literacy.

6           “(B) CARRY OUT THE STATE PLAN ON  
7           AUDIT FINDINGS.—A State shall carry out a  
8           State plan on audit findings as soon as prac-  
9           ticable after the State prepares such State plan  
10          under subparagraph (A) and during each grant  
11          period of a grant described in subsection (a)(2)  
12          that is awarded to the State.

13          “(f) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
14          CIES.—

15               “(1) IN GENERAL.—From the amount awarded  
16          to a State under this section, the State shall reserve  
17          not less than 20 percent of funds to make subgrants  
18          to local educational agencies in the State, or a con-  
19          sortium of such local educational agencies, based on  
20          demonstrated need in the agency’s or consortium’s  
21          application to improve assessment quality, use, and  
22          alignment with the State’s content standards.

23               “(2) LOCAL EDUCATIONAL AGENCY APPLICA-  
24          TION.—Each local educational agency, or consortium  
25          of local educational agencies, seeking a subgrant

1 under this subsection shall submit an application to  
2 the State at such time, in such manner, and describ-  
3 ing that agency's or consortium's needs to improve  
4 assessment quality, use, and alignment (as described  
5 in paragraph (1)), and such other information as de-  
6 termined by the State.

7 “(3) USE OF FUNDS.—A subgrant awarded  
8 under this subsection to a local educational agency  
9 or consortium of such agencies may be used to—

10 “(A) conduct an audit of local assessments  
11 under subsection (e)(1)(B);

12 “(B) eliminate any assessments identified  
13 for elimination by such audit, such as by buying  
14 out the remainder of procurement contracts  
15 with assessment developers;

16 “(C) disseminate the promising practices  
17 described in subsection (e)(6)(B);

18 “(D) improve the capacity of school leaders  
19 and educators to disseminate assessment data  
20 in an accessible and understandable format for  
21 parents and families, including for individuals  
22 with disabilities or individuals with limited  
23 English proficiency;

24 “(E) support the appropriate use of assess-  
25 ment data, which may include appropriate use

1 of student assessment data as one of multiple  
2 measures of student learning for teacher and  
3 school leader performance and evaluation;

4 “(F) provide professional development to,  
5 and time for teacher collaboration on designing  
6 classroom-based assessments and improving as-  
7 sessments and data literacy for, teachers and  
8 school leaders, which may include providing ad-  
9 ditional planning time to analyze student and  
10 team data and designing instruction based on  
11 data analysis;

12 “(G) improve assessment delivery systems  
13 and schedules, including by increasing access to  
14 technology and exam proctors, where appro-  
15 priate;

16 “(H) hire instructional coaches, or pro-  
17 moting educators who may receive increased  
18 compensation to serve as instructional coaches,  
19 to support educators to develop classroom-based  
20 assessments, interpret assessment data, and de-  
21 sign instruction; and

22 “(I) provide for appropriate assessment ac-  
23 commodations to maximize inclusion of students  
24 with disabilities and students with limited

1 English proficiency, including by providing the  
2 assessments described in section 1111(b)(6).

3 **“SEC. 1133. COMPETENCY EDUCATION DEMONSTRATION**  
4 **AUTHORITY.**

5 “(a) DEFINITIONS.—In this part:

6 “(1) COLLEGE AND CAREER READY STAND-  
7 ARDS.—The term ‘college and career ready stand-  
8 ards’ means the academic content and student aca-  
9 demic achievement standards adopted by a State  
10 under section 1111(b).

11 “(2) COMPETENCY EDUCATION.—The term  
12 ‘competency education’ is defined, (at a minimum),  
13 as a school-level framework for learning that enables  
14 personalization, with the goal of students becoming  
15 proficient, in which—

16 “(A) students advance upon mastery;

17 “(B) competencies are transparent, aligned  
18 to State academic standards, and include ex-  
19 plicit, measurable, and transferable learning ob-  
20 jectives;

21 “(C) assessment improves teaching and  
22 learning in real time and validates when stu-  
23 dents are ready to demonstrate mastery; and

1           “(D) students receive timely, differentiated  
2           support based on their individual learning  
3           needs.

4           Competencies emphasize growth towards higher  
5           order skills, including the application and creation of  
6           knowledge and social emotional skills.

7           “(3) CORE INDICATORS.—The term ‘core indi-  
8           cators’ means—

9           “(A) State academic assessments that  
10          meet the requirements of section 1111(b)(3)  
11          and that provide data that can be compared  
12          with data regarding the State academic assess-  
13          ments required under section 1111(b)(3); and

14          “(B) graduation rates.

15          “(4) ELIGIBLE ENTITY.—The term ‘eligible en-  
16          tity’ means a State educational agency or consor-  
17          tium of State educational agencies.

18          “(5) MASTERY.—The term ‘mastery’ means a  
19          level of knowledge or skill development demonstrated  
20          by a student signifying that the student has met a  
21          standard and is prepared to progress to a subse-  
22          quent standard.

23          “(6) PERFORMANCE ASSESSMENT.—The term  
24          ‘performance assessment’ means a multi-step assess-  
25          ment that—

1           “(A) includes complex activities with clear  
2           criteria, expectations, and processes that enable  
3           students to interact with meaningful content;  
4           and

5           “(B) measures the depth at which students  
6           learn content and apply complex skills to create  
7           or refine an original product or solution.

8           “(b) DEMONSTRATION AUTHORITY.—

9           “(1) IN GENERAL.—The Secretary may provide  
10          eligible entities, in accordance with paragraph (3),  
11          with the authority to establish State assessment sys-  
12          tems that enable competency education to satisfy the  
13          requirements under section 1111(c) and 1111(b)(3)  
14          and use results of such competency education assess-  
15          ment system for the purposes of section 1111(c) and  
16          section 1116 and in accordance with an application  
17          approved under subsection (c).

18          “(2) DEMONSTRATION PERIOD.—The initial  
19          award of demonstration authority under this part  
20          shall be for a period of 5 years. After such period,  
21          if the Secretary has not withdrawn the demonstra-  
22          tion authority from an eligible entity, the eligible en-  
23          tity shall be permitted to operate the assessment  
24          system approved under the demonstration authority  
25          in lieu of the requirements under section 1111(b)(3),

1       except that the assessments required under section  
2       1111(b)(3) shall be administered at a minimum of  
3       once in grades 3 through 56, once in grades 6  
4       through 8, and once in high school.

5               “(3) INITIAL DEMONSTRATION AUTHORITY; EX-  
6       PANSION; RENEWAL.—

7               “(A) INITIAL LIMIT.—During the initial 3-  
8       year period of demonstration authority under  
9       this section, the Secretary may not provide  
10       more than 5 eligible entities with the authority  
11       described in paragraph (1).

12              “(B) EXPANSION OF DEMONSTRATION AU-  
13       THORITY.—After the end of the initial dem-  
14       onstration period described in subparagraph  
15       (A), the Secretary may provide additional eligi-  
16       ble entities with demonstration authority de-  
17       scribed in paragraph (1), subject to each of the  
18       requirements of this part as applicable, if the  
19       Secretary determines that the demonstration  
20       authority provided under this part during the  
21       initial demonstration period has effectively sup-  
22       ported student progress on core indicators  
23       among students served by the eligible entities,  
24       including subgroups of students described in  
25       section 1111(e)(3)(A).

1           “(c) APPLICATIONS.—To be eligible to participate in  
2 the demonstration under this part, an eligible entity shall  
3 submit an application to the Secretary at such time, in  
4 such manner, and containing such information as the Sec-  
5 retary may require, that describes the assessment system  
6 that will be used by the eligible entity to enable com-  
7 petency education, including—

8                   “(1) a description of the assessment system the  
9 eligible entity will use (consistent with section  
10 1111(b)(3)(B) and covering the subjects described in  
11 section 1111(b)(3)(C)), including—

12                           “(A) how the system will provide annual  
13 summative student performance data gathered  
14 in one of the following ways—

15                                   “(i) a statewide summative assess-  
16 ment administered at least once annually  
17 in each of grades 3 through 8 and once in  
18 grades 9 through 12;

19                                   “(ii) a statewide summative instru-  
20 ment administered at least once annually  
21 in each of grades 3 through 8 and once in  
22 grades 9 through 12 administered as mul-  
23 tiple assessments throughout the year; or

24                                   “(iii) a combination of a statewide  
25 summative assessment and , or in lieu of,



1 local summative assessments administered  
2 at least once annually in each of grades 3  
3 through 8 and once in grades 9 through  
4 12, so long as—

5 “(I) the assessments provide, at  
6 a minimum, annual information about  
7 student performance to inform deter-  
8 minations about accountability and  
9 supports and interventions;

10 “(II) the statewide assessment  
11 occurs at a minimum of once in ele-  
12 mentary, once in middle, and once in  
13 high school;

14 “(III) the assessment items are  
15 aligned to college- and career-ready  
16 State academic standards;

17 “(IV) the local assessment in-  
18 struments produce comparable results  
19 across the State that are of high tech-  
20 nical quality, reliability, and validity;  
21 and

22 “(V) the system of assessments  
23 incorporates multiple sources of evi-  
24 dence of student learning, including  
25 performance-based tasks; and

1           “(B) how the system will incorporate form-  
2           ative, interim, and summative assessments, in-  
3           cluding the use of performance assessments and  
4           other sources of evidence of student learning  
5           that determine mastery of college and career  
6           ready standards and competencies.

7           “(d) ASSURANCES.—The State educational agency  
8 will provide assurances that—

9           “(1) the system is aligned to college and career  
10          ready standards described in section 1111 and  
11          State-approved competencies;

12          “(2) the system has been developed in collabo-  
13          ration with stakeholders representing the interests of  
14          students with disabilities, English learners, and civil  
15          rights organizations in the State, as demonstrated  
16          through modifications made to the assessments re-  
17          sulting from such collaboration;

18          “(3) the system incorporates the principles of  
19          universal design as defined in section 3(a) of the As-  
20          sistive Technology Act of 1998 (29 U.S.C.14  
21          3002(a));

22          “(4) the system will allow students to dem-  
23          onstrate progress toward mastery of such standards  
24          and State-approved competencies;

1           “(5) the assessments will assess mastery of  
2 State-approved competencies when students are  
3 ready to demonstrate mastery of such standards and  
4 competencies;

5           “(6) the system will provide students with mul-  
6 tiple opportunities to demonstrate mastery of such  
7 standards and competencies;

8           “(7) the system will engage and support teach-  
9 ers in scoring assessments, including the use of high  
10 quality professional development, standardized and  
11 calibrated scoring rubrics, and other strategies to  
12 ensure inter-rater reliability and comparability of de-  
13 terminations of mastery across the State;

14           “(8) the system provides educators, students,  
15 and parents with real-time data to inform instruc-  
16 tional practice and continuously improve student  
17 performance;

18           “(9) the system will provide instructional sup-  
19 port and targeted intervention to all students to en-  
20 sure every student is on-track to master the State  
21 approved standards and competencies by graduation;

22           “(10) the system will only utilize a student’s in-  
23 dividualized education program, as defined in section  
24 602 of the Individuals with Disabilities Education

1 Act, for purposes specifically allowed under such  
2 Act;

3 “(11) a description of how the system will be  
4 used to satisfy the accountability requirements of  
5 section 1111(c);

6 “(12) the State will administer the annual  
7 statewide assessment required under section  
8 1111(b)(3) until the secretary removes such require-  
9 ment as described under subsection (b)(2);

10 “(13) the eligible entity’s plan to—

11 “(A) ensure that all students, including  
12 each student subgroup described in section  
13 1111(c)(3)(A)—

14 “(i) are held to the same high stand-  
15 ard;

16 “(ii) demonstrate annually, at a min-  
17 imum, at least 1 year of academic growth  
18 consistent with the requirement in section  
19 1111(b)(4)(E); and

20 “(iii) receive the instructional support  
21 needed to attain mastery of college and ca-  
22 reer ready standards and State-approved  
23 competencies;

1           “(B) train local educational agency and  
2 school staff to implement the assessments de-  
3 scribed in paragraph (2)(A);

4           “(C) acclimate students to the new assess-  
5 ment and accountability systems; and

6           “(D) ensure that each local educational  
7 agency has the technological infrastructure to  
8 operate the accountability and assessment sys-  
9 tems described in this section; and

10          “(14) a description of how instruction and pro-  
11 fessional development will be enhanced to personalize  
12 the educational experience for each student to en-  
13 sure all students graduate college and career ready,  
14 as determined in accordance with State academic  
15 achievement standards under section 1111(b); and

16          “(15) a description of the local educational  
17 agencies within the State that will participate in the  
18 polit.

19          “(e) PEER REVIEW.—The Secretary shall—

20           “(1) implement a peer review process, which  
21 shall include a review team comprised of practi-  
22 tioners and experts who are knowledgeable about  
23 competency education, to inform the awarding of the  
24 demonstration authority under this part; and

1           “(2) make publicly available the applications  
2           submitted under subsection (c) and the peer com-  
3           ments and recommendations on such applications.

4           “(f) DEMONSTRATION AUTHORITY WITHDRAWN.—  
5           The Secretary may withdraw the demonstration authority  
6           provided to an eligible entity under this part if at any  
7           point after the 3 year demonstration period described in  
8           subsection (b)(2), the Secretary determines that student  
9           performance for all students served by the eligible entity  
10          or any student subgroup described under section  
11          1111(c)(3)(A) has declined on core indicators;

12          “(g) DISSEMINATION OF BEST PRACTICES.—The  
13          Secretary shall disseminate best practices on the imple-  
14          mentation of accountability and assessment systems that  
15          enable competency education, including on—

16                 “(1) strategies that States used to accelerate  
17                 mastery of State standards and aligned com-  
18                 petencies to close achievement gaps and increase  
19                 readiness for college and career;

20                 “(2) the effective use of formative, interim, and  
21                 summative assessments to inform instruction; and

22                 “(4) the development of standardized and cali-  
23                 brated scoring rubrics, and other strategies to en-  
24                 sure inter-rater reliability and comparability of de-  
25                 terminations of mastery across the State.

1 **“SEC. 1134. FUNDING.**

2 “(a) AUTHORIZATION OF APPROPRIATIONS.—

3 “(1) NATIONAL ASSESSMENT OF EDUCATIONAL  
4 PROGRESS.—For the purpose of administering the  
5 State assessments under the National Assessment of  
6 Educational Progress, there are authorized to be ap-  
7 propriated \$72,000,000 for fiscal year 2016, and  
8 such sums as may be necessary for each of the 5  
9 succeeding fiscal years.

10 “(2) STATE ASSESSMENTS AND RELATED AC-  
11 TIVITIES.—For the purpose of carrying out this sub-  
12 part, there are authorized to be appropriated  
13 \$600,000,000 for fiscal year 2016, and such sums  
14 as may be necessary for each of the 5 succeeding fis-  
15 cal years.

16 “(b) RESERVATION OF APPROPRIATED FUNDS.—  
17 From amounts made available for each fiscal year under  
18 subsection (a)(2), the Secretary shall—

19 “(1) reserve one-half of 1 percent for the Bu-  
20 reau of Indian Affairs;

21 “(2) reserve one-half of 1 percent for the out-  
22 lying areas;

23 “(3) reserve 20 percent to carry out section  
24 1132;

25 “(4) reserve 3 percent to carry out section  
26 1133; and

1           “(5) reserve the remainder (after reserving  
2 funds under paragraphs (1) through (4)) to carry  
3 out section 1131, except that—

4           “(A) for any fiscal year for which the  
5 funds appropriated under subsection (a)(2) of  
6 this section are equal to or greater than  
7 \$450,000,000, each State that receives a grant  
8 under section 1131 shall use the grant to carry  
9 out paragraphs (1) through (5) of section  
10 1131(a); and

11           “(B) for any fiscal year for which the  
12 funds appropriated under subsection (a)(2) of  
13 this section are less than \$450,000,000, each  
14 State that receives a grant under section 1131  
15 shall only be required to use the grant to carry  
16 out paragraphs (1) through (3) of section  
17 1131(a).

18 **“SEC. 1135. STATE DEFINED.**

19           “‘In this section, the term ‘State’ means each of the  
20 50 States, the District of Columbia, and the Common-  
21 wealth of Puerto Rico.’”.

22           (b) CONFORMING AMENDMENT.—Subpart 1 of part  
23 A of title VI (20 U.S.C. 7301 et seq.) is repealed.



1 **SEC. 112. STATE AGENCY PROGRAMS.**

2 Part D of title I (20 U.S.C. 6421 et seq.) is amend-  
3 ed—

4 (1) in section 1414(a)(2)—

5 (A) in subparagraph (B), by striking  
6 “and” at the end;

7 (B) by redesignating subparagraph (C) as  
8 subparagraph (F); and

9 (C) by inserting after subparagraph (B)  
10 the following:

11 “(C) contain procedures to ensure that  
12 each student who has been placed in the State’s  
13 juvenile justice system is promptly re-enrolled  
14 in secondary school or placed in a re-entry pro-  
15 gram that best meets the educational and social  
16 needs of the student;

17 “(D) contain procedures for facilitating the  
18 transfer of credits that such students earned  
19 during placement;

20 “(E) provide that, to the extent feasible,  
21 students will have the opportunity to participate  
22 in higher education or career pathways; and”;

23 (2) in section 1416—

24 (A) by redesignating paragraphs (3), (4),  
25 (5), (6), (7) and (8) as paragraphs (4), (5), (7),  
26 (8), (9), and (10), respectively;

1 (B) by inserting after paragraph (2) the  
2 following:

3 “(3) includes the development of an initial edu-  
4 cation services and transition plan for each child or  
5 youth served under this subpart upon entry into the  
6 correctional facility, in partnership with the child or  
7 youth’s family members and the local educational  
8 agency that most recently provided services to the  
9 child or youth;”;

10 (C) by inserting after paragraph (5), as so  
11 redesignated by subparagraph (A), the fol-  
12 lowing:

13 “(6) describes how the program will consult  
14 with the child or youth’s local educational agency for  
15 a period jointly determined necessary by the correc-  
16 tional facility and the local educational agency upon  
17 discharge from that facility, to coordinate edu-  
18 cational services so as to minimize disruption to the  
19 child’s or youth’s achievement;”;

20 (D) in paragraph (9), as so redesignated,  
21 by striking “and” at the end;

22 (E) in paragraph (10), as so redesignated,  
23 by striking the period at the end and inserting  
24 “; and”; and

25 (F) by adding at the end the following:

1 “(11) includes an assurance that the State  
2 agency will report annually on the number of chil-  
3 dren and youth released from the correctional facil-  
4 ity or institution who returned or did not return to  
5 school, the number of children and youth obtaining  
6 a secondary school diploma or its recognized equiva-  
7 lent, and the number of children and youth obtain-  
8 ing employment.”; and

9 (3) in section 1425—

10 (A) by redesignating paragraphs (10) and  
11 (11) as paragraphs (11) and (12), respectively;  
12 and

13 (B) by inserting after paragraph (9) the  
14 following:

15 “(10) where feasible, coordinate with agencies  
16 that provide re-entry services to adjudicated youth;”.

17 **SEC. 113. FOSTER YOUTH.**

18 (a) AMENDMENT.—Part D of title I is amended by  
19 adding at the end the following:

20 **“Subpart 4—Educational Stability of Children in**  
21 **Foster Care**

22 **“SEC. 1441. EDUCATIONAL STABILITY OF CHILDREN IN FOS-**  
23 **TER CARE.**

24 “(a) OBLIGATIONS TO COLLABORATE WITH CHILD  
25 WELFARE AGENCIES.—

1           “(1) IN GENERAL.—Each State educational  
2           agency receiving assistance under part A shall col-  
3           laborate with the State agency responsible for ad-  
4           ministering the State plans under parts B and E of  
5           title IV of the Social Security Act (42 U.S.C. 621  
6           et seq., 670 et seq.) to develop and implement a plan  
7           to ensure that the following occurs, for each child in  
8           the State, when the child moves to a new school at-  
9           tendance area as a result of being placed in foster  
10          care (as described in section 1442 (1)), changing  
11          foster care placements, or leaving foster care:

12                   “(A) ATTENDANCE AT A SCHOOL OF ORI-  
13                   GIN.—

14                           “(i) IN GENERAL.—The child enrolls  
15                           or remains in the child’s school of origin,  
16                           unless a determination is made that it is in  
17                           the child’s best interest to attend a dif-  
18                           ferent school.”.

19                           “(ii) LIMITATION.—A child who leaves  
20                           foster care shall only be entitled to remain  
21                           in the child’s school of origin for the re-  
22                           mainder of the school year.

23                   “(B) IMMEDIATE ENROLLMENT.—When a  
24                   determination is made regarding the school that  
25                   it is in the best interest of a child in foster care

1 to attend, the child shall be immediately en-  
2 rolled in such school, even if the child is unable  
3 to produce records normally required for enroll-  
4 ment, such as previous academic records, im-  
5 munization and medical records, a birth certifi-  
6 cate, guardianship records, proof of residency,  
7 or other documentation.

8 “(C) RECORDS TRANSFER.—Any records  
9 ordinarily kept by a school, including records of  
10 immunizations, health screenings, and other re-  
11 quired health records, academic records, birth  
12 certificates, evaluations for special services or  
13 programs, and any individualized education pro-  
14 grams (as defined in section 602 of the Individ-  
15 uals with Disabilities Education Act (20 U.S.C.  
16 1401)), regarding a child in foster care shall  
17 be—

18 “(i) maintained so that the records in-  
19 volved are available, in a timely fashion,  
20 when a child in foster care enters a new  
21 school; and

22 “(ii) immediately transferred to the  
23 enrolling school, even if the child owes fees  
24 or fines or was not withdrawn from pre-

1           vious schools in conformance with local  
2           withdrawal procedures.

3           “(2) IMPLEMENTATION.—Each State edu-  
4           cational agency receiving assistance under part shall  
5           ensure that the plan described in paragraph (1) is  
6           implemented by the local educational agencies in the  
7           State.

8           “(b) CREDIT TRANSFER AND DIPLOMAS.—Each  
9           State that receives assistance under part A shall have poli-  
10          cies for ensuring that—

11           “(1) a child in foster care who is changing  
12           schools can transfer school credits and receive par-  
13           tial credits for coursework satisfactorily completed  
14           while attending a prior school or educational pro-  
15           gram;

16           “(2) a child in foster care is afforded opportuni-  
17           ties to recover school credits lost due to placement  
18           instability while in foster care; and

19           “(3) a child in foster care who has changed sec-  
20           ondary schools can receive a secondary school di-  
21           ploma either from one of the schools in which the  
22           child was enrolled or through a State-issued sec-  
23           ondary school diploma system, consistent with State  
24           graduation requirements.

25           “(c) TRANSPORTATION.—

1           “(1) IN GENERAL.—The local educational agen-  
2           cy and state shall collaborate with the local child  
3           welfare agency to develop and within one year of en-  
4           actment of this act implement clear written proce-  
5           dures governing how transportation to maintain chil-  
6           dren in foster care in their school of origin when in  
7           their best interest will be provided, arranged, and  
8           funded for the duration of the time in foster care  
9           and through the remainder of the school year in  
10          which the children leave foster care. The procedures  
11          shall ensure that children needing transportation to  
12          the school of origin will promptly receive transpor-  
13          tation in a cost effective manner and in accordance  
14          with section 475(1)(G)of the Social Security Act (42  
15          U.S.C. 675(1)(G).

16          “(2) COST OF TRANSPORTATION-Where  
17          the child in foster care remains in the school of ori-  
18          gin pursuant to section 475(1)(G) of the Social Se-  
19          curity Act (42 U.S.C. 675(1)(G)), and if there are  
20          additional costs incurred in providing transportation  
21          to maintain children in their schools of origin, the  
22          local educational agency will provide transportation  
23          to their school of origin if:

1           “(A) the local child welfare agency agrees  
2           to reimburse the local educational agency for  
3           the cost of such transportation;

4           “(B) the local educational agency agrees to  
5           pay for the cost of such transportation; or

6           “(C) the local educational agency and the  
7           local child welfare agency agree to share the  
8           cost of such transportation; or

9           “(D) TRANSPORTATION FOR THE REMAIN-  
10          DER OF THE SCHOOL YEAR.—The local edu-  
11          cational agency will provide transportation for  
12          the remainder of the academic year in which a  
13          child leaves foster care if whomever the child is  
14          returned to by the child welfare agency requests  
15          transportation and remaining in the school of  
16          origin is in the child’s best interest.

17         “(d) POINTS OF CONTACT.—

18                 “(1) LOCAL EDUCATIONAL AGENCIES.—A State  
19                 that receives assistance under part A shall:

20                         “(A) advise each local educational agency  
21                         in the State of their option to designate an indi-  
22                         vidual employed by the agency to serve as a  
23                         point of contact for the child welfare agencies  
24                         responsible for children in foster care enrolled  
25                         in the local educational agency and that they



1 must designate such a point of contact if the  
2 corresponding local child welfare agency pro-  
3 vides written notice it has designated an indi-  
4 vidual employed by that agency to serve as a  
5 point of contact for the local educational agen-  
6 cy;

7 “(B) ensure that local educational agency  
8 points of contact oversee the implementation of  
9 the local educational agency requirements under  
10 this section; and

11 “(C) ensure that high needs local edu-  
12 cational agencies as defined in XX do not des-  
13 ignate the same individual as the point of con-  
14 tact for children in foster care and the local  
15 educational agency liaison under section  
16 722(g)(1)(J)(ii) of the McKinney-Vento Home-  
17 less Assistance Act.

18 “(2) STATE EDUCATIONAL AGENCIES.—

19 “(A) Each State educational agency receiv-  
20 ing assistance under part A shall designate an  
21 individual to serve as a point of contact for  
22 child welfare agencies and to oversee the imple-  
23 mentation of the State educational agency re-  
24 quirements under this section.

1           “(B) A State educational agency’s point of  
2           contact shall not be the individual designated as  
3           the State’s Coordinator for Education of Home-  
4           less Children and Youths under section  
5           722(d)(3) of the McKinney-Vento Homeless As-  
6           sistance Act.

7   **“SEC. 1442. DEFINITIONS.**

8           “(a) HEADER.—In this part:

9           “(1) CHILD IN FOSTER CARE.—The term ‘child  
10          in foster care’ means a child whose care and place-  
11          ment is the responsibility of the agency that admin-  
12          isters a State plan under part B or E of title IV of  
13          the Social Security Act (42 U.S.C. 621 et seq., 670  
14          et seq.), without regard to whether foster care main-  
15          tenance payments are made under section 472 of the  
16          Social Security Act (42 U.S.C. 672) on behalf of the  
17          child.

18          “(2) SCHOOL ATTENDANCE AREA.—The term  
19          ‘school attendance area’ has the meaning given the  
20          term in section 1113(a)(2).

21          “(3) SCHOOL OF ORIGIN.—The term ‘school of  
22          origin’ means, with respect to a child in foster care,  
23          any of the following:

24                  “(A) The public school in which the child  
25                  was enrolled prior to entry into foster care.

1           “(B) The public school in which the child  
2           is enrolled when a change in foster care place-  
3           ment occurs.

4           “(C) The public school the child attended  
5           when last permanently housed, as such term is  
6           used in section 722(g)(3)(G) of the McKinney-  
7           Vento Homeless Assistance Act (42 U.S.C.  
8           11432(g)(3)(G)), if such child was eligible for  
9           assistance under such Act before the child be-  
10          came a child in foster care.”.”.

11          (b) GUIDANCE.—Not later than 90 days after the  
12          date of enactment of this Act, the Secretary, in collabora-  
13          tion with the Secretary of Health and Human Services,  
14          is directed to issue guidance on the implementation of part  
15          E of title I of this Act, including how State and local agen-  
16          cies will work together to ensure that transportation for  
17          children in foster care is provided to the school of origin.

18          **SEC. 114. SCHOOL DROPOUT PREVENTION.**

19          (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
20          1803 (20 U.S.C. 6553) is amended by striking “2002”  
21          and inserting “2016”.

22          (b) NATIONAL ACTIVITIES.—Section 1811(b)(4) (20  
23          U.S.C. 6555(b)(4)) is amended—

24                  (1) in the matter preceding subparagraph (A),  
25                  by striking “for all students”;

1 (2) in subparagraph (A)—

2 (A) by inserting “for all students” before  
3 “in that”; and

4 (B) by striking “or” at the end;

5 (3) by redesignating subparagraph (B) as sub-  
6 paragraph (C);

7 (4) by inserting after subparagraph (A), as so  
8 amended, the following:

9 “(B) for students in one or more of the  
10 subgroups described in section 1111(c)(3)(A);  
11 or”;

12 (5) in subparagraph (C), as so amended, by in-  
13 serting “for all students or for students in one or  
14 more of the subgroups described in section  
15 1111(c)(3)(A) with a higher than average dropout  
16 rate” after “middle school.”

17 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
18 CIES.—Section 1822(b)(1) (20 U.S.C. 6561a(b)(1)) is  
19 amended—

20 (1) in subparagraph (D), by inserting before  
21 the semicolon at the end the following: “, including  
22 the development of early warning indicator systems  
23 in middle schools, as described in section  
24 1116(c)(5)(A)”;

1           (2) in subparagraph (H), by inserting before  
2           the semicolon at the end the following: “, including  
3           the creation of individualized student success plans”.

4           (d) APPLICATIONS.—Section 1823(b)(1)(G) (20  
5 U.S.C. 6561b(b)(1)(G)) is amended—

6           (1) by striking “about” and inserting “and evi-  
7           dence-based”; and

8           (2) by striking “reentry” and inserting “reentry  
9           programs”.

10          (e) REPORTING AND ACCOUNTABILITY.—Section  
11 1830 (20 U.S.C. 6561i(a)(1)) by striking “race and eth-  
12 nicity” and inserting “each subgroup described in section  
13 111(c)(3)(A)”.

14          (f) PROHIBITED USES OF FUNDS.—Subpart 2 of  
15 part H of title I (20 U.S.C. 6561 et seq.) is amended by  
16 adding at the end the following:

17 **“SEC. 1831. PROHIBITED USES OF FUNDS.**

18           “No funds under this part may be used for—

19           “(1) the development, establishment, implemen-  
20           tation, or enforcement of zero-tolerance school dis-  
21           cipline policies unless otherwise required by Federal  
22           law; or

23           “(2) law enforcement agencies or local police  
24           departments serving a school or local educational  
25           agency—

1           “(A) with substantial documented excesses  
2           or racial disparities in the use of exclusionary  
3           discipline;

4           “(B) operating under an open school de-  
5           segregation order, whether court-ordered or vol-  
6           untary;

7           “(C) operating under a pattern or practice  
8           or practice consent decree for civil rights viola-  
9           tions; or

10           “(D) already receiving substantial Federal  
11           funds for the placement of law enforcement in  
12           schools.”.

## 13           **TITLE II—TEACHERS AND** 14           **LEADERS**

### 15           **SEC. 201. GREAT TEACHERS AND LEADERS.**

16           Title II (20 U.S.C. 6601 et seq.) is amended to read  
17           as follows:

## 18           **“TITLE II—GREAT TEACHERS** 19           **AND LEADERS**

### 20           **“SEC. 2001. PURPOSE.**

21           “The purpose of this title is to help States and local  
22           educational agencies support teachers and school leaders  
23           to improve student achievement for all students, including  
24           English learners and students with disabilities, by—

1           “(1) promoting and enhancing the teaching pro-  
2           fession;

3           “(2) supporting the development of qualified  
4           and effective of teachers and school leaders;

5           “(3) recruiting, rewarding, and retaining effec-  
6           tive teachers and other school leaders and fostering  
7           excellent instructional teams, especially in high-need  
8           local educational agencies, schools, fields, and sub-  
9           jects;

10          “(4) providing teachers with the knowledge,  
11          skills, data, support, and collaborative opportunities  
12          needed to be effective in the classroom and to the  
13          meet the diverse learning needs of their students;

14          “(5) providing all students with access to effec-  
15          tive teachers and school leaders; and

16          “(6) improving the management of the edu-  
17          cation workforce in States and local educational  
18          agencies.

19   **“SEC. 2002. DEFINITIONS.**

20          “‘In this title:

21               “(1) CAREER LADDERS.—The term ‘career lad-  
22               ders’ means promotion and professional growth op-  
23               portunities, beyond moving into administration, for  
24               effective teachers, as determined by the State or  
25               local educational agency, including teacher leaders,

1 instructional or curriculum specialists, and teacher  
2 mentors, who help improve teaching and learning in  
3 a school or local educational agency.

4 “(2) HIGH-NEED FIELD.—The term ‘high-need  
5 field’ refers to the fields of special education, bilin-  
6 gual education, and English language acquisition.

7 “(3) HIGH-NEED SUBJECT.—The term ‘high-  
8 need subject’ means mathematics, science, and any  
9 other content area that is designated by a State edu-  
10 cational agency or the Secretary as a teacher short-  
11 age area.

12 “(4) HIGH-NEED LOCAL EDUCATIONAL AGEN-  
13 CY.—The term ‘high-need local educational agency’  
14 means a local educational agency—

15 “(A)(i) that serves not fewer than 10,000  
16 children from families with incomes below the  
17 poverty line; or

18 “(ii) for which not less than 20 percent of  
19 the children served by the agency are from fam-  
20 ilies with incomes below the poverty line; and

21 “(B)(i) for which there is a high percent-  
22 age of teachers not teaching in the academic  
23 subjects or grade levels that the teachers were  
24 trained to teach; or



1           “(ii) for which there is a high percentage  
2           of teachers with emergency, provisional, or tem-  
3           porary certification or licensing.

4           “(5) QUALIFIED TEACHER.—The term ‘quali-  
5           fied teacher’ means a teacher who meets the min-  
6           imum qualifications to teach in a State and—

7           “(A) when used with respect to a middle  
8           school or high school teacher who is entering  
9           the profession in a State for the first time,  
10          means that the teacher—

11                   “(i) holds at least a bachelor’s degree;

12                   “(ii) has demonstrated to the State,  
13                   content knowledge in the content area that  
14                   the teacher will teach as determined—

15                           “(I) by passing a rigorous State  
16                           assessment; or

17                           “(II) by successful completion of  
18                           an academic major, a graduate de-  
19                           gree, or coursework equivalent to an  
20                           undergraduate academic major in the  
21                           content area that the teacher will  
22                           teach;

23                           “(iii) if required by the State to dem-  
24                           onstrate teaching skills by passing a State

1 teacher performance assessment, has  
2 passed such assessment;

3 “(iv) has successfully completed a tra-  
4 ditional or alternative teacher preparation  
5 program; and

6 “(v) at the State’s discretion, may be  
7 enrolled in an alternative teacher prepara-  
8 tion program, and—

9 “(I) be on track to successful  
10 completion of such program; and

11 “(II) be supervised by a mentor  
12 teacher;

13 “(B) when used with respect to an elemen-  
14 tary school teacher who is entering the profes-  
15 sion in a State for the first time, means that  
16 the teacher—

17 “(i) holds at least a bachelor’s degree;

18 “(ii) has demonstrated to the State,  
19 content knowledge and teaching skills in  
20 reading, writing, mathematics, science, and  
21 other areas of the elementary school cur-  
22 riculum—

23 “(I) by passing a rigorous State  
24 assessment or State-required test in  
25 reading, writing, mathematics,

1 science, and other areas of the basic  
2 elementary school curriculum; or

3 “(II) by successful completion of  
4 an academic major, a graduate de-  
5 gree, or coursework equivalent to an  
6 undergraduate academic major in the  
7 content areas that the teacher will  
8 teach;

9 “(iii) if required by the State to dem-  
10 onstrate teaching skills by passing a State  
11 teacher performance assessment, has  
12 passed such assessment;

13 “(iv) has successfully completed a tra-  
14 ditional or alternative teacher preparation  
15 program;

16 “(v) at the State’s discretion, may be  
17 enrolled in an alternative teacher prepara-  
18 tion program; and

19 “(I) be on track to successful  
20 completion of such program; and

21 “(II) be supervised by a mentor  
22 teacher; and

23 “(C) means any teacher who is highly  
24 qualified as defined in section 9101(23) or sec-  
25 tion 602(10) of the Individuals with Disabilities

1 Education Act, as such section was in effect on  
2 the day before the date of enactment of the  
3 Student Success Act.

4 “(6) INDUCTION.—The term ‘induction’ means  
5 a program for new teachers and new principals, as  
6 appropriate, during at least their first 2 years of  
7 practice, that is designed to increase effectiveness  
8 and retention of new teachers and new principals,  
9 and that includes—

10 “(A) high-quality mentoring;

11 “(B) development of skills and knowledge  
12 in areas needed for new teachers, including,  
13 content knowledge and pedagogy, instructional  
14 strategies for teaching students with diverse  
15 learning needs, classroom management (includ-  
16 ing strategies that improve the school-wide cli-  
17 mate for learning, which may include positive  
18 behavioral interventions and supports), forma-  
19 tive assessment of student learning, and the  
20 analysis and use of student assessment data to  
21 improve instruction;

22 “(C) frequent, structured time for collabo-  
23 ration and professional development with teach-  
24 ers and principals in the same field, grade, or  
25 subject area, and opportunities to draw directly

1 on the expertise of other school and local edu-  
2 cational agency staff, staff of high-performing  
3 pathways, and other organizations that provide  
4 high-quality induction supports;

5 “(D) regular and structured observation  
6 and feedback by mentors, school leaders, or ef-  
7 fective teachers, as determined by the State or  
8 local educational agency; and

9 “(E) where feasible, team teaching, re-  
10 duced teaching load and activities designed to  
11 ensure that teachers have appropriate teaching  
12 tools and instructional materials for their class-  
13 room.

14 “(7) MENTORING.—The term ‘mentoring’  
15 means the mentoring of new teachers and principals,  
16 as appropriate, so as to increase the effectiveness  
17 and retention of those teachers and principals  
18 through a program that—

19 “(A) includes clear criteria for the selec-  
20 tion of teacher and principal mentors that take  
21 into account a candidate’s effectiveness as a  
22 teacher or principal and that individual’s ability  
23 to facilitate adult learning;

1           “(B) provides high-quality training for the  
2           mentors on how to support new teachers and  
3           principals effectively;

4           “(C) provides regularly scheduled time for  
5           collaboration and for examination of student  
6           work and achievement data, and on-going op-  
7           portunities for mentors and mentees to observe  
8           each other’s practice; and

9           “(D) matches, when possible, each mentee  
10          with a mentor who is in the same field, grade,  
11          or subject area as the mentee.

12          “(8) PROFESSIONAL DEVELOPMENT.—The  
13          term ‘professional development’ means coordinated  
14          and aligned activities with evidence of increasing ef-  
15          fectiveness of educators, which may include teachers,  
16          principals, other school leaders, specialized instruc-  
17          tional support personnel, paraprofessionals, early  
18          childhood educators, and other school staff that—

19                 “(A) fosters collective responsibility for im-  
20                 proved student performance;

21                 “(B) is comprised of professional learning  
22                 that—

23                         “(i) aligns with State academic con-  
24                         tent and achievement standards and early  
25                         learning standards, as appropriate, with

1 local educational agency and school im-  
2 provement goals and plans, including those  
3 identified under section 1116, and with  
4 school instructional materials;

5 “(ii) is aligned to a teacher and prin-  
6 cipal evaluation system, where applicable;

7 “(iii) is conducted among educators at  
8 the school and facilitated by trained school  
9 principals and school-based professional  
10 development coaches, mentors, master  
11 teachers, or other teacher leaders;

12 “(iv) supports family engagement in  
13 their children’s education;

14 “(v) primarily occurs frequently and  
15 during significant blocks of time among es-  
16 tablished teams of teachers, principals, and  
17 other instructional staff members where  
18 the teams of educators engage in a contin-  
19 uous cycle of improvement that—

20 “(I) defines a clear set of educa-  
21 tor learning goals based on the rig-  
22 orous analysis of data and improves  
23 content knowledge, pedagogical skills,  
24 and the ability to analyze and use  
25 data;

1                   “(II) achieves the educator learn-  
2                   ing goals identified under subclause  
3                   (I) by implementing coherent, sus-  
4                   tained, and evidence-based learning  
5                   strategies, such as lesson study and  
6                   the development of formative assess-  
7                   ments, that improve instructional ef-  
8                   fectiveness and student achievement;

9                   “(III) provides job-embedded  
10                  coaching or other forms of assistance  
11                  to support the transfer of new knowl-  
12                  edge and skills to the classroom;

13                  “(IV) regularly assesses the ef-  
14                  fectiveness of the professional develop-  
15                  ment in achieving identified learning  
16                  goals, improving teaching, and assist-  
17                  ing all students in meeting chal-  
18                  lenging State academic achievement  
19                  standards;

20                  “(V) informs ongoing improve-  
21                  ments in teaching and student learn-  
22                  ing;

23                  “(VI) may support joint profes-  
24                  sional development activities for  
25                  school staff and early childhood edu-



1 cators that address the transition to  
2 elementary school, including issues re-  
3 lated to school readiness across all  
4 major domains of early learning; and

5 “(VII) may be supported by ex-  
6 ternal assistance with relevant exper-  
7 tise, including content expertise; and

8 “(C) may be supplemented by activities  
9 such as courses, workshops, institutes, net-  
10 works, and conferences that—

11 “(i) address the learning goals and  
12 objectives established for professional de-  
13 velopment by educators at the school level;

14 “(ii) advance the ongoing school-based  
15 professional development; and

16 “(iii) are provided for by for-profit  
17 and non-profit entities outside the school  
18 such as universities, education service  
19 agencies, technical assistance providers,  
20 networks of content-area specialists, and  
21 other education organizations and associa-  
22 tions.

23 “(9) SCHOOL LEADER.—The term ‘school lead-  
24 er’ means a principal, an assistant principal, or an  
25 individual who is—

1           “(A) an employee or officer of a school;  
2           and

3           “(B) is responsible for the managerial op-  
4           erations and instructional leadership of that  
5           school.

6           “(10) SCHOOL LEADERSHIP TEAM.—The term  
7           ‘school leadership team’ means a group that includes  
8           the principal, other school leaders, and teachers at  
9           a school who work together to develop school plans  
10          or goals for the school.

11          “(11) STATE TEACHER PERFORMANCE ASSESS-  
12          MENT.—The term ‘State-teacher performance as-  
13          sessment’ means a rigorous assessment used to  
14          measure teacher performance that is developed and  
15          approved in collaboration with teachers, and admin-  
16          istered by the State and—

17                 “(A) is based on professional teaching  
18                 standards;

19                 “(B) are aligned to State academic content  
20                 and achievement and early learning standards;

21                 “(C) is used to document the effectiveness  
22                 of a teacher’s—

23                         “(i) curriculum planning;

24                         “(ii) instruction of students, including  
25                         appropriate supports for students who are

1 English learners and students who are  
2 children with disabilities; and

3 “(iii) assessment of students, includ-  
4 ing analysis of evidence of student learn-  
5 ing;

6 “(D) is validated based on professional as-  
7 sessment standards;

8 “(E) is regularly monitored to ensure the  
9 quality, reliability, validity, fairness, consist-  
10 ency, and objectivity of the evaluators’ deter-  
11 minations;

12 “(F) is reliably scored by trained eval-  
13 uators with appropriate oversight of the process  
14 to ensure consistency; and

15 “(G) the results of which are used to sup-  
16 port continuous improvement of educator prac-  
17 tice.

18 “(12) TEACHING RESIDENCY PROGRAM.—The  
19 term ‘teaching residency program’ means a school-  
20 based teacher preparation program in which a pro-  
21 spective teacher—

22 “(A) teaches alongside a mentor teacher,  
23 who is the teacher of record, for at least one  
24 year;

1           “(B) receives concurrent instruction in the  
2           teaching of the content area in which the teach-  
3           er will become certified or licensed;

4           “(C) receives concurrent instruction in ef-  
5           fective teaching skills; and

6           “(D) attains full State teacher certification  
7           or licensure, and becomes qualified prior to, or  
8           upon, completion of the program.

9           “(13) EVIDENCE OF CLASSROOM PRACTICE.—  
10          The term ‘evidence of classroom practice’ means evi-  
11          dence gathered through multiple formats and from  
12          multiple sources that demonstrate effective teaching  
13          skills and—

14               “(A) shall include—

15                   “(i) multiple classroom observations  
16                   based on rigorous teacher performance  
17                   standards or rubrics and conducted by  
18                   trained personnel;

19                   “(ii) information on the teacher’s suc-  
20                   cessful use of data to improve instruction  
21                   and demonstrate evidence of student learn-  
22                   ing;

23                   “(iii) student work, lesson plans, feed-  
24                   back provided to students and teacher de-  
25                   veloped classroom assessments;

1                   “(iv) demonstration of professional re-  
2                   sponsibility; and

3                   “(B) may include, but which shall have a  
4                   weight that is less than the weight assigned to  
5                   the requirements described in subparagraph  
6                   (A)—

7                   “(i) videos of teacher practice;

8                   “(ii) teacher portfolios; and

9                   “(iii) parent, student, and peer feed-  
10                  back.

11                  “(14) EVIDENCE OF SCHOOL LEADERSHIP.—  
12                  The term ‘evidence of school leadership’ means evi-  
13                  dence gathered through multiple formats and from  
14                  multiple sources that shall include an evaluation  
15                  of—

16                  “(A) data on student learning gains, in-  
17                  cluding evidence of student learning;

18                  “(B) gains in student achievement, includ-  
19                  ing passage of required exams for course pro-  
20                  gression, credit accumulation, completion of  
21                  promotion standards, and graduation rates;

22                  “(C) increases in student attendance rates;

23                  “(D) percentage of effective teachers on  
24                  staff;

1           “(E) retention rates of effective teachers  
2 as determined by the State or local educational  
3 agency;

4           “(F) evidence of successful alignment of  
5 teacher evaluation with professional develop-  
6 ment and teacher support;

7           “(G) demonstration of instructional leader-  
8 ship, including use of data and assessment to  
9 inform decision-making;

10          “(H) demonstration of effective fiscal man-  
11 agement, where applicable;

12          “(I) evidence of effective community and  
13 parent engagement;

14          “(J) improved teacher attendance rates;

15          “(K) establishment of learning commu-  
16 nities where principals and teachers—

17           “(i) share a school mission and goals  
18 with an explicit vision of quality teaching  
19 and learning that guides all instructional  
20 decisions;

21           “(ii) commit to improving student  
22 outcomes and performances;

23           “(iii) set a continuous cycle of collec-  
24 tive inquiry and improvement;

1                   “(iv) foster a culture of collaboration  
2                   where teachers and principals work to-  
3                   gether on a regular basis to analyze and  
4                   improve teaching and learning; and

5                   “(v) support and share leadership;  
6                   and

7                   “(L) develop and maintain a positive  
8                   school culture where students, teachers and  
9                   other staff are motivated to collaborate and  
10                  work together to achieve goals.

11                  “(15) EVIDENCE OF STUDENT LEARNING.—The  
12                  term ‘evidence of student learning’ means data that  
13                  shall be based on multiple, valid and reliable indica-  
14                  tors of student academic growth towards State con-  
15                  tent and achievement standards, which shall be  
16                  based significantly on—

17                  “(A) student learning gains on the State  
18                  student academic assessments under section  
19                  1111(c) and, for grades and subjects not cov-  
20                  ered by the State’s student academic assess-  
21                  ments, another valid and reliable assessment of  
22                  student academic achievement, as long as the  
23                  assessment is used consistently by the local  
24                  educational agency for the grade or class for  
25                  which the assessment is administered; and

1           “(B) other evidence of student learning  
2           that is comparable across schools within an  
3           local educational agency such as—

4                   “(i) formative and summative assess-  
5                   ments;

6                   “(ii) objective performance-based as-  
7                   sessments; and

8                   “(iii) representative samples of stu-  
9                   dent work, including progress towards per-  
10                  formance standards and evidence of stu-  
11                  dent growth.

12           “(16) MENTOR PRINCIPAL.—The term ‘mentor  
13           principal’ means an individual with—

14                   “(A) Strong instructional leadership skills  
15                   in an elementary school or secondary school set-  
16                   ting;

17                   “(B) Strong verbal and written commu-  
18                   nication skills, which may be demonstrated by  
19                   performance on appropriate assessments; and

20                   “(C) Knowledge and skills to—

21                           “(i) establish and maintain a profes-  
22                           sional learning community that effectively  
23                           utilizes data to improve the school culture  
24                           and personalize instruction to increase stu-  
25                           dent achievement;



1                   “(ii) create and maintain a learning  
2                   culture within the school that provides a  
3                   climate conducive to the development of all  
4                   members of the school community, includ-  
5                   ing one of continuous learning for adults  
6                   tied to student learning and other school  
7                   goals;

8                   “(iii) engage in continuous profes-  
9                   sional development, utilizing a combination  
10                  of academic study, developmental simula-  
11                  tion exercises, self-reflection, mentorship  
12                  and internship;

13                  “(iv) understand youth development  
14                  appropriate to the age level served by the  
15                  school and from this knowledge sets high  
16                  expectations and standards for the aca-  
17                  demic, social, emotional and physical devel-  
18                  opment of all students; and

19                  “(v) actively engage the community to  
20                  create shared responsibility for student  
21                  academic performance and successful de-  
22                  velopment.

1       **“PART A—EFFECTIVE TEACHER AND LEADER**

2                               **STATE GRANTS**

3       **“SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.**

4               “There are authorized to be appropriated  
5 \$3,500,000,000 for fiscal year 2016, and such sums as  
6 may be necessary for each of the 5 succeeding fiscal years,  
7 to carry out this part.

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

9       **“SEC. 2111. ALLOCATIONS TO STATES.**

10              “(a) RESERVATIONS.—From the amounts made  
11 available under section 2101 for this subpart for each fis-  
12 cal year, the Secretary shall reserve—

13                      “(1) one-half of one percent for the outlying  
14 areas, to be distributed among the outlying areas on  
15 the basis of their relative need, as determined by the  
16 Secretary, for activities consistent with the purposes  
17 of this title;

18                      “(2) one-half of one percent for the Secretary  
19 of the Interior, for activities, consistent with the  
20 purposes of this title described in section 2001, in  
21 schools operated by or funded by the Bureau of In-  
22 dian Education; and

23                      “(3) one-half of one percent for a competitive  
24 grant program to encourage consortia of States to  
25 develop instructional supports aligned to new  
26 college- and career-ready standards that are made

1 widely available to all States and local educational  
2 agencies.

3 “(b) ALLOTMENTS TO STATES, REDUCTIONS.—

4 “(1) IN GENERAL.—From the amounts made  
5 available under section 2101 for this subpart for  
6 each fiscal year that remain after the Secretary re-  
7 serves funds under subsection (a) of this section, the  
8 Secretary shall allot to each State with an approved  
9 application under section 2112 the sum of—

10 “(A) an amount that bears the same rela-  
11 tionship to 35 percent of the remaining amount  
12 as the number of individuals age five through  
13 17 in the State, as determined by the Secretary  
14 on the basis of the most recent satisfactory  
15 data, bears to the number of those individuals  
16 in all such States, as so determined; and

17 “(B) an amount that bears the same rela-  
18 tionship to 65 percent of the remaining amount  
19 as the number of individuals age five through  
20 17 from families with incomes below the pov-  
21 erty line, in the State, as determined by the  
22 Secretary on the basis of the most recent satis-  
23 factory data, bears to the number of those indi-  
24 viduals in all such States, as so determined.

1           “(2) FISCAL YEAR 2016.—Notwithstanding  
2 paragraph (1), for fiscal year 2016, no State shall  
3 receive less than 90 percent of the State’s allocation  
4 under this part for fiscal year 2015, as such part  
5 was in effect on the day before the date of enact-  
6 ment of the Student Success Act.

7           “(3) SUCCEEDING FISCAL YEARS.—Notwith-  
8 standing paragraph (1), for fiscal year 2016 and  
9 each succeeding fiscal year, no State shall receive an  
10 allotment under paragraph (1) that is less than 90  
11 percent of the State’s allotment under such para-  
12 graph for the preceding fiscal year.

13          “(c) RATABLE REDUCTIONS.—If the funds made  
14 available to carry out paragraph (1) of subsection (b) are  
15 insufficient to pay the full amounts that all States are eli-  
16 gible to receive under subparagraph (2) or (3) of such sub-  
17 section for any fiscal year, the Secretary shall ratably re-  
18 duce each such amount for such fiscal year.

19          “(d) REALLOTMENTS.—If any State does not apply  
20 for an allotment under this section, or has its application  
21 disapproved by the Secretary, the Secretary shall reallocate  
22 the amount of that State’s allotment to the remaining  
23 States that have approved applications in accordance with  
24 this subpart.

1 **“SEC. 2112. STATE APPLICATIONS.**

2 “(a) IN GENERAL.—For a State to be eligible to re-  
3 ceive a grant under this part, the State educational agency  
4 shall submit an application to the Secretary at such time,  
5 in such manner, and containing such information as the  
6 Secretary may reasonably require. The Secretary shall  
7 provide the State educational agency with the opportunity  
8 to apply for funds under this part and part B through  
9 a consolidated application.

10 “(b) CONTENTS.—Each application submitted under  
11 this section shall include the following—

12 “(1) descriptions of any systems of teacher and  
13 principal evaluation in the State, including whether  
14 each system—

15 “(A) is designed primarily to—

16 “(i) increase student learning and im-  
17 prove instruction for students;

18 “(ii) inform professional development  
19 for teachers and principals and support  
20 interventions for students; and

21 “(iii) provide on-going and timely, in-  
22 dividual and meaningful feedback, and  
23 substantive support to the teacher or prin-  
24 cipal;

1           “(B) is developed, implemented, and  
2 adopted in collaboration with teachers, prin-  
3 cipals, and other education stakeholders;

4           “(C) includes—

5           “(i) multiple measures of teacher and  
6 principal performance, including—

7           “(I) in the case of teachers, evi-  
8 dence of classroom practice; and

9           “(II) in the case of principals,  
10 evidence of school leadership;

11           “(ii) evidence of student learning;

12           “(iii) contributions to student growth  
13 including higher order thinking skills, citi-  
14 zenship, and social and emotional develop-  
15 ment; and

16           “(iv) differentiated levels of teacher  
17 and principal performance that are clearly  
18 articulated;

19           “(D) provides results that are comparable  
20 and consistent across all teachers and principals  
21 within a local educational agency consistent  
22 with section 2301 that reflect the ages and  
23 grades being taught and consistent within indi-  
24 vidual grade levels and subject areas in each  
25 local educational agency;

1           “(E) evaluates, annually, each teacher and  
2           principal in the local educational agency and  
3           takes into consideration the experience and per-  
4           formance level of the teacher or principal;

5           “(F) uses evaluation results to inform—

6                   “(i) professional improvement plans  
7                   for teachers and principals, which shall be  
8                   developed in collaboration with teachers  
9                   and principals, that are appropriate to the  
10                  level of the individual being evaluated, in-  
11                  cluding support and timelines to carry out  
12                  each plan; and

13                   “(ii) comprehensive support, men-  
14                   toring, interventions and timelines to carry  
15                   out each plan; and

16           “(G) establishes appropriate training for  
17           evaluators and staff being evaluated includ-  
18           ing—

19                   “(i) a clear articulation of the evalua-  
20                   tion system and the process, systems, rat-  
21                   ings, and the implications of the results  
22                   provided to teachers and principals;

23                   “(ii) how the system provides teachers  
24                   and principals the opportunity and assist-

1           ance to improve consistent with subpara-  
2           graph (F)(i); and

3           “ (iii) how to identify working condi-  
4           tions that affect teaching and learning,  
5           such as facilities and resources, and school  
6           climate and safety, and isolating educator  
7           impact on student outcomes from these  
8           factors;

9           “(2) a description of how the State educational  
10          agency will ensure that within 4 years of the date  
11          of enactment of the Student Success Act, each local  
12          educational agency in the State that receives a  
13          subgrant under subpart 2 makes public the results  
14          of an evaluation system if applicable;

15          “(3) a description of how, within 2 years of the  
16          date of enactment of the Student Success Act, each  
17          local educational agency in the State that receives a  
18          subgrant under subpart 2 shall conduct an annual  
19          assessment of educator support and working condi-  
20          tions that—

21                  “(A) evaluates supports for teachers, lead-  
22                  ers, and other school personnel, such as—

23                          “(i) teacher and principal perceptions  
24                          of availability of high-quality professional



1 development and instructional materials  
2 and opportunities for collaboration;

3 “(ii) timely availability of data on stu-  
4 dent academic achievement and growth;

5 “(iii) the presence of high-quality in-  
6 structional leadership; and

7 “(iv) opportunities for professional  
8 growth such as career ladders and men-  
9 toring and induction programs;

10 “(B) evaluates working conditions for  
11 teachers, leaders and other school personnel,  
12 such as—

13 “(i) school climate;

14 “(ii) school safety;

15 “(iii) class size;

16 “(iv) availability and use of common  
17 planning time and opportunities to collabo-  
18 rate; and

19 “(v) family and community engage-  
20 ment;

21 “(C) is developed with teachers, leaders  
22 and other school personnel, parents, students,  
23 and the community;

24 “(D) develops and implements a plan with  
25 the groups described in subparagraph (C) and

1 with, at a minimum, annual benchmarks to ad-  
2 dress the results of the assessment carried de-  
3 scribed in this paragraph; and

4 “(E) publicly reports on the results of the  
5 evaluations described in subparagraph (A) and  
6 (B) and the plan described in subparagraph  
7 (C);

8 “(4) a description of the educator supports the  
9 State has developed to assist in the implementation  
10 of new college- and career-ready standards, as de-  
11 scribed in section 1111(b)(2), including the State’s  
12 plan for making those supports available to its local  
13 educational agencies and for prioritizing the intro-  
14 duction of those supports, in conjunction with the  
15 appropriate local educational agency, into the State’s  
16 lowest performing schools;

17 “(5) a description of how a State will develop  
18 and implement a plan for the equitable distribution  
19 of teachers and principals that—

20 “(A) low-income and minority students are  
21 not—

22 “(i) taught at higher rates than are  
23 other students by teachers not deemed  
24 qualified or who are rated in the lowest

1 evaluation categories, where applicable;  
2 and

3 “(ii) assigned at higher rates than are  
4 other students to schools administered by  
5 principals who have been rated in the low-  
6 est evaluation rating categories, where ap-  
7 plicable;

8 “(B) includes—

9 “(i) percentage of effective teachers,  
10 as determined by the State or local edu-  
11 cational agency, for schools in the top  
12 quartile of poverty against the schools in  
13 the bottom quartile of poverty;

14 “(ii) percentage of effective teachers,  
15 as determined by the State or local edu-  
16 cational agency, for schools in the top  
17 quartile in percentage of minority students  
18 against the bottom quartile of percentage  
19 of minority students;

20 “(iii) specific and measurable goals  
21 and strategies to close gaps identified in  
22 the plan; and

23 “(C) uses a combined measure of indica-  
24 tors such as a composite to carry out the plan  
25 described in this paragraph that—

1 “(i) shall include—

2 “(I) the percentage of first year  
3 teachers; and

4 “(II) the percentage of qualified  
5 teachers; and

6 “(ii) may include—

7 “(I) with respect to middle  
8 schools and high schools, the percent-  
9 age of core academic courses taught  
10 by teachers who have met State licen-  
11 sure requirements for such courses;

12 “(II) the percentage of teachers  
13 whose licensure exam scores fall one  
14 standard deviation above passing  
15 score of teachers within the State;

16 “(III) the percent of teachers  
17 with more than 10 absences over the  
18 course of the school year; and

19 “(IV) the percentage of teachers  
20 hired after the first day of school;

21 “(6) the State definition of teacher-of-record,  
22 how local educational agencies report to the State on  
23 the teacher-of-record, and how the definition is used  
24 to ensure equitable distribution of effective and high-  
25 ly effective teachers;

1           “(7) a description of how the State will estab-  
2           lish and maintain a data system that within 3 years  
3           after the date of enactment of the Student Success  
4           Act—

5                   “(A) supports data sharing among local  
6                   educational agencies and a teacher and leader  
7                   preparation program described in section  
8                   200(6)(A)(IV) of the Higher Education Act of  
9                   1965, as amended by section 202 of the Stu-  
10                  dent Success Act, on the program’s graduates’  
11                  students’, which may include data on evidence  
12                  of student learning; and

13                   “(B) publically reports the percentage of  
14                   effective teachers and leaders, as determined by  
15                   the State or local educational agency, by prepa-  
16                   ration program;

17           “(8) a description of the State’s plan to—

18                   “(A) implement the plan within the re-  
19                   quired timelines, including annual benchmarks  
20                   for implementation; and

21                   “(B) report annually to the Secretary on  
22                   its progress implementing the plan and meeting  
23                   annual benchmarks outlined under subpara-  
24                   graph (A);

1           “(9) the State’s definition of, or standards and  
2 criteria for—

3                   “(A) a qualified teacher; and

4                   “(B) an effective teacher;

5           “(10) a description of any performance meas-  
6 ures in addition to those described in subpart 4 that  
7 the State will use to measure the performance of the  
8 State and of each local educational agency that re-  
9 ceives a subgrant under subpart 2; and

10           “(11) a description of how the State will carry  
11 out the activities outlined in section 2113.

12           “(c) COMPLIANCE AND DISAPPROVAL.—If the Sec-  
13 retary finds that a State’s application does not comply in  
14 whole or in part with the requirements of this subpart,  
15 the Secretary shall—

16                   “(1) notify the State regarding the specific pro-  
17 visions in the application that do not comply with  
18 the requirements of this subpart;

19                   “(2) request any additional information needed  
20 to determine whether the application will comply  
21 with the requirements of this subpart; and

22                   “(3) before disapproving the application, give  
23 the State notice and an opportunity for a hearing.

1 **“SEC. 2113. STATE USES OF FUNDS.**

2 “(a) IN GENERAL.—A State that receives a grant  
3 under this subpart shall use—

4 “(1) 90 percent of the grant funds to award  
5 subgrants under subpart 2 to local educational agen-  
6 cies with approved applications under section 2122;

7 “(2) not more than 5 percent of the grant  
8 funds, to plan and administer the activities of the  
9 State under this subpart, including the awarding of  
10 the subgrants under subpart 2 and the monitoring  
11 and enforcement of the requirements for the sub-  
12 grants, including developing or improving any teach-  
13 er and principal evaluation systems that are based  
14 in part on evidence of student learning and other  
15 measures determined by the State.

16 “(3) at least 2 percent of the grant funds to ac-  
17 tivities designed to recruit, support, and retain effec-  
18 tive principals for high-need and low-performing  
19 schools, such as—

20 “(A) strengthening principal preparation  
21 programs to ensure that they are highly selec-  
22 tive, include in-depth residency for at least one  
23 year or field-based experience in a high-need or  
24 low-performing school, and provide induction or  
25 other support for at least the first year of a  
26 principal’s service, including coaching from a

1           mentor principal in instructional leadership and  
2           organizational management;

3           “(B) provide training in school and per-  
4           sonnel management, including management of  
5           the organization, staff and resources, developing  
6           a school climate and instructional program, de-  
7           veloping effective relationships with community  
8           and parents, and using student-level and school  
9           level-data to inform decision-making;

10          “(C) training on child development, im-  
11          proving instruction and closing achievement  
12          gaps;

13          “(D) providing compensation incentives to  
14          attract, retain, and reward effective principals  
15          and other school leaders for high-need and low-  
16          performing schools;

17          “(E) developing teacher career ladders  
18          with a performance-based selection process that  
19          distribute school leadership responsibilities and  
20          develop a pipeline of individuals who gain the  
21          experience necessary to become an effective  
22          principal; and

23          “(F) activities to improve the effectiveness  
24          of school superintendents, principal supervisors,



1 human resources directors, and other local edu-  
2 cational agency managers; and

3 “(4) use any remaining funds reserved at the  
4 State level to—

5 “(A) carry out any other activities de-  
6 signed to help the State make progress toward  
7 carrying out the purposes of this title and  
8 showing improvement on the performance meas-  
9 ures described in subpart 4 and any additional  
10 measures described in the State’s application,  
11 including activities designed to—

12 “(i) align the State’s professional  
13 teaching standards, teacher and principal  
14 certification or licensure requirements,  
15 teacher-preparation programs, and profes-  
16 sional-development requirements with kin-  
17 dergarten-through-grade-12 academic con-  
18 tent and achievement standards that build  
19 toward college-and-career-readiness;

20 “(ii) reform teacher and school leader  
21 compensation, including by modifying poli-  
22 cies and practices and providing technical  
23 assistance to local educational agencies, in  
24 order to enable those agencies to recruit,  
25 reward, and retain effective teachers and

1 school leaders in high-need schools, fields,  
2 subjects, and areas;

3 “(iii) support the training of teachers,  
4 principals, and other school leaders in  
5 meeting the diverse learning needs of their  
6 students, including through universal de-  
7 sign for learning, as described in section  
8 5429(b)(21), and multi-tiered system of  
9 supports and language acquisition instruc-  
10 tion;

11 “(iv) support the training of teachers,  
12 principals, and other school leaders in ef-  
13 fectively integrating technology (including  
14 technology for students with disabilities)  
15 into curricula and instruction and in how  
16 to use technology for on-line communica-  
17 tion and for collaboration and data anal-  
18 ysis;

19 “(v) strengthen human resource sys-  
20 tems in local educational agencies to re-  
21 cruit, train, hire, and place individuals who  
22 are or are most likely to be effective teach-  
23 ers and principals, provide effective teach-  
24 ers and principals with support and devel-  
25 opment opportunities focused on increasing

1 student achievement, and retain effective  
2 teachers and principals over time by cre-  
3 ating school environments that enable ex-  
4 cellent teaching including through strate-  
5 gies such as distributed leadership, time  
6 for collaboration and use of student data  
7 for job-embedded professional development;  
8 “(vi) develop and provide professional  
9 development, including through joint pro-  
10 fessional development opportunities, for  
11 early childhood educators, teachers, prin-  
12 cipals, specialized instructional support  
13 personnel, and other school leaders;  
14 “(vii) develop and implement policies  
15 and practices that position the State to be  
16 a competitive applicant for grants under  
17 part B of this title;  
18 “(viii) support the training of teach-  
19 ers, principals, and other school leaders on  
20 how to accelerate the learning of students  
21 who are performing below grade level; and  
22 “(ix) provide professional development  
23 for teachers, principals and other school  
24 administrators in early elementary grades  
25 that includes specialized knowledge about

1 child development and learning, develop-  
2 mentally-appropriate curricula and teach-  
3 ing practices, meaningful family engage-  
4 ment and collaboration with early care and  
5 education programs;

6 “(B) provide technical assistance, as nec-  
7 essary, to each local educational agency that re-  
8 ceives a subgrant under subpart 2, in order to  
9 help the local educational agency improve per-  
10 formance on the measures described in subpart  
11 4;

12 “(C) establish policies and practices to en-  
13 sure the quality of the data reported under this  
14 part and the effectiveness of the methods used  
15 to analyze those data; and

16 “(D) develop and disseminate the State re-  
17 port card required under subpart 4, and use the  
18 information in the report card to guide efforts  
19 under this title.

20 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-  
21 ceived under this subpart shall be used to supplement, and  
22 not supplant, non-Federal funds that would otherwise be  
23 used for activities authorized under this subpart.

1           **“Subpart 2—Subgrants to Local Educational**  
2                                   **Agencies**

3   **“SEC. 2121. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**  
4                                   **CIES.**

5           “(a) IN GENERAL.—Each State educational agency  
6 that receives an allocation under subpart 1 shall allocate  
7 to each local educational agency in the State that has an  
8 application approved by the State under section 2122 the  
9 sum of—

10               “(1) the amount that bears the same relation-  
11 ship to 20 percent of the amount allocated to the  
12 State educational agency as the number of individ-  
13 uals age 5 through 17 in the geographic area served  
14 by the agency, as determined by the Secretary on  
15 the basis of the most recent satisfactory data, bears  
16 to the number of those individuals in the geographic  
17 areas served by all such local educational agencies in  
18 the State, as so determined; and

19               “(2) the amount that bears the same relation-  
20 ship to 80 percent of the amount allocated to the  
21 State educational agency as the number of individ-  
22 uals age 5 through 17 from families with incomes  
23 below the poverty line in the geographic area served  
24 by the agency, as determined by the Secretary on  
25 the basis of the most recent satisfactory data, bears  
26 to the number of those individuals in the geographic

1 areas served by all such local educational agencies in  
2 the State, as so determined.

3 “(b) **MINIMUM ALLOTMENTS.**—

4 “(1) **FISCAL YEAR 2016.**—For fiscal year 2016,  
5 no local educational agency shall receive an alloca-  
6 tion under subsection (a) that is less than 90 per-  
7 cent of the allocation the local educational agency  
8 received under this part for fiscal year 2015, as this  
9 part was in effect on the day before the date of en-  
10 actment of the Student Success Act.

11 “(2) **SUBSEQUENT FISCAL YEARS.**—For fiscal  
12 year 2017 and each succeeding fiscal year, no local  
13 educational agency receiving an allotment under sub-  
14 section (a) shall receive less than 90 percent of the  
15 allotment the local educational agency received  
16 under this subpart for the preceding fiscal year.

17 “(c) **RATABLE REDUCTION.**—If the funds described  
18 in subsection (a) are insufficient to pay the full amounts  
19 that all local educational agencies are eligible to receive  
20 under subsection (b) for any fiscal year, the State shall  
21 ratably reduce such amounts for such fiscal year.

22 **“SEC. 2122. LOCAL EDUCATIONAL AGENCY NEEDS ASSESS-**  
23 **MENT AND APPLICATIONS.**

24 “(a) **IN GENERAL.**—To receive a subgrant under this  
25 subpart a local educational agency shall—

1           “(1) submit an application to the State edu-  
2           cational agency involved at such time, in such man-  
3           ner, and containing such information and assurances  
4           as the State educational agency may reasonably re-  
5           quire; and

6           “(2) conduct, in developing its application, and  
7           with the involvement of teachers, principals, and  
8           other stakeholders, as applicable, an assessment of  
9           educator support and working conditions consistent  
10          with section 2112(b)(3), in the areas set forth under  
11          the performance measures described in subpart 4,  
12          identified under the school improvement plans under  
13          section 1116, as applicable, and the needs of schools  
14          receiving funds under title I.

15          “(b) CONTENTS.—Each application submitted under  
16          this section shall include—

17                 “(1) a description of—

18                         “(A) the results of the needs assessment  
19                         conducted under subsection (a)(2);

20                         “(B) the performance measures and activi-  
21                         ties the local educational agency will use to ad-  
22                         dress the needs identified under the assessment;

23                         “(C) the local educational agency’s plan  
24                         for using the subgrant under this subpart, and  
25                         other local, State, and Federal funds, to ensure

1 the equitable distribution of teachers and prin-  
2 cipals, within the local educational agency so  
3 that low-income and minority students are  
4 not—

5 “(i) taught at higher rates than are  
6 other students by teachers not deemed  
7 qualified and who are not effective, as de-  
8 termined by the State or local educational  
9 agency;

10 “(ii) assigned to schools administered  
11 by principals who not effective, as deter-  
12 mined by the State or local educational  
13 agency, at higher rates than other students  
14 within the local educational agency;

15 “(D) the local educational agency’s plan  
16 for using the subgrant under this subpart to  
17 support teachers in meeting the diverse learning  
18 needs of all their students, including through  
19 universal design for learning, as described in  
20 section 5429(b)(21), and multi-tiered system of  
21 supports and language acquisition; and

22 “(E) a description of the educator supports  
23 the local educational agency will provide to as-  
24 sist with the implementation of new college- and  
25 career-ready standards and early learning



1 standards, including the local educational agen-  
2 cy's plan for prioritizing the introduction of  
3 those supports in its lowest performing schools;

4 “(F) a description of how the local edu-  
5 cational agency will, as appropriate, involve in  
6 the delivery of activities and services under this  
7 part, external providers that have demonstrated  
8 expertise and experience in using evidence-  
9 based strategies and programs to deliver evi-  
10 dence-based professional development and to  
11 raise the quality of teaching and school leader-  
12 ship; and

13 “(2) an assurance that, within 5 years of re-  
14 ceiving a subgrant under this subpart, the local edu-  
15 cational agency will—

16 “(A) conduct a second needs assessment,  
17 with the involvement of teachers, principals,  
18 and other stakeholders, as applicable, in the  
19 areas set forth in subpart 4 and identified in  
20 plans under section 1116, as applicable, par-  
21 ticularly the needs of schools receiving funds  
22 under title I; and

23 “(B) submit a revised application to the  
24 State, consistent with the requirements of this  
25 section.

1 **“SEC. 2123. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.**

2       “(a) USE OF FUNDS.—Subject to the requirements  
3 of the State consistent with section 2112(a), a local edu-  
4 cational agency that receives a subgrant under this sub-  
5 part shall, directly, or with other local educational agen-  
6 cies or the State educational agency, use the subgrant  
7 funds for activities designed to increase academic achieve-  
8 ment for all students, including English learners and stu-  
9 dents with disabilities, by increasing the number and per-  
10 centage of effective teachers and principals, as determined  
11 by the State or local educational agency, and to ensure  
12 the equitable distribution of effective teachers and prin-  
13 cipals through activities that—

14               “(1) develop and implement, or improve, where  
15 applicable, a teacher and principal evaluation sys-  
16 tem;

17               “(2) provide meaningful feedback to teachers  
18 and principals on evaluation results, where applica-  
19 ble, and use those results in making decisions, in-  
20 cluding about professional development;

21               “(3) recruit teachers who are qualified and  
22 teachers and principals who are effective, as deter-  
23 mined by the State or local educational agency, espe-  
24 cially teachers and principals who are needed for  
25 high-need and low-performing schools and high-need

1 fields and subjects, including teachers and principals  
2 who come from underrepresented backgrounds;

3 “(4) implement the assessment of educator sup-  
4 port and working conditions in accordance with sec-  
5 tion 2112(b)(3);

6 “(5) implement the local educational agency’s  
7 plan for ensuring the equitable distribution of effec-  
8 tive teachers and principals, as determined by the  
9 State or local educational agency, who have been  
10 rated by the teacher and principal evaluation system  
11 as at least effective;

12 “(6) develop and implement an induction pro-  
13 gram that is designed to increase the effectiveness of  
14 new teachers and retain effective teachers, especially  
15 in high-need and low-performing schools, such as a  
16 program that provides reduced teaching assignments  
17 for new teachers, training for instructional coaches  
18 or mentors who will participate in induction activi-  
19 ties, access to on-line support systems, and frequent  
20 feedback to promote continuous learning and in-  
21 structional improvement;

22 “(7) work toward reducing class size for kinder-  
23 garten through third grade by an amount and to a  
24 level consistent with what research has found to im-  
25 prove student academic achievement at a minimum

1 in the schools in the lowest quartile of poverty in the  
2 local educational agency;

3 “(8) improve within-school equity in the dis-  
4 tribution of effective teachers, as determined by the  
5 State or local educational agency, so that low-income  
6 and minority students are not taught at higher rates  
7 than are other students by teachers rated in one of  
8 the two lowest evaluation rating categories, where  
9 applicable;

10 “(9) plan and administer activities carried out  
11 under this subpart, including other activities to im-  
12 prove effectiveness and the equity of distribution as  
13 required in accordance with the local educational  
14 agency’s needs assessments under subsection (a)(2);

15 “(10) develop a plan to expand and improve the  
16 capacity of the local educational agency to recruit,  
17 select, train, evaluate, and develop effective staff,  
18 teachers, school leaders, and school leader managers  
19 to work at or with schools identified for improve-  
20 ment under section 1116;

21 “(11) develop a plan to improve the manage-  
22 ment of school leaders and to address the barriers  
23 in schools served by the local educational agency;

24 “(12) recruit, train, and support teacher lead-  
25 ers or principals for high-need schools; and

1           “(13) provide meaningful support to principals  
2           and their instructional leadership teams.

3           “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-  
4           ceived under this subpart shall be used to supplement, and  
5           not supplant, non-Federal funds that would otherwise be  
6           used for activities authorized under this subpart.

7           “(c) RULE OF CONSTRUCTION.—Nothing in this sub-  
8           part shall be construed to require a local educational agen-  
9           cy to transfer school personnel in order to comply with  
10          the requirements of this part.

11           **“Subpart 3—National Leadership Activities**

12          **“SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.**

13          “From the funds made available under section 2101  
14          for this subpart for any fiscal year, the Secretary may to  
15          reserve up to 3 percent for research, development, tech-  
16          nical assistance, outreach, and dissemination activities,  
17          carried out either directly or through grants, contracts,  
18          or cooperative agreements. Such activities may include—

19                 “(1) activities to strengthen teacher and prin-  
20                 cipal evaluation, including establishing a national  
21                 center to gather, provide benchmarks on, and dis-  
22                 seminate best practices and provide technical assist-  
23                 ance on teacher and principal evaluation so as to  
24                 support States and local educational agencies in de-  
25                 veloping robust and reliable evaluation systems that

1 take evidence of student learning, as defined in sec-  
2 tion 2002(15) into account;

3 “(2) direct assistance to nonprofit organizations  
4 to enhance their support for local educational agen-  
5 cies and schools, including to community-based orga-  
6 nizations that can support multiple local educational  
7 agencies in strengthening their teacher and principal  
8 pipelines and human-resource practices and provide  
9 professional enhancement activities, including ad-  
10 vanced credentialing and high-quality, sustained pro-  
11 fessional development targeted to low-performing  
12 schools;

13 “(3) activities to support development of a lead-  
14 ership academy to train school leaders in effective  
15 school management and instructional leadership,  
16 with a primary focus on turning around low-per-  
17 forming schools, including—

18 “(A) effective management of the organiza-  
19 tion, staff, and resources;

20 “(B) developing a school climate and in-  
21 structional program and related evidence-based  
22 professional development aligned to the needs of  
23 the students and school;

24 “(C) effective relationships with commu-  
25 nity and parents; and

1           “(D) using student-level and school level-  
2           data to inform decision-making;

3           “(4) activities to strengthen evaluation of su-  
4           perintendents including developing model evalua-  
5           tions; and

6           “(5) activities to support pay for success initia-  
7           tives to meet the purposes of this part.

8                           **“Subpart 4—Accountability**

9           **“SEC. 2141. EQUITY ACCOUNTABILITY.**

10          “(a) STATE REQUIREMENTS.—

11           “(1) IN GENERAL.—Each State that receives a  
12          grant under subpart 1 shall—

13           “(A) in a case in which the comparisons  
14          conducted under section 2112(b)(5) of the  
15          State plan indicate the inequalities described in  
16          paragraph (2) with respect to high-poverty and  
17          high-minority local educational agencies—

18           “(i) in consultation with the local edu-  
19          cational agencies in the State, established  
20          2, 4 and 5 year improvement goals that  
21          will substantially reduce or eliminate the  
22          inequities in the schools of such high-pov-  
23          erty and high-minority local educational  
24          agencies; and

1                   “(ii) establish a support plan to assist  
2                   such high-poverty and high-minority local  
3                   educational agencies meet such improve-  
4                   ment goals; and

5                   “(B) in a case in which a high-poverty and  
6                   high-minority local educational agency has not  
7                   achieved the 2-year improvement goals estab-  
8                   lished under subparagraph (A)(i), use 2.5 per-  
9                   cent of the grant funds received under subpart  
10                  2 to carry out the activities described in sub-  
11                  paragraph (A).

12                  “(2) INEQUALITIES.—The inequalities described  
13                  in this paragraph are as follows:

14                  “(A) Students in high poverty and high  
15                  minority local educational agencies in the State  
16                  were being taught at higher rates by teachers  
17                  rated in the lowest two quartiles based on the  
18                  combined measure established under section  
19                  2112(b)(5)(C) compared to students in low pov-  
20                  erty and low minority local educational agencies  
21                  in the State.

22                  “(B) Students in high poverty and high  
23                  minority local educational agencies are being  
24                  taught at higher rates by teachers who are not  
25                  effective as determined by the State or local



1 educational agency, as compared to students in  
2 low poverty and low minority local educational  
3 agencies.

4 “(b) LOCAL EDUCATIONAL AGENCY REQUIRE-  
5 MENTS.—

6 “(1) IN GENERAL.—Subject to paragraph (3), a  
7 high-poverty or high-minority local educational agen-  
8 cy described in paragraph (2) and with respect to  
9 which a State established improvement goals under  
10 subsection (a)(1)(A)(i), shall—

11 “(A) in a case in which the local edu-  
12 cational agency fails to meet its 2 year improve-  
13 ment goals established under such subsection,  
14 use all funds made available through the  
15 subgrant to carry out the activities described in  
16 section 2112(b)(5);

17 “(B) in a case in which the local edu-  
18 cational agency fails to meet its 4 year improve-  
19 ment goals established under such subsection—

20 “(i) receive a subgrant from the State  
21 under subpart 2 equal to not more than 50  
22 percent of the subgrant received by the  
23 local educational agency in the preceding  
24 year under such subpart; and

1                   “(ii) make non-Federal contributions  
2                   in an amount equal to not less than the  
3                   Federal funds provided under the  
4                   subgrant; and

5                   “(C) in a case in which the local edu-  
6                   cational agency fails to meet its 5 year improve-  
7                   ment goals established under such subsection,  
8                   the local educational agency shall be prohibited  
9                   from receiving a subgrant subpart 2.

10                  “(2) DESCRIPTION OF LOCAL EDUCATIONAL  
11                  AGENCIES.—A local educational agency described in  
12                  this paragraph is a local educational agency that—

13                         “(A) students in high poverty and high mi-  
14                         nority schools are being taught at higher rates  
15                         by teachers rated in the lowest two quartiles  
16                         based on the combined measure established  
17                         under section 2112(b)(5)(C) compared to stu-  
18                         dents in low poverty and low minority schools;  
19                         and

20                         “(B) students in high poverty and high mi-  
21                         nority schools are being taught at higher rates  
22                         by teachers who are not effective, as determined  
23                         by the State or local educational agency, com-  
24                         pared to students in low poverty and low minor-  
25                         ity schools.

1           “(3) EXCEPTION.—Paragraph (1) shall not  
2           apply to high poverty and high minority schools  
3           where students are being taught at higher rates who  
4           are not effective, as determined by the State or local  
5           educational agency, compared to students in low  
6           poverty and low minority schools in the local edu-  
7           cational agency if the performance of the high pov-  
8           erty or high minority school’s students, including  
9           each group of students described in section  
10          1111(b)(2)(C)(v)(II), on the State’s annual student  
11          academic assessments has exceeded the statewide av-  
12          erage performance for students overall in that sub-  
13          ject for at least the previous 2 years.

14          “(4) INAPPLICABILITY.—This section shall not  
15          apply to a local educational agency that does not  
16          have more than one building for each grade span.

17          “(5) TRANSITIONAL COMPLIANCE.—Beginning  
18          on the date of enactment of the Student Success  
19          Act, for no more than 4 full school years a local edu-  
20          cational agency shall be deemed to be in compliance  
21          with this section for any school year, if the teachers  
22          hired to fill vacancies in local education agencies  
23          served under this part, improve the equity in dis-  
24          tribution of effective teachers, as determined by the  
25          State or local educational agency, between students

1 served by high poverty or high minority schools and  
2 students served by low poverty or low minority  
3 schools as described in paragraph (2).

4 “(6) WAIVER.—A local educational agency may  
5 apply to the Secretary for a temporary waiver of the  
6 requirements of this section in the case of a natural  
7 disaster or unpredictable or significant personnel as-  
8 signments that occur after the beginning of a school  
9 year that would affect determination of compliance  
10 with this section.

11 “(7) RULES OF CONSTRUCTION.—Nothing in  
12 this section shall be construed to require a local edu-  
13 cational agency to transfer school personnel in order  
14 to comply with this section.

15 **“Subpart 5—Public Reporting**

16 **“SEC. 2151. PUBLIC REPORTING.**

17 “(a) IN GENERAL.—

18 “(1) STATE REPORT CARD.—Each State that  
19 receives a grant under subpart 1 shall annually sub-  
20 mit to the Secretary, and make public, a State re-  
21 port card on program performance and results under  
22 the grant, in a manner prescribed by the Secretary  
23 and containing, analyzing, and updating the infor-  
24 mation required under subsection (b).

1           “(2) LOCAL EDUCATIONAL AGENCY REPORT.—

2           Each local educational agency that receives a  
3           subgrant under subpart 2 shall annually submit to  
4           the State, and make public—

5                   “(A) a report on the local educational  
6                   agency’s program performance and results  
7                   under the subgrant, in a manner prescribed by  
8                   the State or the Secretary, containing, ana-  
9                   lyzing, and updating the information required  
10                  under subsection (c); and

11                   “(B) the notifications to parents described  
12                  in subsection (d).

13           “(3) PRIVACY.—Information required under  
14           this subpart shall be collected, reported, and dis-  
15           seminated in a manner that protects the privacy of  
16           individuals.

17           “(b) STATE REPORT CARD REQUIREMENTS.—Each  
18           State described in subsection (a)(1) shall report the fol-  
19           lowing information in accordance with such subsection:

20                   “(1) With respect to the State overall and for  
21                   each local educational agency in the State,  
22                   disaggregated by poverty quartile and minority quar-  
23                   tile—

24                   “(A) the number and percentage of teach-  
25                   ers and principals, for each grant year, who—

- 1 “(i) are classified as qualified;
- 2 “(ii) are effective, where applicable;
- 3 “(iii) have taught for less than one  
4 full school year; and
- 5 “(iv) have demonstrated content  
6 knowledge in the subject or subjects the  
7 teachers are assigned to teach;
- 8 “(B) with respect to middle and high  
9 schools, the percentage of core academic  
10 courses taught by teachers who have met State  
11 licensure requirements for that course;
- 12 “(C) information required under equitable  
13 distribution plans for the State and each local  
14 educational agency under sections 2112(b)(5)  
15 and 2123(a), respectively;
- 16 “(D) staff retention rates for effective  
17 teachers, as determined by the State or local  
18 educational agency; and
- 19 “(E) any other performance measures the  
20 State is using to measure the performance of  
21 local educational agencies that receive a  
22 subgrant under subpart 2.
- 23 “(2) Results of the data collection reporting  
24 under section 2112(b)(7).

1           “(3) Progress towards meeting the equitable  
2 distribution requirements under section 2112(b)(5).

3           “(4) Results of the assessment of educator sup-  
4 port and working conditions described in section  
5 2112(b)(3).

6           “(5) Results of the needs assessment required  
7 under subpart 2 by each school in the State and  
8 compared to the rubric which was used to conduct  
9 the needs assessment.

10          “(c) LOCAL EDUCATIONAL AGENCY REPORT CARD  
11 REQUIREMENTS.—Each local educational described in  
12 subsection (a)(2) shall report the following information,  
13 for each grant year, in accordance with such subsection:

14           “(1) With respect to the local educational agen-  
15 cy overall and for schools in the agency by poverty  
16 quartile and minority quartile—

17           “(A) the number and percentage of teach-  
18 ers and principals, for each grant year, who—

19           “(i) are classified as qualified;

20           “(ii) are effective, as determined by  
21 the State or local educational agency;

22           “(iii) have taught for less than one  
23 full school year; and

1                   “(iv) have demonstrated content  
2                   knowledge in the subject or subjects the  
3                   teachers are assigned to teach; and

4                   “(B) with respect to middle school and  
5                   high school, the percentage of core academic  
6                   courses taught by teachers who have met State  
7                   licensure requirements for that course.

8           “(d) PARENTS’ RIGHT TO KNOW.—Each local edu-  
9           cational agency that receives a subgrant under subpart 2  
10          shall ensure that each school served by the local edu-  
11          cational agency provides, on an annual basis and at the  
12          beginning of the school year—

13               “(1) the teacher’s qualified status based on the  
14               definition under section 2002(5), including whether  
15               the teacher meets the status based on the require-  
16               ment in subparagraph (A)(v) of such section; and

17               “(2) in local educational agencies with teacher  
18               evaluation systems—

19                   “(A) written notification to the parent of  
20                   each student who has, for 2 consecutive years,  
21                   been assigned an ineffective teacher, as deter-  
22                   mined by the State or local educational agency,  
23                   that such student has been so assigned; and

24                   “(B) a description of—



1                   “(i) the supports the school and local  
2                   educational agency will offer the student to  
3                   compensate for the teacher assignment;

4                   “(ii) the local educational agency’s  
5                   plan for ensuring this assignment pattern  
6                   does not continue; and

7                   “(iii) the teacher’s qualified status  
8                   based on the definition under section  
9                   2002(5), including whether the teacher  
10                  meets the status based on the requirement  
11                  in subparagraph (A)(v) of such section.

12    **“PART B—TEACHER AND LEADER INNOVATION**

13   **FUND**

14    **“SEC. 2201. TEACHER AND LEADER INNOVATION FUND.**

15                  “The purpose of this part is to support States and  
16                  local educational agencies in improving the effectiveness  
17                  of their teachers and school leaders, especially those teach-  
18                  ers and school leaders working in high-need schools, by  
19                  creating the conditions needed to identify, recruit, pre-  
20                  pare, retain, reward, and advance effective teachers, prin-  
21                  cipals, and school leadership teams in such schools.

22    **“SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.**

23                  “(a) IN GENERAL.—There are authorized to be ap-  
24                  propriated \$950,000,000 for fiscal year 2016 and such

1 sums as may be necessary for each of the 5 succeeding  
2 fiscal years to carry out this part.

3 “(b) CONTINUATION.—From the funds made avail-  
4 able under subsection (a), the Secretary may reserve funds  
5 to continue funding the Teacher Incentive Fund author-  
6 ized under the fourth, fifth, and sixth provisos of the ‘In-  
7 novation and Improvement Account’ under title III of  
8 Public Law 109–149, in accordance with the terms and  
9 conditions of such Fund that were in effect on the day  
10 before the enactment of the Student Success Act.

11 **“SEC. 2203. GRANTS.**

12 “(a) IN GENERAL.—From the funds made available  
13 under section 2202 and not reserved under subsection (b)  
14 of such section, for each fiscal year, the Secretary shall  
15 award grants, on a competitive basis, to eligible entities  
16 to carry out the purpose of this part.

17 “(b) ELIGIBLE ENTITY.—In this part, the term ‘eli-  
18 gible entity’ means—

19 “(1) a State educational agency or a consor-  
20 tium of such agencies;

21 “(2) a high-need local educational agency or a  
22 consortium of such agencies;

23 “(3) one or more of the entities described in  
24 paragraphs (1) and (2) in partnership with one or

1 more institutions of higher education, nonprofit or-  
2 ganization, or educational service agencies; or

3 “(4) an entity described in paragraph (1) in  
4 partnership with 1 or more local educational agen-  
5 cies at least one of which is a high-need local edu-  
6 cational agency.

7 “(c) DURATION.—The Secretary shall award a grant  
8 under this part to an eligible entity for an initial period  
9 of not more than 3 years, and may renew the grant for  
10 up to an additional 2 years if the Secretary finds that the  
11 eligible entity is achieving the objectives of the grant and  
12 has shown improvement against baseline measures on per-  
13 formance indicators.

14 **“SEC. 2204. APPLICATIONS.**

15 “(a) IN GENERAL.—Each eligible entity that desires  
16 a grant under this part shall submit an application to the  
17 Secretary at such time, in such manner, and containing  
18 such information and assurances as the Secretary may  
19 reasonably require.

20 “(b) CONTENTS.—Each application submitted under  
21 this section shall contain—

22 “(1) a description of—

23 “(A) how the eligible entity will differen-  
24 tiate levels of teacher and principal performance  
25 by effectiveness, and the criteria it will use to

1 determine that differentiation, which shall in-  
2 clude the use of evidence of student learning as  
3 a significant factor, as well as other measures;  
4 and

5 “(B) how that differentiation will be—

6 “(i) consistent with the teacher and  
7 principal evaluation system described in  
8 section 2112(b)(1); and

9 “(ii) used by the local educational  
10 agency served by the eligible entity to  
11 make decisions about professional develop-  
12 ment and retention;

13 “(2) a description of the rigorous performance  
14 standards that the eligible entity has established, or  
15 will establish, within 2 years of the date of enact-  
16 ment of Student Success Act, that will be used to  
17 evaluate performance;

18 “(3) a plan, developed with appropriate stake-  
19 holders, setting forth the activities to be imple-  
20 mented under the grant and how those activities will  
21 be aligned with the results of—

22 “(A) an analysis of workforce data (includ-  
23 ing teacher and principal surveys) that identi-  
24 fies strengths and weaknesses in the working  
25 conditions provided to teachers, school leaders,

1 and other school personnel and the current and  
2 future staffing needs within the State or local  
3 educational agency;

4 “(B) a public review of any State or local  
5 educational agency statutes, policies, and prac-  
6 tices, including employment policies and prac-  
7 tices that pose a barrier to staffing schools,  
8 particularly high-need schools, with teachers  
9 and principals who have been rated in the high-  
10 est rating categories;

11 “(C) an analysis of the effectiveness and  
12 the cost-effectiveness of applicable State or local  
13 educational agency policies and practices re-  
14 lated to increasing teacher and principal effec-  
15 tiveness;

16 “(D) an analysis of the alignment of the  
17 policies and practices reviewed and analyzed  
18 under subparagraphs (B) and (C) with the goal  
19 of ensuring that educators are prepared to help  
20 all students achieve to college-and-career-ready  
21 standards; and

22 “(E) as applicable, an analysis of the ex-  
23 tent to which the local educational agency’s  
24 human capital strategies, including career ad-  
25 vancement opportunities, salary schedules (in-

1 including incentives for graduate credit and ad-  
2 vanced degrees), and incentives, reward actions,  
3 and strategies that improve instruction and stu-  
4 dent learning; and

5 “(4) evidence of involvement and support for  
6 the proposed grant activities from—

7 “(A) in the case of an application from an  
8 eligible entity that includes a local educational  
9 agency or a consortium of such agencies, a local  
10 school board, teachers union (where there is a  
11 designated exclusive representative for the pur-  
12 pose of collective bargaining), teachers, prin-  
13 cipals, and other stakeholders; and

14 “(B) in the case of an application from a  
15 State educational agency or consortium of such  
16 agencies, the State board of education, State  
17 agency for higher education, any participating  
18 local educational agency, and other stake-  
19 holders.

20 “(c) SELECTION CRITERION.—In making grants  
21 under this part, the Secretary shall consider the extent  
22 to which the eligible entity’s activities that are carried out  
23 through a grant under part A or through State and local  
24 funds are aligned with the entity’s plan under subsection  
25 (b)(3) and the purpose of this part.

1       “(d) PRIORITY.—The Secretary shall give priority to  
2 applications that address particular needs in improving  
3 the effectiveness of the education workforce in high-need  
4 schools or the needs of local educational agencies to fill  
5 positions in high-need fields and subjects.

6       **“SEC. 2205. USE OF FUNDS.**

7       “(a) IN GENERAL.—A eligible entity under this  
8 part—

9               “(1) shall use its grant funds for activities to—

10                       “(A) improve the use of teacher and prin-  
11 cipal effectiveness information, which shall in-  
12 clude the adoption of an evaluation system by  
13 a local educational agency, as described in sec-  
14 tion 2112(b)(1), and use of such evaluation re-  
15 sults in consequential decisionmaking, including  
16 in—

17                               “(i) paying bonuses and increased sal-  
18 aries, if the eligible entity uses an increas-  
19 ing share of non-Federal funds to pay the  
20 bonuses and increased salaries each year of  
21 the grant, to highly effective teachers or  
22 principals who work in high-need schools;

23                               “(ii) activities under sections 2112  
24 and 2122;

1                   “(iii) reforming the local educational  
2                   agency’s system of compensating teachers  
3                   and principals; and

4                   “(iv) developing and implementing a  
5                   human capital system; and

6                   “(B) improve teacher and school-leader  
7                   compensation and career-development systems,  
8                   which may include instituting performance pay,  
9                   career advancement systems (such as career  
10                  ladders or incentives for assuming additional  
11                  roles and responsibilities intended to improve  
12                  student academic achievement), or market-  
13                  based compensation for a high-need school; and

14                  “(2) may use its grant funds for activities to—

15                  “(A) help ensure that high-need and low-  
16                  performing schools are staffed more effectively  
17                  and efficiently, such as through—

18                  “(i) the implementation or use of ear-  
19                  lier hiring timelines;

20                  “(ii) more effective recruitment strate-  
21                  gies (including strategies for recruiting  
22                  candidates from underrepresented groups);

23                  “(iii) more selective screening; and

24                  “(iv) data systems for tracking at-  
25                  tendance, teacher and principal evaluation



1 results, tenure decisions, participation in  
2 professional development, and the results  
3 of that participation;

4 “(B) recruit, prepare, support, and evalu-  
5 ate principals who serve in high-need or low-  
6 performing schools; and

7 “(C) recruit and retain teachers and lead-  
8 ers in rural and remote areas.

9 “(b) STATE GRANTEES.—A State educational agency  
10 that is a grantee under this part shall use its grant funds  
11 for activities to—

12 “(1) modify State policies and practices, as  
13 needed, to enable local educational agencies to carry  
14 out their activities under subsection (a);

15 “(2) develop and implement improvements to  
16 the State’s certification or licensure requirements,  
17 which shall include using teacher and principal eval-  
18 uation results in certification or licensure decisions  
19 (such as by making them a significant factor in the  
20 granting of a full certification or license); and

21 “(3) implement a human capital system, includ-  
22 ing pre-service programs providing teachers and  
23 principals to schools within the State, that increases  
24 the numbers of highly effective teachers and prin-  
25 cipals, particularly in high-need schools by—

1           “(A) identifying, recruiting, training, hir-  
2           ing, and placing individuals who are or are  
3           most likely to be highly effective teachers and  
4           principals;

5           “(B) distributing highly effective teachers  
6           and principals strategically to high need  
7           schools;

8           “(C) providing highly effective teachers  
9           and principals with support and development  
10          opportunities focused on increasing student  
11          achievement; and

12          “(D) retaining highly effective teachers  
13          and principals over time by creating school en-  
14          vironments that enable excellent teaching in-  
15          cluding through strategies such as distributed  
16          leadership, time for collaboration and use of  
17          student data for internal professional develop-  
18          ment.

19           **“PART C—GENERAL PROVISIONS**

20   **“SEC. 2301. PROHIBITION AGAINST INTERFERENCE WITH**  
21           **STATE AND LOCAL LAWS AND AGREEMENTS.**

22          “Nothing in this title shall be construed to alter or  
23          otherwise affect the rights, remedies, and procedures af-  
24          forded to school or local educational agency employees  
25          under Federal, State, or local laws (including applicable

1 regulations or court orders as well as requirements that  
2 local educational agencies negotiate and or meet and con-  
3 fer in good faith) or under the terms of collective bar-  
4 gaining agreements, memoranda of understanding, or  
5 other agreements between such employers and their em-  
6 ployees.

7 **“SEC. 2302. PROTECTING THE INTEGRITY OF EVALUATION**  
8 **SYSTEMS.**

9 “No State or local educational agency receiving fund-  
10 ing under this title shall publicly report personally identifi-  
11 able information included in an individual teacher or prin-  
12 cipal evaluation, including information that can be used  
13 to distinguish an individual’s identity when combined with  
14 other personal or identifying information.

15 **“SEC. 2303. PROHIBITION AGAINST MANDATING SYSTEMS**  
16 **OF TEACHER OR PRINCIPAL EVALUATIONS.**

17 “Nothing in this title shall be construed to mandate  
18 the development of State or local educational agency sys-  
19 tems of teacher and principal evaluation.”.

20 **SEC. 202. HEA CONFORMING AMENDMENTS.**

21 (a) **QUALIFIED TEACHER.**—The Higher Education  
22 Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

23 (1) in section 200 (20 U.S.C. 1021)—

24 (A) by amending paragraph (13) to read  
25 as follows:

1           “(13) QUALIFIED.—The term ‘qualified’ has  
2           the meaning given the term ‘qualified teacher’ in  
3           section 2002(5), as amended by section 201 of the  
4           Student Success Act.

5                   “(B) in paragraph (17)(B)(ii), by striking  
6           ‘highly qualified’ and inserting ‘qualified’; and

7                   “(C) in paragraph (22)(D)(i), by striking  
8           ‘highly qualified’ and inserting ‘qualified.’”;

9           (2) in section 201(3) (20 U.S.C. 1022(3)), by  
10          striking “highly qualified teachers” and inserting  
11          “qualified teachers”;

12          (3) in section 202 (20 U.S.C. 1022)—

13                   (A) in subsection (b)(6)(H), by striking  
14           “highly qualified teachers” and inserting  
15           “qualified teachers”;

16                   (B) in subsection (d)—

17                           (i) in paragraph (1)—

18                                   (I) in subparagraph (A)(i)(I), by  
19                                   striking “highly qualified” and insert-  
20                                   ing “qualified”; and

21                                   (II) in subparagraph (B)(iii), by  
22                                   striking “highly qualified” and insert-  
23                                   ing “qualified”; and

1 (ii) in paragraph (5), by striking  
2 “highly qualified teachers” and inserting  
3 “qualified teachers”; and

4 (C) in subsection (e)(2)(C)(iii)(IV), by  
5 striking “highly qualified teacher, as defined in  
6 section 9101,” and inserting “qualified teacher,  
7 as defined in section 2002(5), as amended by  
8 section 201 of the Student Success Act”;

9 (4) in section 204(a)(4) (20 U.S.C. 1022c) by  
10 striking “highly qualified teachers” each place it ap-  
11 pears and inserting “qualified teachers”;

12 (5) in section 205(b)(1)(I) (20 U.S.C.  
13 1022d(b)(1)(I)), by striking “highly qualified teach-  
14 ers” and inserting “qualified teachers”;

15 (6) in section 207(a)(1) (20 U.S.C.  
16 1022f(a)(1)), by striking “highly qualified teachers”  
17 and inserting “qualified teachers”;

18 (7) in section 208(b) (20 U.S.C. 1022g(b)), by  
19 striking “highly qualified” each place it appears and  
20 inserting “qualified”;

21 (8) in section 242(b) (20 U.S.C. 1033a), by  
22 striking “highly qualified” each place it appears and  
23 inserting “qualified”;

1           (9) in section 251(b) (20 U.S.C. 1034(b)), by  
2           striking “highly qualified” each place it appears and  
3           inserting “qualified”; and

4           (10) in section 258(d)(1) (20 U.S.C.  
5           1036(d)(1)), by striking “highly qualified” and in-  
6           serting “qualified”.such partner institution.

7           (c) DEFINITIONS.—Section 200 of the Higher Edu-  
8           cation Act of 1965 (20 U.S.C. 1021) is amended—

9           (1) by amending paragraph (6) to read as fol-  
10          lows:

11           “(6) ELIGIBLE PARTNERSHIP.—Except as oth-  
12          erwise provided in section 251, the term ‘eligible  
13          partnership’ means an entity that—

14                   “(A) shall include—

15                           “(i) a high-need local educational  
16                           agency;

17                           “(ii)(I) a high-need school or a con-  
18                           sortium of high-need schools served by the  
19                           high-need local educational agency; or

20                           “(II) as applicable, a high-need early  
21                           childhood education program; or

22                           “(iii)(I) the following entities—

23                                   “(aa) a partner institution.

24                                   “(bb) a school, department, or  
25                           program of education within such

1 partner institution, which may include  
2 an existing teacher professional devel-  
3 opment program with proven out-  
4 comes within a 4-year institution of  
5 higher education that provides inten-  
6 sive and sustained collaboration be-  
7 tween faculty and local educational  
8 agencies consistent with the require-  
9 ments of this title; and

10 “(cc) a school or department of  
11 arts and sciences within such partner  
12 institution; or

13 “(II) an entity operating a program  
14 that provides alternative routes to State  
15 certification of teachers that has a teacher  
16 preparation program—

17 “(aa) whose graduates exhibit  
18 strong performance on State-deter-  
19 mined qualifying assessments for new  
20 teachers through demonstrating that  
21 80 percent or more of the graduates  
22 of the program who intend to enter  
23 the field of teaching have passed all of  
24 the applicable State qualification as-  
25 sessments for new teachers, which

1 shall include an assessment of each  
2 prospective teacher's subject matter  
3 knowledge in the content area in  
4 which the teacher intends to teach;  
5 and

6 “(bb) that requires each student  
7 in the program to meet high academic  
8 standards or demonstrate a record of  
9 success, as determined by the institu-  
10 tion (including prior to entering and  
11 being accepted into a program), and  
12 participate in intensive clinical experi-  
13 ence, and each student in the program  
14 is preparing to become a qualified  
15 teacher; and

16 “(B) may include any of the following:

17 “(i) The Governor of the State.

18 “(ii) The State educational agency.

19 “(iii) The State board of education.

20 “(iv) The State agency for higher edu-  
21 cation.

22 “(v) A business.

23 “(vi) A public or private nonprofit  
24 educational organization.

25 “(vii) An educational service agency.



1 “(viii) A teacher organization.

2 “(ix) A high-performing local edu-  
3 cational agency, or a consortium of such  
4 local educational agencies, that can serve  
5 as a resource to the partnership.

6 “(x) A charter school (as defined in  
7 section 5210).

8 “(xi) A school or department within a  
9 partner institution that focuses on psy-  
10 chology and human development.

11 “(xii) A school or department within a  
12 partner institution with comparable exper-  
13 tise in the disciplines of teaching, learning,  
14 and child and adolescent development.

15 “(xiii) An entity operating a program  
16 that provides alternative routes to State  
17 certification of teachers.

18 “(xiv) A school, department, or pro-  
19 gram of education within a partner institu-  
20 tion.

21 “(xv) A school or department of arts  
22 and sciences within a partner institution.”;

23 (2) by amending paragraph (10) to read as fol-  
24 lows:

1           “(10) HIGH-NEED LOCAL EDUCATIONAL AGEN-  
2           CY.—The term “high-need local educational agency  
3           has the meaning given such term in section 2002(4),  
4           as amended by section 201 of the Student Success  
5           Act.”;

6           (3) by amending paragraph (14) to read as fol-  
7           lows:

8           “(14) INDUCTION PROGRAM.—The term ‘induc-  
9           tion program’ has the meaning given the term ‘in-  
10          duction’ in section 2002(6), as amended by section  
11          201 of the Student Success Act.”; and

12          (4) by amending paragraph (21) to read as fol-  
13          lows:

14          “(21) TEACHER MENTORING.—The term  
15          ‘teacher mentoring’ has the meaning given the term  
16          ‘mentoring’ in section 2002(7), as amended by sec-  
17          tion 201 of the Student Success Act.”.

18          (d) PURPOSE.—Section 201 of the Higher Education  
19          Act of 1965 (20 U.S.C. 1022) is amended—

20                 (1) by striking “and” at the end of paragraph  
21                 (3);

22                 (2) by striking the period and inserting “; and”  
23                 at the end of paragraph (4); and

24                 (3) by inserting at the end the following:

25                 “(5) improve teacher effectiveness.”.

1 (e) PARTNERSHIP GRANTS.—Section 202 of the  
2 Higher Education Act of 1965 (20 U.S.C. 1022a) is  
3 amended—

4 (1) in subsection (b)(6)—

5 (A) in subparagraph (E)(ii), by striking  
6 “student academic” and inserting “college-and-  
7 career ready student academic”;

8 (B) in subparagraph (H)—

9 (i) in the matter preceding clause (i),  
10 by inserting “or alternative route entity”  
11 after “partner institution”;

12 (ii) in clause (i), by striking “that in-  
13 corporate” and all that follows through  
14 “instruction” and inserting “consistent  
15 with part A of title IV of the Elementary  
16 and Secondary Education Act of 1965”;

17 (iii) in clause (i), insert “and other  
18 educators, including mutli-tiered systems  
19 of support and universal design for learn-  
20 ing, as described in section 5429(b)(21)”  
21 after “secondary school teachers”;

22 (iv) in clause (ii), insert “ and writing  
23 instruction” after “reading”; and

24 (v) after clause (ii) insert the fol-  
25 lowing:

1                   “(iii) provide high-quality professional  
2                   development activities to strengthen the in-  
3                   structional and leadership skills of elemen-  
4                   tary school and secondary school principals  
5                   and district superintendents, if the partner  
6                   institution has a principal preparation pro-  
7                   gram;”;

8                   (C) by redesignating subparagraphs (I)  
9                   through (K) as subparagraphs (J) through (L),  
10                  respectively; and

11                  (D) by inserting after subparagraph (H),  
12                  the following:

13                  “(I) how the partnership will prepare  
14                  teachers to use data to analyze student per-  
15                  formance and adjust teaching practices to im-  
16                  prove student achievement;”;

17                  (2) in subsection (d)(6)(A), by striking “that  
18                  incorporate the essential components of literacy in-  
19                  struction” and inserting “aligned with part A of title  
20                  IV of the Elementary and Secondary Education Act  
21                  of 1965”.

22                  (f)       ADMINISTRATIVE       PROVISIONS.—Section  
23                  203(b)(2)(A) of the Higher Education Act of 1965 (20  
24                  U.S.C. 1022b(b)(2)(A)) is amended by inserting “or alter-  
25                  native route entity” after “institution of higher education

1 (g) ACCOUNTABILITY AND EVALUATION.—Section  
2 204(a) of the Higher Education Act of 1965 (20 U.S.C.  
3 1022c) is amended—

4 (1) by redesignating paragraphs (3) and (4) as  
5 paragraphs (4) and (5), respectively; and

6 (2) by inserting after paragraph (2), the fol-  
7 lowing:

8 “(3) effective teachers as determined by the  
9 State;”.

10 (h) INFORMATION ON PREPARATION PROGRAMS.—  
11 Section 205(b)(1) of the Higher Education Act of 1965  
12 (20 U.S.C. 1022d(b)) is amended—

13 (1) in the matter preceding subparagraph (A),  
14 by striking “teacher preparation program” and in-  
15 serting “teacher and school leader preparation pro-  
16 gram”; and

17 (2) by adding at the end the following:

18 “(M) Within 3 years of the date of enact-  
19 ment of the Student Success Act, information  
20 on the impact of each program’s graduates on  
21 the evidence of student learning, as defined in  
22 section 2002(15), of the students that such  
23 graduates teach, if that information is available.

24 “(N) The percentage of each program’s  
25 graduates who teach in a high-need school.

1           “(O) The percentage of each program’s  
2 graduates who are prepared to teach a high-  
3 need subject.

4           “(P) The percentage of each program’s  
5 graduates who become effective and highly ef-  
6 fective teachers or principals as determined by  
7 the State.

8           “(Q) The 3-year retention rate of each  
9 program’s graduates who become effective and  
10 highly effective teachers or principals according  
11 to such graduates’ ratings by such system.”.

12 **TITLE III—LANGUAGE INSTRU-**  
13 **CTION FOR LIMITED ENGLISH**  
14 **PROFICIENT AND IMMIGRANT**  
15 **STUDENTS**

16 **SEC. 301. LANGUAGE INSTRUCTION.**

17 Title III (20 U.S.C. 6801 et seq.) is amended—

18           (1) in section 3001—

19                   (A) by striking “fiscal year 2002” and in-  
20 serting “fiscal year 2016” each place it ap-  
21 pears; and

22                   (B) in subsection (a)(1), by striking  
23 “\$750,000,000” and inserting  
24 “1,000,000,000”;

1           (2) by striking “No Child Left Behind Act of  
2           2001” and inserting “Student Success Act” each  
3           place it appears;

4           (3) in section 3244, by striking “2002 through  
5           2008” and inserting “2016 through 2022”;

6           (4) by striking “adequate yearly progress” and  
7           inserting “progress” each place it appears;

8           (5) in sections 3102(8)(B), 3113(b)(5)(B), and  
9           3116(b)(3)(B), by striking “, as described in section  
10          1111(b)(2)(B)”;

11          (6) in section 3122(a)(3)(A)(iii), by striking “as  
12          described in section 1111(b)(2)(B)”;

13          (7) by repealing section 3122;

14          (8) in section 3111(b)(2)(D), by striking “an-  
15          nual measurable achievement objectives pursuant to  
16          section 3122” and inserting “performance targets  
17          described in section 1111(c)”;

18          (9) in sections 3113(b), 3116(b), 3121(d)(3),  
19          and 3302(b), by striking “annual measurable  
20          achievement objectives described in section 3122”  
21          and inserting “performance targets described in sec-  
22          tion 1111(c)” each place it appears;

23          (10) in section 3122, by striking “annual meas-  
24          urable achievement objectives” and inserting “per-  
25          formance targets” each place it appears;

1 (11) by striking “section 1111(b)(7)” and in-  
2 sserting “section 1111(b)(3)(F)” each place it ap-  
3 pears; and

4 (12) by striking “section 1111(b)(1)” and in-  
5 sserting “section 1111(b)(4)” each place it appears.

6 **TITLE IV—21ST CENTURY**  
7 **SCHOOLS**

8 **SEC. 401. 21ST CENTURY SCHOOLS.**

9 Title IV (20 U.S.C. 7101 et seq.) is amended to read  
10 as follows:

11 “TITLE IV—21ST CENTURY SCHOOLS  
12 “PART A—21ST CENTURY COMMUNITY LEARNING  
13 CENTERS

14 **“SEC. 4001. PURPOSE.**

15 “The purpose of this part is to provide opportunities  
16 for communities to establish or expand activities through  
17 learning partnerships that—

18 “(1) provide opportunities for academic enrich-  
19 ment, increased academic achievement, and student  
20 success in schools by providing students with addi-  
21 tional learning time for more expansive, relevant and  
22 rigorous learning opportunities, including opportuni-  
23 ties to catch students up in their coursework, and  
24 help students accelerate their learning;



1           “(2) provide a broad array of additional serv-  
2           ices, programs and activities for a well-rounded edu-  
3           cation, including youth development activities, music  
4           and the arts, outdoor and recreation programs, tech-  
5           nology education programs, dual-language programs,  
6           character education, and environmental literacy pro-  
7           grams that are designed to reinforce and compliment  
8           the regular academic program for participating stu-  
9           dents;

10           “(3) complement, not replicate, the regular  
11           school day, by offering a range of activities that cap-  
12           ture student interest and strengthen student engage-  
13           ment in learning, promote higher class attendance,  
14           improve retention, and reduce the risk for dropout,  
15           and actively address the specific learning needs and  
16           interests of all types of students, especially those  
17           who may benefit from approaches and experiences  
18           not offered in the traditional classroom setting;

19           “(4) provide teachers and staff in learning part-  
20           nerships with increased opportunities to work col-  
21           laboratively, and to participate in professional plan-  
22           ning and professional development, within and  
23           across grades and subjects to improve teaching and  
24           learning;

1           “(5) provide students with safe learning envi-  
2           ronments and additional resources to increase stu-  
3           dent engagement in school; and

4           “(6) offer families of students served by part-  
5           nerships opportunities for literacy development and  
6           related educational development.

7   **“SEC. 4002. ALLOTMENT TO STATES.**

8           “(a) RESERVATION.—From the funds appropriated  
9           under section 4009 for any fiscal year, the Secretary shall  
10          reserve not more than 1 percent for payments to the out-  
11          lying areas and the Bureau of Indian Affairs, to be allot-  
12          ted in accordance with their respective needs for assistance  
13          under this part, as determined by the Secretary, to enable  
14          the outlying areas and the Bureau to carry out the pur-  
15          pose of this part.

16          “(b) STATE ALLOTMENTS.—

17                 “(1) DETERMINATION.—From the funds appro-  
18                 priated under section 4009 for any fiscal year and  
19                 remaining after the Secretary makes reservations  
20                 under subsection (a), the Secretary shall allot to  
21                 each State for the fiscal year an amount that bears  
22                 the same relationship to the remainder as the  
23                 amount the State received under subpart 2 of part  
24                 A of title I for the preceding fiscal year bears to the  
25                 amount all States received under that subpart for

1 the preceding fiscal year, except that no State shall  
2 receive less than an amount equal to one-half of 1  
3 percent of the total amount made available to all  
4 States under this subsection.

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

10 **“SEC. 4003. STATE ACTIVITIES.**

11 “(a) IN GENERAL.—A State educational agency may  
12 use not more than 5 percent of the amount made available  
13 to the State under section 4002(b) for—

14 “(1) the administrative costs of carrying out its  
15 responsibilities under this part; and

16 “(2) providing technical assistance as described  
17 in subsection (b) to learning partnerships;

18 “(b) TECHNICAL ASSISTANCE.—

19 “(1) IN GENERAL.—The technical assistance  
20 described in this paragraph includes the following:

21 “(A) Assisting learning partnerships who  
22 are prioritized in section 4005(g) including  
23 rural and urban schools by—

24 “(i) informing those learning partner-  
25 ships that are prioritized in section

1           4005(g) that they have a priority for com-  
2           peting for grants under section 4005;

3           “(ii) providing technical assistance to  
4           the learning partnership for the develop-  
5           ment of the applications described in sec-  
6           tion 4005(b), including assisting the learn-  
7           ing partnership in identifying which ele-  
8           mentary schools and secondary schools to  
9           serve;

10          “(iii) providing technical assistance to  
11          the learning partnership if they do not re-  
12          ceive a grant under section 4005 so that  
13          they may re-compete in following competi-  
14          tions;

15          “(B) Assisting each learning partnership  
16          that receives an award under section 4005 to  
17          plan and implement additional learning time  
18          with such funds, including assisting the learn-  
19          ing partnership in—

20          “(i) determining how to implement  
21          additional learning time in the schools the  
22          learning partnership intends to serve based  
23          on the results of the needs assessment de-  
24          scribed in section 4005(b)(2)(C)(i);

1           “(ii) identifying additional community  
2           partners, which may include multicounty  
3           public entities, and resources that may be  
4           utilized to implement the additional learn-  
5           ing time;

6           “(iii) strengthening the existing part-  
7           nerships of the learning partnership, iden-  
8           tifying appropriate roles for each of the  
9           partners in the implementation of addi-  
10          tional learning time in schools served by  
11          the learning partnership, and ensuring  
12          that the partnership is effective in main-  
13          taining strong communication, information  
14          sharing, and joint planning and implemen-  
15          tation;

16          “(C) Identifying best practices for profes-  
17          sional development for teachers and staff in  
18          learning partnerships receiving funding under  
19          this part to implement the authorized activities  
20          described in section 4006.

21          “(D) Identifying best practices for using  
22          additional learning time to improve academic  
23          enrichment, and student academic achievement  
24          in schools, and providing technical assistance to  
25          the learning partnership in using such best

1 practices to implement and improve additional  
2 learning time initiatives.

3 “(E) Providing guidance on how to provide  
4 programs that are age appropriate and address  
5 the varying needs of students in elementary (in-  
6 cluding preschool), middle, and diploma grant-  
7 ing schools.

8 “(F) Supporting pay for success initiatives  
9 at the State or local level to meet the purposes  
10 of this part.

11 “(2) SUBGRANTS FOR TECHNICAL ASSIST-  
12 ANCE.—A State educational agency may use a por-  
13 tion of the funds described in paragraph (1) to  
14 award subgrants to entities including intermediaries,  
15 educational service agencies or other public entities  
16 with demonstrated expertise in additional learning  
17 time capacity building, or evaluation to carry out the  
18 technical assistance described in subparagraph (A).

19 **“SEC. 4004. STATE APPLICATION.**

20 “(a) IN GENERAL.—In order to receive an allotment  
21 under section 4002(b) for any fiscal year, a State edu-  
22 cational agency shall submit to the Secretary, at such time  
23 and in such manner as the Secretary may require, an ap-  
24 plication that—

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

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

7           “(3) contains an assurance that the State edu-  
8           cational agency, in making awards under section  
9           4005, will give priority to learning partnerships that  
10          propose to serve—

11           “(A) students attending schools in need of  
12          support and high-priority schools;

13           “(B) schools with a high number or per-  
14          centage of students that are eligible for free or  
15          reduced price lunch under the Richard B. Rus-  
16          sell School Lunch Act (42 U.S.C. 1751 et seq.);

17          “(4) describes the peer review process as de-  
18          scribed in section 4005(e) and the selection criteria  
19          the State educational agency will use to evaluate ap-  
20          plications from, and select, learning partnerships to  
21          receive awards under section 4005;

22          “(5) describes the steps the State educational  
23          agency will take to ensure that activities and pro-  
24          grams carried out by learning partnerships using  
25          such awards—

1           “(A) implement evidence-based strategies;  
2           and

3           “(B) ensure learning partnerships have the  
4           capacity to implement high-quality additional  
5           learning time activities that are different from  
6           methods which have been proven ineffective  
7           during the regular school day;

8           “(6) describes how the State educational agency  
9           will use the indicators under section 4007(a)(3) to  
10          measure the performance, on an annual basis, of  
11          learning partnerships, and

12          “(A) use outcomes from multiple indicators  
13          and not rely on one indicator in isolation; and

14          “(B) provide ongoing technical assistance  
15          and training and dissemination of promising  
16          practices;

17          “(7) provides an assurance that the State edu-  
18          cational agency will set up a process to allow learn-  
19          ing partnerships who receive an award under section  
20          4005 and who operate a proven and effective pro-  
21          gram based on the measures of performance de-  
22          scribed in paragraph (6) to recompile in their last  
23          year of funding for an additional 5-year implementa-  
24          tion cycle;



1           “(8) describes how the State educational agency  
2 will, to the extent practicable, distribute funds under  
3 this part equitably among geographic areas within  
4 the State, including urban and rural areas;

5           “(9) includes information identifying the per-  
6 pupil funding amount range the State educational  
7 agency will use to ensure that awards made under  
8 section 4005 are of sufficient size and scope to carry  
9 out the purposes of the award,

10           “(10) includes an assurance that in determining  
11 award amounts in accordance with paragraph (9),  
12 the State educational agency shall take into consid-  
13 eration—

14                   “(A) diverse geographical areas; and

15                   “(B) the quality of activities and programs  
16 proposed by learning partnerships applying for  
17 such awards;

18           “(11) provides an assurance that the applica-  
19 tion will be developed in consultation and coordina-  
20 tion with appropriate State officials, including the  
21 chief State school officer, and other State agencies  
22 administering additional learning time, the heads of  
23 the State health and mental health agencies or their  
24 designees, teachers, parents, students, the business  
25 community, and community-based organizations;

1           “(12) describes how activities and programs  
2 carried out by the learning partnerships under this  
3 part will be coordinated with programs under this  
4 Act, and other programs as appropriate;

5           “(13) describes how the State educational agen-  
6 cy will provide a fair and transparent competition  
7 for learning partnerships that apply for grant funds  
8 under section 4005(b);

9           “(14) provides an assurance that the State edu-  
10 cational agency in determining grant awards to  
11 learning partnerships will award grants based solely  
12 on the quality of the application in relationship to  
13 the needs identified by the learning partnership  
14 through the needs assessment described in section  
15 4005(b)(2)(C)(i); and

16           “(15) provides for timely public notice of intent  
17 to file an application and an assurance that the ap-  
18 plication will be available for public review after sub-  
19 mission.

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

1 which the Secretary received the application, that the ap-  
2 plication is not in compliance with this part.

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

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

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

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

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

16 “(B) request additional information, only  
17 as to the noncompliant provisions, needed to  
18 make the application compliant.

19 “(e) RESPONSE.—If the State educational agency re-  
20 sponds to the Secretary’s notification described in sub-  
21 section (d)(2) during the 45-day period beginning on the  
22 date on which the agency received the notification, and  
23 resubmits the application with the requested information  
24 described in subsection (d)(2)(B), the Secretary shall ap-  
25 prove or disapprove such application prior to the later of—

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

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

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

12          **“SEC. 4005. LOCAL COMPETITIVE GRANT PROGRAM.**

13          “(a) IN GENERAL.—Each State that receives an al-  
14          lotment under this part shall reserve not less than 95 per-  
15          cent of the amount allotted to such State under section  
16          4002(b), for each fiscal year for awards to learning part-  
17          nerships under this section.

18          “(b) APPLICATION.—

19                 “(1) IN GENERAL.—To be eligible to receive an  
20                 award under this part, a learning partnership shall  
21                 submit an application to the State educational agen-  
22                 cy at such time, in such manner, and including such  
23                 information as the State educational agency may  
24                 reasonably require.

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

3           “(A) IMPLEMENTATION PLAN.—A descrip-  
4 tion of the planning activities that will be con-  
5 ducted during the planning phase, if applicable,  
6 that shall include a budget for the planning ac-  
7 tivities;

8           “(B) ROLES AND RESPONSIBILITIES.—A  
9 description of the learning partnership and the  
10 roles and responsibilities of each of the partners  
11 of the learning partnership.

12           “(C) ADDITIONAL LEARNING TIME ACTIVI-  
13 TIES.—A description of—

14           “(i) the activities that will be carried  
15 out by the learning partnership during the  
16 additional learning time based solely on the  
17 learning partnership’s determination of the  
18 results of a needs assessment that con-  
19 siders—

20           “(I) school-wide needs, including  
21 planning time and instructional time  
22 for teachers and staff in the learning  
23 partnership;

24           “(II) individual student learning  
25 needs;

1                   “(III) school and student safety;  
2                   and

3                   “(IV) the number of additional  
4                   hours (during the regular school day  
5                   or outside of the regular school day,  
6                   as applicable) needed for supervised  
7                   student enrichment, determined  
8                   through school, family, and commu-  
9                   nity input;

10                  “(ii) a description of how the learning  
11                  partnership will align the activities de-  
12                  scribed in this subparagraph with—

13                   “(I) school improvement plans  
14                   developed and implemented pursuant  
15                   to section 1116, if applicable;

16                   “(II) academic instruction that  
17                   occurs during the regular school day  
18                   at the school proposed to be served by  
19                   the learning partnership; and

20                   “(III) in the case of a learning  
21                   partnership implementing additional  
22                   learning time as described in section  
23                   4008(2)(B), school improvement ef-  
24                   forts supported by other programs

1 under this Act and other relevant  
2 State and local programs;

3 “(iii) the anticipated number of hours  
4 of additional learning time the average and  
5 highest-need student will receive, based on  
6 evidence-based attendance expectations,  
7 and how the number of hours are appro-  
8 priate based on the needs assessment de-  
9 scribed in clause (i) and the requirements  
10 of (ii);

11 “(iv) the grade or grade spans (in-  
12 cluding preschool) to be served by the  
13 learning partnerships using award funds;

14 “(v) how students participating in the  
15 activities will travel safely to and from the  
16 additional learning time center and home,  
17 as applicable; and

18 “(vi) a description of how the learning  
19 partnership will ensure that staff employed  
20 by the learning partnership will coordinate  
21 to develop and implement activities de-  
22 scribed in this subparagraph using, in  
23 part, the data described in subparagraph  
24 (F).

1           “(D) SELECTION OF SCHOOLS.—A descrip-  
2           tion of the process, considerations, and criteria  
3           the learning partnership will use to select  
4           schools to implement additional learning time  
5           programs and activities that shall take into ac-  
6           count the priorities described in section  
7           4005(g);

8           “(E) FACILITY ASSURANCE.—An assur-  
9           ance that the activities described in subpara-  
10          graph (C) will take place in a safe and easily  
11          accessible facility and a description of how the  
12          learning partnership will disseminate informa-  
13          tion about the facility to the parents and com-  
14          munity in a manner that is understandable and  
15          accessible;

16          “(F) DATA SHARING.—An assurance that  
17          relevant student level data will be shared within  
18          the learning partnership consistent with the re-  
19          quirements of section 444 of the General Edu-  
20          cation Provisions Act so that the activities de-  
21          scribed in subparagraph (C)(i) are aligned ac-  
22          cording to subparagraph (C)(ii).

23          “(G) PROFESSIONAL DEVELOPMENT AC-  
24          TIVITIES.—A description of how the learning  
25          partnership will provide professional develop-



1           ment to the staff employed by the learning  
2           partnership.

3           “(H) PUBLIC RESOURCES.—An identifica-  
4           tion of Federal, State, and local programs that  
5           will be combined or coordinated with the addi-  
6           tional learning time program to make the most  
7           effective use of public resources.

8           “(I) SUPPLEMENT, NOT SUPPLANT.—An  
9           assurance that funds under this section will be  
10          used to increase the level of State, local, and  
11          other non-Federal funds that would, in the ab-  
12          sence of funds under this part, be made avail-  
13          able for programs and activities authorized  
14          under this part, and in no case supplant Fed-  
15          eral, State, local, or non-Federal funds;

16          “(J) EXPERIENCE.—A description of past  
17          performance and record of effectiveness of the  
18          community based organization within the part-  
19          nership in providing the activities described in  
20          subparagraph (C).

21          “(K) CONTINUATION AFTER FEDERAL  
22          FUNDING.—A description of a preliminary plan  
23          for how the additional learning time will con-  
24          tinue when funding under this part ends.

1           “(L) CAPACITY.—An assurance that the  
2           learning partnership has the capacity to collect  
3           the data relevant to the indicators described  
4           under section 4007(a)(3).

5           “(M) NOTICE OF INTENT.—An assurance  
6           that the community of the learning partnership  
7           will be given notice of an intent to submit an  
8           application and that the application and any  
9           waiver request will be available for public review  
10          after submission of the application.

11          “(N) OTHER INFORMATION AND ASSUR-  
12          ANCES.—Such other information and assur-  
13          ances as the State educational agency may rea-  
14          sonably require.

15          “(c) APPROVAL OF CERTAIN APPLICATIONS.—The  
16          State educational agency may approve an application  
17          under this section for a program to be located in a facility  
18          other than an elementary school or secondary school only  
19          if the program will be at least as available and accessible  
20          to the students to be served as if the program were located  
21          in an elementary school or secondary school.

22          “(d) NON-FEDERAL MATCH.—

23                 “(1) IN GENERAL.—A State educational agency  
24                 shall require a learning partnership to match funds  
25                 awarded under this part, except that such match

1       may not exceed the amount of the grant award and  
2       may not be derived from other Federal funds.

3               “(2) SLIDING SCALE.—The amount of a match  
4       under paragraph (1) shall be established based on a  
5       sliding fee scale that takes into account—

6                       “(A) the relative poverty of the population  
7                       to be targeted by the learning partnership; and

8                       “(B) the ability of the learning partnership  
9                       to obtain such matching funds.

10               “(3) IN-KIND CONTRIBUTIONS.—Each State  
11       educational agency shall permit the community-  
12       learning partnership to provide all or any portion of  
13       such match in the form of in-kind contributions.

14               “(e) PEER REVIEW.—In reviewing local applications  
15       under this section, a State educational agency shall use  
16       a peer review process or other methods of assuring the  
17       quality of such applications.

18               “(f) DURATION OF AWARDS.—Grants under this sec-  
19       tion may be awarded for a period of 5 years. Learning  
20       partnerships that receive funding under this section and  
21       who operate a proven and effective program based on the  
22       measures of performance established in section 4004(a)(6)  
23       shall be allowed to recompile in their last year of funding  
24       for an additional 5 year grant.

1           “(g) PRIORITY.—In awarding grants under this part,  
2 a State educational agency shall give priority to applica-  
3 tions proposing to target services to—

4           “(1) students (including preschool students)  
5 who attend schools in need of support and high-pri-  
6 ority schools; and

7           “(2) learning partnerships that propose to serve  
8 schools with a high percentage or number of stu-  
9 dents that are eligible for free and reduced price  
10 lunch under the Richard B. Russell National School  
11 Lunch Act (42 U.S.C. 1751 et seq.);

12 **“SEC. 4006. LOCAL ACTIVITIES.**

13           “(a) AUTHORIZED ACTIVITIES.—

14           “(1) IN GENERAL.—Each learning partnership  
15 that receives an award under section 4005 shall use  
16 the award funds to implement additional learning  
17 time activities that are consistent with section  
18 4005(b)(2).

19           “(2) PLANNING PERIOD.—Each learning part-  
20 nership may use funds under this section for a plan-  
21 ning period of not longer than 6 months to develop  
22 an implementation plan described in section  
23 4005(b)(2)(A) to carry out the additional learning  
24 time activities, or up to one school year to develop  
25 an extended school day, week, or year.

1 **“SEC. 4007. REPORTING.**

2 “(a) REPORT BY LEARNING PARTNERSHIPS.—Each  
3 learning partnership shall, not later than 1 year after the  
4 first day of the first school year in which the additional  
5 learning time is implemented, prepare and submit to the  
6 State educational agency a report—

7 “(1) containing a detailed description of the ad-  
8 ditional learning time activities that were carried out  
9 under this part;

10 “(2) with respect to each school served by the  
11 partnership—

12 “(A) on the actual expenses associated  
13 with, carrying out the additional learning time  
14 programs and activities in the first school year;  
15 and

16 “(B) a description of how the additional  
17 learning time programs and activities were im-  
18 plemented and whether such programs and ac-  
19 tivities were carried out during non-school  
20 hours or periods when school is not in session  
21 or added to expand the school day, school week,  
22 or school year schedule; and

23 “(3) containing measures of performance, ag-  
24 gregated and disaggregated, on the following indica-  
25 tors—

1           “(A) student academic achievement as  
2           measured by—

3                   “(i) high-quality State academic as-  
4                   sessments; and

5                   “(ii) student growth in accordance  
6                   with student growth standards;

7           “(B) for diploma granting schools served  
8           by the learning partnerships, graduation rates;

9                   “(C) student attendance, reported sepa-  
10                  rately for in-school attendance and attendance  
11                  at the nonschool time programs, if applicable;

12                  “(D) performance on a set of comprehen-  
13                  sive school performance indicators that may in-  
14                  clude—

15                          “(i) as appropriate, rate of earned on-  
16                          time promotion from grade-to-grade;

17                          “(ii) for high schools served by the  
18                          learning partnerships, the percentage of  
19                          students taking a college preparatory cur-  
20                          riculum, or student rates of enrollment,  
21                          persistence, and attainment of an associate  
22                          or baccalaureate degree;

23                          “(iii) the percentage of student sus-  
24                          pensions and expulsions;

1 “(iv) indicators of school readiness for  
2 entering kindergartners;

3 “(v) evidence of increased parent and  
4 family engagement and support for chil-  
5 dren’s learning;

6 “(vi) evidence of increased student en-  
7 gagement in school, which may include  
8 completing of assignments and coming to  
9 class prepared;

10 “(vii) evidence of mastery of non-aca-  
11 demic skills which may include problem  
12 solving, learning to work in teams, and so-  
13 cial and civic responsibility;

14 “(viii) improved personal attitude,  
15 which may include initiative, self-con-  
16 fidence, self-esteem and sense of self-effi-  
17 cacy; and

18 “(ix) development of social skills,  
19 which may include behavior, communica-  
20 tion, relationships with peers and adults.

21 “(b) REPORT BY STATE EDUCATIONAL AGENCY.—  
22 A State Educational Agency that receives funds under this  
23 part shall annually prepare and submit to the Secretary  
24 a report that contains all reports submitted by learning

1 partnerships under the jurisdiction of the agency, aggre-  
2 gated and disaggregated, provided under subsection (a).

3 “(c) PUBLICATION AND AVAILABILITY OF THE RE-  
4 PORT.—The Secretary shall publish and make widely  
5 available to the public, including through a website or  
6 other means, a summary of the reports received under  
7 subsection (b).

8 **“SEC. 4008. DEFINITIONS.**

9 “In this part:

10 “(1) LEARNING PARTNERSHIP.—The term  
11 ‘learning partnership’ means—

12 “(A) a local educational agency, a consor-  
13 tium of local educational agencies, or an edu-  
14 cational service agency and one or more local  
15 educational agencies, in a partnership with 1 or  
16 more community-based organizations or other  
17 public or private entities; or

18 “(B) a community-based organization, or  
19 other public or private entity, in a partnership  
20 with a local educational agency, a consortium of  
21 local educational agencies, or an educational  
22 service agency and one or more local edu-  
23 cational agencies.

24 “(2) ADDITIONAL LEARNING TIME.—The term  
25 ‘additional learning time’ means—



1           “(A) time added during non-school hours  
2           or periods when school is not in session, such  
3           as before or after school or during summer re-  
4           cess for activities that—

5                   “(i) provide opportunities for student  
6                   academic enrichment, including hands-on,  
7                   experiential and project-based learning op-  
8                   portunities for subjects including English,  
9                   reading or language arts, mathematics,  
10                  science, foreign languages, civics and gov-  
11                  ernment, economics, arts, history, geog-  
12                  raphy, health education, physical edu-  
13                  cation, environmental literacy, and activi-  
14                  ties such as tutoring and service learning  
15                  that—

16                   “(I) assist students in meeting  
17                   State and local academic achievement  
18                   standards in core academic subjects,

19                   “(II) use evidence-based skill  
20                   training approaches and active forms  
21                   of learning to promote healthy devel-  
22                   opment, and engage students in learn-  
23                   ing;

1                   “(III) align and coordinate with  
2                   the regular school day and school year  
3                   curriculum;

4                   “(IV) align to school improve-  
5                   ment plans developed pursuant to sec-  
6                   tion 1116, as applicable; and

7                   “(V) align to the learning needs  
8                   of individual students at the school  
9                   served by the learning partnership;

10                  “(ii) provide students with opportuni-  
11                  ties for personal and social development;

12                  “(iii) serve the learning needs and in-  
13                  terests of all students, including those who  
14                  already meet or exceed student academic  
15                  achievement standards as measured by  
16                  high-quality State academic assessments,  
17                  and especially those who may not be  
18                  achieving at grade level in the traditional  
19                  classroom setting;

20                  “(iv) are developmentally and age ap-  
21                  propriate; and

22                  “(v) involve a broad group of stake-  
23                  holders (including educators, parents, stu-  
24                  dents, and community partners) in car-  
25                  rying out additional learning time pro-

1                   grams and activities described in this sub-  
2                   paragraph; or

3                   “(B) time added to expand the school day,  
4                   school week, or school year schedule, that—

5                   “(i) increases the total number of  
6                   school hours for the school year at a school  
7                   based on evidence supporting the amount  
8                   of additional learning time needed to  
9                   achieve the objectives described in clause  
10                  (ii);

11                  “(ii) is used to redesign the school’s  
12                  program and schedule—

13                  “(I) to support innovation in  
14                  teaching, in order to improve the aca-  
15                  demic achievement of students aligned  
16                  to the school improvement plan, if ap-  
17                  plicable, especially those students who  
18                  may not be achieving at grade level, in  
19                  reading or language arts, mathe-  
20                  matics, science, history and civics, and  
21                  other core academic subjects;

22                  “(II) to improve the performance  
23                  of all students, including those stu-  
24                  dents who are struggling to meet col-  
25                  lege and career ready standards or

1 State early learning standards, as ap-  
2 propriate, and those students who al-  
3 ready meet or exceed college and ca-  
4 reer ready standards as measured by  
5 high-quality State academic assess-  
6 ments;

7 “(III) for additional subjects and  
8 enrichment activities that reflect stu-  
9 dent interest, connect to effective  
10 community partners, and contribute  
11 to a well-rounded education, which  
12 may include music and the arts,  
13 health education, physical education,  
14 service learning, and experiential and  
15 work-based learning opportunities  
16 (such as community service, learning  
17 apprenticeships, internships, and job  
18 shadowing);

19 “(IV) to advance student learn-  
20 ing by providing a learning environ-  
21 ment and supporting learning activi-  
22 ties that engage students, develop so-  
23 cial skills, and cultivate positive per-  
24 sonal attitude; and

1                   “(V) for teachers and staff in  
2                   learning partnerships to collaborate,  
3                   and plan, within and across grades  
4                   and subjects;

5                   “(iii) provides school-wide services  
6                   that are—

7                   “(I) aligned to school improve-  
8                   ment plans developed pursuant to sec-  
9                   tion 1116, as applicable; and

10                   “(II) aligned to individual stu-  
11                   dent achievement needs as identified  
12                   by the school-site staff at the school  
13                   served by the community-learning  
14                   partnership; and

15                   “(iv) involve a broad group of stake-  
16                   holders (including educators, parents, stu-  
17                   dents and community partners) in plan-  
18                   ning and carrying out additional learning  
19                   time programs and activities described in  
20                   this subparagraph.

21                   “(3) ENVIRONMENTAL LITERACY.—The term  
22                   ‘environmental literacy’ means a fundamental under-  
23                   standing of ecological principles, the systems of the  
24                   natural world, and the relationships and interactions  
25                   between natural and man made environments.

1 **“SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out  
3 this part \$1,200,000,000 for fiscal year 2016 and such  
4 sums as may be necessary for each succeeding fiscal year.

5 “PART B—GRANTS TO SUPPORT STUDENT SAFETY,  
6 HEALTH, AND SUCCESS

7 **“SEC. 4201. PURPOSE.**

8 “The purposes of this part are—

9 “(1) to support local educational agencies and  
10 schools in providing comprehensive systems of learn-  
11 ing supports to students and their families so that  
12 students receive their education in safe environments  
13 and graduate from school college and career ready;

14 “(2) to enhance the ability of local educational  
15 agencies and schools to leverage resources within  
16 schools and within communities to improve instruc-  
17 tion, strengthen programs, and identify gaps in ex-  
18 isting programs for students;

19 “(3) to ensure the academic, behavioral, emo-  
20 tional, health, mental health, and social needs of all  
21 students, including students from low income fami-  
22 lies, students with disabilities, English learners, and  
23 youth who are involved in or who are identified by  
24 evidence-based risk assessment methods as being at  
25 high risk of becoming involved in juvenile delin-  
26 quency or criminal street gangs;

1           “(4) to support programs and activities that  
2 prevent and respond to violence in and around  
3 schools (including bullying, harassment, and mass  
4 casualty events), that prevent the illegal use of alco-  
5 hol, tobacco, and drugs by students, and provide re-  
6 sources and training to foster a safe and drug-free  
7 learning environment to support student academic  
8 achievement; and

9           “(5) to enhance partnerships between schools,  
10 parents, and communities, and better support family  
11 and community engagement in education.

12 **“SEC. 4202. RESERVATIONS AND ALLOTMENTS.**

13           “(a) IN GENERAL.—From the amount made avail-  
14 able under section 4210 to carry out this part for each  
15 fiscal year, the Secretary—

16           “(1) shall reserve 1 percent of such amount for  
17 grants to the outlying areas to be allotted in accord-  
18 ance with the Secretary’s determination of their re-  
19 spective needs and to carry out programs described  
20 in this part; and

21           “(2) shall reserve 1 percent of such amount for  
22 the Secretary of the Interior to carry out programs  
23 described in this part for Indian youth.

1       “(b) STATE ALLOTMENTS.—Except as provided in  
2 subsection (a), the Secretary shall, for each fiscal year,  
3 allot among the States—

4           “(1) one-half of the remainder not reserved  
5 under subsection (a) according to the ratio between  
6 the school-aged population of each State and the  
7 school-aged population of all the States; and

8           “(2) one-half of such remainder according to  
9 the ratio between the amount each State received  
10 under section 1124A for the preceding year and the  
11 sum of such amounts received by all the States.

12       “(c) MINIMUM.—For any fiscal year, no State shall  
13 be allotted under this subsection an amount that is less  
14 than one-half of 1 percent of the total amount allotted  
15 to all the States under this subsection.

16       “(d) REALLOTMENT OF UNUSED FUNDS.—

17           “(1) REALLOTMENT FOR FAILURE TO APPLY.—  
18 If any State does not apply for an allotment under  
19 this part for a fiscal year, the Secretary shall reallocate  
20 the amount of the State’s allotment to the remaining  
21 States in accordance with this section.

22           “(2) REALLOTMENT OF UNUSED FUNDS.—The  
23 Secretary may reallocate any amount of any allotment  
24 to a State if the Secretary determines that the State  
25 will be unable to use such amount within 2 years of



1       such allotment. Such reallocations shall be made on  
2       the same basis as allotments are made under sub-  
3       section (b).

4       **“SEC. 4203. STATE APPLICATIONS.**

5       “(a) APPLICATION.—To receive a grant under this  
6       part, a State educational agency shall submit to the Sec-  
7       retary an application at such time and in such manner  
8       as the Secretary may require, and containing the informa-  
9       tion described in subsection (b).

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

12               “(1) An assurance that the State educational  
13               agency will review existing resources and programs  
14               across the State and coordinate any new plans and  
15               resources under this part with such existing pro-  
16               grams and resources.

17               “(2) A description of how the State educational  
18               agency will identify and eliminate State barriers to  
19               the coordination and integration of programs, initia-  
20               tives, and funding streams so that local educational  
21               agencies can provide comprehensive continuums of  
22               learning supports.

23               “(3) A description of the State educational  
24               agency’s comprehensive school safety plan, which  
25               shall address bullying and harassment, provide for

1 evidence-based and promising practices related to ju-  
2 venile delinquency and criminal street gang activity  
3 prevention and intervention, address school-spon-  
4 sored, off-premises, overnight field trips, disaster  
5 preparedness, and crisis and emergency manage-  
6 ment; and any other issues determined necessary by  
7 the State educational agency (existing plans may be  
8 used to satisfy the requirements of this section if  
9 such existing plans include the information required  
10 by this section, or can be modified to do so, and are  
11 submitted to the Secretary with such modifications)  
12 which—

13 “(A) shall be submitted to the Secretary  
14 not later than 1 year after the enactment of the  
15 Student Success Act;

16 “(B) shall be developed in consultation  
17 with public safety and community partners, in-  
18 cluding police, fire, emergency medical services,  
19 emergency management agencies, parents, and  
20 other such organizations;

21 “(C) shall be made available to the public  
22 in a manner that is understandable and acces-  
23 sible; and

24 “(D) the State educational agency shall re-  
25 quire all local educational agencies to adopt the

1 plan within 1 year of approval (existing plans  
2 may be used to satisfy the requirements of this  
3 section if such existing plans are approved by  
4 the State educational agency and include the in-  
5 formation required by this section, or can be  
6 modified to do so).

7 “(4) A description of how grant funds will be  
8 used to identify best practices for professional devel-  
9 opment for sustainable comprehensive program de-  
10 velopment.

11 “(5) A description of how the State educational  
12 agency will monitor the implementation of activities  
13 under this part, and provide technical assistance to  
14 local eligible entities.

15 “(6) A description of how the State educational  
16 agency will ensure subgrants to eligible entities will  
17 facilitate school-community planning and effective  
18 service coordination, integration, and provision at  
19 the local level to achieve high performance standards  
20 based on the system developed in paragraph (7).

21 “(7) A description of how the State educational  
22 agency will develop a system for reporting and meas-  
23 uring eligible entity performance, and assist eligible  
24 entities in developing and implementing systems for

1 measuring performance based on the indicators in  
2 section 4208(a)(3).

3 “(8) An assurance that the State educational  
4 agency will set up a process to allow local eligible en-  
5 tities who receive an award under section 4206 and  
6 who operate a proven and effective program based  
7 on the measures of performance described in para-  
8 graph (7) to recompete in their last year of funding  
9 for an additional 5-year cycle.

10 “(9) A description of the steps the State edu-  
11 cational agency will take to ensure that activities  
12 and programs carried out by local eligible entities  
13 will implement evidence based strategies.

14 “(10) A description of how the number of youth  
15 involved in juvenile delinquency and criminal justice  
16 systems will not increase as a results of activities  
17 funded under this grant.

18 “(c) APPROVAL PROCESS.—

19 “(1) DEEMED APPROVAL.—An application sub-  
20 mitted by a State pursuant to this section shall un-  
21 dergo peer review by the Secretary and shall be  
22 deemed to be approved by the Secretary unless the  
23 Secretary makes a written determination, prior to  
24 the expiration of the 120-day period beginning on  
25 the date on which the Secretary received the applica-

1       tion, that the application is not in compliance with  
2       this subpart.

3           “(2) DISAPPROVAL.—The Secretary shall not  
4       finally disapprove the application, except after giving  
5       the State educational agency and the chief executive  
6       officer of the State notice and an opportunity for a  
7       hearing.

8           “(3) NOTIFICATION.—If the Secretary finds  
9       that the application is not in compliance, in whole or  
10      in part, with this subpart, the Secretary shall—

11           “(A) give the State educational agency and  
12      the chief executive officer of the State notice  
13      and an opportunity for a hearing; and

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

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

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

23           “(4) RESPONSE.—If the State educational  
24      agency and the chief executive officer of the State  
25      respond to the Secretary’s notification described in

1 paragraph (3)(B) during the 45-day period begin-  
2 ning on the date on which the agency received the  
3 notification, and resubmit the application with the  
4 requested information described in paragraph  
5 (3)(B)(ii), the Secretary shall approve or disapprove  
6 such application prior to the later of—

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

10 “(B) the expiration of the 120-day period  
11 described in paragraph (1).

12 “(5) FAILURE TO RESPOND.—If the State edu-  
13 cational agency and the chief executive officer of the  
14 State do not respond to the Secretary’s notification  
15 described in paragraph (3)(B) during the 45-day pe-  
16 riod beginning on the date on which the agency re-  
17 ceived the notification, such application shall be  
18 deemed to be disapproved.

19 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
20 tion shall be construed to prohibit local educational agen-  
21 cies or individual schools from incorporating additional  
22 elements to the State-developed comprehensive school  
23 safety plan to improve student and school safety reflective  
24 of the individual agency or school community.

1 **“SEC. 4204. STATE USE OF FUNDS.**

2 “(a) 95 PERCENT OF FUNDS.—Each State edu-  
3 cational agency that receives a grant under this part shall  
4 reserve not less than 95 percent of the grant amount, for  
5 each fiscal year to award subgrants to local eligible entities  
6 in accordance with section 4206.

7 “(b) 5 PERCENT OF FUNDS.—A State educational  
8 agency shall use not more than 5 percent, of which not  
9 more than 1 percent may be used for administration of  
10 a grant received under this subpart or may subgrant a  
11 portion of such funds to educational service agencies, or  
12 other public entities with demonstrated expertise to carry  
13 out the following activities:

14 “(1) Identify and eliminate State barriers to  
15 the coordination and integration of programs, initia-  
16 tives, and funding streams so that local educational  
17 agencies can provide comprehensive continuums of  
18 learning supports.

19 “(2) Assist local eligible entities who are  
20 prioritized in section 4205(b) including those eligible  
21 entities that plan to serve rural and urban schools  
22 by—

23 “(A) informing those local eligible entities  
24 that they have a priority for competing for  
25 grants;

1           “(B) providing technical assistance to the  
2           local eligible entities for the development of the  
3           applications described in section 4206;

4           “(C) providing technical assistance to the  
5           local eligible entities if they do not receive a  
6           grant under section 4206 so that they may re-  
7           compete in following competitions;

8           “(3) Identify best practices for professional de-  
9           velopment and capacity building for local educational  
10          agencies for the delivery of a comprehensive system  
11          of learning supports for teachers, administrators,  
12          and specialized instructional support personnel in  
13          schools that are served by the eligible entity receiv-  
14          ing funding under this part to implement the au-  
15          thorized activities described in section 4207.

16          “(4) Reporting and evaluation activities.

17   **“SEC. 4205. GENERAL SUBGRANT REQUIREMENTS.**

18          “(a) IN GENERAL.—A State educational agency shall  
19          use grant funds received under this part to award sub-  
20          grants to eligible entities.

21          “(b) ABSOLUTE PRIORITY.—In awarding subgrants  
22          to local eligible entities, the State educational agency shall  
23          give priority to—

24                  “(1) local eligible entities that propose to serve  
25                  a high percentage or number of students that are el-



1 eligible for free or reduced price lunch under the Rich-  
2 ard B. Russell National School Lunch Act (42  
3 U.S.C. 1751 et seq.); and

4 “(2) local eligible entities proposing to serve  
5 students who attend schools in need of support and  
6 high-priority schools;

7 “(c) COMPETITIVE PRIORITY.—In awarding sub-  
8 grants to local eligible entities, the State educational agen-  
9 cy shall give competitive priority to—

10 “(1) in the case of local eligible entities that in-  
11 tend to implement programs described in section  
12 4207(2)(A), local eligible entities that serve schools  
13 that implement, or have plans to implement discipli-  
14 nary policies that are research based and focus on  
15 multi-tiered systems of support; and

16 “(2) in the case of eligible entities that intend  
17 to implement programs described in section  
18 4207(2)((C), eligible entities proposing to serve geo-  
19 graphic areas most in need of these services and  
20 that commit to working with local Promise Coordi-  
21 nating Councils.

22 “(d) DURATION OF SUBGRANT.—A State educational  
23 agency shall award under this part subgrants to eligible  
24 local entities for 5 years.

25 “(e) RENEWAL.—

1           “(1) IN GENERAL.—A State educational agency  
2           may renew a subgrant awarded under this part for  
3           a period of 5 years.

4           “(2) RENEWAL APPLICATION.—To renew a  
5           subgrant, an eligible entity shall submit an applica-  
6           tion to the Secretary every 5 years as long as the  
7           eligible entity can demonstrate that they operate a  
8           proven and effective program based on performance  
9           on the indicators in section 4208(a)(3).

10 **“SEC. 4206. LOCAL ELIGIBLE ENTITY APPLICATION.**

11           “(a) IN GENERAL.—A local eligible entity that seeks  
12           a grant under this part shall submit an application to the  
13           State at such time, in such manner, and containing such  
14           information as the State may require, including the infor-  
15           mation described in subsection (b).

16           “(b) CONTENTS.—An application submitted under  
17           subsection (a) shall include the following:

18           “(1) The results of a comprehensive needs as-  
19           sessment (which shall include incident data, and  
20           teacher, parent, or community surveys) and assets  
21           assessment which shall include a comprehensive  
22           analysis of the following—

23           “(A) the safety of the schools served by the  
24           local eligible entity (which shall include a com-  
25           prehensive analysis of incidents and prevalence

1 of bullying and harassment at schools served by  
2 the local eligible entity);

3 “(B) the incidence and prevalence of drug,  
4 alcohol and substance abuse at schools served  
5 by the local eligible entity;

6 “(C) the needs of youth in the community  
7 with respect to evidence-based and promising  
8 practices related to juvenile delinquency and  
9 criminal street gang activity prevention and  
10 intervention, including an assessment of the  
11 number of youth who are involved or at-risk of  
12 involvement in juvenile delinquency and crimi-  
13 nal street gang activity and the number of  
14 chronically truant youth;

15 “(D) the number of specialized instruc-  
16 tional support personnel employed by schools  
17 served by the local eligible entity and the serv-  
18 ices provided by those personnel;

19 “(E) the prevalence of student health (in-  
20 cluding mental health, physical fitness, and nu-  
21 trition) needs at schools served by the local eli-  
22 gible entity;

23 “(F) existing programs and services in-  
24 tended to provide a comprehensive system of  
25 support within schools served by local eligible

1 entities, including the support of school govern-  
2 ance and leadership for the programs and serv-  
3 ices;

4 “(G) resources available in the community,  
5 including public agencies and nonprofit organi-  
6 zations, that could be leveraged by schools  
7 served by the local eligible entity to create com-  
8 prehensive systems of support within the  
9 schools;

10 “(H) school discipline data including in-  
11 school suspensions, out-of-school suspensions,  
12 expulsion, school-based arrests, referrals to law  
13 enforcement, and referrals to alternative  
14 schools; and

15 “(I) additional needs identified by the local  
16 eligible entity.

17 “(2) A description of the methodology used in  
18 conducting the needs assessment described in (1);

19 “(3) A description of the plan to implement  
20 grant funds (taking into account the cultural and  
21 linguistic needs of the community) which shall in-  
22 clude the following components:

23 “(A) A description of the services (taking  
24 into account the cultural and linguistic needs of  
25 the community) that will be provided by the

1 local eligible entity which shall include preven-  
2 tion, intervention, and systematic efforts to ad-  
3 dress student learning needs as identified and  
4 prioritized by the needs assessment in para-  
5 graph (1).

6 “(B) A description of how existing re-  
7 sources, services, and programs will be coordi-  
8 nated and integrated with new resources, serv-  
9 ices, and programs to create a comprehensive  
10 system of learning supports that is aligned with  
11 school improvement plans required under sec-  
12 tion 1116, as applicable.

13 “(C) A description of the partners within  
14 the eligible entity and their roles as they relate  
15 to the implementation of the comprehensive sys-  
16 tem of learning supports that will be imple-  
17 mented to address the needs outlined in the  
18 needs and assets assessment described in sub-  
19 section (b)(1).

20 “(D) A description of how the grant will be  
21 used to enhance administrator’s, teacher’s, and  
22 specialized instructional support personnel’s  
23 identification and response to student learning  
24 needs for providing learning supports through  
25 professional development, and how school ca-

1           capacity will be enhanced to handle problems fac-  
2           ing students such as those identified in the  
3           needs assessment.

4           “(E) A description of how the eligible enti-  
5           ty will identify the financial savings from de-  
6           ferred or eliminated costs, or other benefits as  
7           a result of the programs or activities imple-  
8           mented by the eligible entities (in the case of an  
9           eligible entity who implements programs de-  
10          scribed in section 4207(2)(C), a comparative  
11          analysis of potential savings from criminal jus-  
12          tice costs, public assistance costs, and other  
13          costs avoided by such programs).

14          “(F) A description of how the local eligible  
15          entity will measure performance based on the  
16          indicators described in section 4208(a)(3).

17          “(G) A description of the process for peri-  
18          odically reviewing the needs of students and as-  
19          sets within the school and community, and in-  
20          volving more community partners as applicable,  
21          and how data on performance on the indicators  
22          described in section 4208(a)(3) will be used to  
23          provide feedback on progress, and institu-  
24          tionalize support mechanisms to maintain and

1           continually improve activities including when  
2           grant funds end.

3           “(c) SPECIAL RULE.—A local eligible entity may  
4 use—

5           “(1) an existing needs assessment to satisfy the  
6 requirements of subsection (b)(1), if the assessment  
7 includes the information required by such sub-  
8 section, or can be modified to do so; and

9           “(2) an existing plan to satisfy the require-  
10 ments of subsection (b)(3), if the plan meets the re-  
11 quirements of such subsection and is approved by  
12 the State educational agency.

13 **“SEC. 4207. LOCAL ELIGIBLE ENTITY USE OF FUNDS.**

14           “A local eligible entity that receives a subgrant under  
15 this part shall use such funds to carry out the following  
16 activities:

17           “(1) Implement a comprehensive plan as de-  
18 scribed in section 4206(b)(3).

19           “(2) Programs and activities that address the  
20 needs of the schools served by the eligible entity as  
21 identified by the needs and assets assessment in sec-  
22 tion 4206(b)(1), which may include—

23           “(A) violence prevention programs, includ-  
24 ing—

1                   “(i) programs to provide safe passage  
2 to and from school;

3                   “(ii) programs to prevent and appro-  
4 priately respond to incidents of bullying  
5 and harassment (including professional de-  
6 velopment for teachers and other school  
7 personnel);

8                   “(iii) programs that promote positive  
9 school environments for learning and re-  
10 duce the need for suspensions, expulsions,  
11 referral to law enforcement, and other  
12 practices that remove students from in-  
13 struction;

14                   “(iv) conflict resolution and restora-  
15 tive practice and mediation programs;

16                   “(v) activities that involve families,  
17 community sectors (which may include ap-  
18 propriately trained seniors) and a variety  
19 of providers in setting clear expectations  
20 against violence and appropriate con-  
21 sequences of violence;

22                   “(vi) professional development and  
23 training for, and involvement of, school  
24 personnel, specialized instructional per-  
25 sonnel, parents, and interested community



1 members in prevention, education, early  
2 identification and intervention, mentoring,  
3 or rehabilitation referral, as related to vio-  
4 lence prevention;

5 “(vii) reporting criminal offenses com-  
6 mitted on school property;

7 “(viii) emergency intervention services  
8 following traumatic crisis events, such as a  
9 shooting, a mass casualty event, or a major  
10 accident that has disrupted the learning  
11 environment;

12 “(ix) establishing and maintaining a  
13 school safety hotline;

14 “(x) programs to train school per-  
15 sonnel to identify warning signs of youth  
16 suicide and to create an action plan to help  
17 youth at risk of suicide; or

18 “(xi) programs that respond to the  
19 needs of students who are faced with do-  
20 mestic violence or child abuse;

21 “(B) drug and alcohol abuse prevention  
22 programs, including—

23 “(i) age appropriate and develop-  
24 mentally based activities that—

1                   “(I) address the consequences of  
2                   violence and illegal use of drugs, as  
3                   appropriate;

4                   “(II) promote a sense of indi-  
5                   vidual responsibility and teach stu-  
6                   dents that most people do not illegally  
7                   use drugs;

8                   “(III) teach students to recognize  
9                   social and peer pressure to use drugs  
10                  illegally and the skills for resisting il-  
11                  legal drug use; and

12                  “(IV) teach students about the  
13                  dangers of emerging drugs;

14                  “(ii) activities that involve families,  
15                  community sectors (which may include ap-  
16                  propriately trained seniors) and a variety  
17                  of providers in setting clear expectations  
18                  against illegal use of drugs and appro-  
19                  priate consequences for illegal use of  
20                  drugs;

21                  “(iii) dissemination of drug prevention  
22                  information to schools and communities;

23                  “(iv) professional development and  
24                  training for, and involvement of, school  
25                  personnel, specialized instructional support

1           personnel, parents, and interested commu-  
2           nity members in prevention, education,  
3           early identification and intervention, men-  
4           toring, or rehabilitation referral, as related  
5           to drug prevention; or

6                   “(v) community wide planning and or-  
7                   ganizing to reduce illegal drug use;

8                   “(C) evidence-based and promising prac-  
9           tices related to juvenile delinquency and crimi-  
10          nal street gang activity prevention and interven-  
11          tion for youth who are involved in, or at risk of  
12          involvement in, juvenile delinquency or street  
13          gang activity (that shall involve multiple com-  
14          munity partners within the local eligible entity  
15          through coordination with a local Promise Co-  
16          ordinating Council);

17                   “(D) recruiting, hiring, and maintaining  
18           specialized instructional support personnel or  
19           providing additional specialized instructional  
20           support services, including comprehensive ca-  
21           reer counseling, with priority given to the high-  
22           est need schools to be served by the eligible en-  
23           tity;

24                   “(E) implementing multi-tiered systems of  
25           support including positive behavior supports;

1           “(F) support services to address the behav-  
2           ioral, emotional, physical health, mental health  
3           and social needs of students, including—  
4           “(i) social and emotional learning pro-  
5           grams;  
6           “(ii) mentoring programs;  
7           “(iii) physical fitness, health edu-  
8           cation, and nutrition education programs;  
9           “(iv) trauma-informed practices;  
10           “(v) programs to meet the unique  
11           needs of students with active-duty military  
12           and recently discharged veteran parents;  
13           and  
14           “(vi) programs to purchase and train  
15           personnel to use automated external  
16           defibrillators and hemorrhage control kits;  
17           “(G) services and programs to support  
18           education of pregnant and parenting teens;  
19           “(H) programs that enable schools to pre-  
20           pare for, respond to, and recover from disas-  
21           ters, crises and emergencies that threaten safe-  
22           ty or disrupt teaching and learning, including  
23           programs to purchase and train personnel to  
24           use automated external defibrillators and hem-  
25           orrhage control kits; or

1                   “(I) other services consistent with this sec-  
2                   tion.

3   **“SEC. 4208. ACCOUNTABILITY AND TRANSPARENCY.**

4           “(a) LOCAL ACCOUNTABILITY AND TRANS-  
5 PARENCY.—On an annual basis, each local eligible entity  
6 shall report to the public and the State such information  
7 as the State may reasonably require, including—

8                   “(1) the number of students, aggregated and  
9                   disaggregated by subgroup as described in section  
10                  1111(e)(3)(A) who were served by the programs and  
11                  activities in this part;

12                  “(2) the programs and services provided under  
13                  this Act;

14                  “(3) outcomes resulting from activities and  
15                  services funded under this part, aggregated and  
16                  disaggregated by subgroup as described in section  
17                  1111(e)(3)(A) on the following indicators—

18                          “(A) student academic achievement as  
19                          measured by State academic assessments and  
20                          student growth over time;

21                          “(B) for diploma granting schools, gradua-  
22                          tion rates;

23                          “(C) student attendance;

24                          “(D) suspensions and expulsions;

1           “(E) performance on a set of other indica-  
2           tors that shall be based on the activities and  
3           services implemented based on the results of the  
4           needs assessment described in section  
5           4206(b)(1) and may include—

6                   “(i) the frequency, seriousness, and  
7                   incidence of violence, including bullying  
8                   and harassment, and drug related offenses  
9                   resulting in suspensions and expulsions;

10                   “(ii) the incidence and prevalence, age  
11                   of onset, perception of health risk, and per-  
12                   ception of social disapproval of drug use  
13                   and violence by youth in schools and com-  
14                   munities;

15                   “(iii) the safety of passage to and  
16                   from school;

17                   “(iv) as appropriate, rate of earned  
18                   on-time promotion from grade to grade;

19                   “(v) for diploma granting schools, the  
20                   percentage of students taking a college  
21                   preparatory curriculum, or student rates of  
22                   enrollment, persistence, and attainment of  
23                   an associate or baccalaureate degree;

24                   “(vi) academic and developmental  
25                   transitions, including from elementary to

1 middle school and middle school to high  
2 school;

3 “(vii) referrals to school resource per-  
4 sonnel;

5 “(viii) evidence of increased parent  
6 and family engagement and support for  
7 children’s learning;

8 “(ix) evidence of increased student en-  
9 gagement in school, which may include  
10 completing of assignments and coming to  
11 class prepared and on-time;

12 “(x) student health, including mental  
13 health and the amelioration of risk factors;  
14 and

15 “(F) other outcome areas as determined by  
16 the State educational agency.

17 “(b) STATE ACCOUNTABILITY AND TRANS-  
18 PARENCY.—On an annual basis, each State educational  
19 agency that receives funds under this part shall annually  
20 prepare and submit to the Secretary a report that contains  
21 all reports submitted by local eligible entities under the  
22 jurisdiction of the agency provided under (a).

23 “(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds  
24 provided under this part shall be used to supplement, and  
25 not supplant, other Federal, State, or local funds that

1 would, in the absence of such grant funds, be made avail-  
2 able for comprehensive systems of learning supports and  
3 students participating in programs under this part.

4 “(d) PUBLICATION AND AVAILABILITY OF RE-  
5 PORT.—The Secretary shall publish and make widely  
6 available to the public, including through a website or  
7 other means, a summary of the reports received under (b).

8 **“SEC. 4209. DEFINITIONS.**

9 “(a) For purposes of this part—

10 “(1) INCIDENT DATA.—The term ‘incident  
11 data’ means data from incident reports by school of-  
12 ficials including, but not limited to, truancy rates;  
13 the frequency, seriousness, and incidence of violence  
14 and drug-related offenses resulting in suspensions  
15 and expulsions; the incidence of bullying and harass-  
16 ment, and the incidence and prevalence of drug use  
17 and violence by students in schools.

18 “(2) COMPREHENSIVE SYSTEM OF LEARNING  
19 SUPPORTS.—The term ‘comprehensive system of  
20 learning supports’ means the multifaceted, and cohe-  
21 sive resources, strategies, and practices that provide  
22 class-room based or school-wide interventions to ad-  
23 dress the academic, behavioral, emotional, physical  
24 health, mental health, and social needs of students



1 and families to improve student learning, teacher in-  
2 struction and school management.

3 “(3) LOCAL ELIGIBLE ENTITY.—The term  
4 ‘local eligible entity’ means a consortium consisting  
5 of community representatives that—

6 “(A) shall include—

7 “(i) a local educational agency;

8 “(ii) not less than 1 other community  
9 partner organization; and

10 “(B) may include a broad array of commu-  
11 nity partners, including a community based or-  
12 ganization, a child and youth serving organiza-  
13 tion, an institution of higher education, a foun-  
14 dation, a business, a local government, includ-  
15 ing a local governmental agency serving chil-  
16 dren and youth such as a child welfare and ju-  
17 venile justice agency; students, and parents;  
18 and may include representatives from multiple  
19 jurisdictions.

20 “(4) MULTI-TIERED SYSTEM OF SUPPORT.—

21 The term ‘multi-tiered system of support’ means a  
22 comprehensive system of differentiated supports that  
23 includes evidence-based instruction, universal screen-  
24 ing, progress monitoring, formative assessments, re-  
25 search-based interventions matched to student needs

1 and educational decisionmaking using student out-  
2 come data.

3 “(5) BULLYING.—The term ‘bullying’—

4 “(A) means conduct, including electronic  
5 communication, that adversely affects the abil-  
6 ity of 1 or more students to participate in and  
7 benefit from the school’s educational programs  
8 or activities by placing the student (or stu-  
9 dents) in reasonable fear of physical harm; and

10 “(B) includes conduct that is based on—

11 “(i) a student’s actual or perceived—

12 “(I) race;

13 “(II) color;

14 “(III) national origin;

15 “(IV) sex;

16 “(V) disability

17 “(VI) sexual orientation;

18 “(VII) gender identity;

19 “(VIII) religion;

20 “(IX) immigration or migrant  
21 status;

22 “(X) proficiency in the English  
23 language; or

24 “(XI) state of homelessness;

1                   “(ii) any other distinguishing charac-  
2                   teristics that may be defined by a State or  
3                   local educational agency; or

4                   “(iii) association with a person or  
5                   group with 1 or more of the actual or per-  
6                   ceived characteristics listed in clause (i) or  
7                   (ii).

8                   “(6) HARASSMENT.—The term ‘harassment’—

9                   “(A) means conduct, including electronic  
10                  communication, that adversely affects the abil-  
11                  ity of 1 or more students to participate in and  
12                  benefit from the school’s educational programs  
13                  or activities because the conduct, as reasonably  
14                  perceived, is so severe, persistent, or persuasive;  
15                  and

16                  “(B) includes conduct that is based on—

17                  “(i) a student’s actual or perceived—

18                          “(I) race;

19                          “(II) color;

20                          “(III) national origin;

21                          “(IV) sex;

22                          “(V) disability

23                          “(VI) sexual orientation;

24                          “(VII) gender identity; or

25                          “(VIII) religion;

1                   “(ii) any other distinguishing charac-  
2                   teristics that may be defined by a State or  
3                   local educational agency; or

4                   “(iii) association with a person or  
5                   group with 1 or more of the actual or per-  
6                   ceived characteristics listed in clause (i) or  
7                   (ii).

8                   “(7) JUVENILE DELINQUENCY AND CRIMINAL  
9                   STREET GANG ACTIVITY PREVENTION AND INTER-  
10                  VENTION.—The term ‘juvenile delinquency and  
11                  criminal street gang activity prevention and inter-  
12                  vention’ means the provision of programs and re-  
13                  sources to children and families who have not yet  
14                  had substantial contact with criminal justice or juve-  
15                  nile justice systems or to youth who are involved in,  
16                  or who are identified by evidence-based risk assess-  
17                  ment methods as being at high risk of continued in-  
18                  volvement in, juvenile delinquency or criminal street  
19                  gangs, that—

20                         “(A) are designed to reduce potential juve-  
21                         nile delinquency and criminal street gang activ-  
22                         ity risks; and

23                         “(B) are evidence-based or promising edu-  
24                         cational, health, mental health, school-based,  
25                         community-based, faith-based, parenting, job

1 training, social opportunities and experiences,  
2 or other programs, for youth and their families,  
3 that have been demonstrated to be effective in  
4 reducing juvenile delinquency and criminal  
5 street gang activity risks.

6 “(8) PROMISE COORDINATING COUNCILS.—  
7 The members of a PROMISE Coordinating Council  
8 shall be representatives of public and private sector  
9 entities and individuals that—

10 “(A) shall include, to the extent possible,  
11 at least one representative from each of the fol-  
12 lowing:

13 “(i) the local chief executive’s office;

14 “(ii) a local educational agency;

15 “(iii) a local health agency or pro-  
16 vider;

17 “(iv) a local mental health agency or  
18 provider, unless the representative under  
19 clause (iii)) also meets the requirements of  
20 this subparagraph;

21 “(v) a local public housing agency;

22 “(vi) a local law enforcement agency;

23 “(vii) a local child welfare agency;

24 “(viii) a local juvenile court;

1                   “(ix) a local juvenile prosecutor’s of-  
2                   fice;

3                   “(x) a private juvenile residential care  
4                   entity;

5                   “(xi) a local juvenile public defender’s  
6                   office;

7                   “(xii) a State juvenile correctional en-  
8                   tity;

9                   “(xiii) a local business community  
10                  representative; and

11                  “(xiv) a local faith-based community  
12                  representative;

13                  “(B) shall include two representatives from  
14                  each of the following:

15                  “(i) parents who have minor children,  
16                  and who have an interest in the local juve-  
17                  nile or criminal justice systems;

18                  “(ii) youth between the ages of 15  
19                  and 24 who reside in the jurisdiction of the  
20                  unit or Tribe; and

21                  “(iii) members from nonprofit commu-  
22                  nity-based organizations that provide effec-  
23                  tive delinquency prevention and interven-  
24                  tion to youth in the jurisdiction of the eli-  
25                  gible entity; and

1           “(C) may include other members, as ap-  
2           propriate.

3           “(9) SPECIALIZED INSTRUCTIONAL SUPPORT  
4           PERSONNEL.—The term ‘specialized instructional  
5           support personnel’ means school counselors, school  
6           social workers, school psychologists, school nurses,  
7           and other qualified professionals involved in pro-  
8           viding assessment, diagnosis, counseling, edu-  
9           cational, therapeutic, medical, and other necessary  
10          services (including related services, as such term is  
11          defined in section 602 of the Individuals with Dis-  
12          abilities in Education Act (20 U.S.C. 1401) ) as  
13          part of a comprehensive program to meet student  
14          needs.

15       **“SEC. 4210. AUTHORIZATION OF APPROPRIATIONS.**

16          “‘There are authorized to be appropriated to carry out  
17          this part \$350,000,000 for fiscal year 2016 and such sums  
18          as may be necessary for each succeeding fiscal year.

19          “PART C—FULL-SERVICE COMMUNITY SCHOOLS

20       **“SEC. 4301. SHORT TITLE.**

21          “‘This part may be cited as the ‘Full-Service Commu-  
22          nity Schools Act of 2015’.

23       **“SEC. 4302. PURPOSES.**

24          “‘The purposes of this part are the following:

1           “(1) Improving student learning and develop-  
2           ment by providing supports for students that enable  
3           them to graduate college- and career-ready.

4           “(2) Providing support for the planning, imple-  
5           mentation, and operation of full-service community  
6           schools.

7           “(3) Improving the coordination and integra-  
8           tion, accessibility, and effectiveness of services for  
9           children and families, particularly for students at-  
10          tending high-poverty schools, including high-poverty  
11          rural schools.

12          “(4) Enabling educators and school personnel  
13          to complement and enrich efforts to improve aca-  
14          demic achievement and other results.

15          “(5) Ensuring that children have the physical,  
16          social, and emotional well-being to come to school  
17          ready to engage in the learning process every day.

18          “(6) Promoting and enabling family and com-  
19          munity engagement in the education of children.

20          “(7) Enabling more efficient use of Federal,  
21          State, local, and private sector resources that serve  
22          children and families.

23          “(8) Facilitating the coordination and integra-  
24          tion of programs and services operated by commu-



1 nity-based organizations, nonprofit organizations,  
2 and State, local, and tribal governments.

3 “(9) Engaging students as resources to their  
4 communities.

5 “(10) Engaging the business community and  
6 other community organizations as partners in the  
7 development and operation of full-service community  
8 schools.

9 **“SEC. 4303. DEFINITION.**

10 “In this part, the term ‘full-service community school’  
11 means a public elementary or secondary school that—

12 “(1) participates in a community-based effort to  
13 coordinate and integrate educational, developmental,  
14 family, health, and other comprehensive services  
15 through community-based organizations and public  
16 and private partnerships; and

17 “(2) provides access to such services to stu-  
18 dents, families, and the community, such as access  
19 during the school year (including before- and after-  
20 school hours and weekends), as well as during the  
21 summer.

22 **“SEC. 4304. LOCAL PROGRAMS.**

23 “(a) GRANTS.—The Secretary may award grants to  
24 eligible entities to assist public elementary or secondary  
25 schools to function as full-service community schools.

1       “(b) USE OF FUNDS.—Grants awarded under this  
2 section shall be used to—

3           “(1) coordinate not less than 3 existing quali-  
4 fied services and provide not less than 2 additional  
5 qualified services at 2 or more public elementary or  
6 secondary schools;

7           “(2) integrate multiple services into a com-  
8 prehensive, coordinated continuum supported by re-  
9 search-based activities which achieve the perform-  
10 ance goals established under subsection (c)(4)(E) to  
11 meet the holistic needs of young people; and

12           “(3) if applicable, coordinate and integrate  
13 services provided by community-based organizations  
14 and government agencies with services provided by  
15 specialized instructional support personnel.

16       “(c) APPLICATION.—To seek a grant under this sec-  
17 tion, an eligible entity shall submit an application to the  
18 Secretary at such time and in such manner as the Sec-  
19 retary may require. The Secretary shall require that each  
20 such application include the following:

21           “(1) A description of the eligible entity.

22           “(2) A memorandum of understanding among  
23 all partner entities that will assist the eligible entity  
24 to coordinate and provide qualified services and that  
25 describes the roles the partner entities will assume.

1           “(3) A description of the capacity of the eligible  
2           entity to coordinate and provide qualified services at  
3           2 or more full-service community schools.

4           “(4) A comprehensive plan that includes de-  
5           scriptions of the following:

6                   “(A) The student, family, and school com-  
7                   munity to be served, including information  
8                   about demographic characteristics that include  
9                   major racial and ethnic groups, median family  
10                  income, percent of students eligible for free-  
11                  and reduced-price lunch, and other information.

12                  “(B) A needs assessment that identifies  
13                  the academic, physical, social, emotional, health,  
14                  mental health, and other needs of students,  
15                  families, and community residents.

16                  “(C) A community assets assessment  
17                  which identifies existing resources which could  
18                  be aligned.

19                  “(D) The most appropriate metric to de-  
20                  scribe the plan’s reach within a community  
21                  using either—

22                          “(i) the number of families and stu-  
23                          dents to be served, and the frequency of  
24                          services; or

1                   “(ii) the proportion of families and  
2                   students to be served, and the frequency of  
3                   services.

4                   “(E) Yearly measurable performance goals,  
5                   including an increase in the percentage of fami-  
6                   lies and students targeted for services each year  
7                   of the program, which are consistent with the  
8                   following objectives:

9                   “(i) Children are ready for school.

10                  “(ii) Students are engaged and  
11                  achieving academically.

12                  “(iii) Students are physically, men-  
13                  tally, socially, and emotionally healthy.

14                  “(iv) Schools and neighborhoods are  
15                  safe and provide a positive climate for  
16                  learning that is free from bullying or har-  
17                  assment.

18                  “(v) Families are supportive and en-  
19                  gaged in their children’s education.

20                  “(vi) Students and families are pre-  
21                  pared for postsecondary education and  
22                  21st century careers.

23                  “(vii) Students are contributing to  
24                  their communities.

1           “(F) Performance measures to monitor  
2           progress toward attainment of the goals estab-  
3           lished under subparagraph (E), including a  
4           combination of the following, to the extent ap-  
5           plicable:

6                   “(i) Multiple objective measures of  
7                   student achievement, including assess-  
8                   ments, classroom grades, and other means  
9                   of assessing student performance.

10                   “(ii) Attendance (including absences  
11                   related to illness and truancy) and chronic  
12                   absenteeism rates.

13                   “(iii) Disciplinary actions against stu-  
14                   dents, including suspensions and expul-  
15                   sions.

16                   “(iv) Access to health care and treat-  
17                   ment of illnesses demonstrated to impact  
18                   academic achievement.

19                   “(v) Performance in making progress  
20                   toward intervention services goals as estab-  
21                   lished by specialized instructional support  
22                   personnel.

23                   “(vi) Participation rates by parents  
24                   and family members in school-sanctioned  
25                   activities and activities that occur as a re-

1           sult of community and school collaboration,  
2           as well as activities intended to support  
3           adult education and workforce develop-  
4           ment.

5           “(vii) Number and percentage of stu-  
6           dents and family members provided serv-  
7           ices under this part.

8           “(viii) Valid measures of postsec-  
9           ondary education and career readiness.

10          “(ix) Service-learning and community  
11          service participation rates.

12          “(x) student satisfaction surveys.

13          “(G) Qualified services, including existing  
14          and additional qualified services, to be coordi-  
15          nated and provided by the eligible entity and its  
16          partner entities, including an explanation of—

17               “(i) why such services have been se-  
18               lected;

19               “(ii) how such services will improve  
20               student academic achievement; and

21               “(iii) how such services will address  
22               performance goals established under sub-  
23               paragraph (E).

24          “(H) Plans to ensure that each site has  
25          full-time coordination of qualified services at

1 each full-service community school, including  
2 coordination with existing specialized instruc-  
3 tional support personnel.

4 “(I) Planning, coordination, management,  
5 and oversight of qualified services at each  
6 school to be served, including the role of the  
7 school principal, partner entities, parents, and  
8 members of the community.

9 “(J) Funding sources for qualified services  
10 to be coordinated and provided at each school  
11 to be served, whether such funding is derived  
12 from a grant under this section or from other  
13 Federal, State, local, or private sources.

14 “(K) Plans for professional development  
15 for personnel managing, coordinating, or deliv-  
16 ering qualified services at the schools to be  
17 served.

18 “(L) Plans for joint utilization and mainte-  
19 nance of school facilities by the eligible entity  
20 and its partner entities.

21 “(M) How the eligible entity and its part-  
22 ner entities will focus services on schools eligible  
23 for a schoolwide program under section 1114.

1           “(N) Plans for periodic evaluation based  
2           upon attainment of the performance measures  
3           described in subparagraph (F).

4           “(O) How the qualified services will meet  
5           the principles of effectiveness described in sub-  
6           section (d).

7           “(5) A plan for sustaining the programs and  
8           services outlined in this part.

9           “(d) PRINCIPLES OF EFFECTIVENESS.—For a pro-  
10          gram developed pursuant to this section to meet principles  
11          of effectiveness, such program shall be based upon—

12           “(1) an assessment of objective data regarding  
13           the need for the establishment of a full-service com-  
14           munity school and qualified services at each school  
15           to be served and in the community involved;

16           “(2) an established set of performance meas-  
17           ures aimed at ensuring the availability and effective-  
18           ness of high-quality services; and

19           “(3) if appropriate, scientifically based research  
20           that provides evidence that the qualified services in-  
21           volved will help students meet State and local stu-  
22           dent academic achievement standards.

23           “(e) PRIORITY.—In awarding grants under this sec-  
24          tion, the Secretary shall give priority to eligible entities  
25          that—



1           “(1)(A) will serve a minimum of 2 or more full-  
2           service community schools eligible for a schoolwide  
3           program under section 1114, as part of a  
4           community- or district-wide strategy; or

5           “(B) include a local educational agency that  
6           satisfies the requirements of—

7                   “(i) subparagraph (A) or (B) of section  
8                   6211(b)(1); or

9                   “(ii) subparagraphs (A) and (B) of section  
10                   6221(b)(1); and

11           “(2) will be connected to a consortium com-  
12           prised of a broad representation of stakeholders, or  
13           a consortium demonstrating a history of effective-  
14           ness.

15           “(f) GRANT PERIOD.—Each grant awarded under  
16           this section shall be for a period of 5 years and may be  
17           renewed at the discretion of the Secretary based on the  
18           eligible entity’s demonstrated effectiveness in meeting the  
19           performance goals and measures established under sub-  
20           paragraphs (E) and (F) of subsection (c)(4).

21           “(g) PLANNING.—The Secretary may authorize an el-  
22           igible entity to use grant funds under this section for plan-  
23           ning purposes in an amount not greater than 10 percent  
24           of the total grant amount.

1       “(h) MINIMUM AMOUNT.—The Secretary may not  
2 award a grant to an eligible entity under this section in  
3 an amount that is less than \$75,000 for each year of the  
4 5-year grant period.

5       “(i) DEFINITIONS.—In this section—

6           “(1) the term ‘additional qualified services’  
7 means qualified services directly funded under this  
8 part;

9           “(2) the term ‘eligible entity’ means a consor-  
10 tium of 1 or more local educational agencies and 1  
11 or more community-based organizations, nonprofit  
12 organizations, or other public or private entities;

13           “(3) the term ‘existing qualified services’ means  
14 qualified services already being financed, as of the  
15 time of the application, by Federal, State, local or  
16 private sources, or volunteer activities being sup-  
17 ported as of such time by civic, business, faith-  
18 based, social, and other similar organizations; and

19           “(4) the term ‘qualified services’ means any of  
20 the following:

21           “(A) Early childhood education.

22           “(B) Remedial education activities and en-  
23 richment activities, including expanded learning  
24 time.

1           “(C) Summer or after-school enrichment  
2 and learning experiences.

3           “(D) Programs under the Head Start Act,  
4 including Early Head Start programs.

5           “(E) Nurse home visitation services.

6           “(F) Teacher home visiting.

7           “(G) Programs that promote parental in-  
8 volvement and family literacy, including the  
9 Reading First and Early Reading First pro-  
10 grams authorized under part B of title I.

11           “(H) Mentoring and other youth develop-  
12 ment programs, including peer mentoring and  
13 conflict mediation.

14           “(I) Parent leadership development activi-  
15 ties.

16           “(J) Parenting education activities.

17           “(K) Child care services.

18           “(L) Community service and service-learn-  
19 ing opportunities.

20           “(M) Developmentally appropriate physical  
21 education.

22           “(N) Programs that provide assistance to  
23 students who have been truant, suspended, or  
24 expelled.

1           “(O) Job training, internship opportuni-  
2           ties, and career counseling services.

3           “(P) Nutrition services.

4           “(Q) Primary health and dental care.

5           “(R) Mental health counseling services.

6           “(S) Adult education, including instruction  
7           in English as a second language.

8           “(T) Juvenile crime prevention and reha-  
9           bilitation programs.

10          “(U) Specialized instructional support  
11          services.

12          “(V) Homeless prevention services.

13          “(W) Other services consistent with this  
14          part.

15   **“SEC. 4305. STATE PROGRAMS.**

16          “(a) GRANTS.—The Secretary may award grants to  
17          State collaboratives to support the development of full-  
18          service community school programs in accordance with  
19          this section.

20          “(b) USE OF FUNDS.—Grants awarded under this  
21          section shall be used only for the following:

22                  “(1) Developing a State comprehensive results  
23                  and indicators framework to implement full-service  
24                  community schools, consistent with performance  
25                  goals described in section 4304(c)(4)(E).

1           “(2) Planning, coordinating, and expanding the  
2           development of full-service community schools in the  
3           State, particularly schools in high-poverty local edu-  
4           cational agencies, including high-poverty rural local  
5           educational agencies.

6           “(3) Providing technical assistance and training  
7           for full-service community schools, including profes-  
8           sional development for personnel and creation of  
9           data collection and evaluation systems.

10           “(4) Collecting, evaluating, and reporting data  
11           about the progress of full-service community schools.

12           “(5) Evaluating the impact of State and Fed-  
13           eral policies and guidelines on the ability of eligible  
14           entities (as defined in section 4304(i)) to integrate  
15           Federal and State programs at full-service commu-  
16           nity schools, and taking action to make necessary  
17           changes.

18           “(c) APPLICATION.—To seek a grant under this sec-  
19           tion, a State collaborative shall submit an application to  
20           the Secretary at such time and in such manner as the  
21           Secretary may require. The Secretary shall require that  
22           each such application include the following:

23           “(1) A memorandum of understanding among  
24           all governmental agencies and nonprofit organiza-

1 tions that will participate as members of the State  
2 collaborative.

3 “(2) A description of the expertise of each  
4 member of the State collaborative—

5 “(A) in coordinating Federal and State  
6 programs across multiple agencies;

7 “(B) in working with and developing the  
8 capacity of full-service community schools; and

9 “(C) in working with high-poverty schools  
10 or rural schools and local educational agencies.

11 “(3) A comprehensive plan describing how the  
12 grant will be used to plan, coordinate, and expand  
13 the delivery of services at full-service community  
14 schools.

15 “(4) A comprehensive accountability plan that  
16 will be used to demonstrate effectiveness, including  
17 the measurable performance goals of the program  
18 and performance measures to monitor progress and  
19 assess services’ impact on students and families and  
20 academic achievement.

21 “(5) An explanation of how the State collabo-  
22 rative will work to ensure State policies and guide-  
23 lines can support the development of full-service  
24 community schools, as well as provide technical as-

1       sistance and training, including professional develop-  
2       ment, for full-service community schools.

3               “(6) An explanation of how the State will col-  
4       lect and evaluate information on full-service commu-  
5       nity schools.

6       “(d) GRANT PERIOD.—Each grant awarded under  
7       this section shall be for a period of 5 years.

8       “(e) MINIMUM AMOUNT.—The Secretary may not  
9       award a grant to a State collaborative under this section  
10      in an amount that is less than \$500,000 for each year  
11      of the 5-year grant period.

12      “(f) DEFINITIONS.—For purposes of this section—

13              “(1) the term ‘State’ includes the several  
14      States, the District of Columbia, the Commonwealth  
15      of Puerto Rico, the Commonwealth of the Northern  
16      Mariana Islands, American Samoa, Guam, the  
17      United States Virgin Islands, and any other terri-  
18      tory or possession of the United States; and

19              “(2) the term ‘State collaborative’ means a col-  
20      laborative of a State educational agency and not less  
21      than 2 other governmental agencies or nonprofit or-  
22      ganizations that provide services to children and  
23      families.

1 **“SEC. 4306. ADVISORY COMMITTEE.**

2 “(a) ESTABLISHMENT.—There is hereby established  
3 an advisory committee to be known as the ‘Full-Service  
4 Community Schools Advisory Committee’ (in this section  
5 referred to as the ‘Advisory Committee’).

6 “(b) DUTIES.—Subject to subsection (c), the Advi-  
7 sory Committee shall—

8 “(1) consult with the Secretary on the develop-  
9 ment and implementation of programs under this  
10 part;

11 “(2) identify strategies to improve the coordina-  
12 tion of Federal programs in support of full-service  
13 community schools; and

14 “(3) issue an annual report to the Congress on  
15 efforts under this part, including a description of—

16 “(A) the results of local and national eval-  
17 uations of such efforts; and

18 “(B) the scope of services being coordi-  
19 nated under this part.

20 “(c) CONSULTATION.—In carrying out its duties  
21 under this section, the Advisory Committee shall consult  
22 annually with eligible entities awarded grants under sec-  
23 tion 4304, State collaboratives awarded grants under sec-  
24 tion 4305, and other entities with expertise in operating  
25 full-service community schools.



1           “(d) MEMBERS.—The Advisory Committee shall con-  
2 sist of 5 members as follows:

3           “(1) The Secretary of Education (or the Sec-  
4 retary’s delegate).

5           “(2) The Attorney General of the United States  
6 (or the Attorney General’s delegate).

7           “(3) The Secretary of Agriculture (or the Sec-  
8 retary’s delegate).

9           “(4) The Secretary of Health and Human Serv-  
10 ices (or the Secretary’s delegate).

11           “(5) The Secretary of Labor (or the Secretary’s  
12 delegate).

13 **“SEC. 4307. GENERAL PROVISIONS.**

14           “(a) TECHNICAL ASSISTANCE.—The Secretary, di-  
15 rectly or through grants, shall provide such technical as-  
16 sistance as may be appropriate to accomplish the purposes  
17 of this part.

18           “(b) EVALUATIONS BY SECRETARY.—The Secretary  
19 shall conduct evaluations on the effectiveness of grants  
20 under sections 4304 and 4305 in achieving the purposes  
21 of this part.

22           “(c) EVALUATIONS BY GRANTEES.—The Secretary  
23 shall require each recipient of a grant under this part—

1           “(1) to conduct periodic evaluations of the  
2           progress achieved with the grant toward achieving  
3           the purposes of this part;

4           “(2) to use such evaluations to refine and im-  
5           prove activities conducted with the grant and the  
6           performance measures for such activities; and

7           “(3) to make the results of such evaluations  
8           publicly available, including by providing public no-  
9           tice of such availability.

10          “(d) CONSTRUCTION CLAUSE.—Nothing in this part  
11          shall be construed to alter or otherwise affect the rights,  
12          remedies, and procedures afforded school or school district  
13          employees under Federal, State, or local laws (including  
14          applicable regulations or court orders) or under the terms  
15          of collective bargaining agreements, memoranda of under-  
16          standing, or other agreements between such employees  
17          and their employers.

18          “(e) SUPPLEMENT, NOT SUPPLANT.—Funds made  
19          available to a grantee under this part may be used only  
20          to supplement, and not supplant, any other Federal, State,  
21          or local funds that would otherwise be available to carry  
22          out the activities assisted under this part.

23          “(f) MATCHING FUNDS.—

24                 “(1) IN GENERAL.—The Secretary shall require  
25                 each recipient of a grant under this part to provide

1 matching funds from non-Federal sources in an  
2 amount determined under paragraph (2).

3 “(2) DETERMINATION OF AMOUNT OF  
4 MATCH.—

5 “(A) SLIDING SCALE.—Subject to subpara-  
6 graph (B), the Secretary shall determine the  
7 amount of matching funds to be required of a  
8 grantee under this subsection based on a sliding  
9 fee scale that takes into account—

10 “(i) the relative poverty of the popu-  
11 lation to be targeted by the grantee; and

12 “(ii) the ability of the grantee to ob-  
13 tain such matching funds.

14 “(B) MAXIMUM AMOUNT.—The Secretary  
15 may not require any grantee under this section  
16 to provide matching funds in an amount that  
17 exceeds the amount of the grant award.

18 “(3) IN-KIND CONTRIBUTIONS.—The Secretary  
19 shall permit grantees under this section to match  
20 funds in whole or in part with in-kind contributions.

21 “(4) CONSIDERATION.—Notwithstanding this  
22 subsection, the Secretary shall not consider an appli-  
23 cant’s ability to match funds when determining  
24 which applicants will receive grants under this part.

1       “(g) SPECIAL RULE.—Entities receiving funds under  
2 this part shall comply with all existing Federal statutes  
3 that prohibit discrimination.

4       **“SEC. 4308. AUTHORIZATION OF APPROPRIATIONS.**

5       “(a) IN GENERAL.—There are authorized to be ap-  
6 propriated to carry out this part such sums as may be  
7 necessary for each of fiscal years 2016 through 2020.

8       “(b) ALLOCATION.—Of the amounts appropriated to  
9 carry out this part for each fiscal year—

10               “(1) 85 percent shall be for section 4304, and  
11 of the funds allocated for new grants under such  
12 section, at least 10 percent shall be made available  
13 for local educational agencies that satisfy the re-  
14 quirements of—

15                       “(A) subparagraph (A) or (B) of section  
16 6211(b)(1); or

17                       “(B) subparagraphs (A) and (B) of section  
18 6221(b)(1);

19               “(2) 10 percent shall be for section 4305; and

20               “(3) 5 percent shall be for subsections (a) and  
21 (b) of section 4307, of which not less than \$500,000  
22 shall be for technical assistance under section  
23 4307(a).

## 1                   “PART D—GENERAL PROVISIONS

2   **“SEC. 4401. PROHIBITED USE OF FUNDS.**

3           “No funds under this title may be used for—

4                   “(1) the development, establishment, implemen-  
5                   tation, or enforcement of zero-tolerance school dis-  
6                   cipline policies unless otherwise required by Federal  
7                   law; and8                   “(2) law enforcement agencies or local police  
9                   departments serving a school or local educational  
10                  agency—11                   “(A) with substantial documented excesses  
12                   or racial disparities in the use of exclusionary  
13                   discipline;14                   “(B) operating under an open school de-  
15                   segregation order, whether court ordered or vol-  
16                   untary;17                   “(C) operating under a pattern or practice  
18                   consent decree for civil rights violations; or19                   “(D) already receiving substantial Federal  
20                   funds for the placement of law enforcement in  
21                   schools.”.

1 **TITLE V—WELL-ROUNDED STU-**  
2 **DENTS AND ENGAGED FAMI-**  
3 **LIES**

4 **Subtitle A—Public Charter Schools**

5 **SEC. 501. SUBPART HEADING; PURPOSE.**

6 (a) SUBPART HEADING.—The heading for subpart 1  
7 of part B of title V (20 U.S.C. 7221 et seq.) is amended  
8 to read as follows: “**Charter School Program**”.

9 (b) PURPOSE.—Section 5201 (20 U.S.C. 7221) is  
10 amended to read as follows:

11 **“SEC. 5201. PURPOSE.**

12 “It is the purpose of this subpart to—

13 “(1) improve the United States education sys-  
14 tem and education opportunities for all Americans  
15 by supporting innovation in public education in pub-  
16 lic school settings that prepare students to compete  
17 and contribute to the global economy;

18 “(2) provide financial assistance for the plan-  
19 ning, program design, and initial implementation of  
20 charter schools;

21 “(3) expand the number of high-quality charter  
22 schools available to students across the Nation;

23 “(4) evaluate the impact of such schools on stu-  
24 dent achievement, families, and communities, and

1 share best practices between charter schools and  
2 other public schools;

3 “(5) encourage States to provide support to  
4 charter schools for facilities financing in an amount  
5 more nearly commensurate to the amount the States  
6 have typically provided for traditional public schools;

7 “(6) improve student services to increase oppor-  
8 tunities for students with disabilities, English learn-  
9 ers, and other traditionally underserved students to  
10 attend charter schools and meet challenging State  
11 academic achievement standards;

12 “(7) support efforts to strengthen the charter  
13 school authorizing process to improve performance  
14 management, including transparency, oversight,  
15 monitoring, and evaluation of such schools; and

16 “(8) support quality accountability and trans-  
17 parency in the operational performance of all au-  
18 thorized public chartering agencies, which include  
19 State educational agencies, local educational agen-  
20 cies, and other authorizing entities.”.

21 **SEC. 502. PROGRAM AUTHORIZED.**

22 Section 5202 (20 U.S.C. 7221a) is amended to read  
23 as follows:

1 **“SEC. 5202. PROGRAM AUTHORIZED.**

2 “(a) IN GENERAL.—This subpart authorizes the Sec-  
3 retary to carry out a charter school program that supports  
4 charter schools that serve elementary school and sec-  
5 ondary school students by—

6 “(1) supporting the startup of charter schools,  
7 and the replication and expansion of high-quality  
8 charter schools;

9 “(2) assisting charter schools in accessing cred-  
10 it to acquire and renovate facilities for school use;  
11 and

12 “(3) carrying out national activities to sup-  
13 port—

14 “(A) charter school development;

15 “(B) the dissemination of best practices of  
16 charter schools for all schools;

17 “(C) the evaluation of the impact of the  
18 program on schools participating in the pro-  
19 gram; and

20 “(D) stronger charter school authorizing.

21 “(b) FUNDING ALLOTMENT.—From the amount  
22 made available under section 5211 for a fiscal year, the  
23 Secretary shall—

24 “(1) reserve 12.5 percent to support charter  
25 school facilities assistance under section 5204;



1           “(2) reserve not more than 10 percent to carry  
2 out national activities under section 5205; and

3           “(3) use the remaining amount after the Sec-  
4 retary reserves funds under paragraphs (1) and (2)  
5 to carry out section 5203.

6           “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-  
7 ent of a grant or subgrant under this subpart or subpart  
8 2, as such subpart was in effect on the day before the  
9 date of enactment of the Student Success Act, shall con-  
10 tinue to receive funds in accordance with the terms and  
11 conditions of such grant or subgrant.

12          “(d) GAO REPORT.—Not later than 3 years after the  
13 date of enactment of the Student Success Act, the Comp-  
14 troller General of the United States shall submit a report  
15 to the Secretary and Congress that—

16           “(1) examines whether the funds authorized to  
17 be reserved by State entities for administrative costs  
18 under section 5203(b)(1)(C) is appropriate; and

19           “(2) if determined not to be appropriate, makes  
20 recommendations on the appropriate reservation of  
21 funding for such administrative costs.”.

22 **SEC. 503. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**  
23 **SCHOOLS.**

24          Section 5203 (20 U.S.C. 7221b) is amended to read  
25 as follows:

1 **“SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**  
2 **SCHOOLS.**

3 “(a) IN GENERAL.—From the amount reserved  
4 under section 5202(b)(3), the Secretary shall award  
5 grants to State entities having applications approved pur-  
6 suant to subsection (f) to enable such entities to—

7 “(1) award subgrants to eligible applicants for  
8 opening and preparing to operate—

9 “(A) new charter schools;

10 “(B) replicated, high-quality charter school  
11 models; or

12 “(C) expanded, high-quality charter  
13 schools; and

14 “(2) provide technical assistance to eligible ap-  
15 plicants and authorized public chartering agencies in  
16 carrying out the activities described in paragraph (1)  
17 and work with authorized public chartering agencies  
18 in the State to improve authorizing quality.

19 “(b) STATE USES OF FUNDS.—

20 “(1) IN GENERAL.—A State entity receiving a  
21 grant under this section shall—

22 “(A) use not less than 90 percent of the  
23 grant funds to award subgrants to eligible ap-  
24 plicants, in accordance with the quality charter  
25 school program described in the State entity’s  
26 application approved pursuant to subsection (f),

1 for the purposes described in subparagraphs  
2 (A) through (C) of subsection (a)(1);

3 “(B) reserve not less than 7 percent of  
4 such funds to carry out the activities described  
5 in subsection (a)(2); and

6 “(C) reserve not more than 3 percent of  
7 such funds for administrative costs which may  
8 include technical assistance.

9 “(2) CONTRACTS AND GRANTS.—A State entity  
10 may use a grant received under this section to carry  
11 out the activities described in subparagraphs (A)  
12 and (B) of paragraph (1) directly or through grants,  
13 contracts, or cooperative agreements.

14 “(3) RULE OF CONSTRUCTION.—Nothing in  
15 this Act shall prohibit the Secretary from awarding  
16 grants to States that use a weighted lottery to give  
17 slightly better chances for admission to all, or a sub-  
18 set of, educationally disadvantaged students if—

19 “(A) the use of weighted lotteries in favor  
20 of such students is not prohibited by State law,  
21 and such State law is consistent with laws de-  
22 scribed in section 5210(1)(G); and

23 “(B) such weighted lotteries are not used  
24 for the purpose of creating schools exclusively  
25 to serve a particular subset of students.

1           “(c) PROGRAM PERIODS; PEER REVIEW; GRANT  
2 NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIV-  
3 ERS.—

4           “(1) PROGRAM PERIODS.—

5                   “(A) GRANTS.—A grant awarded by the  
6 Secretary to a State entity under this section  
7 shall be for a period of not more than 5 years.

8                   “(B) SUBGRANTS.—A subgrant awarded  
9 by a State entity under this section shall be for  
10 a period of not more than 5 years, of which an  
11 eligible applicant may use not more than 18  
12 months for planning and program design.

13           “(2) PEER REVIEW.—The Secretary, and each  
14 State entity receiving a grant under this section,  
15 shall use a peer review process to review applications  
16 for assistance under this section.

17           “(3) GRANT AWARDS.—The Secretary shall—

18                   “(A) for each fiscal year for which funds  
19 are appropriated under section 5211—

20                           “(i) award not less than 3 grants  
21 under this section;

22                           “(ii) wholly fund each grant awarded  
23 under this section, without making con-  
24 tinuation awards; and

1                   “(iii) fully obligate the funds appro-  
2                   priated for the purpose of awarding grants  
3                   under this section in the fiscal year for  
4                   which such grants are awarded; and

5                   “(B) prior to the start of the final year of  
6                   the grant period of each grant awarded under  
7                   this section to a State entity, review whether  
8                   the State entity is using the grant funds for the  
9                   agreed upon uses of funds and whether the full  
10                  amount of the grant will be needed for the re-  
11                  mainder of the grant period and may, as deter-  
12                  mined necessary based on that review, termi-  
13                  nate or reduce the amount of the grant and re-  
14                  allocate the remaining grant funds to other  
15                  State entities during the succeeding grant com-  
16                  petition under this section.

17                  “(4) DIVERSITY OF PROJECTS.—Each State en-  
18                  tity receiving a grant under this section shall award  
19                  subgrants under this section in a manner that, to  
20                  the extent possible, ensures that such subgrants—

21                         “(A) are distributed throughout different  
22                         areas, including urban, suburban, and rural  
23                         areas; and

24                         “(B) will assist charter schools rep-  
25                         resenting a variety of educational approaches.

1           “(5) WAIVERS.—The Secretary may waive any  
2           statutory or regulatory requirement over which the  
3           Secretary exercises administrative authority except  
4           any such requirement relating to the elements of a  
5           charter school described in section 5210(1), if—

6                   “(A) the waiver is requested in an ap-  
7                   proved application under this section; and

8                   “(B) the Secretary determines that grant-  
9                   ing such a waiver will promote the purpose of  
10                  this subpart.

11          “(d) LIMITATIONS.—

12                  “(1) GRANTS.—The Secretary shall not award  
13                  a grant to a State entity under this section in a case  
14                  in which such award would result in more than 1  
15                  grant awarded under this section being carried out  
16                  in a State at the same time.

17                  “(2) SUBGRANTS.—An eligible applicant may  
18                  not receive more than 1 subgrant under this section  
19                  per individual charter school for a 5-year period, un-  
20                  less the eligible applicant demonstrates to the State  
21                  entity not less than 3 years of improved educational  
22                  results in the areas described in subparagraphs (A)  
23                  and (D) of section 5210(8) for students enrolled in  
24                  such charter school.

1       “(e) APPLICATIONS.—A State entity desiring to re-  
2 ceive a grant under this section shall submit an application  
3 to the Secretary at such time and in such manner as the  
4 Secretary may require. The application shall include the  
5 following:

6           “(1) DESCRIPTION OF PROGRAM.—A descrip-  
7 tion of the State entity’s objectives under this sec-  
8 tion and how the objectives of the program will be  
9 carried out, including a description—

10                   “(A) of how the State entity—

11                           “(i) will support the opening of new  
12 charter schools, replicated, high-quality  
13 charter school models, or expanded, high-  
14 quality charter schools, and a description  
15 of the proposed number of each type of  
16 charter school or model, if applicable, to be  
17 opened under the State entity’s program;

18                           “(ii) will inform eligible charter  
19 schools, developers, and authorized public  
20 chartering agencies of the availability of  
21 funds under the program;

22                           “(iii) will work with eligible applicants  
23 to ensure that the eligible applicants access  
24 all Federal funds that they are eligible to  
25 receive, and help the charter schools sup-

1                   ported by the applicants and the students  
2                   attending the charter schools—

3                   “(I) participate in the Federal  
4                   programs in which the schools and  
5                   students are eligible to participate;

6                   “(II) receive the commensurate  
7                   share of Federal funds the schools  
8                   and students are eligible to receive  
9                   under such programs; and

10                  “(III) meet the needs of students  
11                  served under such programs, including  
12                  student with disabilities and English  
13                  learners;

14                  “(iv) will have clear plans and proce-  
15                  dures to assist students enrolled in a char-  
16                  ter school that closes or loses its charter to  
17                  attend other high-quality schools;

18                  “(v) in the case in which the State en-  
19                  tity is not a State educational agency—

20                  “(I) will work with the State edu-  
21                  cational agency and the charter  
22                  schools in the State to maximize char-  
23                  ter school participation in Federal and  
24                  State programs for charter schools;  
25                  and



1                   “(II) will work with the State  
2                   educational agency to adequately op-  
3                   erate the State entity’s program  
4                   under this section, where applicable;

5                   “(vi) will ensure each eligible appli-  
6                   cant that receives a subgrant under the  
7                   State entity’s program to open and prepare  
8                   to operate a new charter school, a rep-  
9                   licated, high-quality charter school model,  
10                  or an expanded, high-quality charter  
11                  school—

12                  “(I) will ensure such school or  
13                  model meets the requirements under  
14                  section 5210(1); and

15                  “(II) is prepared to continue to  
16                  operate such school or model, in a  
17                  manner consistent with the eligible  
18                  applicant’s application, after the  
19                  subgrant funds have expired;

20                  “(vii) will support charter schools in  
21                  local educational agencies with large num-  
22                  bers of schools identified by the State for  
23                  improvement, including supporting the use  
24                  of charter schools to improve, or in turning  
25                  around, struggling schools;

1           “(viii) will work with charter schools  
2           to promote inclusion of all students, in-  
3           cluding eliminating any barriers to enroll-  
4           ment for foster youth or unaccompanied  
5           homeless youth, and support all students  
6           once they are enrolled to promote retention  
7           including through the use of fair discipli-  
8           nary practice;

9           “(ix) will work with charter schools on  
10          recruitment practices, including efforts to  
11          engage groups that may otherwise have  
12          limited opportunities to participate in char-  
13          ter schools, and to ensure such schools do  
14          not have in effect policies or procedures  
15          that may create barriers to enrollment of  
16          students, including educationally disadvan-  
17          taged students, and are in compliance with  
18          all Federal and State laws on enrollment  
19          practices;

20          “(x) will share best and promising  
21          practices between charter schools and  
22          other public schools, including, where ap-  
23          propriate, instruction and professional de-  
24          velopment in core academic subjects, and

1 science, technology, engineering, and math  
2 education, including computer science;

3 “(xi) will ensure the charter schools  
4 receiving funds under the State entity’s  
5 program meet the educational needs of  
6 their students, including students with dis-  
7 abilities and English learners;

8 “(xii) will support efforts to increase  
9 quality initiatives, including meeting the  
10 quality authorizing elements described in  
11 paragraph (2)(E);

12 “(xiii) in the case of a State entity  
13 not described in clause (xiv), will provide  
14 oversight of authorizing activity;

15 “(xiv) in the case of a State entity de-  
16 fined in subsection (i)(4), will work with  
17 the State to provide assistance to and over-  
18 sight of authorized public chartering agen-  
19 cies for authorizing activity described in  
20 clause (xiii); and

21 “(xv) will work with eligible applicants  
22 receiving a subgrant under the State enti-  
23 ty’s program to support the opening of  
24 charter schools or charter school models

1 described in clause (i) that are secondary  
2 schools;

3 “(B) of the extent to which the State enti-  
4 ty—

5 “(i) is able to meet and carry out the  
6 priorities listed in subsection (f)(2); and

7 “(ii) is working to develop or  
8 strengthen a cohesive statewide system to  
9 support the opening of new charter  
10 schools, replicated, high-quality charter  
11 school models, or expanded, high-quality  
12 charter schools;

13 “(C) of how the State entity will carry out  
14 the subgrant competition, including—

15 “(i) a description of the application  
16 each eligible applicant desiring to receive a  
17 subgrant will submit, including—

18 “(I) a description of the roles  
19 and responsibilities of eligible appli-  
20 cants, partner organizations, and  
21 management organizations, including  
22 the administrative and contractual  
23 roles and responsibilities;

24 “(II) a description of the quality  
25 controls agreed to between the eligible

1 applicant and the authorized public  
2 chartering agency involved, as de-  
3 scribed in section 1111(d)(1)(I);

4 “(III) a description of how the el-  
5 igible applicant will solicit and con-  
6 sider input from parents and other  
7 members of the community on the im-  
8 plementation and operation of each  
9 charter school receiving funds under  
10 the State entity’s program; and

11 “(IV) a description of the  
12 planned activities and expenditures  
13 for the subgrant funds for purposes of  
14 opening and preparing to operate a  
15 new charter school, a replicated, high-  
16 quality charter school model, or an ex-  
17 panded, high-quality charter school,  
18 and how the school or model will  
19 maintain financial sustainability after  
20 the end of the subgrant period; and

21 “(ii) a description of how the State  
22 entity will review applications;

23 “(D) in the case of an entity that partners  
24 with an outside organization to carry out the  
25 State entity’s quality charter school program, in

1 whole or in part, of the roles and responsibil-  
2 ities of this partner;

3 “(E) of how the State entity will help the  
4 charter schools receiving funds under the State  
5 entity’s program consider the transportation  
6 needs of the schools’ students; and

7 “(F) of how the State entity will support  
8 diverse charter school models, including models  
9 that serve rural communities.

10 “(2) ASSURANCES.—Assurances, including a  
11 description of how the assurances will be met,  
12 that—

13 “(A) each charter school receiving funds  
14 under the State entity’s program will have a  
15 high degree of autonomy over budget and oper-  
16 ations;

17 “(B) the State entity will support charter  
18 schools in meeting the educational needs of  
19 their students as described in paragraph  
20 (1)(A)(xi);

21 “(C) the State entity will ensure that the  
22 authorized public chartering agency of any  
23 charter school that receives funds under the  
24 State entity’s program—

1                   “(i) adequately monitors each charter  
2                   school in recruiting, enrolling, and meeting  
3                   the needs of all students, including stu-  
4                   dents with disabilities and English learn-  
5                   ers; and

6                   “(ii) ensures that each charter school  
7                   solicits and considers input from parents  
8                   and other members of the community on  
9                   the implementation and operation of the  
10                  school;

11                  “(D) the State entity will provide adequate  
12                  technical assistance to eligible applicants to—

13                   “(i) meet the objectives described in  
14                   clauses (viii) and (ix) of paragraph (1)(A)  
15                   and paragraph (2)(B); and

16                   “(ii) recruit, enroll, and retain tradi-  
17                   tionally underserved students, including  
18                   students with disabilities and English  
19                   learners, at rates similar to traditional  
20                   public schools;

21                  “(E) the State entity will promote quality  
22                  authorizing, such as through providing technical  
23                  assistance and supporting all authorized public  
24                  chartering agencies in the State to improve the

1 oversight of their charter schools, including  
2 by—

3 “(i) assessing annual performance  
4 data of the schools, including, as appro-  
5 priate, graduation rates, student academic  
6 growth, and rates of student attrition;

7 “(ii) reviewing the schools’ inde-  
8 pendent, annual audits of financial state-  
9 ments conducted in accordance with gen-  
10 erally accepted accounting principles, and  
11 ensuring any such audits are publically re-  
12 ported; and

13 “(iii) holding charter schools account-  
14 able to the academic, financial, and oper-  
15 ational quality controls agreed to between  
16 the charter school and the authorized pub-  
17 lic chartering agency involved, such as  
18 through renewal, non-renewal, or revoca-  
19 tion of the school’s charter;

20 “(F) the State entity will work to ensure  
21 that charter schools are included with the tradi-  
22 tional public schools in decision-making about  
23 the public school system in the State; and

24 “(G) The State entity will ensure that each  
25 charter school in the State makes publicly avail-



1           able, consistent with the dissemination require-  
2           ments of the annual State report card, informa-  
3           tion to help parents make informed decisions  
4           about the education options available to their  
5           children, including information for each school  
6           on—

7                   “(i) the educational program;

8                   “(ii) student support services;

9                   “(iii) annual performance and enroll-  
10                  ment data, disaggregated by the groups of  
11                  students        described        in        section  
12                  1111(c)(3)(A); and

13                  “(iv) any other information the State  
14                  requires all other public schools to report  
15                  for purposes of section 1111(i)(1).

16               “(3) REQUESTS FOR WAIVERS.—A request and  
17               justification for waivers of any Federal statutory or  
18               regulatory provisions that the State entity believes  
19               are necessary for the successful operation of the  
20               charter schools that will receive funds under the  
21               State entity’s program under this section, and a de-  
22               scription of any State or local rules, generally appli-  
23               cable to public schools, that will be waived, or other-  
24               wise not apply to such schools or, in the case of a  
25               State entity defined in subsection (i)(4), a descrip-

1           tion of how the State entity will work with the State  
2           to request necessary waivers where applicable.

3           “(f) SELECTION CRITERIA; PRIORITY.—

4                 “(1) SELECTION CRITERIA.—The Secretary  
5           shall award grants to State entities under this sec-  
6           tion on the basis of the quality of the applications  
7           submitted under subsection (e), after taking into  
8           consideration—

9                 “(A) the degree of flexibility afforded by  
10           the State’s public charter school law and how  
11           the State entity will work to maximize the flexi-  
12           bility provided to charter schools under the law;

13                 “(B) the ambitiousness of the State enti-  
14           ty’s objectives for the quality charter school  
15           program carried out under this section;

16                 “(C) the quality of the strategy for assess-  
17           ing achievement of those objectives;

18                 “(D) the likelihood that the eligible appli-  
19           cants receiving subgrants under the program  
20           will meet those objectives and improve edu-  
21           cational results for students;

22                 “(E) the State entity’s plan to—

23                         “(i) adequately monitor the eligible  
24           applicants receiving subgrants under the  
25           State entity’s program;

1                   “(ii) work with the authorized public  
2                   chartering agencies involved to avoid dupli-  
3                   cation of work for the charter schools and  
4                   authorized public chartering agencies; and  
5                   “(iii) provide adequate technical as-  
6                   sistance and support for—

7                   “(I) the charter schools receiving  
8                   funds under the State entity’s pro-  
9                   gram; and

10                   “(II) quality authorizing efforts  
11                   in the State; and

12                   “(F) the State entity’s plan to solicit and  
13                   consider input from parents and other members  
14                   of the community on the implementation and  
15                   operation of the charter schools in the State.

16                   “(2) PRIORITY.—In awarding grants under this  
17                   section, the Secretary shall give priority to State en-  
18                   tities to the extent that they meet the following cri-  
19                   teria:

20                   “(A) In the case of a State entity located  
21                   in a State that allows an entity other than a  
22                   local educational agency to be an authorized  
23                   public chartering agency, the State has a qual-  
24                   ity authorized public chartering agency that is  
25                   an entity other than a local educational agency.

1           “(B) The State entity is located in a State  
2           that ensures equitable financing, as compared  
3           to traditional public schools, for charter schools  
4           and students in a prompt manner.

5           “(C) The State entity is located in a State  
6           that uses charter schools and best practices  
7           from charter schools to help improve struggling  
8           schools and local educational agencies.

9           “(D) The State entity partners with an or-  
10          ganization that has a demonstrated record of  
11          success in developing management organiza-  
12          tions to support the development of charter  
13          schools in the State.

14          “(E) The State entity supports charter  
15          schools that support at-risk students through  
16          activities such as dropout prevention, dropout  
17          recovery, or comprehensive career counseling  
18          practices.

19          “(F) The State entity authorizes all char-  
20          ter schools in the State to serve as school food  
21          authorities.

22          “(G) The State entity has taken steps to  
23          ensure that all authorizing public chartering  
24          agencies implement quality standards as de-  
25          scribed in section 1111(d)(1)(I).

1           “(g) LOCAL USES OF FUNDS.—An eligible applicant  
2 receiving a subgrant under this section shall use such  
3 funds to carry out activities related to opening and pre-  
4 paring to operate a new charter school, a replicated, high-  
5 quality charter school model, or an expanded, high-quality  
6 charter school, such as—

7                   “(1) preparing teachers and school leaders, in-  
8 cluding through professional development;

9                   “(2) acquiring equipment, educational mate-  
10 rials, and supplies; and

11                   “(3) necessary renovations and minor facilities  
12 repairs (excluding construction).

13           “(h) REPORTING REQUIREMENTS.—Each State enti-  
14 ty receiving a grant under this section shall submit to the  
15 Secretary, at the end of the third year of the 5-year grant  
16 period and at the end of such grant period, a report on—

17                   “(1) the number of students served by each  
18 subgrant awarded under this section and, if applica-  
19 ble, how many new students were served during each  
20 year of the subgrant period;

21                   “(2) the progress the State entity made toward  
22 meeting the priorities described in subsection (f)(2),  
23 as applicable;

24                   “(3) how the State entity met the objectives of  
25 the quality charter school program described in the

1 State entity’s application under subsection (e), in-  
2 cluding how the State entity met the objective of  
3 sharing best and promising practices described in  
4 subsection (e)(1)(A)(x) in areas such as instruction,  
5 professional development, curricula development, and  
6 operations between charter schools and other public  
7 schools, and the extent to which, if known, such  
8 practices were adopted and implemented by such  
9 other public schools;

10 “(4) how the State entity complied with, and  
11 ensured that eligible applicants complied with, the  
12 assurances described in the State entity’s applica-  
13 tion;

14 “(5) how the State entity worked with author-  
15 ized public chartering agencies, including how the  
16 agencies worked with the management company or  
17 leadership of the schools that received subgrants  
18 under this section;

19 “(6) the number of subgrants awarded under  
20 this section to carry out each of the following:

21 “(A) The opening of new charter schools.

22 “(B) The opening of replicated, high-qual-  
23 ity charter school models.

24 “(C) The opening of expanded, high-qual-  
25 ity charter schools; and

1           “(7) how the State entity has worked with char-  
2           ter schools receiving funds under the State entity’s  
3           program to foster community involvement in the  
4           planning for and opening of such schools.

5           “(i) STATE ENTITY DEFINED.—For purposes of this  
6           section, the term ‘State entity’ means—

7           “(1) a State educational agency;

8           “(2) a State charter school board;

9           “(3) a Governor of a State; or

10           “(4) a charter school support organization.”.

11   **SEC. 504. FACILITIES FINANCING ASSISTANCE.**

12           Section 5204 (20 U.S.C. 7221e) is amended to read  
13           as follows:

14   **“SEC. 5204. FACILITIES FINANCING ASSISTANCE.**

15           “(a) GRANTS TO ELIGIBLE ENTITIES.—

16           “(1) IN GENERAL.—From the amount reserved  
17           under section 5202(b)(1), the Secretary shall not  
18           use less than 50 percent to award grants to eligible  
19           entities that have the highest-quality applications  
20           approved under subsection (d), after considering the  
21           diversity of such applications, to demonstrate inno-  
22           vative methods of assisting charter schools to ad-  
23           dress the cost of acquiring, constructing, and ren-  
24           ovating facilities by enhancing the availability of  
25           loans or bond financing.

1           “(2) ELIGIBLE ENTITY DEFINED.—For pur-  
2           poses of this section, the term ‘eligible entity’  
3           means—

4                   “(A) a public entity, such as a State or  
5                   local governmental entity;

6                   “(B) a private nonprofit entity; or

7                   “(C) a consortium of entities described in  
8                   subparagraphs (A) and (B).

9           “(b) GRANTEE SELECTION.—The Secretary shall  
10          evaluate each application submitted under subsection (d),  
11          and shall determine whether the application is sufficient  
12          to merit approval.

13          “(c) GRANT CHARACTERISTICS.—Grants under sub-  
14          section (a) shall be of a sufficient size, scope, and quality  
15          so as to ensure an effective demonstration of an innovative  
16          means of enhancing credit for the financing of charter  
17          school acquisition, construction, or renovation.

18          “(d) APPLICATIONS.—

19                   “(1) IN GENERAL.—To receive a grant under  
20                   subsection (a), an eligible entity shall submit to the  
21                   Secretary an application in such form as the Sec-  
22                   retary may reasonably require.

23                   “(2) CONTENTS.—An application submitted  
24                   under paragraph (1) shall contain—



1           “(A) a statement identifying the activities  
2 proposed to be undertaken with funds received  
3 under subsection (a), including how the eligible  
4 entity will determine which charter schools will  
5 receive assistance, and how much and what  
6 types of assistance charter schools will receive;

7           “(B) a description of the involvement of  
8 charter schools in the application’s development  
9 and the design of the proposed activities;

10           “(C) a description of the eligible entity’s  
11 expertise in capital market financing;

12           “(D) a description of how the proposed ac-  
13 tivities will leverage the maximum amount of  
14 private-sector financing capital relative to the  
15 amount of public funding used and otherwise  
16 enhance credit available to charter schools, in-  
17 cluding how the eligible entity will offer a com-  
18 bination of rates and terms more favorable than  
19 the rates and terms that a charter school could  
20 receive without assistance from the eligible enti-  
21 ty under this section;

22           “(E) a description of how the eligible enti-  
23 ty possesses sufficient expertise in education to  
24 evaluate the likelihood of success of a charter

1 school program for which facilities financing is  
2 sought; and

3 “(F) in the case of an application sub-  
4 mitted by a State governmental entity, a de-  
5 scription of the actions that the entity has  
6 taken, or will take, to ensure that charter  
7 schools within the State receive the funding the  
8 charter schools need to have adequate facilities.

9 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible  
10 entity receiving a grant under this section shall use the  
11 funds deposited in the reserve account established under  
12 subsection (f) to assist one or more charter schools to ac-  
13 cess private sector capital to accomplish one or more of  
14 the following objectives:

15 “(1) The acquisition (by purchase, lease, dona-  
16 tion, or otherwise) of an interest (including an inter-  
17 est held by a third party for the benefit of a charter  
18 school) in improved or unimproved real property  
19 that is necessary to commence or continue the oper-  
20 ation of a charter school.

21 “(2) The construction of new facilities, or the  
22 renovation, repair, or alteration of existing facilities,  
23 necessary to commence or continue the operation of  
24 a charter school.

1           “(3) The predevelopment costs required to as-  
2           sess sites for purposes of paragraph (1) or (2) and  
3           which are necessary to commence or continue the  
4           operation of a charter school.

5           “(f) RESERVE ACCOUNT.—

6           “(1) USE OF FUNDS.—To assist charter schools  
7           to accomplish the objectives described in subsection  
8           (e), an eligible entity receiving a grant under sub-  
9           section (a) shall, in accordance with State and local  
10          law, directly or indirectly, alone or in collaboration  
11          with others, deposit the funds received under sub-  
12          section (a) (other than funds used for administrative  
13          costs in accordance with subsection (g)) in a reserve  
14          account established and maintained by the eligible  
15          entity for this purpose. Amounts deposited in such  
16          account shall be used by the eligible entity for one  
17          or more of the following purposes:

18                 “(A) Guaranteeing, insuring, and rein-  
19                 suring bonds, notes, evidences of debt, loans,  
20                 and interests therein, the proceeds of which are  
21                 used for an objective described in subsection  
22                 (e).

23                 “(B) Guaranteeing and insuring leases of  
24                 personal and real property for an objective de-  
25                 scribed in subsection (e).

1           “(C) Facilitating financing by identifying  
2           potential lending sources, encouraging private  
3           lending, and other similar activities that di-  
4           rectly promote lending to, or for the benefit of,  
5           charter schools.

6           “(D) Facilitating the issuance of bonds by  
7           charter schools, or by other public entities for  
8           the benefit of charter schools, by providing  
9           technical, administrative, and other appropriate  
10          assistance (including the recruitment of bond  
11          counsel, underwriters, and potential investors  
12          and the consolidation of multiple charter school  
13          projects within a single bond issue).

14          “(2) INVESTMENT.—Funds received under this  
15          section and deposited in the reserve account estab-  
16          lished under paragraph (1) shall be invested in obli-  
17          gations issued or guaranteed by the United States or  
18          a State, or in other similarly low-risk securities.

19          “(3) REINVESTMENT OF EARNINGS.—Any earn-  
20          ings on funds received under subsection (a) shall be  
21          deposited in the reserve account established under  
22          paragraph (1) and used in accordance with such  
23          paragraph.

24          “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An  
25          eligible entity may use not more than 2.5 percent of the

1 funds received under subsection (a) for the administrative  
2 costs of carrying out its responsibilities under this section  
3 (excluding subsection (k)).

4 “(h) AUDITS AND REPORTS.—

5 “(1) FINANCIAL RECORD MAINTENANCE AND  
6 AUDIT.—The financial records of each eligible entity  
7 receiving a grant under subsection (a) shall be main-  
8 tained in accordance with generally accepted ac-  
9 counting principles and shall be subject to an annual  
10 audit by an independent public accountant.

11 “(2) REPORTS.—

12 “(A) GRANTEE ANNUAL REPORTS.—Each  
13 eligible entity receiving a grant under sub-  
14 section (a) annually shall submit to the Sec-  
15 retary a report of its operations and activities  
16 under this section.

17 “(B) CONTENTS.—Each annual report  
18 submitted under subparagraph (A) shall in-  
19 clude—

20 “(i) a copy of the most recent finan-  
21 cial statements, and any accompanying  
22 opinion on such statements, prepared by  
23 the independent public accountant review-  
24 ing the financial records of the eligible en-  
25 tity;

1           “(ii) a copy of any report made on an  
2           audit of the financial records of the eligible  
3           entity that was conducted under paragraph  
4           (1) during the reporting period;

5           “(iii) an evaluation by the eligible en-  
6           tity of the effectiveness of its use of the  
7           Federal funds provided under subsection  
8           (a) in leveraging private funds;

9           “(iv) a listing and description of the  
10          charter schools served during the reporting  
11          period, including the amount of funds used  
12          by each school, the type of project facili-  
13          tated by the grant, and the type of assist-  
14          ance provided to the charter schools;

15          “(v) a description of the activities car-  
16          ried out by the eligible entity to assist  
17          charter schools in meeting the objectives  
18          set forth in subsection (e); and

19          “(vi) a description of the characteris-  
20          tics of lenders and other financial institu-  
21          tions participating in the activities under-  
22          taken by the eligible entity under this sec-  
23          tion (excluding subsection (k)) during the  
24          reporting period.

1           “(C) SECRETARIAL REPORT.—The Sec-  
2           retary shall review the reports submitted under  
3           subparagraph (A) and shall provide a com-  
4           prehensive annual report to Congress on the ac-  
5           tivities conducted under this section (excluding  
6           subsection (k)).

7           “(i) NO FULL FAITH AND CREDIT FOR GRANTEE  
8           OBLIGATION.—No financial obligation of an eligible entity  
9           entered into pursuant to this section (such as an obliga-  
10          tion under a guarantee, bond, note, evidence of debt, or  
11          loan) shall be an obligation of, or guaranteed in any re-  
12          spect by, the United States. The full faith and credit of  
13          the United States is not pledged to the payment of funds  
14          which may be required to be paid under any obligation  
15          made by an eligible entity pursuant to any provision of  
16          this section.

17          “(j) RECOVERY OF FUNDS.—

18                 “(1) IN GENERAL.—The Secretary, in accord-  
19                 ance with chapter 37 of title 31, United States  
20                 Code, shall collect—

21                         “(A) all of the funds in a reserve account  
22                         established by an eligible entity under sub-  
23                         section (f)(1) if the Secretary determines, not  
24                         earlier than 2 years after the date on which the  
25                         eligible entity first received funds under this

1 section (excluding subsection (k)), that the eli-  
2 gible entity has failed to make substantial  
3 progress in carrying out the purposes described  
4 in subsection (f)(1); or

5 “(B) all or a portion of the funds in a re-  
6 serve account established by an eligible entity  
7 under subsection (f)(1) if the Secretary deter-  
8 mines that the eligible entity has permanently  
9 ceased to use all or a portion of the funds in  
10 such account to accomplish any purpose de-  
11 scribed in subsection (f)(1).

12 “(2) EXERCISE OF AUTHORITY.—The Secretary  
13 shall not exercise the authority provided in para-  
14 graph (1) to collect from any eligible entity any  
15 funds that are being properly used to achieve one or  
16 more of the purposes described in subsection (f)(1).

17 “(3) PROCEDURES.—The provisions of sections  
18 451, 452, and 458 of the General Education Provi-  
19 sions Act (20 U.S.C. 124, 1234a, 1234g) shall apply  
20 to the recovery of funds under paragraph (1).

21 “(4) CONSTRUCTION.—This subsection shall  
22 not be construed to impair or affect the authority of  
23 the Secretary to recover funds under part D of the  
24 General Education Provisions Act (20 U.S.C. 1234  
25 et seq.).



1 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

2 “(1) DEFINITION OF PER-PUPIL FACILITIES AID  
3 PROGRAM.—In this subsection, the term ‘per-pupil  
4 facilities aid program’ means a program in which a  
5 State makes payments, on a per-pupil basis, to char-  
6 ter schools to provide the schools with financing—

7 “(A) that is dedicated solely for funding  
8 charter school facilities; or

9 “(B) a portion of which is dedicated for  
10 funding charter school facilities.

11 “(2) GRANTS.—

12 “(A) IN GENERAL.—From the amount  
13 under section 5202(b)(1) remaining after the  
14 Secretary makes grants under subsection (a),  
15 the Secretary shall make grants, on a competi-  
16 tive basis, to States to pay for the Federal  
17 share of the cost of establishing or enhancing,  
18 and administering per-pupil facilities aid pro-  
19 grams.

20 “(B) PERIOD.—The Secretary shall award  
21 grants under this subsection for periods of not  
22 more than 5 years.

23 “(C) FEDERAL SHARE.—The Federal  
24 share of the cost described in subparagraph (A)

1 for a per-pupil facilities aid program shall be  
2 not more than—

3 “(i) 90 percent of the cost, for the  
4 first fiscal year for which the program re-  
5 ceives assistance under this subsection;

6 “(ii) 80 percent in the second such  
7 year;

8 “(iii) 60 percent in the third such  
9 year;

10 “(iv) 40 percent in the fourth such  
11 year; and

12 “(v) 20 percent in the fifth such year.

13 “(D) STATE SHARE.—A State receiving a  
14 grant under this subsection may partner with 1  
15 or more organizations to provide up to 50 per-  
16 cent of the State share of the cost of estab-  
17 lishing or enhancing, and administering the per-  
18 pupil facilities aid program.

19 “(E) MULTIPLE GRANTS.—A State may  
20 receive more than 1 grant under this sub-  
21 section, so long as the amount of such funds  
22 provided to charter schools increases with each  
23 successive grant.

24 “(3) USE OF FUNDS.—

1           “(A) IN GENERAL.—A State that receives  
2 a grant under this subsection shall use the  
3 funds made available through the grant to es-  
4 tablish or enhance, and administer, a per-pupil  
5 facilities aid program for charter schools in the  
6 State of the applicant.

7           “(B) EVALUATIONS; TECHNICAL ASSIST-  
8 ANCE; DISSEMINATION.—From the amount  
9 made available to a State through a grant  
10 under this subsection for a fiscal year, the State  
11 may reserve not more than 5 percent to carry  
12 out evaluations, to provide technical assistance,  
13 and to disseminate information.

14           “(C) SUPPLEMENT, NOT SUPPLANT.—  
15 Funds made available under this subsection  
16 shall be used to supplement, and not supplant,  
17 State and local public funds expended to pro-  
18 vide per pupil facilities aid programs, oper-  
19 ations financing programs, or other programs,  
20 for charter schools.

21           “(4) REQUIREMENTS.—

22           “(A) VOLUNTARY PARTICIPATION.—No  
23 State may be required to participate in a pro-  
24 gram carried out under this subsection.

25           “(B) STATE LAW.—

1                   “(i) IN GENERAL.—Except as pro-  
2                   vided in clause (ii), to be eligible to receive  
3                   a grant under this subsection, a State shall  
4                   establish or enhance, and administer, a  
5                   per-pupil facilities aid program for charter  
6                   schools in the State, that—

7                                 “(I) is specified in State law; and  
8                                 “(II) provides annual financing,  
9                   on a per-pupil basis, for charter  
10                   school facilities.

11                   “(ii) SPECIAL RULE.—Notwith-  
12                   standing clause (i), a State that is required  
13                   under State law to provide its charter  
14                   schools with access to adequate facility  
15                   space, but which does not have a per-pupil  
16                   facilities aid program for charter schools  
17                   specified in State law, may be eligible to  
18                   receive a grant under this subsection if the  
19                   State agrees to use the funds to develop a  
20                   per-pupil facilities aid program consistent  
21                   with the requirements of this subsection.

22                   “(5) APPLICATIONS.—To be eligible to receive a  
23                   grant under this subsection, a State shall submit an  
24                   application to the Secretary at such time, in such

1 manner, and containing such information as the Sec-  
2 retary may require.”.

3 **SEC. 505. NATIONAL ACTIVITIES.**

4 Section 5205 (20 U.S.C. 7221d) is amended to read  
5 as follows:

6 **“SEC. 5205. NATIONAL ACTIVITIES.**

7 “(a) IN GENERAL.—From the amount reserved  
8 under section 5202(b)(2), the Secretary shall—

9 “(1) use not less than 75 percent of such funds  
10 to award grants in accordance with subsection (b);  
11 and

12 “(2) use not more than 25 percent of such  
13 funds to—

14 “(A) provide technical assistance to State  
15 entities in awarding subgrants under section  
16 5203, and eligible entities and States receiving  
17 grants under section 5204;

18 “(B) disseminate best practices; and

19 “(C) evaluate the impact of the charter  
20 school program, including the impact on stu-  
21 dent achievement, carried out under this sub-  
22 part.

23 “(b) GRANTS.—

24 “(1) IN GENERAL.—The Secretary shall make  
25 grants, on a competitive basis, to eligible applicants

1 for the purpose of carrying out the activities de-  
2 scribed in section 5202(a)(1), subparagraphs (A)  
3 through (C) of section 5203(a)(1), and section  
4 5203(g).

5 “(2) TERMS AND CONDITIONS.—Except as oth-  
6 erwise provided in this subsection, grants awarded  
7 under this subsection shall have the same terms and  
8 conditions as grants awarded to State entities under  
9 section 5203.

10 “(3) CHARTER MANAGEMENT ORGANIZA-  
11 TIONS.—The Secretary shall—

12 “(A) use not less than 75 percent of the  
13 funds described in subsection (a)(1) to make  
14 grants, on a competitive basis, to eligible appli-  
15 cants described in paragraph (4)(B); and

16 “(B) notwithstanding paragraphs (1)(A)  
17 and (2) of section 5203(f)—

18 “(i) award grants to eligible appli-  
19 cants on the basis of the quality of the ap-  
20 plications submitted under this subsection;  
21 and

22 “(ii) in awarding grants to eligible ap-  
23 plicants described in paragraph (4)(B),  
24 take into consideration whether such an el-  
25 ible applicant—

1                   “(I) demonstrates a high propor-  
2                   tion of high-quality charter schools  
3                   within the network of the eligible ap-  
4                   plicant;

5                   “(II) demonstrates success in  
6                   serving students who are educationally  
7                   disadvantaged;

8                   “(III) does not have a significant  
9                   proportion of charter schools that  
10                  have been closed, had their charter re-  
11                  voked for compliance issues, or had  
12                  their affiliation with such eligible ap-  
13                  plicant revoked;

14                  “(IV) has sufficient procedures in  
15                  effect to ensure timely closure of low-  
16                  performing or financially-mismanaged  
17                  charter schools and clear plans and  
18                  procedures in effect for the students  
19                  in such schools to attend other high-  
20                  quality schools; and

21                  “(V) demonstrates success in  
22                  working with schools identified for im-  
23                  provement by the State.

24                  “(4) ELIGIBLE APPLICANT DEFINED.—For pur-  
25                  poses of this subsection, the term ‘eligible applicant’

1 means an eligible applicant (as defined in section  
2 5210) that—

3 “(A) desires to open a charter school in—

4 “(i) a State that did not apply for a  
5 grant under section 5203; or

6 “(ii) a State that did not receive a  
7 grant under section 5203; or

8 “(B) is a charter management organiza-  
9 tion.

10 “(c) CONTRACTS AND GRANTS.—The Secretary may  
11 carry out any of the activities described in this section di-  
12 rectly or through grants, contracts, or cooperative agree-  
13 ments.”.

14 **SEC. 506. RECORDS TRANSFER.**

15 Section 5208 (20 U.S.C. 7221g) is amended—

16 (1) by inserting “as quickly as possible and”  
17 before “to the extent practicable”; and

18 (2) by striking “section 602” and inserting  
19 “section 602(14)”.

20 **SEC. 507. DEFINITIONS.**

21 Section 5210 (20 U.S.C. 7221i) is amended—

22 (1) by amending paragraph (1) to read as fol-  
23 lows:

24 “(1) CHARTER SCHOOL.—The term ‘charter  
25 school’ means a public school that—



1           “(A) in accordance with a specific State  
2 statute authorizing the granting of charters to  
3 schools, is exempt from significant State or  
4 local rules that inhibit the flexible operation  
5 and management of public schools, but not  
6 from any rules relating to the other require-  
7 ments of this paragraph;

8           “(B) is created by a developer as a public  
9 school, or is adapted by a developer from an ex-  
10 isting public school, and is operated under pub-  
11 lic supervision and direction;

12           “(C) operates in pursuit of a specific set of  
13 educational objectives determined by the  
14 school’s developer and agreed to by the author-  
15 ized public chartering agency;

16           “(D) provides a program of elementary or  
17 secondary education, or both;

18           “(E) is nonsectarian in its programs, ad-  
19 missions policies, employment practices, and all  
20 other operations, and is not affiliated with a  
21 sectarian school or religious institution;

22           “(F) does not charge tuition;

23           “(G) complies with the Age Discrimination  
24 Act of 1975, title VI of the Civil Rights Act of  
25 1964, title IX of the Education Amendments of

1           1972, section 504 of the Rehabilitation Act of  
2           1973, part B of the Individuals with Disabil-  
3           ities Education Act, the Americans with Dis-  
4           abilities Act of 1990 (42 U.S.C. 12101 et seq.),  
5           and section 444 of the General Education Pro-  
6           visions Act (20 U.S.C. 1232(g)) (commonly  
7           known as the ‘Family Education Rights and  
8           Privacy Act of 1974’);

9           “(H) is a school to which parents choose to  
10          send their children, and admits students on the  
11          basis of a lottery if more students apply for ad-  
12          mission than can be accommodated, except that  
13          in cases in which students who are enrolled in  
14          a charter school affiliated (such as by sharing  
15          a network) with another charter school, those  
16          students may be automatically enrolled in the  
17          next grade level at such other charter school, so  
18          long as a lottery is used to fill seats created  
19          through regular attrition in student enrollment;

20          “(I) agrees to comply with the same Fed-  
21          eral and State audit requirements as do other  
22          elementary schools and secondary schools in the  
23          State, unless such State audit requirements are  
24          waived by the State;

1           “(J) meets all applicable Federal, State,  
2           and local health and safety requirements;

3           “(K) operates in accordance with State  
4           law;

5           “(L) has a written performance contract  
6           with the authorized public chartering agency in  
7           the State that includes a description of how  
8           student performance will be measured in char-  
9           ter schools pursuant to State assessments that  
10          are required of other schools and pursuant to  
11          any other assessments mutually agreeable to  
12          the authorized public chartering agency and the  
13          charter school; and

14          “(M) may serve prekindergarten or post-  
15          secondary students.”;

16          (2) by redesignating paragraphs (2) through  
17          (4) as paragraphs (4) through (6), respectively;

18          (3) by inserting after paragraph (1), the fol-  
19          lowing:

20          “(2) CHARTER MANAGEMENT ORGANIZATION.—  
21          The term ‘charter management organization’ means  
22          a not-for-profit organization that manages a network  
23          of charter schools linked by centralized support, op-  
24          erations, and oversight.

1           “(3) CHARTER SCHOOL SUPPORT ORGANIZA-  
2           TION.—The term ‘charter school support organiza-  
3           tion’ means a nonprofit, nongovernmental entity that  
4           is not an authorized public chartering agency, which  
5           provides on a statewide basis—

6                   “(A) assistance to developers during the  
7                   planning, program design, and initial implemen-  
8                   tation of a charter school; and

9                   “(B) technical assistance to charter schools  
10                  to operate such schools.”;

11                 (4) in paragraph (5)(B), as so redesignated, by  
12                 striking “under section 5203(d)(3)”; and

13                 (5) by adding at the end the following:

14                   “(7) EXPANDED, HIGH-QUALITY CHARTER  
15                   SCHOOL.—The term ‘expanded, high-quality charter  
16                   school’ means a high-quality charter school that has  
17                   either significantly increased its enrollment or added  
18                   one or more grades to its school.

19                   “(8) HIGH-QUALITY CHARTER SCHOOL.—The  
20                   term ‘high-quality charter school’ means a charter  
21                   school that—

22                           “(A) shows evidence of strong academic re-  
23                           sults, which may include strong academic  
24                           growth as determined by a State;

1           “(B) has no significant issues in the areas  
2 of student safety, operational and financial  
3 management, or statutory or regulatory compli-  
4 ance;

5           “(C) has demonstrated success in signifi-  
6 cantly increasing student academic achieve-  
7 ment, including graduation rates where applica-  
8 ble, consistent with the requirements under title  
9 I, for all students served by the charter school;  
10 and

11           “(D) has demonstrated success in increas-  
12 ing student academic achievement, including  
13 graduation rates where applicable, for the  
14 groups of students described in section  
15 1111(b)(2)(C)(v)(II), except that such dem-  
16 onstration is not required in a case in which the  
17 number of students in a group is insufficient to  
18 yield statistically reliable information or the re-  
19 sults would reveal personally identifiable infor-  
20 mation about an individual student.

21           “(9) REPLICATED, HIGH-QUALITY CHARTER  
22 SCHOOL MODEL.—The term ‘replicated, high-quality  
23 charter school model’ means a high-quality charter  
24 school that has opened a new campus under an ex-

1       isting charter or an additional charter if required or  
2       permitted by State law.”.

3       **SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

4       Section 5211 (20 U.S.C. 7221j) is amended to read  
5       as follows:

6       **“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

7       “There are authorized to be appropriated to carry out  
8       this subpart \$300,000,000 for fiscal year 2016 and each  
9       of the 5 succeeding fiscal years.”.

10      **SEC. 509. CONFORMING AMENDMENTS.**

11      (a) **REPEAL.**—Subpart 2 of part B of title V (20  
12      U.S.C. 7223 et seq.) is repealed.

13      (b) **TABLE OF CONTENTS.**—The table of contents in  
14      section 2 is amended—

15              (1) by striking the item relating to subpart 1  
16              of part B of title V and inserting the following:

                    “Subpart 1—Charter School Program”;

17              (2) by striking the item relating to section 5203  
18              and inserting the following:

                    “Sec. 5203. Grants to support high-quality charter schools.”;

19              (3) by striking the item relating to section 5204  
20              and inserting the following:

                    “Sec. 5204. Facilities financing assistance.”; and

21              (4) by striking the items relating to subpart 2  
22              of part B of title V.

## 1           **Subtitle B—Magnet Schools**

### 2   **SEC. 510. DURATION OF AWARD; ACCOUNTABILITY.**

3           Section 5309 (20 U.S.C. 7231h) is amended—

4           (1) in the heading by inserting “; **ACCOUNT-**  
5           **ABILITY**”;

6           (2) in subsection (a), by striking “3” and in-  
7           serting “5”; and

8           (3) by adding at the end the following:

9           “(e) **ACCOUNTABILITY.**—The Secretary may reduce  
10          or terminate grant funding awarded to a local educational  
11          agency, or a consortium of such agencies, under this part  
12          if the agency or consortium does not show progress in the  
13          elimination, reduction, or prevention of minority group  
14          isolation in its magnet school program over the first 3-  
15          year period during which the agency or consortium was  
16          awarded such grant.”.

## 17           **Subtitle C—Fund for the** 18           **Improvement of Education**

### 19   **SEC. 511. FUND FOR THE IMPROVEMENT OF EDUCATION.**

20          (a) **IN GENERAL.**—Part D of title V (20 U.S.C. 7241  
21          et seq.) is amended to read as follows:

1           “PART D—A WELL-ROUNDED EDUCATION

2   “SUBPART 1—GRANTS TO SUPPORT STEM EDUCATION

3   **“SEC. 5401. PURPOSE.**

4           “The purpose of this subpart is to improve student  
5 academic achievement in STEM subjects by—

6           “(1) improving instruction in such subjects  
7 from preschool through grade 12;

8           “(2) improving student engagement in, and in-  
9 creasing student access to, courses in such subjects;

10           “(3) improving the quality and effectiveness of  
11 classroom instruction by recruiting, training, and  
12 supporting effective teachers and providing robust  
13 tools and supports for students and teachers in such  
14 subjects;

15           “(4) implementing and integrating college and  
16 career ready standards, described in section  
17 1111(b)(2), in STEM subjects and assessments  
18 aligned with those standards;

19           “(5) closing student achievement gaps, and pre-  
20 paring more students for postsecondary education  
21 and careers, in such subjects, particularly students  
22 who are traditionally underrepresented in STEM  
23 subject fields; and

24           “(6) Recognizing that STEM subjects are di-  
25 verse and that STEM education programs must ex-



1       pose students to content and skills in a host of con-  
2       stantly changing and evolving content areas.

3       **“SEC. 5402. GRANTS; ALLOTMENTS.**

4       “(a) RESERVATIONS.—

5               “(1) IN GENERAL.—From the amounts appro-  
6       priated under section 5410 for a fiscal year, the Sec-  
7       retary shall reserve—

8                       “(A) \$35,000,000 for a STEM Master  
9       Teachers Corps program under section 5405;

10                      “(B) 3 percent to carry out activities de-  
11       scribed in section 5405 and technical assistance  
12       to States, including technical assistance with  
13       implementation of programs consistent with the  
14       purpose of this subpart; and

15                      “(C) if funds are not awarded by formula,  
16       as described in subsection (c)(1), 5 percent for  
17       State capacity-building grants in accordance  
18       with paragraph (2).

19       “(2) CAPACITY-BUILDING GRANTS.—

20                      “(A) IN GENERAL.—In any year for which  
21       funding is distributed competitively, as de-  
22       scribed in subsection (b)(1), the Secretary may  
23       award 1 capacity-building grant to each eligible  
24       entity that does not receive a grant under sub-  
25       section (b), on a competitive basis, to enable

1           such States to become more competitive in fu-  
2           ture years.

3           “(B) DURATION.—Grants awarded under  
4           subparagraph (A) shall be for a period of 1  
5           year.

6           “(b) COMPETITIVE GRANTS.—

7           “(1) IN GENERAL.—For each fiscal year for  
8           which the amount appropriated to carry out this  
9           subpart is less than \$250,000,000, the Secretary  
10          shall award grants, on a competitive basis, to eligible  
11          entities to enable such eligible entities to carry out  
12          the activities described in this subpart.

13          “(2) DURATION.—Grants awarded under this  
14          subsection shall be for a period of not more than 3  
15          years.

16          “(3) RENEWAL.—

17                 “(A) IN GENERAL.—If an eligible entity  
18                 demonstrates progress, as measured by the  
19                 metrics reported in section 5406(a)(5), the Sec-  
20                 retary may renew a grant for an additional 2-  
21                 year period.

22                 “(B) REDUCED FUNDING.—Grant funds  
23                 awarded under subparagraph (A) shall be  
24                 awarded at a reduced amount.

25          “(c) FORMULA GRANTS.—

1           “(1) IN GENERAL.—For each fiscal year for  
2           which the amount appropriated to carry out this  
3           subpart is equal to or more than \$250,000,000, the  
4           Secretary shall award grants to States, based on the  
5           formula described in paragraph (2).

6           “(2) DISTRIBUTION OF FUNDS.—The Secretary  
7           shall allot to each State—

8                   “(A) an amount that bears the same rela-  
9                   tionship to 35 percent of the excess amount as  
10                  the number of individuals ages 5 through 17 in  
11                  the State, as determined by the Secretary on  
12                  the basis of the most recent satisfactory data,  
13                  bears to the number of those individuals in all  
14                  such States, as so determined; and

15                   “(B) an amount that bears the same rela-  
16                   tionship to 65 percent of the excess amount as  
17                   the number of individuals ages 5 through 17  
18                   from families with incomes below the poverty  
19                   line, in the State, as determined by the Sec-  
20                   retary on the basis of the most recent satisfac-  
21                   tory data, bears to the number of those individ-  
22                   uals in all such States, as so determined.

23           “(3) FUNDING MINIMUM.—No State receiving  
24           an allotment under this subsection may receive less

1 than one-half of 1 percent of the total amount allot-  
2 ted under paragraph (1) for a fiscal year.

3 “(4) REALLOTMENT OF UNUSED FUNDS.—If a  
4 State does not successfully apply for or receive an  
5 allotment under this subsection for a fiscal year, the  
6 Secretary shall reallocate the amount of the State’s al-  
7 lotment to the remaining States in accordance with  
8 this subsection.

9 **“SEC. 5403. APPLICATIONS.**

10 “(a) IN GENERAL.—Each eligible entity desiring a  
11 grant under this subpart, whether through a competitive  
12 grant under section 5402(b) or through an allotment  
13 under section 5402(c), shall submit an application to the  
14 Secretary at such time, in such manner, and accompanied  
15 by such information as the Secretary may require.

16 “(b) CONTENTS.—At a minimum, an application sub-  
17 mitted under subsection (a) shall include the following:

18 “(1) A description of how grant funds will be  
19 used by the eligible entity.

20 “(2) A description of how the eligible entity has  
21 involved a variety of stakeholders in the development  
22 of the application and a description of how the State  
23 or eligible entity will continue to involve stakeholders  
24 in any education reform efforts related to STEM  
25 subject instruction.

1           “(3) A description of the steps the eligible enti-  
2           ty will take to ensure that programs implemented by  
3           the subgrantees use evidence-based strategies, en-  
4           sure high-quality curricula, and provide high-quality  
5           professional development.

6           “(4) An assurance that the eligible entity, in  
7           making awards under section 5404(c), will give pri-  
8           ority to subgrantees that—

9                   “(A) propose to serve students in schools  
10                  in need of support and persistently low achiev-  
11                  ing schools; or

12                   “(B) propose to serve schools with a high  
13                  percentage or number of students that are eligi-  
14                  ble for free or reduced price lunch under the  
15                  Richard B. Russell National School Lunch Act  
16                  (42 U.S.C. 1751 et seq.).

17           “(5) A description of how the eligible entity’s  
18           activities and subgrants will be coordinated with  
19           other Federal, State, and local programs and activi-  
20           ties, including career and technical education pro-  
21           grams authorized under the Carl D. Perkins Career  
22           and Technical Education Act of 2006 (20 U.S.C.  
23           2301 et seq.).

24           “(6) A review of the industry and business  
25           workforce needs in the State in jobs that require

1 knowledge or training in STEM subject areas and a  
2 description of how that review will inform efforts to  
3 improve education in STEM subjects.

4 “(7) A description of how the eligible entity will  
5 allocate funds in a manner that will provide services  
6 to both elementary schools and secondary schools.

7 “(8) A description of the technical assistance  
8 that the eligible entity will provide to subgrantees to  
9 support the activities undertaken by the sub-  
10 grantees, including—

11 “(A) activities to employ multi-tiered sys-  
12 tems of support to provide early intervening  
13 services and to increase student achievement in  
14 STEM subjects;

15 “(B) activities to ensure increased access  
16 for students who are traditionally underrep-  
17 resented in STEM subject fields (including fe-  
18 male students, minority students, students who  
19 are limited English proficient, students who are  
20 children with disabilities, and students from  
21 low-income families) to high-quality courses and  
22 other learning experiences;

23 “(C) implementing evidence-based pro-  
24 grams of instruction based on college and ca-

1 reer ready standards and high-quality assess-  
2 ments in the identified subjects; and

3 “(D) developing curricula consistent with  
4 the principles of universal design for learning as  
5 defined in section 103 of the Higher Education  
6 Act of 1965.

7 “(9) A description of the key data metrics that  
8 will be used and reported annually under section  
9 5406(a)(5), that shall include—

10 “(A) student academic achievement on  
11 mathematics and science State academic assess-  
12 ments and student growth; and

13 “(B) for diploma granting schools, gradua-  
14 tion rates.

15 “(10) Assurances that the eligible entity will  
16 monitor implementation of approved subgrantee  
17 plans.

18 **“SEC. 5404. AUTHORIZED ACTIVITIES.**

19 “(a) **REQUIRED ACTIVITIES.**—Each eligible entity  
20 that receives a grant under this subpart shall use not more  
21 than 5 percent of the grant funds to carry out each of  
22 the following activities:

23 “(1) Providing technical assistance to sub-  
24 grantees as described in section 5403(b)(7) and  
25 technical assistance to subgrantees that are

1 prioritized in section 5404(d), including subgrantees  
2 that serve low-capacity rural and urban areas by—

3 “(A) informing those subgrantees that they  
4 have a priority for competing for grants under  
5 section 5404(b); and

6 “(B) providing subgrantees who do not re-  
7 ceive a grant under section 5404(c) technical  
8 assistance so that they may re-compete in fol-  
9 lowing competitions.

10 “(2) Identifying and supporting high-quality  
11 professional development and other comprehensive  
12 systems of support for teachers and school leaders to  
13 promote high-quality instruction and instructional  
14 leadership in the identified subjects, aligned to col-  
15 lege and career ready standards where applicable.

16 “(3) Disseminating information, including mak-  
17 ing publicly available on the websites of the State  
18 educational agency, on promising practices to im-  
19 prove student achievement in STEM subject areas.

20 “(b) PERMISSIBLE ACTIVITIES.—Each eligible entity  
21 that receives a grant under this subpart may use the grant  
22 funds to carry out 1 or more of the following activities:

23 “(1) Recruiting qualified teachers and instruc-  
24 tional leaders who are trained in identified subjects,



1 including teachers who have transitioned into the  
2 teaching profession from a career in a STEM field.

3 “(2) Providing induction and mentoring serv-  
4 ices to new teachers in identified subjects.

5 “(3) Developing instructional supports, such as  
6 curricula and assessments, which shall be evidence-  
7 based and aligned with State academic standards  
8 and may include online education.

9 “(4) Training personnel of subgrantees to use  
10 data systems to continuously improve student  
11 achievement in STEM subjects and use the data to  
12 better target curriculum and instruction to meet the  
13 needs of each student.

14 “(c) SUBGRANTS.—

15 “(1) IN GENERAL.—Each eligible entity that re-  
16 ceives a grant under this subpart shall award sub-  
17 grants, on a competitive basis, to eligible sub-  
18 grantees.

19 “(2) MINIMUM SUBGRANT.—An eligible entity  
20 shall award subgrants under this subsection that are  
21 of sufficient size and scope to support high-quality,  
22 evidence-based, effective programs that are con-  
23 sistent with the purpose of this subpart.

24 “(3) SUBGRANTEE APPLICATION.—Each sub-  
25 grantee desiring a subgrant under this subsection

1 shall submit an application to the eligible entity at  
2 such time, in such manner, and accompanied by  
3 such information as the eligible entity may require,  
4 including, at a minimum:

5 “(A) A description of the needs identified  
6 by the subgrantee, based on a needs assessment  
7 which shall include—

8 “(i) data for elementary school and  
9 secondary school grades, as applicable and  
10 to the extent that such data are available,  
11 on—

12 “(I) student achievement in  
13 science and mathematics, including  
14 such data collected in accordance with  
15 the State academic assessments;

16 “(II) science and mathematics  
17 teacher evaluation results or ratings;

18 “(III) student access to mathe-  
19 matics and science courses needed to  
20 enroll in credit-bearing coursework at  
21 institutions of higher education in the  
22 State;

23 “(IV) access to science and  
24 mathematics courses for student pre-  
25 kindergarten through grade 12 at-

1                   tending schools prioritized under sec-  
2                   tion 5404(d);

3                   “(V) the percentage of students  
4                   successfully—

5                   “(aa) completing Advanced  
6                   Placement (AP) or International  
7                   Baccalaureate (IB) courses in  
8                   science and mathematics sub-  
9                   jects; or

10                  “(bb) completing rigorous  
11                  postsecondary education courses  
12                  in science and mathematics sub-  
13                  jects;

14                  “(VI) rates of college remediation  
15                  in mathematics; and

16                  “(VII) teacher shortages and  
17                  teacher distribution among the local  
18                  educational agencies and schools  
19                  served by the subgrantee in science  
20                  and mathematics subjects; and

21                  “(ii) an analysis of the implementa-  
22                  tion of any multi-tiered systems of support  
23                  that have been employed by the local edu-  
24                  cational agency served by the subgrantee

1           to address the learning needs of students  
2           in any STEM subjects.

3           “(B) A description of the activities that  
4           the subgrantee will carry out based on the find-  
5           ings of the needs assessment described in sub-  
6           paragraph (A), and how such activities will im-  
7           prove teaching and student academic achieve-  
8           ment in the identified subjects, in a manner  
9           consistent with evidence-based research.

10          “(C) A description of how the subgrantee  
11          will use funds provided under this subsection to  
12          serve students and teachers in schools  
13          prioritized under section 5404(d).

14          “(D) A description of how funds provided  
15          under this subsection will be coordinated with  
16          other Federal, State, and local programs and  
17          activities, including career and technical edu-  
18          cation programs authorized under the Carl D.  
19          Perkins Career and Technical Education Act of  
20          2006 (20 U.S.C. 2301 et seq.).

21          “(E) If the subgrantee is working with  
22          outside partners, a description of how such out-  
23          side partners will be involved in improving in-  
24          struction and increasing access to high-quality  
25          learning experiences in the identified subjects.

1           “(4) SUBGRANTEE USE OF FUNDS.—

2                   “(A) REQUIRED USE OF FUNDS.—Each  
3 subgrantee that receives a subgrant under this  
4 subsection shall use the subgrant funds to carry  
5 out activities for students from preschool  
6 through grade 12, consistent with the analysis  
7 and the activities described in the subgrantee’s  
8 application, which shall include—

9                           “(i) high-quality teacher and instruc-  
10 tional leader recruitment, support, evalua-  
11 tion, and professional development in the  
12 identified subjects;

13                           “(ii) professional development, which  
14 may include development and support for  
15 instructional coaches, to enable teachers  
16 and instructional leaders to increase stu-  
17 dent achievement in identified subjects,  
18 through—

19                                   “(I) implementation of classroom  
20 assessments; and

21                                   “(II) differentiation of instruc-  
22 tion in identified subjects for all stu-  
23 dents, including for students with dis-  
24 abilities and students who are English  
25 learners;

- 1 “(iii) activities to—
- 2 “(I) improve the content knowl-  
3 edge of teachers; and
- 4 “(II) facilitate professional col-  
5 laboration, which may include pro-  
6 viding time for such collaborations;
- 7 “(iv) training to principals and teach-  
8 ers in implementing STEM subject initia-  
9 tives, particularly in the areas of—
- 10 “(I) utilizing data;
- 11 “(II) assessing the quality of  
12 STEM subject instruction; and
- 13 “(III) providing time and support  
14 for teachers to plan STEM subject in-  
15 struction;
- 16 “(v) the development, adoption, and  
17 improvement of high-quality curricula, as-  
18 sessments, materials, and instructional  
19 supports that—
- 20 “(I) are aligned with State aca-  
21 demic standards; and
- 22 “(II) the subgrantee will use to  
23 improve student academic achieve-  
24 ment in identified subjects; and

1                   “(vi) the development or improvement,  
2                   and implementation, of multi-tiered sys-  
3                   tems of support to provide early inter-  
4                   vening services and to increase student  
5                   achievement in 1 or more of the identified  
6                   subjects.

7                   “(B) PERMISSIBLE USE OF FUNDS.—In  
8                   addition to the required activities described in  
9                   subparagraph (A), each subgrantee that re-  
10                  ceives a subgrant under this subsection, may  
11                  also use the subgrant funds to—

12                   “(i) support the participation of low-  
13                   income students in nonprofit competitions  
14                   and out-of-school activities related to  
15                   STEM (such as robotics, science research,  
16                   invention, mathematics, and technology  
17                   competitions), including—

18                   “(I) the purchase of parts and  
19                   supplies needed to participate in such  
20                   competitions;

21                   “(II) incentives and stipends for  
22                   teachers and instructional leaders who  
23                   are involved in assisting students and  
24                   preparing students for such competi-  
25                   tions, if such activities fall outside the

1 regular duties and responsibilities of  
2 such teachers and instructional lead-  
3 ers; and

4 “(III) paying expenses associated  
5 with the participation of low-income  
6 students in such local, regional, or na-  
7 tional competitions;

8 “(ii) improve the laboratories of  
9 schools served by the subgrantee and pro-  
10 vide instrumentation as part of a com-  
11 prehensive program to enhance the quality  
12 of STEM instruction, including—

13 “(I) purchase, rental, or leasing  
14 of equipment, instrumentation, and  
15 other scientific educational materials;

16 “(II) maintenance, renovation,  
17 and improvement of laboratory facili-  
18 ties;

19 “(III) professional development  
20 and training for teachers;

21 “(IV) development of instruc-  
22 tional programs designed to integrate  
23 the laboratory experience with class-  
24 room instruction and to be consistent



1 with college and career ready content  
2 standards in STEM subjects;

3 “(V) training in laboratory safety  
4 for school personnel;

5 “(VI) design and implementation  
6 of hands-on laboratory experiences to  
7 encourage the interest of students, es-  
8 pecially students who are traditionally  
9 underrepresented in STEM subject  
10 fields (including female students, mi-  
11 nority students, students who are lim-  
12 ited English proficient, students who  
13 are children with disabilities, and stu-  
14 dents from low-income families) in  
15 STEM subjects and help prepare such  
16 students to pursue postsecondary  
17 studies in these fields; and

18 “(VII) assessment of the activi-  
19 ties funded under this subparagraph;

20 “(iii) broaden secondary school stu-  
21 dents’ access to, and interest in, careers  
22 that require academic preparation in 1 or  
23 more identified subjects;

24 “(iv) integrate instruction in the iden-  
25 tified subjects with instruction in reading,

1 English language arts, or other core and  
2 noncore academic subjects;

3 “(v) develop and implement a STEAM  
4 curriculum, which means the integration of  
5 instruction in the identified subjects with  
6 instruction in the arts and design; or

7 “(vi) establish or access online or dis-  
8 tance learning programs for STEM subject  
9 teachers using evidence-based curricula.

10 “(C) LIMITATION.—Each subgrantee that  
11 receives a subgrant under this subsection shall  
12 not expend more than 15 percent of the  
13 subgrant funds on the activities described in  
14 subparagraph (B).

15 “(D) MATCHING FUNDS.—

16 “(i) IN GENERAL.—A State or eligible  
17 entity may require an eligible subgrantee  
18 receiving a subgrant under this subsection  
19 to demonstrate that such subgrantee has  
20 obtained a commitment from 1 or more  
21 outside partners to match, using non-Fed-  
22 eral funds, a portion of the amount of  
23 subgrant funds, in an amount determined  
24 by the State or eligible entity.

1                   “(ii) REQUIRED MINIMUM.—Notwith-  
2                   standing clause (i), if an eligible sub-  
3                   grantee partners with an outside partner  
4                   that is a for-profit entity, such subgrantee  
5                   shall obtain matching funds from the out-  
6                   side partner in an amount equal to not less  
7                   than 15 percent of the amount of the  
8                   subgrant.

9                   “(d) PRIORITY.—In awarding grants under this sub-  
10                  part, an eligible entity shall give priority to subgrantees  
11                  proposing to target services to—

12                  “(1) students in schools in need of support and  
13                  high-priority schools; or

14                  “(2) schools with a high percentage of students  
15                  that are eligible for free or reduced price lunch  
16                  under the Richard B. Russell National School Lunch  
17                  Act (42 U.S.C. 1751 et seq.).

18                  **“SEC. 5405. NATIONAL COORDINATION.**

19                  “From the amount reserved under section  
20                  5402(a)(1)(B), the Secretary shall consult with the Direc-  
21                  tor of the National Science Foundation and other Federal  
22                  agencies conducting STEM education programs to en-  
23                  hance such programs and to improve coordination across  
24                  agencies, such as—

1           “(1) clarifying the appropriate roles for the De-  
2           partment of Education and the National Science  
3           Foundation in the execution of summer workshops,  
4           institutes, or partnerships to improve STEM edu-  
5           cation in elementary and secondary schools; or

6           “(2) integrating afterschool, out-of-school, and  
7           informal education efforts conducted across Federal  
8           agencies into strategies for enhancing and improving  
9           STEM education.

10 **“SEC. 5406. STEM MASTER TEACHER CORPS PROGRAM.**

11           “(a) GRANTS AUTHORIZED.—From the funds re-  
12           served under section 5402(a)(1)(A), the Secretary shall  
13           award 1 or more grants, on a competitive basis, to entities  
14           described in subsection (b)(1) to enable such entities to  
15           establish and operate a one-time STEM master teacher  
16           corps program.

17           “(b) STEM MASTER TEACHER CORPS.—The term  
18           ‘STEM master teacher corps’ (referred to in this section  
19           as the ‘corps’) means a one-time program—

20           “(1) that establishes the viability of creating a  
21           long-term national-level master teacher corps as a  
22           means to recognize and reward accomplished STEM  
23           educators;

24           “(2) operated by 1 or more State educational  
25           agencies, or a consortium of local educational agen-

1 cies, acting in partnership with 1 or more outside  
2 partners that have a demonstrated record of success  
3 in improving the effectiveness of STEM teachers or  
4 increasing the retention of such teachers;

5 “(3) that selects a group of highly rated teach-  
6 ers (through a process, and for a duration, deter-  
7 mined by the entity described in paragraph (1)), as  
8 members of the corps, that constitutes not less than  
9 5 percent and not more than 10 percent of elemen-  
10 tary school, middle school, and high school teachers  
11 who teach STEM subjects and who—

12 “(A) teach in a participating high-need  
13 school in the region served by the entity de-  
14 scribed in paragraph (1); or

15 “(B) agree to teach in a participating  
16 high-need school in the region served by the en-  
17 tity described in paragraph (1) if accepted as a  
18 member of the corps; and

19 “(4) that aims to attract, improve, and retain  
20 teachers who teach STEM subjects and to increase  
21 student achievement in such subjects, including by—

22 “(A) providing instructional leadership re-  
23 sponsibilities for corps members in their  
24 schools, local educational agencies, or States,  
25 such as mentoring beginning STEM teachers

1 and leading professional development activities  
2 for teachers not participating in the corps;

3 “(B) providing corps members with re-  
4 search-based professional development on in-  
5 structional leadership and effective teaching  
6 methods for STEM subjects, including coordi-  
7 nating with out-of-school-time and afterschool  
8 programs to provide engaging STEM programs;

9 “(C) providing each teacher who is a corps  
10 member with a salary supplement of not less  
11 than \$10,000 per year, in recognition of such  
12 teacher’s teaching accomplishments, leadership,  
13 and increased responsibilities, for each year  
14 such teacher serves as a member of the corps;  
15 and

16 “(D) building a community of practice  
17 among corps members to enable such members  
18 to network, collaborate, and to share best prac-  
19 tices and resources with each other.

20 “(c) DURATION.—Grants awarded under this section  
21 shall be for a period of not more than 3 years, after which  
22 the program under this subsection shall end.

23 “(d) APPLICATION.—Each entity described in sub-  
24 section (b)(1) desiring a grant under this section shall  
25 submit an application to the Secretary at such time, in

1 such manner, and accompanied by such information as the  
2 Secretary may require.

3 “(e) **MATCHING FUNDS.**—The Secretary may require  
4 a grantee under this section to provide non-Federal  
5 matching funds in an amount equal to the amount of  
6 grant funds awarded under this section.

7 **“SEC. 5407. REPORTING REQUIREMENTS.**

8 “(a) **ELIGIBLE ENTITY REPORTS.**—Each State edu-  
9 cational agency receiving an award under section 5403  
10 shall report annually to the Secretary regarding the State  
11 educational agency’s progress in addressing the purposes  
12 of this subpart. Such report shall include, at a minimum,  
13 a description of—

14 “(1) the professional development activities pro-  
15 vided under the award, including types of activities  
16 and entities involved in providing professional devel-  
17 opment to classroom teachers and other program  
18 staff;

19 “(2) the types of programs and, for children  
20 from preschool to kindergarten entry, program set-  
21 tings, funded under the award;

22 “(3) the ages and demographic information that  
23 is not individually identifiable of children served by  
24 the programs funded under the award;

1           “(4) student performance on data metrics iden-  
2           tified under section 5403(b)(8) used for STEM ini-  
3           tiatives; and

4           “(5) the outcomes of programs and activities  
5           provided under the award.

6           “(b) ELIGIBLE SUBGRANTEE REPORTS.—Each eligi-  
7           ble entity receiving a subgrant under section 5404(c) shall  
8           report annually to the State educational agency regarding  
9           the eligible entity’s progress in addressing the purposes  
10          of this subpart. Such report shall include, at a minimum,  
11          a description of—

12           “(1) how the subgrant funds were used; and

13           “(2) student performance on relevant program  
14          metrics, as identified in the State education agency’s  
15          implementation plan under section 5403(b)(8).

16          **“SEC. 5408. SUPPLEMENT NOT SUPPLANT.**

17          “Funds received under this subpart shall be used to  
18          supplement, and not supplant, funds that would otherwise  
19          be used for activities authorized under this subpart.

20          **“SEC. 5409. MAINTENANCE OF EFFORT.**

21          “A State that receives funds under this subpart for  
22          a fiscal year shall maintain the fiscal effort provided by  
23          the State for the subjects supported by the funds under  
24          this subpart at a level equal to or greater than the level  
25          of such fiscal effort for the preceding fiscal year.



1 **“SEC. 5410. DEFINITIONS.**

2 “In this subpart:

3 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
4 tity’ means a State educational agency in partner-  
5 ship with—

6 “(A) another State educational agency;

7 “(B) a consortium of State educational  
8 agencies; or

9 “(C) the State agencies that oversee  
10 childcare programs, state-funded prekindergarten,  
11 and part C of Individuals with Disabilities  
12 Education Act.

13 “(2) ELIGIBLE SUBGRANTEE.—The term ‘eligible  
14 subgrantee’ means—

15 “(A) a local educational agency;

16 “(B) 1 or more local educational agencies  
17 providing early learning programs, or 1 or more  
18 public or private early learning programs, serving  
19 children from preschool through kindergarten  
20 entry, such as a Head Start agency, a  
21 child care program, or a State-funded pre-kindergarten  
22 program, as appropriate;

23 “(C) an educational service agency serving  
24 more than 1 local educational agency;

25 “(D) an intermediary with demonstrated  
26 expertise in STEM;

1           “(E) a consortium of local educational  
2 agencies; or

3           “(F) any of the entities described in sub-  
4 paragraphs (A) through (D) working in part-  
5 nership with an outside partner.

6           “(3) MULTI-TIERED SYSTEM OF SUPPORT.—

7           The term ‘multi-tiered system of support’ means a  
8 comprehensive system of differentiated supports that  
9 includes evidence-based instruction, universal screen-  
10 ing, progress monitoring, formative assessments, re-  
11 search-based interventions matched to student needs  
12 and educational decisionmaking using student out-  
13 come data.

14           “(4) OUTSIDE PARTNER.—The term ‘outside  
15 partner’ means an entity that has expertise and a  
16 demonstrated record of success in improving student  
17 learning and engagement in the STEM subjects, in-  
18 cluding any of the following:

19           “(A) A nonprofit or community-based or-  
20 ganization, such as an Indian tribe.

21           “(B) A business.

22           “(C) A nonprofit cultural organization,  
23 such as a museum or learning center.

24           “(D) An institution of higher education.

25           “(E) An educational service agency.

1 “(F) Another appropriate entity.

2 “(5) STEM SUBJECTS.—The term ‘STEM  
3 Subjects’ means the subjects of science, technology,  
4 engineering, and mathematics, including other aca-  
5 demic subjects that build on or are integrated with  
6 these subjects, such as statistics, computer science,  
7 and environmental literacy, the arts and design, or  
8 other subjects a State identifies as important to the  
9 workforce of the State.

10 **“SEC. 5411. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to carry out  
12 this subpart \$500,000,000 for fiscal year 2016 and such  
13 sums as may be necessary for subsequent fiscal years.

14 “SUBPART 2—GRANTS TO SUPPORT COMPREHENSIVE  
15 LITERACY EDUCATION

16 **“SEC. 5421. PURPOSES.**

17 “The purposes of this subpart are—

18 “(1) to improve student literacy and academic  
19 achievement, including the ability to problem solve,  
20 communicate effectively, and acquire new knowledge  
21 and skills;

22 “(2) to assist State educational agencies and  
23 local educational agencies in the development, co-  
24 ordination, and implementation of comprehensive lit-  
25 eracy plans that promote high-quality evidence based

1 instruction in alignment with State early learning  
2 and college- and career-ready standards from pre-  
3 school through grade 12;

4 “(3) to identify and support students reading  
5 and writing significantly below grade level by pro-  
6 viding evidence-based, intensive interventions to help  
7 the students acquire the language and literacy skills  
8 the students need to stay on track for graduation;

9 “(4) to support State educational agencies and  
10 local educational agencies in improving reading,  
11 writing, and literacy-based academic achievement for  
12 children and students, especially children and stu-  
13 dents who are low-income, are English learners, are  
14 migratory, are children with disabilities, are Indian  
15 or Alaskan Native, are neglected or delinquent, are  
16 homeless, are in the custody of the child welfare sys-  
17 tem, or have dropped out of school;

18 “(5) to provide assistance to local educational  
19 agencies in order to provide educators with ongoing,  
20 job-embedded professional development and other  
21 support focusing on imparting and employing—

22 “(A) the characteristics of effective lan-  
23 guage and literacy instruction;

24 “(B) the special knowledge and skills nec-  
25 essary to teach and support literacy develop-

1           ment effectively across the developmental span  
2           and age span;

3           “(C) the essential components of reading  
4           instruction; and

5           “(D) the essential components of writing  
6           instruction;

7           “(6) to evaluate whether the professional devel-  
8           opment activities and approaches are effective in  
9           building knowledge and skills of educators and their  
10          use of appropriate and effective practices.

11          “(7) to support State educational agencies and  
12          local educational agencies in using age appropriate  
13          and developmentally appropriate instructional mate-  
14          rials and strategies that assist teachers as the teach-  
15          ers work with students to develop reading and writ-  
16          ing competencies appropriate to the students’ grade  
17          and skill levels;

18          “(8) to support efforts to link and align college  
19          and career-ready standards and evidence-based  
20          teaching practices and instruction in early childhood  
21          education programs serving children from preschool  
22          through kindergarten entry;

23          “(9) strengthening coordination among schools,  
24          early literacy programs, family literacy programs, ju-  
25          venile justice programs, public libraries, and outside-

1 of-school programs that provide children and youth  
2 with strategies, curricula, interventions, and assess-  
3 ments designed to advance early and continuing lan-  
4 guage and literacy development in ways appropriate  
5 for each context; and

6 “(10) to engage the participation of parents in  
7 supporting their child’s communication and literacy  
8 development.

9 **“SEC. 5422. PROGRAM AUTHORIZED.**

10 “(a) IN GENERAL.—The Secretary is authorized—

11 “(1) to award State planning grants in accord-  
12 ance with section 5423; and

13 “(2) to award State implementation grants in  
14 accordance with section 5424 to enable the State  
15 educational agency to—

16 “(A) carry out the State activities de-  
17 scribed in section 5425;

18 “(B) award subgrants to eligible entities in  
19 accordance with section 5426; and

20 “(C) award subgrants to eligible entities in  
21 accordance with section 5427.

22 “(b) AWARDS TO STATE EDUCATIONAL AGENCIES.—

23 “(1) AMOUNTS LESS THAN \$250,000,000.—If the  
24 amount appropriated under section 5430 for a fiscal

1 year is less than \$250,000,000, then the Secretary  
2 shall—

3 “(A) reserve not more than 5 percent to  
4 award planning grants, on a competitive basis,  
5 to State educational agencies, in accordance  
6 with section 5423; and

7 “(B) use the amount not reserved under  
8 subparagraphs (A) to make awards, on a com-  
9 petitive basis, to State educational agencies  
10 serving States that have applications approved  
11 under section 5424(b) to enable the State edu-  
12 cational agencies to carry out sections 5424 and  
13 5425.

14 “(2) AMOUNTS EQUAL TO OR EXCEEDING  
15 \$250,000,000.—

16 “(A) IN GENERAL.—If the amount appro-  
17 priated under section 5430 for a fiscal year  
18 equals or exceeds \$250,000,000, then the Sec-  
19 retary shall—

20 “(i) reserve a total of 1 percent of  
21 such amount for—

22 “(I) allotments for the United  
23 States Virgin Islands, Guam, Amer-  
24 ican Samoa, and the Commonwealth  
25 of the Northern Mariana Islands, to

1 be distributed among such outlying  
2 areas on the basis of their relative  
3 need, as determined by the Secretary  
4 in accordance with the purposes of  
5 this subpart; and

6 “(II) the Secretary of the Inte-  
7 rior for programs under sections  
8 5423, 5424, 5425, 5426, and 5427 in  
9 schools operated or funded by the Bu-  
10 reau of Indian Education;

11 “(ii) reserve not more than 5 percent  
12 to award planning grants, to State edu-  
13 cational agencies serving States, in accord-  
14 ance with section 5423;

15 “(iii) reserve not more than 3 percent  
16 for national activities, such as evaluations,  
17 training, and technical assistance, to the  
18 Department of Education to support com-  
19 prehensive literacy reform at the State  
20 level; and

21 “(iv) use the amount not reserved  
22 under clauses (i), and (ii) to make awards,  
23 from allotments under subparagraph (C),  
24 to State educational agencies serving  
25 States that have applications approved



1 under section 5424 and that are not re-  
2 ceiving an allotment under clause (i)(I), to  
3 enable the State educational agencies to  
4 carry out sections 5424 and 5425.

5 “(B) SPECIAL RULES.—

6 “(i) PROPORTIONAL DIVISION.—In  
7 each fiscal year, the amount reserved  
8 under subparagraph (A)(i) shall be divided  
9 between the uses described in subclauses  
10 (I) and (II) of subparagraph (A)(i) in the  
11 same proportion as the amount reserved  
12 under section 1121(a) is divided between  
13 the uses described in paragraphs (1) and  
14 (2) of such section for such fiscal year.

15 “(ii) CONSULTATION.—A State edu-  
16 cational agency that receives an allotment  
17 under this paragraph shall engage in time-  
18 ly and meaningful consultation with rep-  
19 resentatives of Indian tribes located in the  
20 State in order to improve the coordination  
21 and quality of activities designed to de-  
22 velop effective approaches to achieve the  
23 purposes of this subpart consistent with  
24 the cultural, language, and educational  
25 needs of Indian students.

1           “(C) STATE ALLOTMENT FORMULA.—The  
2           Secretary shall allot the amount made available  
3           under subparagraph (A)(iv) for a fiscal year  
4           among the States not receiving an allotment  
5           from the reservation under subparagraph  
6           (A)(i)(I) in proportion to the number of chil-  
7           dren, from preschool through age 17, who re-  
8           side within the State and are from families with  
9           incomes below the poverty line for the most re-  
10          cent fiscal year for which satisfactory data are  
11          available, compared to the number of such chil-  
12          dren who reside in all such States for that fiscal  
13          year.

14          “(3) MINIMUM AWARD AMOUNT.—Notwith-  
15          standing paragraphs (1) and (2), no State edu-  
16          cational agency receiving an award under this sec-  
17          tion for a fiscal year may receive less than one-  
18          fourth of 1 percent of the total amount appropriated  
19          under section 5430 for the fiscal year, except as pro-  
20          vided under paragraph (2)(A)(i).

21          “(c) PEER REVIEW.—The Secretary shall convene a  
22          peer review panel to evaluate the application for each  
23          grant awarded to a State educational agency under sec-  
24          tions 5423 and 5424 and shall make a copy of the peer  
25          review comments available to the public.

1       “(d) SUPPLEMENT NOT SUPPLANT.—Award funds  
2 provided under this subpart shall supplement, and not  
3 supplant, other Federal, State, or local funds that would,  
4 in the absence of such award funds, be made available for  
5 literacy instruction and support of children and students  
6 participating in programs assisted under this subpart.

7       “(e) MAINTENANCE OF EFFORT.—Each State edu-  
8 cational agency that receives an award under sections  
9 5423 and 5424, and each eligible entity that receives a  
10 subgrant under section 5426 or 5427, shall maintain for  
11 the fiscal year for which the grant or subgrant is received  
12 and for each subsequent fiscal year the expenditures of  
13 the State educational agency or eligible entity, respec-  
14 tively, for literacy instruction at a level not less than the  
15 level of such expenditures maintained by the State edu-  
16 cational agency or eligible entity, respectively, for the fis-  
17 cal year preceding such fiscal year for which the grant  
18 or subgrant is received.

19       **“SEC. 5423. STATE PLANNING GRANTS.**

20       “(a) PLANNING GRANTS AUTHORIZED.—

21               “(1) IN GENERAL.—From any amounts made  
22 available under paragraph (1)(A) or (2)(A)(ii) of  
23 section 5422(b), the Secretary may award planning  
24 grants to State educational agencies to enable the  
25 State educational agencies to develop or improve a

1 comprehensive planning to carry out activities that  
2 improve literacy for children and students from pre-  
3 school through grade 12.

4 “(2) GRANT PERIOD.—A planning grant award-  
5 ed under this section shall be for a period of not  
6 more than 1 year.

7 “(3) NONRENEWABILITY.—The Secretary shall  
8 not award a State educational agency more than 1  
9 planning grant under this section.

10 “(4) LIMITATION.—A State educational agency  
11 may not receive a planning grant under this section  
12 at the same time it is receiving an implementation  
13 grant under section 5424.

14 “(b) APPLICATION.—

15 “(1) IN GENERAL.—Each State educational  
16 agency desiring a planning grant under this section  
17 shall submit an application to the Secretary at such  
18 time, in such manner, and accompanied by such in-  
19 formation as the Secretary may require.

20 “(2) EXISTING PLAN.—An existing federally  
21 funded State literacy plan can be used to meet the  
22 requirements of this subsection.

23 “(c) REQUIRED ACTIVITIES.—A State educational  
24 agency receiving planning grant funds under this section  
25 shall carry out each of the following activities:

1           “(1) Reviewing reading, writing, or other lit-  
2           eracy resources and programs, such as school library  
3           programs, high-quality distance learning programs,  
4           and data across the State to identify any literacy  
5           needs and gaps in the State.

6           “(2) Forming or designating a State literacy  
7           leadership team which shall execute the following  
8           functions:

9                   “(A) Creating a comprehensive State lit-  
10                  eracy plan that—

11                           “(i) is designed to improve language,  
12                           reading, writing, and academic achieve-  
13                           ment for children and students, especially  
14                           those reading below grade level;

15                           “(ii) includes a needs assessment and  
16                           an implementation plan, including an anal-  
17                           ysis of child and student literacy data to  
18                           identify baseline and benchmark levels of  
19                           literacy and early literacy skills in order to  
20                           monitor progress and improvement, and a  
21                           plan to improve literacy levels among all  
22                           children and students;

23                           “(iii) ensures high quality strategies  
24                           and instruction in early literacy develop-  
25                           ment (which includes communication, read-

1 ing, and writing) in early childhood edu-  
2 cation programs serving children from pre-  
3 school through kindergarten entry and in  
4 kindergarten through grade 12 programs;

5 “(iv) provides for activities designed  
6 to improve literacy achievement for stu-  
7 dents who—

8 “(I) read or write below grade  
9 level;

10 “(II) attend schools in need of  
11 support and high-priority schools; and

12 “(III) attend schools with a high  
13 percentage or number of students that  
14 are eligible for free or reduced price  
15 lunch under the Richard B. Russell  
16 National School Lunch Act (42  
17 U.S.C. 1751 et seq.); and

18 “(v) is submitted to the Secretary.

19 “(B) Providing recommendations to guide  
20 the State educational agency in the State edu-  
21 cational agency’s process of strengthening State  
22 literacy standards and embedding State literacy  
23 standards with the State’s college and career  
24 ready standards, academic achievement stand-  
25 ards, and early learning standards.

1           “(C) Providing recommendations to guide  
2           the State educational agency in the State edu-  
3           cational agency’s process of measuring, assess-  
4           ing, and monitoring progress in literacy at the  
5           school, local educational agency, and State lev-  
6           els.

7           “(D) Identifying criteria for high quality  
8           professional development providers, which pro-  
9           viders may include qualified teachers within the  
10          State, for the State educational agency and  
11          local educational agencies.

12          “(E) Advising the State educational agen-  
13          cy on how to help ensure that local educational  
14          agencies and schools provide timely and appro-  
15          priate data to teachers to inform and improve  
16          instruction.

17          “(F) Providing recommendations to guide  
18          the State educational agency in the State edu-  
19          cational agency’s planning process of building  
20          educators’ capacity to provide high-quality lit-  
21          eracy instruction.

22          “(3) REPORTING REQUIREMENT.—Not later  
23          than 1 year after a State educational agency receives  
24          a planning grant under this section, the State edu-  
25          cational agency shall submit a report to the Sec-

1       retary on the State educational agency's perform-  
2       ance of the activities described in this subsection.

3       **“SEC. 5424. STATE IMPLEMENTATION GRANTS.**

4       “(a) IMPLEMENTATION GRANTS AUTHORIZED.—

5               “(1) IN GENERAL.—From awards made avail-  
6       able under paragraph (1)(B) or (2)(A)(iv) of section  
7       5422(b), the Secretary shall, on a competitive basis  
8       or through allotments, respectively, award implemen-  
9       tation grants to State educational agencies to enable  
10      the State educational agencies—

11               “(A) to implement a comprehensive lit-  
12      eracy plan that meets the criteria in section  
13      5423(c)(2)(A) for programs serving children  
14      from preschool through kindergarten entry  
15      through grade 12 programs;

16               “(B) to carry out State activities under  
17      section 5425; and

18               “(C) to award subgrants under sections  
19      5426 and 5427.

20               “(2) LIMITATION.—The Secretary shall not  
21      award a implementation grant under this section to  
22      a State for any year for which the State has received  
23      a planning grant under section 5423.



1           “(3) DURATION OF GRANTS.—An implementa-  
2           tion grant under this section shall be awarded for a  
3           period of not more than 5 years.

4           “(4) RENEWALS.—

5                 “(A) IN GENERAL.—Implementation  
6           grants under this section may be renewed.

7                 “(B) CONDITIONS.—In order to be eligible  
8           to have an implementation grant renewed under  
9           this paragraph, the State educational agency  
10          shall demonstrate to the satisfaction of the Sec-  
11          retary that—

12                         “(i) the State educational agency has  
13           complied with the terms of the grant, in-  
14           cluding using the funds to—

15                                 “(I) increase access to high-quality  
16           professional development;

17                                 “(II) use developmentally appro-  
18           priate curricula and teaching mate-  
19           rials; and

20                                 “(III) use developmentally appro-  
21           priate classroom-based instructional  
22           assessments and developmentally ap-  
23           propriate screening and diagnostic as-  
24           sessments; and

1                   “(ii) with respect to students in kin-  
2                   dergarten through grade 12, during the pe-  
3                   riod of the grant there has been significant  
4                   progress in student achievement, as meas-  
5                   ured by the metrics described in section  
6                   5424(b)(2)(C).

7                   “(b) STATE APPLICATIONS.—

8                   “(1) IN GENERAL.—A State educational agency  
9                   that desires to receive an implementation grant  
10                  under this section shall submit an application to the  
11                  Secretary at such time, in such manner, and con-  
12                  taining such information as the Secretary may re-  
13                  quire. The State educational agency shall collaborate  
14                  with all State agencies responsible for administering  
15                  early childhood education programs, and the State  
16                  agency responsible for administering child care pro-  
17                  grams, in the State in writing and implementing the  
18                  early learning portion of the grant application under  
19                  this subsection.

20                  “(2) CONTENTS.—An application described in  
21                  paragraph (1) shall include the following:

22                         “(A) A description of the members of the  
23                         State literacy leadership team and a description  
24                         of how the State educational agency has devel-

1           oped a comprehensive State literacy plan, as de-  
2           scribed in section 5423(c)(2)(A).

3           “(B) An implementation plan that includes  
4           a description of how the State educational agen-  
5           cy will—

6                   “(i) carry out the State activities de-  
7                   scribed in section 5425;

8                   “(ii) assist eligible entities with—

9                           “(I) providing strategic and in-  
10                           tensive literacy instruction based on  
11                           scientifically valid research for stu-  
12                           dents who are reading and writing  
13                           below grade level, including through  
14                           the use of multi-tiered systems of sup-  
15                           port, including addressing the literacy  
16                           needs of children and youth with dis-  
17                           abilities or developmental delays and  
18                           English learners in early childhood  
19                           education programs serving children  
20                           from preschool through kindergarten  
21                           entry and programs serving students  
22                           from preschool through grade 12;

23                           “(II) providing training to par-  
24                           ents, as appropriate, so that the par-  
25                           ents can participate in the literacy re-

1                   lated activities described in sections  
2                   5426 and 5427 to assist in the lan-  
3                   guage and literacy development of  
4                   their children;

5                   “ (III) selecting and using read-  
6                   ing and writing assessments;

7                   “ (IV) providing classroom-based  
8                   instruction that is supported by one-  
9                   to-one and small group work;

10                  “ (V) using curricular materials  
11                  and instructional tools, which may in-  
12                  clude technology, to improve instruc-  
13                  tion and literacy achievement;

14                  “ (VI) providing for high-quality  
15                  professional development; and

16                  “ (VII) using the principles of  
17                  universal design for learning, as de-  
18                  scribed in section 5429(b)(21);

19                  “ (iii) ensure that local educational  
20                  agencies in the State have leveraged and  
21                  are effectively leveraging the resources  
22                  needed to implement effective literacy in-  
23                  struction, and have the capacity to imple-  
24                  ment literacy initiatives effectively;

1           “(iv) continually coordinate and align  
2           the activities assisted under this section  
3           and sections 5426 and 5427 with reading,  
4           writing, and other literacy resources and  
5           programs across the State and locally that  
6           serve children and students and their fami-  
7           lies and promote literacy instruction and  
8           learning, including strengthening partner-  
9           ships among schools, libraries, local youth-  
10          serving agencies, and programs, in order to  
11          improve literacy for all children and youth;  
12          and

13           “(v) ensure that funds provided under  
14          this section are awarded in a manner that  
15          will provide services to all grade levels, in-  
16          cluding proportionally to middle schools  
17          and high schools.

18          “(C) A description of the key data metrics  
19          that will be used and reported annually under  
20          section 5427(b)(1)(E), that shall include—

21           “(i) student academic achievement on  
22          the English language arts State academic  
23          assessments and student growth over time;

24           “(ii) for diploma granting schools,  
25          graduation rates;

1           “(D) An assurance that the State edu-  
2           cational agency will use implementation grant  
3           funds under this section for literacy programs  
4           as follows:

5                   “(i) Not less than 10 percent of such  
6                   grant funds shall be used for State and  
7                   local programs and activities pertaining to  
8                   learners from preschool through kinder-  
9                   garten entry.

10                   “(ii) Not less than 40 percent of such  
11                   implementation grant funds shall be used  
12                   for State and local programs and activities  
13                   allocated equitably among the grades of  
14                   kindergarten through grade 5.

15                   “(iii) Not less than 40 percent of such  
16                   implementation grant funds shall be used  
17                   for State and local programs and activities,  
18                   allocated equitably among grades 6  
19                   through 12.

20                   “(iv) Not more than 10 percent of  
21                   such implementation grant funds shall be  
22                   used for the State activities described in  
23                   section 5425.

1           “(E) An assurance that the State edu-  
2           cational agency shall give priority to awarding  
3           a subgrant to an eligible entity—

4                   “(i) under section 5426 based on the  
5                   number or percentage of children younger  
6                   than the age of kindergarten entry and the  
7                   number of students from kindergarten  
8                   through 17 who are—

9                           “(I) served by the eligible entity;  
10                           and

11                                   “(II) from families with income  
12                                   below the poverty line, based on the  
13                                   most recent satisfactory data provided  
14                                   to the Secretary by the Bureau of the  
15                                   Census for determining eligibility  
16                                   under section 1124(c)(1)(A); and

17                                   “(ii) under section 5427, that pro-  
18                                   poses to serve—

19   “(I) a high number or percentage  
20   of students served by the eligible enti-  
21   ty that are reading and writing below  
22   grade level according to State assess-  
23   ments;

1                   “(II) students that attend schools  
2                   in need of support and high-priority  
3                   schools; and

4                   “(III) students that attend  
5                   schools with a high percentage or  
6                   number of students that are eligible  
7                   for free or reduced price lunch under  
8                   the Richard B. Russell National  
9                   School Lunch Act (42 U.S.C. 1751 et  
10                  seq.).

11               “(c) APPROVAL OF APPLICATIONS.—

12               “(1) IN GENERAL.—The Secretary, in consulta-  
13               tion with the peer review panel established under  
14               paragraph (2), shall evaluate State educational  
15               agency applications under subsection (b) based on  
16               the responsiveness of the applications to the applica-  
17               tion requirements under such subsection.

18               “(2) PEER REVIEW.—The Secretary shall con-  
19               vene a peer review panel in accordance with section  
20               5422(e) to evaluate applications for each implemen-  
21               tation grant awarded to a State educational agency  
22               under this section.

23               “(3) EARLY LEARNING.—In order for a State  
24               educational agency’s application under this section  
25               to be approved by the Secretary, the application



1 shall contain an assurance that the State agencies  
2 responsible for administering early childhood edu-  
3 cation programs and services, including the State  
4 agency responsible for administering child care pro-  
5 grams and the State Advisory Council on Early  
6 Childhood Education and Care established under  
7 section 642B(b) of the Head Start Act (42 U.S.C.  
8 9837b(b)), approves of, and will be extensively con-  
9 sulted in the implementation of related activities and  
10 services consistent with section 5426 with respect to,  
11 the early learning portion of the application.

12 **“SEC. 5425. STATE ACTIVITIES.**

13 “(a) REQUIRED ACTIVITIES.—A State educational  
14 agency shall use funds made available under section  
15 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv)  
16 to carry out the activities proposed in a State’s plan con-  
17 sistent with section 5424(b)(2), including the following ac-  
18 tivities:

19 “(1) Carrying out the assurances and activities  
20 provided in the State application under section  
21 5424(b)(2).

22 “(2) In consultation with the State literacy  
23 leadership team, providing technical assistance or  
24 engaging qualified providers to provide technical as-  
25 sistance to eligible entities to enable the eligible enti-

1 ties to design and implement a literacy program  
2 under sections 5426 and 5427.

3 “(3) Providing technical assistance to eligible  
4 entities that are prioritized in section 5424(b)(2)(E),  
5 including eligible entities that serve low-capacity  
6 rural and urban areas by—

7 “(A) informing those eligible entities that  
8 they have a priority for competing for grants  
9 under section 5426 and 5427; and

10 “(B) providing eligible entities who do not  
11 receive a grant under section 5426 and 5427  
12 technical assistance so that they may re-com-  
13 pete in following competitions.

14 “(4) Continuing to consult with the State lit-  
15 eracy leadership team and continuing to coordinate  
16 with institutions of higher education in the State—

17 “(A) in order to provide recommendations  
18 to strengthen and enhance preservice courses  
19 for students preparing, at institutions of higher  
20 education in the State, to teach children from  
21 preschool through grade 12 in explicit, system-  
22 atic, and intensive instruction in evidence-based  
23 literacy methods; and

24 “(B) by following up reviews completed by  
25 the State literacy leadership team with rec-

1           ommendations to ensure that such institutions  
2           offer courses that meet the highest standards.

3           “(5) Reviewing and updating, in collaboration  
4           with teachers, statewide educational and professional  
5           organizations representing teachers, and statewide  
6           educational and professional organizations rep-  
7           resenting institutions of higher education, State li-  
8           censure and certification standards in the area of lit-  
9           eracy instruction in early childhood education  
10          through grade 12.

11          “(6) Making publicly available, including on the  
12          State educational agency’s website, information on  
13          promising instructional practices to improve student  
14          literacy achievement.

15          “(b) PERMISSIVE ACTIVITIES.—After carrying out  
16          activities described in subsection (a), a State educational  
17          agency may use remaining funds made available under  
18          section 5422(a)(2)(A) and described in section  
19          5424(b)(2)(D)(iv) to carry out 1 or more of the following  
20          activities:

21                 “(1) Training the personnel of eligible entities  
22                 to use data systems that track student literacy  
23                 achievement.

24                 “(2) Developing literacy coach training pro-  
25                 grams and training literacy coaches.

1           “(3) Building public support among local edu-  
2           cational agency personnel, early childhood education  
3           programs, and the community for comprehensive lit-  
4           eracy instruction for children and students from pre-  
5           school through grade 12.

6   **“SEC. 5426. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**  
7                   **PORT OF PRESCHOOL THROUGH KINDER-**  
8                   **GARTEN ENTRY LITERACY.**

9           “(a) SUBGRANTS.—

10           “(1) IN GENERAL.—A State educational agen-  
11           cy, in consultation with the State agencies respon-  
12           sible for administering early childhood education  
13           programs and services, including the State agency  
14           responsible for administering child care programs  
15           and the State Advisory Council on Early Childhood  
16           Education and Care established under section  
17           642B(b) of the Head Start Act (42 U.S.C.  
18           9837b(b)), shall use implementation grant funds  
19           provided under section 5422(a)(2)(B) to award sub-  
20           grants, on a competitive basis, to eligible entities to  
21           enable the eligible entities to support high-quality  
22           early literacy initiatives for children from preschool  
23           through kindergarten entry.

24           “(2) DURATION.—The term of subgrant under  
25           this section shall be for 5 years.

1           “(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant  
2 awarded under this section shall be of sufficient size and  
3 scope to allow the eligible entity to carry out high-quality  
4 early literacy initiatives for children from preschool  
5 through kindergarten entry.

6           “(c) LOCAL APPLICATIONS.—An eligible entity desir-  
7 ing to receive a subgrant under this section shall submit  
8 an application to the State educational agency, at such  
9 time, in such manner, and containing such information as  
10 the State educational agency may require. Such applica-  
11 tion shall include a description of—

12                   “(1) how the subgrant funds will be used to en-  
13 hance the language and literacy aspects of school  
14 readiness of children, from preschool through kin-  
15 dergarten entry, in early childhood education pro-  
16 grams, including an analysis of the data used to  
17 identify how funds will be used to improve language  
18 and literacy;

19                   “(2) the programs assisted under the subgrant,  
20 including demographic and socioeconomic informa-  
21 tion on the children enrolled in the programs;

22                   “(3) a budget for the eligible entity that  
23 projects the cost of developing and implementing lit-  
24 eracy initiatives to carry out the activities described  
25 in subsection (e);

1           “(4) how, if the eligible entity is requesting a  
2           planning period, the eligible entity will use that plan-  
3           ning period to prepare for successful implementation  
4           of a plan to support the development of learning and  
5           literacy consistent with the purposes of this subpart;

6           “(5) the literacy initiatives, if any, in place and  
7           how these initiatives will be coordinated and inte-  
8           grated with activities supported under this section;

9           “(6) how the subgrant funds will be used to  
10          prepare and provide ongoing assistance to staff in  
11          the programs, through high-quality professional de-  
12          velopment;

13          “(7) how the subgrant funds will be used to  
14          provide services, incorporate activities, and select  
15          and use literacy instructional materials that meet  
16          the diverse developmental and linguistic needs of  
17          children, including English learners and children  
18          with disabilities and developmental delays, and that  
19          are based on scientifically valid research on child de-  
20          velopment and learning for children from preschool  
21          through kindergarten entry;

22          “(8) how the subgrant funds will be used to  
23          provide screening assessments, diagnostic assess-  
24          ments, classroom-based instructional assessments,  
25          and assessments of developmental progress;

1           “(9) how families and caregivers will be in-  
2           volved, as appropriate, in supporting their children’s  
3           literacy development, instruction, and assessment;

4           “(10) how the subgrant funds will be used to  
5           help children, particularly children experiencing dif-  
6           ficulty with oral and written language, to make the  
7           transition from early childhood education to formal  
8           classroom instruction;

9           “(11) how the activities assisted under the  
10          subgrant will be coordinated with literacy instruction  
11          at the kindergarten through grade 5 level;

12          “(12) how the subgrant funds will be used—

13                 “(A) to evaluate the success of the activi-  
14                 ties assisted under the subgrant in enhancing  
15                 the early language and literacy development of  
16                 children from preschool through kindergarten  
17                 entry; and

18                 “(B) to evaluate data for program im-  
19                 provement; and

20          “(13) such other information as the State edu-  
21          cational agency may require.

22          “(d) APPROVAL OF LOCAL APPLICATIONS.—The  
23          State educational agency, in consultation with the State  
24          agencies responsible for administering early childhood  
25          education programs, including the State agency respon-

1 sible for administering child care programs and the State  
2 Advisory Council on Early Childhood Education and Care  
3 established under section 642B(b) of the Head Start Act  
4 (42 U.S.C. 9837b(b)), shall—

5           “(1) select applications for funding under this  
6 section based on the quality of the applications sub-  
7 mitted, including the relationship between literacy  
8 activities proposed and the research base or data  
9 supporting such activities, as appropriate, and the  
10 recommendations of—

11                   “(A) the State literacy leadership team;

12           and

13                   “(B) other experts in the area of early lit-  
14 eracy; and

15           “(2) place priority for funding programs based  
16 on the criteria in section 5424(b)(2)(E)(i).

17           “(e) LOCAL USES OF FUNDS.—

18                   “(1) IN GENERAL.—An eligible entity that re-  
19 ceives a subgrant under this section shall use the  
20 subgrant funds consistent with the application pro-  
21 posed in subsection (c) to carry out the following ac-  
22 tivities:

23                           “(A) Enhancing and improving early child-  
24 hood education programs to ensure that chil-  
25 dren in such programs are provided with high-



1 quality oral language and literature- and print-  
2 rich environments in which to develop early lit-  
3 eracy skills.

4 “(B) Providing high-quality professional  
5 development.

6 “(C) Acquiring, providing training for, and  
7 implementing screening assessments, diagnostic  
8 assessments, and classroom-based instructional  
9 assessments.

10 “(D) Selecting, developing, and imple-  
11 menting a multi-tiered system of support.

12 “(E) Integrating evidence-based instruc-  
13 tional materials, activities, tools, and measures  
14 into the programs offered by the eligible entity  
15 to improve development of early learning lan-  
16 guage and literacy skills.

17 “(F) Training providers and personnel to  
18 support, develop, and administer high-quality  
19 early learning literacy initiatives that—

20 “(i) utilize data—

21 “(I) to inform instructional de-  
22 sign; and

23 “(II) to assess literacy needs;  
24 and

1                   “(ii) provide time and support for per-  
2                   sonnel to meet to plan literacy instruction.

3                   “(G) Providing for family literacy services,  
4                   as appropriate, and partnering with families to  
5                   support their child’s learning.

6                   “(H) Annually collecting, summarizing,  
7                   and reporting to the State educational agency  
8                   data—

9                   “(i) to document and monitor, for the  
10                  purpose of improving or increasing early  
11                  literacy and language skills development  
12                  pursuant to activities carried out under  
13                  this section;

14                  “(ii) to stimulate and accelerate im-  
15                  provement by identifying the programs  
16                  served by the eligible entity that produce  
17                  significant gains in skills development; and

18                  “(iii) for all subgroups of students  
19                  and categories of students that—

20                         “(I) utilizes a variety of data;  
21                         and

22                         “(II) is consistent across the  
23                         State.

24                   “(2) LIMITATION.—An eligible entity that re-  
25                   ceives a subgrant under this section shall not use

1 more than 10 percent of the subgrant funds to pur-  
2 chase curricula and assessment materials.

3 “(f) PROHIBITION.—The use of assessment items  
4 and data on any assessment authorized under this section  
5 to provide rewards or sanctions for individual children,  
6 early childhood educators, teachers, program directors, or  
7 principals is prohibited.

8 **“SEC. 5427. CONSEQUENCES OF INSUFFICIENT PROGRESS,**  
9 **REPORTING REQUIREMENTS, AND CON-**  
10 **FLICTS OF INTEREST.**

11 “(a) CONSEQUENCES OF INSUFFICIENT  
12 PROGRESS.—

13 “(1) CONSEQUENCES FOR GRANT RECIPI-  
14 ENTS.—If the Secretary determines that a State  
15 educational agency receiving an award under section  
16 5422(b) or an eligible entity receiving a subgrant  
17 under section 5426 or 5427 is not making signifi-  
18 cant progress in meeting the purposes of this sub-  
19 part and the key metrics identified by the State edu-  
20 cational agency under section 5424(b)(2)(C) after  
21 the submission of a report described in subsection  
22 (b), then the Secretary may withhold, in whole or in  
23 part, further payments under this subpart in accord-  
24 ance with section 455 of the General Education Pro-  
25 visions Act (20 U.S.C. 1234d) or take such other ac-

1           tion authorized by law as the Secretary determines  
2           necessary, including providing technical assistance  
3           upon request of the State educational agency or eli-  
4           gible entity, respectively.

5           “(2) CONSEQUENCES FOR SUBGRANT RECIPI-  
6           ENTS.—

7           “(A) IN GENERAL.—A State educational  
8           agency receiving an award under section  
9           5422(b) may refuse to award subgrant funds to  
10          an eligible entity under section 5426 or 5427 if  
11          the State educational agency finds that the eli-  
12          gible entity is not making significant progress  
13          in meeting the purposes of this subpart, after—

14               “(i) affording the eligible entity no-  
15               tice, a period for correction, and an oppor-  
16               tunity for a hearing; and

17               “(ii) providing technical assistance to  
18               the eligible entity.

19          “(B) FUNDS AVAILABLE.—Subgrant funds  
20          not awarded under subparagraph (A) shall be  
21          redirected to an eligible entity serving similar  
22          children and students in the same area or re-  
23          gion as the eligible entity not awarded the  
24          subgrant funds, to the greatest extent prac-  
25          ticable.

1 “(b) REPORTING REQUIREMENTS.—

2 “(1) STATE EDUCATIONAL AGENCY REPORTS.—

3 Each State educational agency receiving an award  
4 under section 5422(b) shall report annually to the  
5 Secretary regarding the State educational agency’s  
6 progress in addressing the purposes of this subpart.

7 Such report shall include, at a minimum, a descrip-  
8 tion of—

9 “(A) the professional development activi-  
10 ties provided under the award, including types  
11 of activities and entities involved in providing  
12 professional development to classroom teachers  
13 and other program staff, such as school librari-  
14 ans;

15 “(B) the instruction, strategies, activities,  
16 curricula, materials, and assessments used in  
17 the programs funded under the award;

18 “(C)(i) the types of programs and, for chil-  
19 dren from preschool to kindergarten entry, pro-  
20 gram settings, funded under the award; and

21 “(ii) the ages and demographic information  
22 that is not individually identifiable of children  
23 served by the programs funded under the  
24 award;

1           “(D) the experience and qualifications of  
2           the program staff who provide literacy instruc-  
3           tion under the programs funded under the  
4           award, including the experience and qualifica-  
5           tions of those staff working with children with  
6           disabilities or developmental delays and with  
7           English learners and children from preschool to  
8           kindergarten entry;

9           “(E) key data metrics identified under sec-  
10          tion 5424(b)(2)(C) used for literacy initiatives;

11          “(F) student performance on relevant pro-  
12          gram metrics, as identified in the State edu-  
13          cation agency’s implementation plan under sec-  
14          tion 5424(b)(2)(C); and

15          “(G) the outcomes of programs and activi-  
16          ties provided under the award.

17          “(2) ELIGIBLE ENTITY REPORTS.—Each eligi-  
18          ble entity receiving a subgrant under section 5426 or  
19          5427 shall report annually to the State educational  
20          agency regarding the eligible entity’s progress in ad-  
21          dressing the purposes of this subpart. Such report  
22          shall include, at a minimum, a description of—

23                 “(A) how the subgrant funds were used;  
24                 and

1           “(B) student performance on relevant pro-  
2           gram metrics, as identified in the State edu-  
3           cation agency’s implementation plan under sec-  
4           tion 5424(b)(2)(C).

5           “(c) CONFLICTS OF INTEREST.—The Secretary shall  
6           ensure that each member of the peer review panel de-  
7           scribed in section 5422(c) and each member of a State  
8           literacy leadership team participating in a program or ac-  
9           tivity assisted under this subpart does not stand to benefit  
10          financially from a grant or subgrant awarded under this  
11          subpart.

12       **“SEC. 5428. DEFINITIONS.**

13        “In this subpart:

14           “(1) CHARACTERISTICS OF EFFECTIVE LIT-  
15           ERACY STRATEGIES AND INSTRUCTION.—The term  
16           ‘characteristics of effective literacy strategies and in-  
17           struction’ means—

18                   “(A) for children from preschool through  
19                   kindergarten entry—

20                           “(i) providing high quality profes-  
21                           sional development opportunities for early  
22                           childhood educators, teachers, and school  
23                           leaders in—

24                                   “(I) literacy development;

25                                   “(II) language development;

1                   “(III) English language acquisi-  
2                   tion (as appropriate); and

3                   “(IV) effective language and lit-  
4                   eracy instruction and teaching strate-  
5                   gies aligned to State standards;

6                   “(ii) reading aloud to children, engag-  
7                   ing children in shared reading experiences,  
8                   discussing reading with children, and mod-  
9                   eling age and developmentally appropriate  
10                  reading strategies;

11                  “(iii) encouraging children’s early at-  
12                  tempts at communication, reading, writing,  
13                  and drawing, and talking about the mean-  
14                  ing of the reading, writing, and drawing  
15                  with others;

16                  “(iv) creating conversation rich class-  
17                  rooms and using oral modeling techniques  
18                  to build oral language skills;

19                  “(v) multiplying opportunities for chil-  
20                  dren to use language with peers and  
21                  adults;

22                  “(vi) providing strategic and explicit  
23                  instruction in the identification of speech  
24                  sounds, letters, and letter-sound cor-  
25                  respondence;



1 “(vii) integrating oral and written lan-  
2 guage;

3 “(viii) stimulating vocabulary develop-  
4 ment;

5 “(ix) using differentiated instructional  
6 approaches or teaching strategies, includ-  
7 ing—

8 “(I) individual and small group  
9 instruction or interactions; and

10 “(II) professional development,  
11 curriculum development, and class-  
12 room instruction;

13 “(x) applying the principles of uni-  
14 versal design for learning, as described in  
15 section 5429(b)(21);

16 “(xi) using age-appropriate screening  
17 assessments, diagnostic assessments, form-  
18 ative assessments, and summative assess-  
19 ments to identify individual learning needs,  
20 to inform instruction, and to monitor—

21 “(I) student progress and the ef-  
22 fects of instruction over time; and

23 “(II) for children between the  
24 ages of preschool and kindergarten

1 entry, progress and development with-  
2 in established norms;

3 “(xii) coordinating the involvement of  
4 families, early childhood education pro-  
5 gram staff, principals, other school leaders,  
6 and teachers in the reading and writing  
7 achievement of children served under this  
8 subpart;

9 “(xiii) using a variety of age and de-  
10 velopmentally appropriate, high quality  
11 materials for language development, read-  
12 ing, and writing;

13 “(xiv) encouraging family literacy ex-  
14 periences and practices, and educating  
15 teachers, public librarians, and parents  
16 and other caregivers about literacy develop-  
17 ment and child literacy development; and

18 “(xv) using strategies to enhance chil-  
19 dren’s—

20 “(I) motivation to communicate,  
21 read, and write; and

22 “(II) engagement in self-directed  
23 learning;

24 “(B) for students in kindergarten through  
25 grade 3—

1           “(i) providing high quality profes-  
2           sional development opportunities, for  
3           teachers, literacy coaches, literacy special-  
4           ists, English as a second language special-  
5           ists (as appropriate), school librarians, and  
6           principals, on literacy development, lan-  
7           guage development, English language ac-  
8           quisition, and effective literacy instruction  
9           that—

10                   “(I) aligns to State standards as  
11                   well as local curricula and instruc-  
12                   tional assessments; and

13                   “(II) addresses literacy develop-  
14                   ment opportunities across the cur-  
15                   ricula;

16                   “(ii) providing age appropriate direct  
17                   and explicit instruction;

18                   “(iii) providing strategic, systematic,  
19                   and explicit instruction in phonological  
20                   awareness, phonic decoding, vocabulary,  
21                   reading fluency, and reading comprehen-  
22                   sion;

23                   “(iv) making available and using di-  
24                   verse texts at the reading, development,  
25                   and interest level of students;

1                   “(v) providing multiple opportunities  
2                   for students to write individually and col-  
3                   laboratively with instruction and feedback;

4                   “(vi) using differentiated instructional  
5                   approaches, including individual, small  
6                   group, and classroom-based instruction  
7                   and discussion;

8                   “(vii) using oral modeling techniques  
9                   and opportunities for students to use lan-  
10                  guage with the students’ peers and adults  
11                  to build student language skills;

12                  “(viii) providing time and opportuni-  
13                  ties for systematic and intensive instruc-  
14                  tion, intervention, and practice to supple-  
15                  ment regular instruction, which can be  
16                  provided inside and outside the classroom  
17                  as well as during and outside regular  
18                  school hours;

19                  “(ix) providing instruction in uses of  
20                  print materials and technological resources  
21                  for research and for generating and pre-  
22                  senting content and ideas;

23                  “(x) using screening assessments, di-  
24                  agnostic assessments, formative assess-  
25                  ments, and summative assessments to

1 identify student learning needs, to inform  
2 instruction, and to monitor student  
3 progress and the effects of instruction over  
4 time;

5 “(xi) coordinating the involvement of  
6 families, caregivers, teachers, principals,  
7 other school leaders, and teacher literacy  
8 teams in the reading and writing achieve-  
9 ment of children served under this subpart;

10 “(xii) encouraging family literacy ex-  
11 periences and practices; and

12 “(xiii) using strategies to enhance stu-  
13 dents’—

14 “(I) motivation to read and  
15 write; and

16 “(II) engagement in self-directed  
17 learning; and

18 “(C) for students in grades 4 through  
19 12—

20 “(i) providing high quality profes-  
21 sional development opportunities for teach-  
22 ers, literacy coaches, literacy specialists,  
23 English as a second language specialists  
24 (as appropriate), school librarians, and  
25 principals, including professional develop-

1           ment on literacy development, language de-  
2           velopment, and effective literacy instruc-  
3           tion embedded in schools and aligned to  
4           State standards;

5           “ (ii) providing direct and explicit com-  
6           prehension instruction;

7           “ (iii) providing direct and explicit in-  
8           struction that builds academic vocabulary  
9           and strategies and knowledge of text struc-  
10          ture for reading different kinds of texts  
11          within and across core academic subjects;

12          “ (iv) making available and using di-  
13          verse texts at the reading, development,  
14          and interest level of the students;

15          “ (v) providing multiple opportunities  
16          for students to write with clear purposes  
17          and critical reasoning appropriate to the  
18          topic and purpose and with specific in-  
19          struction and feedback from teachers and  
20          peers;

21          “ (vi) using differentiated instructional  
22          approaches;

23          “ (vii) using strategies to enhance stu-  
24          dents’—

1                   “(I) motivation to read and  
2                   write; and

3                   “(II) engagement in self-directed  
4                   learning;

5                   “(viii) providing for text-based learn-  
6                   ing across content areas;

7                   “(ix) providing systematic, strategic,  
8                   and individual and small group instruction,  
9                   including intensive supplemental interven-  
10                  tion for students reading significantly  
11                  below grade level, which may be provided  
12                  inside and outside the classroom as well as  
13                  during and outside regular school hours;

14                  “(x) providing instruction in the uses  
15                  of technology and multimedia resources for  
16                  classroom research and for generating and  
17                  presenting content and ideas;

18                  “(xi) using screening assessments, di-  
19                  agnostic assessments, formative assess-  
20                  ments, and summative assessments to  
21                  identify learning needs, inform instruction,  
22                  and monitor student progress and the ef-  
23                  fects of instruction;

24                  “(xii) coordinating the involvement of  
25                  families and caregivers, to the extent fea-

1           sible and appropriate as determined by the  
2           Secretary, to improve reading, writing, and  
3           academic achievement; and

4           “(xiii) coordinating the involvement of  
5           school librarians, teachers, principals,  
6           other school leaders, teacher literacy  
7           teams, and English as a second language  
8           specialists (as appropriate), that analyze  
9           student work and plan or deliver instruc-  
10          tion over time.

11          “(2) CLASSROOM-BASED INSTRUCTIONAL AS-  
12          SESSMENT.—The term ‘classroom-based instruc-  
13          tional assessment’ means an assessment, for children  
14          between preschool through grade 3, that—

15               “(A) is valid and reliable for the age and  
16               population of children being assessed;

17               “(B) is used to evaluate children’s develop-  
18               mental progress and learning, including system-  
19               atic observations by teachers of children per-  
20               forming tasks, including academic and literacy  
21               tasks, that are part of their daily classroom ex-  
22               perience; and

23               “(C) is used to improve classroom instruc-  
24               tion.



1           “(3) COMPREHENSIVE LITERACY INSTRU-  
2           TION.—The term ‘comprehensive literacy instruc-  
3           tion’ means instruction that—

4                   “(A) involves the characteristics of effec-  
5                   tive literacy instruction; and

6                   “(B) is designed to support the essential  
7                   components of reading instruction and the es-  
8                   sential components of writing instruction.

9           “(4) DEVELOPMENTAL DELAY.—The term ‘de-  
10          velopmental delay’ has the meaning given the term  
11          in section 632 of the Individuals with Disabilities  
12          Education Act (20 U.S.C. 1432).

13          “(5) DIAGNOSTIC ASSESSMENT.—The term ‘di-  
14          agnostic assessment’ means an assessment that—

15                   “(A) is valid, reliable, and based on sci-  
16                   entifically valid research on language, literacy,  
17                   and English language acquisition;

18                   “(B) is used for the purposes of—

19                           “(i) identifying a student’s specific  
20                           areas of strengths and weaknesses in oral  
21                           language and literacy;

22                           “(ii) determining any difficulties that  
23                           the student may have in oral language and  
24                           literacy and the potential cause of such dif-  
25                           ficulties; and

1                   “(iii) helping to determine possible lit-  
2                   eracy intervention strategies and related  
3                   special needs of the student; and

4                   “(C) in the case of young children, is con-  
5                   ducted after a screening assessment that identi-  
6                   fies potential risks or a lack of school prepared-  
7                   ness, including oral language and literacy devel-  
8                   opment, or delayed development.

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

11                   “(A) when used with respect to children  
12                   from preschool through kindergarten entry—

13                   “(i) 1 or more local educational agen-  
14                   cies providing early childhood education  
15                   programs, or 1 or more public or private  
16                   early childhood education programs, serv-  
17                   ing children from preschool through kin-  
18                   dergarten entry (such as a Head Start pro-  
19                   gram, a child care program, a State-funded  
20                   prekindergarten program, a public library  
21                   program, or a family literacy program),  
22                   that has a demonstrated record of pro-  
23                   viding effective literacy instruction for the  
24                   age group such agency or program pro-  
25                   poses to serve under section 5426; or

1           “(ii) 1 or more entities described in  
2           clause (i) acting in partnership with 1 or  
3           more public agencies or private nonprofit  
4           organizations that have a demonstrated  
5           record of effectiveness—

6                   “(I) in improving the early lit-  
7                   eracy development of children from  
8                   preschool through kindergarten entry;  
9                   and

10                   “(II) in providing professional  
11                   development aligned with the activities  
12                   described in section 5426(e)(1); or

13                   “(B) when used with respect to students in  
14           kindergarten through grade 12—

15                   “(i) that is—

16                           “(I) a local educational agency;

17                           “(II) a consortium of local edu-  
18                   cational agencies; or

19                           “(III) or a local educational  
20                   agency or consortium of local edu-  
21                   cational agencies that may act in  
22                   partnership with 1 or more public  
23                   agencies or private nonprofit organi-  
24                   zations, which agencies or organiza-  
25                   tions shall have a demonstrated record

1 of effectiveness, consistent with the  
2 purposes of their participation, in im-  
3 proving literacy achievement of stu-  
4 dents from kindergarten through  
5 grade 12 and in providing professional  
6 development described in section  
7 5427(a)(3)(B);

8 “(ii) that—

9 “(I) is among, or consists of, the  
10 local educational agencies in the State  
11 with the highest numbers or percent-  
12 ages of students reading or writing  
13 below grade level, based on the most  
14 currently available State academic as-  
15 sessment data;

16 “(II) has jurisdiction over a sig-  
17 nificant number or percentage of  
18 schools that are identified for school  
19 improvement under section 1116; or

20 “(iii) has the highest numbers or per-  
21 centages of children who are counted under  
22 section 1124(c), in comparison to other  
23 local educational agencies in the State.

24 “(7) ENGLISH LANGUAGE ACQUISITION.—

1           “(A) IN GENERAL.—The term ‘English  
2           language acquisition’ means the process by  
3           which a non-native English speaker acquires  
4           proficiency in speaking, listening, reading, and  
5           writing the English language.

6           “(B) INCLUSIONS FOR ENGLISH LEARNERS  
7           IN SCHOOL.—For an English language learner  
8           in school, such term includes not only the social  
9           language proficiency needed to participate in  
10          the school environment, but also the academic  
11          language proficiency needed to acquire literacy  
12          and academic content and demonstrate the stu-  
13          dent’s learning.

14          “(8) ESSENTIAL COMPONENTS OF READING IN-  
15          STRUCTION.—The term ‘essential components of  
16          reading instruction’ means developmentally appro-  
17          priate, contextually explicit, systematic instruction,  
18          and frequent practice, in reading across content  
19          areas.

20          “(9) ESSENTIAL COMPONENTS OF WRITING IN-  
21          STRUCTION.—The term ‘essential components of  
22          writing instruction’ means developmentally appro-  
23          priate and contextually explicit instruction, and fre-  
24          quent practice, in writing across content areas.

1           “(10) FAMILY LITERACY SERVICES.—The term  
2           ‘family literacy services’ means literacy services pro-  
3           vided on a voluntary basis that are of sufficient in-  
4           tensity in terms of hours and duration and that inte-  
5           grate all of the following activities:

6                   “(A) Interactive literacy activities between  
7                   or among parents and their children, including  
8                   parent literacy training.

9                   “(B) Training for parents regarding how  
10                  to be the primary teacher for their children and  
11                  full partners in the education of their children.

12                  “(C) Parent literacy training that leads to  
13                  economic self-sufficiency.

14                  “(D) An age-appropriate education to pre-  
15                  pare children for success in school and life ex-  
16                  periences.

17           “(11) FORMATIVE ASSESSMENT.—The term  
18           ‘formative assessment’ means a process that—

19                   “(A) is teacher-generated or selected by  
20                   teachers and students during instructional  
21                   learning;

22                   “(B) is embedded within the learning ac-  
23                   tivity and linked directly to the current unit of  
24                   instruction; and

1           “(C) provides feedback to adjust ongoing  
2           teaching and learning to improve students’  
3           achievement of intended instructional outcomes.

4           “(12) HIGH-QUALITY PROFESSIONAL DEVELOP-  
5           MENT.—The term ‘high-quality professional develop-  
6           ment’ means professional development that—

7           “(A) is job-embedded, ongoing, and based  
8           on scientifically valid research;

9           “(B) is sustained, intensive, and class-  
10          room-focused;

11          “(C) is designed to increase the knowledge  
12          and expertise of teachers, early childhood edu-  
13          cators and administrators, principals, other  
14          school leaders, and other program staff in ap-  
15          plying—

16                 “(i) the characteristics of effective lit-  
17                 eracy instruction;

18                 “(ii) the essential components of read-  
19                 ing instruction;

20                 “(iii) the essential components of writ-  
21                 ing instruction; and

22                 “(iv) instructional strategies and prac-  
23                 tices that are appropriate to the age, devel-  
24                 opment, and needs of children and improve  
25                 student learning, including strategies and

1 practices consistent with the principles of  
2 universal design for learning, as described  
3 in section 5429(b)(21);

4 “(D) includes and supports teachers in ef-  
5 fectively administering age appropriate and de-  
6 velopmentally appropriate assessments, and  
7 analyzing the results of such assessments for  
8 the purposes of planning, monitoring, adapting,  
9 and improving effective classroom instruction or  
10 teaching strategies to improve student literacy;

11 “(E) for educators working with students  
12 in kindergarten through grade 12—

13 “(i) supports the characteristics of ef-  
14 fective literacy instruction through core  
15 academic subjects, and through career and  
16 technical education subjects where such ca-  
17 reer and technical education subjects pro-  
18 vide for the integration of core academic  
19 subjects; and

20 “(ii) includes explicit instruction in  
21 discipline-specific thinking and how to read  
22 and interpret discipline-specific text struc-  
23 tures and features;

24 “(F) includes instructional strategies uti-  
25 lizing one-to-one, small group, and classroom-



1 based instructional materials and approaches  
2 based on scientifically valid research on literacy;

3 “(G) provides ongoing instructional lit-  
4 eracy coaching—

5 “(i) to ensure high-quality implemen-  
6 tation of effective practices of literacy in-  
7 struction that are content-centered, inte-  
8 grated across the curricula, collaborative,  
9 and embedded in the school, classroom, or  
10 other setting; and

11 “(ii) that uses student data to im-  
12 prove instruction;

13 “(H) includes and supports teachers in set-  
14 ting high reading and writing achievement goals  
15 for all students and provides the teachers with  
16 the instructional tools and skills to help stu-  
17 dents reach such goals; and

18 “(I) is differentiated for educators working  
19 with children from preschool through kinder-  
20 garten entry, students in kindergarten through  
21 grade 5, and students in grades 6 through 12,  
22 and, as appropriate, by student grade or stu-  
23 dent need.

24 “(13) LITERACY COACH.—The term ‘literacy  
25 coach’ means a professional—

- 1                   “(A) who—
- 2                    “(i) has previous teaching experience
- 3                   and—
- 4                    “(I) a master’s degree with a
- 5                    concentration in reading and writing
- 6                    education;
- 7                    “(II) demonstrated proficiency in
- 8                    teaching reading or writing in a core
- 9                    academic subject consistent with the
- 10                   characteristics of effective literacy in-
- 11                   struction; or
- 12                    “(III) in the case of a literacy
- 13                    coach for children from preschool
- 14                    through kindergarten entry, a con-
- 15                    centration, credential, or significant
- 16                    experience in child development and
- 17                    early literacy development; and
- 18                    “(ii) is able to demonstrate the ability
- 19                   to help teachers—
- 20                    “(I) apply research on how stu-
- 21                    dents become successful readers, writ-
- 22                    ers, and communicators;
- 23                    “(II) apply multiple forms of as-
- 24                    sessment to guide instructional deci-

1 sionmaking and use data to improve  
2 literacy instruction;

3 “(III) improve student writing  
4 and reading in and across content  
5 areas such as mathematics, science,  
6 social studies, and language arts;

7 “(IV) develop and implement dif-  
8 ferentiated instruction and teaching  
9 approaches to serve the needs of the  
10 full range of learners, including  
11 English learners and children with  
12 disabilities;

13 “(V) apply principles of universal  
14 design for learning, as described in  
15 section 5429(b)(21);

16 “(VI) employ best practices in  
17 engaging principals, early childhood  
18 educators and administrators, teach-  
19 ers, and other professionals sup-  
20 porting literacy instruction to change  
21 school cultures to better encourage  
22 and support literacy development and  
23 achievement; and

24 “(VII)(aa) for children from pre-  
25 school through kindergarten entry, set

1 developmentally appropriate expecta-  
2 tions for language; and

3 “(bb) for all children, set literacy  
4 development and high reading and  
5 writing achievement goals and select,  
6 acquire, and use instructional tools  
7 and skills to help the children reach  
8 such goals; and

9 “(B) whose role with teachers and profes-  
10 sionals supporting literacy instruction is—

11 “(i) to provide high-quality profes-  
12 sional development;

13 “(ii) to work cooperatively and col-  
14 laboratively with principals, teachers, and  
15 other professionals in employing strategies  
16 to help teachers identify and support stu-  
17 dent language and literacy needs and teach  
18 literacy across content areas and develop-  
19 mental domains; and

20 “(iii) to work cooperatively and col-  
21 laboratively with other professionals in em-  
22 ploying strategies to help teachers teach  
23 literacy across content areas so that the  
24 teachers can meet the needs of all stu-  
25 dents, including children with disabilities,

1 English learners, and students who are  
2 reading at or above grade level.

3 “(14) MULTI-TIERED SYSTEM OF SUPPORT.—  
4 The term ‘multi-tiered system of support’ means a  
5 comprehensive system of differentiated supports that  
6 includes evidence-based instruction, universal screen-  
7 ing, progress monitoring, formative assessments, evi-  
8 dence-based interventions matched to student needs  
9 and educational decisionmaking using student out-  
10 come data.

11 “(15) READING.—The term ‘reading’ means a  
12 complex system of deriving meaning from print that  
13 requires, in ways that are developmentally, content,  
14 and contextually appropriate, all of the following:

15 “(A) PHONEMES.—The skills and knowl-  
16 edge to understand how phonemes, or speech  
17 sounds, are connected to print.

18 “(B) ACCURACY, FLUENCY, AND UNDER-  
19 STANDING.—The ability to read accurately, flu-  
20 ently, and with understanding.

21 “(C) READING COMPREHENSION.—The use  
22 of background knowledge and vocabulary to  
23 make meaning from a text.

1           “(D) ACTIVE STRATEGIES.—The develop-  
2           ment and use of appropriate active strategies to  
3           interpret and construct meaning from print.

4           “(16) SCIENTIFICALLY VALID RESEARCH.—The  
5           term ‘scientifically valid research’ has the meaning  
6           given the term in section 200 of the Higher Edu-  
7           cation Act of 1965 (20 U.S.C. 1021).

8           “(17) SCREENING ASSESSMENT.—The term  
9           ‘screening assessment’ means an assessment that—

10           “(A) is valid, reliable, and based on sci-  
11           entifically valid research on literacy and English  
12           language acquisition; and

13           “(B) is a procedure designed as a first  
14           step in identifying children who may be at high  
15           risk for delayed development or academic fail-  
16           ure and in need of further diagnosis of the chil-  
17           dren’s need for special services or additional lit-  
18           eracy instruction.

19           “(18) SPECIALIZED INSTRUCTIONAL SUPPORT  
20           PERSONNEL (SISP).—The term ‘Specialized Instruc-  
21           tional Support Personnel’ or ‘SISP’ means school  
22           counselors, school social workers, school psycholo-  
23           gists, and other qualified professional personnel in-  
24           volved in providing assessment, diagnosis, coun-  
25           seling, educational, therapeutic, and other necessary

1 services (included related services as that term is de-  
2 fined in section 602 of the Individuals with Disabil-  
3 ities Education Act) as part of a comprehensive pro-  
4 gram to meet student needs.

5 “(19) STATE.—The term ‘State’ has the mean-  
6 ing given the term in section 103 of the Higher  
7 Education Act of 1965 (20 U.S.C. 1003).

8 “(20) STATE LITERACY LEADERSHIP TEAM.—

9 “(A) IN GENERAL.—The term ‘State lit-  
10 eracy leadership team’ means a team that—

11 “(i) is appointed and coordinated by  
12 the State educational agency;

13 “(ii) assumes the responsibility to  
14 guide the development and implementation  
15 of a statewide, comprehensive literacy plan;

16 “(iii) is composed of not less than 11  
17 individuals; and

18 “(iv) shall include—

19 “(I) not less than 3 individuals  
20 who have literacy expertise in one of  
21 each of the areas of—

22 “(aa) preschool through  
23 school entry, such as the State  
24 Head Start collaboration direc-  
25 tor;

1                   “(bb) kindergarten entry  
2 through grade 5; and

3                   “(cc) grades 6 through 12;

4                   “(II) a school principal;

5                   “(III) teachers and administra-  
6 tors with expertise in literacy and spe-  
7 cial education;

8                   “(IV) teachers and administra-  
9 tors with expertise in teaching the  
10 English language to English learners;

11                   “(V) a representative from the  
12 State educational agency who oversees  
13 literacy initiatives; and

14                   “(VI) a representative from high-  
15 er education who is actively involved  
16 in research, development, or teacher  
17 preparation in literacy instruction and  
18 intervention based on scientifically  
19 valid research.

20                   “(B) INCLUSION OF A PREEXISTING PART-  
21 NERSHIP.—If, before the date of enactment of  
22 the Student Success Act, a State educational  
23 agency established a consortium, partnership,  
24 or any other similar body that was considered  
25 a literacy partnership for purposes of subpart 1



1 or 2 of part B of title I and that includes the  
2 individuals required under subparagraph  
3 (A)(iv), such consortium, partnership, or body  
4 may be considered a State literacy leadership  
5 team for purposes of subparagraph (A).

6 “(21) **SUMMATIVE ASSESSMENT.**—The term  
7 ‘summative assessment’ means an assessment that—

8 “(A) is valid, reliable, and based on sci-  
9 entifically valid research on literacy and English  
10 language acquisition; and

11 “(B) measures—

12 “(i) for children from preschool  
13 through kindergarten entry, how the chil-  
14 dren have progressed over time relative to  
15 developmental norms; and

16 “(ii) for students in kindergarten  
17 through grade 12, what the students have  
18 learned over time, relative to academic con-  
19 tent standards.

20 “(22) **UNIVERSAL DESIGN FOR LEARNING.**—  
21 The term ‘universal design for learning’ has the  
22 meaning given the term in section 103 of the Higher  
23 Education Act of 1965 (20 U.S.C. 1003).

24 “(23) **WRITING.**—The term ‘writing’ means—

1           “(A) composing meaning in print or  
2 through other media, including technologies, to  
3 communicate and to create new knowledge in  
4 ways appropriate to the context of the writing  
5 and the literacy development stage of the writ-  
6 er;

7           “(B) composing ideas individually and col-  
8 laboratively in ways that are appropriate for a  
9 variety of purposes, audiences, and occasions;

10           “(C) choosing vocabulary, tone, genre, and  
11 conventions, such as spelling and punctuation,  
12 suitable to the purpose, audience, and occasion;  
13 and

14           “(D) revising compositions for clarity of  
15 ideas, coherence, logical development, and preci-  
16 sion of language use.

17 **“SEC. 5430. AUTHORIZATION OF APPROPRIATIONS.**

18           “There are authorized to be appropriated to carry out  
19 this subpart \$500,000,000 for fiscal year 2016 and such  
20 sums as may be necessary for subsequent fiscal years.

21           “SUBPART 3—A WELL-ROUNDED EDUCATION

22 **“SEC. 5431. PROGRAM AUTHORIZED.**

23           “From the amount appropriated each fiscal year to  
24 carry out this subpart, the Secretary—

25           “(1) shall—

1           “(A) reserve not less than 5 percent for  
2 national activities under section 5438; and

3           “(B) of the funds remaining after the Sec-  
4 retary reserves funds under subparagraph  
5 (A)—

6                   “(i) use at least 25 percent to award  
7 grants to eligible entities under this sub-  
8 part to carry out proven practices, strate-  
9 gies, or programs in American history,  
10 civic education, and geography;

11                   “(ii) use at least 15 percent to award  
12 grants to eligible entities under this sub-  
13 part to carry out proven practices, strate-  
14 gies, or programs in economic and finan-  
15 cial literacy education and entrepreneur-  
16 ship education;

17                   “(iii) use at least 15 percent to award  
18 grants to eligible entities under this sub-  
19 part to carry out proven practices, strate-  
20 gies, or programs in foreign language edu-  
21 cation;

22                   “(iv) use at least 15 percent to award  
23 grants to eligible entities under this sub-  
24 part to carry out proven practices, strate-

1           gies, or programs for music and the arts  
2           education; and

3           “(v) use at least 10 percent to award  
4           grants to eligible entities under this sub-  
5           part to carry out proven practices, strate-  
6           gies, or programs in Javits gifted and tal-  
7           ented education; and

8           “(vi) use at least 10 percent to award  
9           grants to eligible entities as described in  
10          section 5432(2) to carry out proven prac-  
11          tices, strategies, or programs in ready-to-  
12          learn; and

13          “(2) may use the funds remaining after the  
14          Secretary reserves and uses funds under paragraph  
15          (1) to award grants to eligible entities under this  
16          subpart to carry out any of the proven practices,  
17          strategies, or programs described in clauses (i)  
18          through (v) of paragraph (1)(B).

19          **“SEC. 5432. ELIGIBLE ENTITY DEFINED.**

20          “‘In this subpart, an eligible entity means one of the  
21          following:

22                 “(1) A State educational agency, local edu-  
23                 cational agency, or an educational service agency  
24                 with a local educational agency that is in partner-  
25                 ship with one or more of the following:

1           “(A) An institution of higher education.

2           “(B) A nonprofit organization with dem-  
3           onstrated expertise in the content areas de-  
4           scribed in section 5431(1)(B).

5           “(C) A library or museum.

6           “(2) A public telecommunications entity that is  
7           able to demonstrate each of the following:

8           “(A) A capacity for the development and  
9           national distribution of educational and instruc-  
10          tional television programming of high quality  
11          that is accessible by a large majority of dis-  
12          advantaged preschool and elementary school  
13          children.

14          “(B) A capacity to contract with the pro-  
15          ducers of children’s television programming for  
16          the purpose of developing educational television  
17          programming of high quality.

18          “(C) A capacity, consistent with the enti-  
19          ty’s mission and nonprofit nature, to negotiate  
20          such contracts in a manner that returns to the  
21          entity an appropriate share of any ancillary in-  
22          come from sales of any program-related prod-  
23          ucts.

24          “(D) A capacity to localize programming  
25          and materials to meet specific State and local

1 needs and to provide educational outreach at  
2 the local level.

3 **“SEC. 5433. GRANT PRIORITY, DURATION, AND SIZE AND**  
4 **SCOPE REQUIREMENTS.**

5 “(a) PRIORITY.—In awarding grants under this sub-  
6 part, the Secretary shall give priority to—

7 “(1) eligible entities proposing to serve schools  
8 in need of support or persistently low achieving  
9 schools; and

10 “(2) eligible entities proposing to serve a high  
11 percentage and number of children from families  
12 with incomes below the poverty line according to the  
13 most recent census data approved by the Secretary.

14 “(b) DURATION.—The Secretary shall award grants  
15 under this subpart for a period of 5 years.

16 “(c) SUFFICIENT SIZE AND SCOPE.—In awarding  
17 grants under this subpart, the Secretary shall ensure that  
18 grants are of sufficient size and scope.

19 **“SEC. 5434. SUPPLEMENT, NOT SUPPLANT.**

20 “Funds received under this subpart shall be used to  
21 supplement, not supplant, Federal and non-Federal funds  
22 available to support child and youth services.

23 **“SEC. 5435. APPLICATION REQUIREMENTS.**

24 “(a) IN GENERAL.—To receive a grant under one or  
25 more of the grant programs described in clauses (i)

1 through (v) of section 5431(1)(B), an eligible entity shall  
2 submit an application to the Secretary at such time, in  
3 such manner, and containing the information that the Sec-  
4 retary may require, including the information described in  
5 subsection (e).

6 “(b) MULTIPLE APPLICATIONS.—An eligible entity  
7 may apply for one or more grant programs under this sub-  
8 part, and may use a consolidated application to apply for  
9 more than one grant program under this subpart .

10 “(c) APPLICATION REQUIREMENTS.— An application  
11 submitted under subsection (a) shall contain the following:

12 “(1) A description of the promising or proven  
13 practice, strategy, or program that the applicant  
14 proposes to implement in a content area listed in  
15 clauses (i) through (v) of section 5431(1)(B).

16 “(2) A description of how the proposed practice,  
17 strategy, or program is evidence-based and will im-  
18 prove teaching practices as well as student achieve-  
19 ment or student academic growth especially with  
20 high-need student populations.

21 “(3) A description of how the proposed practice,  
22 strategy, or program fits into the State or local edu-  
23 cational agency’s overall strategy that students have  
24 access to a well-rounded education.

1           “(4) A description of how the proposed practice,  
2           strategy, or program will be aligned with school im-  
3           provement plans.

4           “(5) A description of how the activities will ade-  
5           quately address the needs of students with disabil-  
6           ities and English learners.

7           “(6) A description of the applicant’s plan for  
8           data collection, analysis, and dissemination of results  
9           and outcomes, including an assurance that the appli-  
10          cant will make this information publicly available  
11          and accessible to educators, researchers, and other  
12          experts.

13          “(7) A description of how the applicant will  
14          provide for the completion of an independent evalua-  
15          tion of the project (including through the use of  
16          formative and summative evaluation methodologies)  
17          during the grant period to assess its impact on stu-  
18          dent achievement, student academic growth, student  
19          engagement, and other program goals, including its  
20          potential for replication and expansion.

21          “(8) If the applicant proposes to expand an ex-  
22          isting practice, strategy, or program with at least  
23          moderate evidence, a description of how the appli-  
24          cant proposes to reach additional participants in  
25          such practice, strategy, or program.



1       “(d) PEER REVIEW.—The Secretary shall establish  
2 a peer-review process to assist in review of applications  
3 submitted under this section.

4       **“SEC. 5436. USES OF FUNDS.**

5       “(a) IN GENERAL.—Each eligible entity that receives  
6 a grant under this subpart shall carry out one or more  
7 of the following:

8               “(1) Plan, develop, expand, or improve prac-  
9 tices, strategies, and programs in the applicable con-  
10 tent area.

11               “(2) Develop and implement instructional mate-  
12 rials, assessments (including performance-based as-  
13 sessments), and curriculum, aligned with State  
14 standards in a content area listed in clauses (i)  
15 through (v) of section 5431(1)(B), which embed  
16 principles of universal design for learning, as de-  
17 scribed in section 5429(b)(21), to support students  
18 with diverse learning needs including English learn-  
19 ers and students with disabilities.

20               “(3) Develop and implement professional devel-  
21 opment for teachers in the applicable content area in  
22 order to improve classroom practices.

23               “(4) Align practices, strategies, and programs  
24 with postsecondary programs for the continuation of  
25 instruction in the academic subject for which the

1 program strategy or practice proposes to increase  
2 student achievement or student growth.

3 “(5) Supporting the use of open educational re-  
4 sources or other innovative uses of technology that  
5 are designed to serve students at all levels of  
6 achievement.

7 “(6) Support efforts to expand access to ad-  
8 vanced coursework, especially for high-need students.

9 “(7) In the case of an eligible entity that is a  
10 State educational agency, the eligible entity may also  
11 provide technical assistance to local programs within  
12 the State.

13 “(b) PROGRAM SPECIFIC REQUIREMENTS FOR GEOG-  
14 RAPHY GRANTS.—In addition to meeting the requirements  
15 of subsection (a), an eligible entity receiving a grant de-  
16 scribed in section 5431(1)(B)(i) may use the grant to—

17 “(1) carry out local, field-based activities for  
18 teachers and students to improve their knowledge of  
19 the concepts and tools of geography while enhancing  
20 understanding of their home region; and

21 “(2) apply geographic information systems and  
22 technology to the teaching of geography; and

23 “(3) using internet or distance-learning tech-  
24 nology.

1           “(c) PROGRAM SPECIFIC REQUIREMENTS FOR ECO-  
2   NOMIC, FINANCIAL LITERACY, AND ENTREPRENEURSHIP  
3   EDUCATION GRANTS.—In addition to meeting the require-  
4   ments of subsection (a), an eligible entity receiving a grant  
5   described in section 5431(1)(B)(ii)—

6           “(1) may use the grant to—

7           “(A) carry out programs to teach personal  
8   financial management skills;

9           “(B) carry out programs to teach the basic  
10   principles involved with earning, spending, sav-  
11   ing, investing, credit, and insurance; and

12           “(C) implement financial and economic lit-  
13   eracy activities and sequences of study within,  
14   or coordinated with, core academic subjects;  
15   and

16           “(2) is strongly encouraged to—

17           “(A) include interactions with the local  
18   business community to the fullest extent pos-  
19   sible to reinforce the connection between eco-  
20   nomic and financial literacy; and

21           “(B) work with private businesses to ob-  
22   tain matching contributions for Federal funds  
23   and assist recipients in working toward self-suf-  
24   ficiency.

1           “(d) PROGRAM SPECIFIC REQUIREMENTS FOR FOR-  
2 EIGN LANGUAGE GRANTS.—In addition to meeting the re-  
3 quirements of subsection (a), an eligible entity receiving  
4 a grant described in section 5431(1)(B)(iii) may use the  
5 grant to carry out the following activities:

6           “(1) Developing and implementing intensive  
7 summer foreign language programs for professional  
8 development.

9           “(2) Linking nonnative English speakers in the  
10 community with the schools in order to promote two-  
11 way language learning.

12           “(3) Promoting the sequential study of a for-  
13 eign language for students, beginning in elementary  
14 schools.

15           “(4) Making effective use of technology, such as  
16 computer-assisted instruction, language laboratories,  
17 or distance learning, to promote foreign language  
18 study.

19           “(5) Developing and implementing, high quality  
20 dual language programs.

21           “(6) Promoting innovative activities, such as  
22 foreign language immersion, partial foreign language  
23 immersion, or content-based instruction.

24           “(7) Providing opportunities for maximum for-  
25 eign language exposure for students domestically,

1 such as the creation of immersion environments in  
2 the classroom and school, on weekend or summer ex-  
3 periences, and special tutoring and academic sup-  
4 port.

5 “(8) providing for the possibility for multiple  
6 entry points for studying the foreign language.

7 “(9) Creating partnerships with elementary and  
8 secondary schools in other countries to facilitate lan-  
9 guage and cultural learning and exchange.

10 “(10) Providing support for a language super-  
11 visor to oversee and coordinate the progress of the  
12 articulated foreign language program across grade  
13 levels in the local educational agency funded under  
14 this subpart.

15 “(e) PROGRAM SPECIFIC REQUIREMENTS FOR JAV-  
16 ITS GIFTED AND TALENTED GRANTS.—In addition to  
17 meeting the requirements of subsection (a), an eligible en-  
18 tity receiving a grant described in section 5431(1)(B)(v)  
19 may use the grant to carry out the following activities:

20 “(1) Providing funds for challenging, high-level  
21 course work, disseminated through technologies (in-  
22 cluding distance learning), for individual students or  
23 groups of students in schools and local educational  
24 agencies that would not otherwise have the resources  
25 to provide such course work.

1           “(2) Ensuring that assessments provide diag-  
2           nostic information that informs instruction for high-  
3           achieving students.

4           “(3) Carrying out training and professional de-  
5           velopment for school personnel involved in the teach-  
6           ing of high-achieving, educationally disadvantaged  
7           students, such as instructional staff, principals,  
8           counselors, and psychologists.

9           “(4) Conducting education and training for par-  
10          ents of high-achieving, educationally disadvantaged  
11          students to support educational excellence for such  
12          students.

13          “(f) PROGRAM SPECIFIC REQUIREMENTS FOR  
14          READY-TO-LEARN.—In addition to meeting the require-  
15          ments of subsection (a), an eligible entity receiving a grant  
16          described in section 5431(1)(B)(vi) may use the grant to  
17          carry out the following activities:

18                 “(1) to develop, produce, and distribute edu-  
19                 cational and instructional video programming for  
20                 preschool and elementary school children and their  
21                 parents in order to facilitate student academic  
22                 achievement;

23                 “(2) to facilitate the development, directly or  
24                 through contracts with producers of children and  
25                 family educational television programming, of edu-

1 cational programming for preschool and elementary  
2 school children, and the accompanying support ma-  
3 terials and services that promote the effective use of  
4 such programming;

5 “(3) to facilitate the development of program-  
6 ming and digital content containing Ready-to-Learn-  
7 based children’s programming and resources for par-  
8 ents and caregivers that is specially designed for na-  
9 tionwide distribution over public television stations’  
10 digital broadcasting channels and the Internet;

11 “(4) to contract with entities (such as public  
12 telecommunications entities) so that programs devel-  
13 oped under this section are disseminated and distrib-  
14 uted to the widest possible audience appropriate to  
15 be served by the programming, and through the use  
16 of the most appropriate distribution technologies;  
17 and

18 “(5) to develop and disseminate education and  
19 training materials, including interactive programs  
20 and programs adaptable to distance learning tech-  
21 nologies, that are designed—

22 “(A) to promote school readiness; and

23 “(B) to promote the effective use of mate-  
24 rials developed under subparagraphs (2) and  
25 (3) among parents, teachers, Head Start pro-

1           viders, Even Start providers, providers of family  
2           literacy services, child care providers, early  
3           childhood development personnel, elementary  
4           school teachers, public libraries, and afterschool  
5           program personnel caring for preschool and ele-  
6           mentary school children.

7   **“SEC. 5437. EVALUATION.**

8           “Each eligible entity receiving a grant under this sub-  
9   part shall conduct an independent program-level evalua-  
10   tion and submit preliminary results to the Secretary at  
11   such a time and in such manner as the Secretary may  
12   require in order to determine the eligible entity’s eligibility  
13   to continue to receive funding under this subpart.

14   **“SEC. 5438. NATIONAL ACTIVITIES.**

15           “(a) IN GENERAL.—From the amounts reserved  
16   under section 5431(1)(A), the Secretary shall carry out  
17   the national activities described in subsection (b) directly  
18   or by entering into contracts with an eligible educational  
19   entity.

20           “(b) NATIONAL ACTIVITIES.—The national activities  
21   that shall be carried out under this section are as follows:

22           “(1) Technical assistance.

23           “(2) Development of curricula.

24           “(3) Production, development, and dissemina-  
25   tion of high-quality educational content (including



1 digital content) in academic content areas under this  
2 subpart.

3 “(4) Research and collecting information on,  
4 and identifying, effective programs and best prac-  
5 tices and disseminating that information to States,  
6 local educational agencies, institutions of higher edu-  
7 cation, and other stakeholders.

8 **“SEC. 5439. PROFESSIONAL DEVELOPMENT ACTIVITIES.**

9 “(a) ELIGIBLE EDUCATIONAL ENTITY DEFINED.—  
10 In this section, the term ‘eligible educational entity’ means  
11 a national nonprofit educational entity with a proven track  
12 record and demonstrated expertise in one or more of the  
13 following areas as related to the activities described in sub-  
14 section (b):

15 “(1) High-quality professional development pro-  
16 grams, including writing programs for teachers  
17 across disciplines and at all grade levels.

18 “(2) History education programs.

19 “(3) Civics and government education pro-  
20 grams.

21 “(4) Economic and financial literacy education  
22 programs.

23 “(5) Geography education programs.

24 “(6) Foreign Language education programs.

25 “(7) Music and the arts education programs.

1           “(8) Gifted and talented programs.

2           “(9) Reading and book distribution programs,  
3 including pediatric early literacy programs that en-  
4 gage parents.

5           “(10) Educational and instructional video pro-  
6 gramming (including early literacy programming)  
7 for a public telecommunications entity.

8           “(b) PRIORITY.—In awarding a contract to an eligi-  
9 ble educational entity under this section, the Secretary  
10 shall give priority to an entity that provides support to  
11 the eligible entities receiving a grant under this subpart  
12 or eligible entities receiving a grant under the subpart 1  
13 or 2 to develop instructional systems that provide—

14           “(1) a systematic and coherent combination of  
15 instructional materials;

16           “(2) embedded formative and interim assess-  
17 ments;

18           “(3) professional development;

19           “(4) information on student learning; and

20           “(5) academic interventions based on cognitive  
21 science and content-area knowledge and are aligned  
22 with college- and career-ready standards.

1 **“SEC. 5440. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out  
3 this subpart \$250,000,000 for fiscal year 2016 and such  
4 sums as may be necessary for each succeeding fiscal year.

5 “SUBPART 4—TRANSFORMING EDUCATION THROUGH  
6 TECHNOLOGY GRANTS

7 **“SEC. 5441. PURPOSES.**

8 “The purposes of this subpart are to—

9 “(1) improve the achievement, academic  
10 growth, and college-and-career readiness of students  
11 who have developed the ability to think critically,  
12 apply knowledge to solve complex problems, work  
13 collaboratively, communicate effectively, be self-di-  
14 rected, and be responsible digital citizens;

15 “(2) ensure all students have access to individ-  
16 ualized, rigorous, and engaging digital learning expe-  
17 riences;

18 “(3) ensure that educators have the knowledge  
19 and skills to develop and implement digital learning  
20 curriculum, use technology effectively in order to  
21 personalize and strengthen instruction, and effec-  
22 tively create, deliver, and utilize assessments to  
23 measure student outcomes and support student suc-  
24 cess;

25 “(4) ensure that administrators have the lead-  
26 ership, management, knowledge, and skills to design,

1       develop, and implement a school or local educational  
2       agency-wide digital age learning environment; and  
3             “(5) improve the efficiency and productivity of  
4       education through technology.

5       **“SEC. 5442. E-RATE RESTRICTION.**

6       “Funds awarded under this subpart may be used to  
7       address the networking needs of a recipient of such funds  
8       for which the recipient is eligible to receive support under  
9       the E-rate program, except that such funds may not be  
10      duplicative of support received by the recipient under the  
11      E-rate program.

12      **“SEC. 5443. RULE OF CONSTRUCTION REGARDING PUR-**  
13                    **CHASING.**

14      “Nothing in this subpart shall be construed to permit  
15      a recipient of funds under this subpart to purchase goods  
16      or services using such funds without ensuring that the  
17      purchase is free of any conflict of interest between such  
18      recipient, or any partner of such recipient, and the person  
19      or entity receiving such funds.

20      **“SEC. 5444. DEFINITIONS.**

21      “In this subpart:

22             “(1) **DIGITAL LEARNING.**—The term ‘digital  
23      learning’ means any instructional practice that effec-  
24      tively uses technology to strengthen a student’s

1 learning experience and encompasses a wide spec-  
2 trum of tools and practices, including—

3 “(A) interactive learning resources that en-  
4 gage students in academic content;

5 “(B) access to online databases and other  
6 primary source documents;

7 “(C) the use of data to personalize learn-  
8 ing and provide targeted supplementary instruc-  
9 tion;

10 “(D) student collaboration with content ex-  
11 perts and peers;

12 “(E) online and computer-based assess-  
13 ments;

14 “(F) digital content, adaptive, and simula-  
15 tion software or courseware,

16 “(G) online courses, online instruction, or  
17 digital learning platforms;

18 “(H) mobile and wireless technologies for  
19 learning in school and at home;

20 “(I) learning environments that allow for  
21 rich collaboration and communication;

22 “(J) authentic audiences for learning in a  
23 relevant, real world experience;

24 “(K) teacher participation in virtual pro-  
25 fessional communities of practice; and

1           “(L) hybrid or blended learning, which oc-  
2           curs under direct instructor supervision at a  
3           school or other location away from home and,  
4           at least in part, through online delivery of in-  
5           struction with some element of student control  
6           over time, place, path, or pace.

7           “(2) ELIGIBLE TECHNOLOGY.—The term ‘eligi-  
8           ble technology’ means modern information, com-  
9           puter, and communication technology hardware,  
10          software, services, or tools, including computer or  
11          mobile hardware devices and other computer and  
12          communications hardware, software applications,  
13          systems and platforms, and digital and online con-  
14          tent, courseware, and online instruction and other  
15          online services and supports, including technology  
16          that is interoperable and is in accordance with prin-  
17          ciples of universal design for learning, as described  
18          in section 5429(b)(21).

19          “(3) STUDENTS WITH DISABILITIES.—The term  
20          ‘students with disabilities’ means students with dis-  
21          abilities as defined under the Individuals with Dis-  
22          abilities Education Act and section 504 of the Reha-  
23          bilitation Act of 1973.

24          “(4) STUDENT TECHNOLOGY LITERACY.—The  
25          term ‘student technology literacy’ means student

1 knowledge and skills in using contemporary informa-  
2 tion, communication, and learning technologies in a  
3 manner necessary for successful employment, life-  
4 long learning, and citizenship in the knowledge-  
5 based, digital, and global 21st century, including, at  
6 a minimum, the ability to—

7 “(A) effectively communicate and collabo-  
8 rate;

9 “(B) analyze and solve problems;

10 “(C) access, evaluate, manage, and create  
11 information and otherwise gain information lit-  
12 eracy;

13 “(D) demonstrate creative thinking, con-  
14 struct knowledge, and develop innovative prod-  
15 ucts and processes; and

16 “(E) carry out the activities described in  
17 subparagraphs (A) through (D) in a safe and  
18 ethical manner.

19 “(5) TECHNOLOGY READINESS SURVEY.—The  
20 term ‘technology readiness survey’ means a survey  
21 completed by a local educational agency that pro-  
22 vides standardized information comparable to the in-  
23 formation collected through the technology readiness  
24 survey administered under the Race to the Top As-  
25 sessment program under section 14006 of division A

1 of the American Recovery and Reinvestment Act of  
2 2009 (Public Law 111–5) on the quantity and types  
3 of technology infrastructure and access available to  
4 the students served by the local educational agency,  
5 including computer devices, Internet connectivity,  
6 operating systems, related network infrastructure,  
7 data systems, and—

8 “(A) requiring—

9 “(i) an internal review of the degree  
10 to which instruction, additional student  
11 support, and professional development is  
12 delivered in digital formats, media, and  
13 platforms and is available to students and  
14 educators at any time;

15 “(ii) an internal review of the ability  
16 of educators to use assessments and other  
17 student data to personalize and strengthen  
18 instruction and identify professional devel-  
19 opment needs and priorities; and

20 “(iii) any other information required  
21 by the State educational agency serving  
22 the local educational agency; and

23 “(B) may include an assessment of local  
24 community needs to ensure students have ade-



1           quate on-line access and access to devices for  
2           school-related work during out-of-school time.

3 **“SEC. 5445. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

4           “(a) IN GENERAL.—From the amounts appropriated  
5 under section 5451, the Secretary shall award State  
6 Grants for Technology Readiness and Access (in this title  
7 referred to as ‘grants’) to State educational agencies to  
8 strengthen State and local technological infrastructure  
9 and professional development that supports digital learn-  
10 ing through State activities under section 5447(c) and  
11 local activities under section 5448(c).

12           “(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

13           “(1) RESERVATIONS.—From the amounts ap-  
14 propriated under section 5451 for any fiscal year,  
15 the Secretary shall reserve—

16           “(A) three-fourths of 1 percent for the  
17 Secretary of Interior to provide assistance  
18 under this title for schools operated or funded  
19 by the Bureau of Indian Education; and

20           “(B) 1 percent to provide assistance under  
21 this title to the outlying areas.

22           “(2) GRANTS.—From the amounts appro-  
23 priated under section 106 for any fiscal year and re-  
24 maining after the Secretary makes reservations  
25 under paragraph (1), the Secretary shall make a

1 grant for the fiscal year to each State educational  
2 agency with an approved application under section  
3 5446 in an amount that bears the same relationship  
4 to such remainder as the amount the State edu-  
5 cational agency received under part A of title I for  
6 such year bears to the amount all State educational  
7 agencies with an approved application under section  
8 102 received under such part (20 U.S.C. 6311 et  
9 seq.) for such year.

10 “(c) MINIMUM.—The amount of a grant to a State  
11 educational agency under subsection (b)(2) for a fiscal  
12 year may not be less than one-half of 1 percent of the  
13 total amount made available for grants to all State edu-  
14 cational agencies under such subsection for such year.

15 “(d) REALLOTMENT OF UNUSED FUNDS.—If any  
16 State educational agency does not apply for a grant under  
17 subsection (b)(2) for a fiscal year, or does not use its en-  
18 tire grant under subsection (b)(2) for such year, the Sec-  
19 retary shall reallot the amount of the State educational  
20 agency’s grant, or the unused portion of the grant, to the  
21 remaining State educational agencies that use their entire  
22 grant amounts under subsection (b)(2) for such year.

23 “(e) MATCHING FUNDS.—

24 “(1) IN GENERAL.—A State educational agency  
25 that receives a grant under subsection (b)(2) shall

1 provide matching funds, from non-Federal sources,  
2 in an amount equal to 20 percent of the amount of  
3 grant funds provided to the State educational agency  
4 to carry out the activities supported by the grant.  
5 Such matching funds may be provided in cash or in-  
6 kind, except that any such in-kind contributions  
7 shall be provided for the purpose of supporting the  
8 State educational agency's activities under section  
9 104(c).

10 “(2) WAIVER.—The Secretary may waive the  
11 matching requirement under paragraph (1) for a  
12 State educational agency that demonstrates that  
13 such requirement imposes an undue financial hard-  
14 ship on the State educational agency.

15 **“SEC. 5446. STATE APPLICATIONS.**

16 “(a) APPLICATION.—To receive a grant under section  
17 5445(b)(2), a State educational agency shall submit to the  
18 Secretary an application at such time and in such manner  
19 as the Secretary may require and containing the informa-  
20 tion described in subsection (b).

21 “(b) CONTENTS.—Each application submitted under  
22 subsection (a) shall include the following:

23 “(1) A description of the State Educational  
24 Agency's long-term goals and strategies for improv-  
25 ing student academic achievement, including through

1 student technology literacy, through the effective use  
2 of technology.

3 “(2) A description of how the State educational  
4 agency will meet the following goals:

5 “(A) Use technology to ensure all students  
6 achieve college-and-career readiness and tech-  
7 nology literacy, including by providing high-  
8 quality education opportunities to economically  
9 or geographically isolated student populations.

10 “(B) Provide educators with the tools, de-  
11 vices, content, and resources to—

12 “(i) significantly improve teaching  
13 and learning, including support to increase  
14 personalization for and engagement of stu-  
15 dents in pursuit of college-and-career read-  
16 iness and technology literacy; and

17 “(ii) develop and use assessments to  
18 improve instruction, including instruction  
19 consistent with the principles of universal  
20 design for learning, as described in section  
21 5429(b)(21), and instruction for students  
22 with disabilities and English-language  
23 learners.

24 “(C) Ensure administrators and school  
25 leaders have the flexibility and capacity to de-

1           velop and manage systems to carry out activi-  
2           ties described in subparagraphs (A) and (B),  
3           and support administrators and school leaders  
4           in utilizing technology to promote equity and  
5           increase efficiency and productivity.

6           “(D) Enable local educational agencies to  
7           build the technological capacity and infrastruc-  
8           ture (including through local purchasing of eli-  
9           gible technology), necessary for the full imple-  
10          mentation of on-line assessments for all stu-  
11          dents, (including students with disabilities and  
12          English-language learners) and to—

13                 “(i) ensure the interoperability of data  
14                 systems and eligible technology; and

15                 “(ii) carry out subparagraphs (A)  
16                 through (C).

17          “(3) A description of the results of the tech-  
18          nology readiness in the State as determined by local  
19          educational agency responses to the technology read-  
20          iness survey, including—

21                 “(A) the status of the ability of each local  
22                 educational agency served by the State edu-  
23                 cational agency to meet the goals described in  
24                 section 104(b)(1);

1           “(B) an assurance that not less 90 percent  
2           of the local educational agencies served by the  
3           State educational agency have completed and  
4           submitted the technology readiness survey to  
5           the State educational agency; and

6           “(C) an assurance that the results of the  
7           technology readiness survey for each such local  
8           educational agency are made available to the  
9           Secretary and the public through the Website of  
10          the local educational agency.

11          “(4) A description of the plan for the State  
12          educational agency to support each local educational  
13          agency served by the State educational agency in  
14          meeting the goals described in section 104(b)(1) not  
15          later than 3 years after the local educational agency  
16          completes the technology readiness survey by ad-  
17          dressing the readiness gaps identified in such sur-  
18          vey.

19          “(5) A description of the State’s process for the  
20          adoption, acquisition, distribution, and use of con-  
21          tent, how the State will ensure integrity of such  
22          processes, and how such processes support the goals  
23          under paragraph (1) or how a State will change  
24          such processes to support such goals, and how the  
25          State will ensure content quality.

1           “(6) A description of how the State educational  
2           agency will ensure its data systems and eligible tech-  
3           nology are interoperable.

4           “(7) An assurance that the State educational  
5           agency will consider making content widely available  
6           through open educational resources when making  
7           purchasing decisions with funds received under this  
8           title.

9           “(8) A description of the State’s student tech-  
10          nology literacy standards and the technology stand-  
11          ards for teachers and administrators, and an assur-  
12          ance that the State’s student technology literacy  
13          standards meet the requirements of section 7(8).

14          “(9) An assurance that subgrant awards under  
15          section 104 will be carried out by the local edu-  
16          cational agency staff with responsibility for leader-  
17          ship, coordination, and implementation of instruc-  
18          tional and other classroom technologies.

19          “(10) A description of how the State edu-  
20          cational agency will award subgrants to local edu-  
21          cational agencies under section 104.

22          “(11) A description of the process, activities,  
23          performance measures, and outcomes in learning,  
24          assessment, teaching, infrastructure, and commu-  
25          nication that the State educational agency will use

1 to evaluate the impact and effectiveness of the grant  
2 and subgrants funds awarded under this subpart  
3 across the State and in each local educational agen-  
4 cy.

5 “(12) A description of how the State edu-  
6 cational agency will, in providing technical and other  
7 assistance to local educational agencies, give priority  
8 to the local educational agencies proposing to target  
9 services to—

10 “(A) students in schools in need of support  
11 and high-priority schools; and

12 “(B) schools with a high percentage of stu-  
13 dents that are eligible for free or reduced price  
14 lunch under the Richard B. Russell National  
15 School Lunch Act (42 U.S.C. 1751 et seq.).

16 “(13) A description of how the State edu-  
17 cational agency consulted with local educational  
18 agencies in the development of the State educational  
19 agency’s application under this subsection.

20 “(14) An assurance that the State educational  
21 agency will provide matching funds as required  
22 under section 101(e).

23 “(15) A description of how the State edu-  
24 cational agency will ensure that funds received under



1       this title is not duplicative of support received under  
2       the E-rate program.

3           “(16) An assurance that the State educational  
4       agency, in making awards under section 5448, to  
5       improve equity of technology resources, will expend  
6       funds first to local educational agencies that—

7           “(A) serve students in schools identified as  
8       persistently low achieving or in need of support  
9       to remedy resource inequities identified in  
10      school improvement plans as described in sec-  
11      tion 1116; or

12          “(B) serve schools with a high percentage  
13      of students that are eligible for free or reduced  
14      price lunch under the Richard B. Russell Na-  
15      tional School Lunch Act (42 U.S.C. 1751 et  
16      seq.).

17          “(17) An assurance that the State educational  
18      agency will protect the privacy and safety of stu-  
19      dents and teachers, consistent with requirements of  
20      section 444 of the General Education Provisions Act  
21      (20 U.S.C. 1232g) (commonly known as the ‘Family  
22      Educational Rights and Privacy Act of 1974’) and  
23      section 2441(a).

1 **“SEC. 5447. STATE USE OF GRANT FUNDS.**

2       “(a) RESERVATION FOR SUBGRANTS TO SUPPORT  
3 TECHNOLOGY INFRASTRUCTURE.—Each State edu-  
4 cational agency that receives a grant under section  
5 101(b)(2) shall expend not less 90 percent of the grant  
6 amount for each fiscal year to award subgrants to local  
7 educational agencies in accordance with section 5448.

8       “(b) RESERVATION FOR STATE ACTIVITIES.—

9               “(1) IN GENERAL.—A State educational agency  
10 shall reserve not more than 10 percent of the grant  
11 received under section 101(b)(2) for the State activi-  
12 ties described in subsection (c).

13               “(2) GRANT ADMINISTRATION.—Of the amount  
14 reserved by a State educational agency under para-  
15 graph (1), the State educational agency may reserve  
16 not more than 1 percent or 3 percent, in the case  
17 of a State educational agency awarding subgrants  
18 under section 104(a)(2), for the administration of  
19 the grant under this title, except that a State edu-  
20 cational agency that forms a State purchasing con-  
21 sortium under subsection (d)—

22                       “(A) may reserve an additional 1 percent  
23 to carry out the activities described in sub-  
24 section (d)(1); and

25                       “(B) shall receive direct approval from the  
26 local educational agencies receiving subgrants

1 under section 104(a) from the State educational  
2 agency prior to reserving more than the addi-  
3 tional percentage authorized under subpara-  
4 graph (A) to carry out the activities described  
5 in subsection (d)(1).

6 “(c) PRIORITY.—In awarding subgrants under this  
7 subpart, the State educational agency shall give priority  
8 to local educational agencies proposing to target services  
9 to—

10 “(1) students in schools in need of support or  
11 high-priority schools; and

12 “(2) schools with a high percentage or number  
13 of students that are eligible for free or reduced price  
14 lunch under the Richard B. Russell National School  
15 Lunch Act (42 U.S.C. 1751 et seq.).

16 “(c) STATE ACTIVITIES.—A State educational agency  
17 shall use funds described in subsection (b) to carry out  
18 each of the following:

19 “(1) Except for the awarding of subgrants in  
20 accordance with section 104, activities described in  
21 the State educational agency’s application under sec-  
22 tion 102(b).

23 “(2) Providing technical assistance to local edu-  
24 cational agencies to—

1           “(A) identify and address technology readi-  
2           ness needs;

3           “(B) redesign curriculum and instruction,  
4           improve educational productivity, and deliver  
5           computer-based and online assessment;

6           “(C) use technology, consistent with the  
7           principles of universal design for learning, as  
8           described in section 5429(b)(21), to support the  
9           learning needs of all students including stu-  
10          dents with disabilities and English-language  
11          learners;

12          “(D) support principals to have the exper-  
13          tise to evaluate teachers’ proficiency in imple-  
14          menting digital tools for teaching and learning;  
15          and

16          “(E) build capacity of individual school  
17          and local educational agency leaders.

18          “(3) Developing or utilizing research-based or  
19          innovative strategies for the delivery of specialized or  
20          rigorous academic courses and curricula through the  
21          use of technology, including digital learning tech-  
22          nologies and assistive technology.

23          “(4) Integrating and coordinating activities  
24          under this title with other educational resources and  
25          programs across the State.

1           “(5) Disseminating information, including mak-  
2           ing publicly available on the Websites of the State  
3           educational agency promising practices to improve  
4           technology instruction, and acquiring and imple-  
5           menting technology tools and applications.

6           “(6) Ensuring that teachers, paraprofessionals,  
7           library and media personnel, specialized instructional  
8           support personnel, and administrators possess the  
9           knowledge and skills to use technology—

10           “(A) for curriculum redesign to change  
11           teaching and learning and improve student  
12           achievement;

13           “(B) for formative and summative assess-  
14           ment administration, data analysis, and to per-  
15           sonalize learning;

16           “(C) to improve student technology lit-  
17           eracy;

18           “(D) to expand the range of supports and  
19           accommodations available to English-language  
20           learners and students with disabilities; and

21           “(E) for their own ongoing professional de-  
22           velopment and for access to teaching resources  
23           and tools.

24           “(7) Coordinating with teacher and school lead-  
25           er preparation programs to—

1           “(A) align digital learning teaching stand-  
2           ards; and

3           “(B) provide ongoing professional develop-  
4           ment for teachers and school leaders that is  
5           aligned to State student technology standards  
6           and activities promoting college-and-career  
7           readiness.

8           “(d) PURCHASING CONSORTIA.—

9           “(1) IN GENERAL.—A State educational agency  
10          receiving a grant under section 101(b)(2) may—

11          “(A) form a State purchasing consortium  
12          with 1 or more State educational agencies re-  
13          ceiving such a grant to carry out the State ac-  
14          tivities described in clause, including purchasing  
15          eligible technology;

16          “(B) encourage local educational agencies  
17          to form local purchasing consortia under section  
18          104(c)(4); and

19          “(C) promote pricing opportunities to local  
20          educational agencies for the purchase of eligible  
21          technology that are—

22          “(i) negotiated by the State edu-  
23          cational agency or the State purchasing  
24          consortium of the State educational agen-  
25          cy; and

1                   “(ii) available to such local edu-  
2                   cational agencies.

3                   “(2) RESTRICTIONS.—A State educational  
4                   agency receiving a grant under section 101(b)(2)  
5                   may not—

6                   “(A) except for promoting the pricing op-  
7                   portunities described in paragraph (1)(C), make  
8                   recommendations to local educational agencies  
9                   for or require use of any specific commercial  
10                  products and services by local educational agen-  
11                  cies;

12                  “(B) require local educational agencies to  
13                  participate in a State purchasing consortia or  
14                  local purchasing consortia; or

15                  “(C) use more than the reservation  
16                  amount authorized for the administration of the  
17                  grant under subsection (b) to carry out the ac-  
18                  tivities described in paragraph (1), unless the  
19                  State educational agency receives approval in  
20                  accordance with subsection (b)(2)(B).

21                  **“SEC. 5448. LOCAL SUBGRANTS.**

22                  “(a) SUBGRANTS.—

23                  “(1) GRANTS TO LOCAL EDUCATIONAL AGEN-  
24                  CIES.—From the grant funds provided under section  
25                  101(b)(2) to a State educational agency that are re-

1       maining after the State educational agency makes  
2       reservations under section 104(b) for any fiscal year  
3       and subject to paragraph (2), the State educational  
4       agency shall award subgrants for the fiscal year to  
5       local educational agencies served by the State edu-  
6       cational agency and with an approved application  
7       under subsection (b) by allotting to each such local  
8       educational agency an amount that bears the same  
9       relationship to the remainder as the amount received  
10      by the local educational agency under part A of title  
11      I for such year bears to the amount received by all  
12      such local educational agencies under such part for  
13      such year, except that no local educational agency  
14      may receive less than \$5,000.

15           “(2) COMPETITIVE GRANTS TO LOCAL EDU-  
16      CATIONAL AGENCIES.—If the amount of funds ap-  
17      propriated under section 5459 is less than  
18      \$750,000,000 for any fiscal year, a State edu-  
19      cational agency—

20           “(A) shall not award subgrants under  
21      paragraph (1); and

22           “(B) shall—

23           “(i) award subgrants, on a competi-  
24      tive basis, to local educational agencies



1 based on the quality of applications sub-  
2 mitted under (b), including—

3 “(I) the level of technology readi-  
4 ness as determined by the technology  
5 readiness surveys completed by local  
6 educational agencies submitting such  
7 applications; and

8 “(II) the technology plans de-  
9 scribed in subsection (b)(3) and how  
10 the local educational agencies with  
11 such plans will carry out the align-  
12 ment and coordination described in  
13 such subsection; and

14 “(ii) ensure that such subgrants are  
15 of sufficient size and scope to carry out the  
16 local activities described in subsection (c).

17 “(3) DEFINITION OF LOCAL EDUCATIONAL  
18 AGENCY FOR CERTAIN FISCAL YEARS.—For pur-  
19 poses of awarding subgrants under paragraph (2),  
20 the term ‘local educational agency’ means—

21 “(A) a local educational agency;

22 “(B) an educational service agency; or

23 “(C) a local educational agency and an  
24 educational service agency.

1           “(b) APPLICATION.—A local educational agency that  
2 desires to receive a subgrant under subsection (a) shall  
3 submit an application to the State at such time, in such  
4 manner, and accompanied by such information as the  
5 State educational agency may require, including—

6           “(1) a description of how the local educational  
7 agency will—

8           “(A) carry out the goals described in sub-  
9 paragraphs (A) through (C) of section  
10 101(b)(1); and

11           “(B) enable schools served by the agency  
12 to build the technological capacity and infra-  
13 structure (including through local purchasing of  
14 eligible technology), necessary for the full imple-  
15 mentation of on-line assessments for all stu-  
16 dents (including students with disabilities and  
17 English-language learners) and to—

18           “(i) ensure the interoperability of data  
19 systems and eligible technology; and

20           “(ii) carry out the goals described in  
21 subparagraphs (A) through (C) of section  
22 101(b)(1); and

23           “(C) align activities funded under this sub-  
24 part with school improvement plans, when ap-  
25 plicable, described under section 1116(b)(3);

1           “(2) a description of the results of the tech-  
2           nology readiness survey completed by the local edu-  
3           cational agency and a description of the plan for the  
4           local educational agency to meet the goals described  
5           in paragraph (1) within 3 years of completing the  
6           survey;

7           “(3) a description of the local educational agen-  
8           cy’s technology plan to carry out paragraphs (1) and  
9           (3) and how the agency will align and coordinate the  
10          activities under this section with other activities  
11          across the local educational agency;

12          “(4) a description of the team of educators that  
13          will coordinate and carry out the activities under  
14          this section, including individuals with responsibility  
15          and expertise in instructional technology, teachers  
16          that specialize in supporting students with disabil-  
17          ities and English-language learners, school leaders,  
18          technology officers, and staff responsible for assess-  
19          ments and data analysis;

20          “(5) a description of how the local educational  
21          agency will evaluate teachers’ proficiency and  
22          progress in implementing technology for teaching  
23          and learning;

24          “(6) a description of how the local educational  
25          agency will ensure that principals have the expertise

1 to evaluate teachers' proficiency and progress in im-  
2 plementing technology for teaching and learning and  
3 the interoperability of data systems and eligible tech-  
4 nology;

5 “(7) a description of the local educational agen-  
6 cy's procurement process and process for the cre-  
7 ation, acquisition, distribution, and use of content,  
8 how the local educational agency will ensure integ-  
9 rity of such processes, and how such processes sup-  
10 port the goals described in paragraph (1) or how a  
11 local educational agency will change such processes  
12 to support such goals, and how the local educational  
13 agency will ensure content quality;

14 “(8) a description of how the local educational  
15 agency will carry out activities under subsection (c);

16 “(9) a description of how the subgrant funds  
17 received under subsection (a) will be coordinated  
18 with and supported by other Federal, State, and  
19 local funds to support activities under this title;

20 “(10) a description of how the local educational  
21 agency will ensure that the subgrant received under  
22 subsection (a) is not duplicative of support received  
23 under the E-rate program; and

24 “(11) an assurance that the local educational  
25 agency will protect the privacy and safety of stu-

1       dents and teachers, consistent with requirements  
2       section 444 of the General Education Provisions Act  
3       (20 U.S.C. 1232g) (commonly known as the ‘Family  
4       Educational Rights and Privacy Act of 1974’) and  
5       section 2441(a).

6       “(c) USE OF FUNDS.—

7               “(1) TECHNOLOGY INFRASTRUCTURE.—Subject  
8       to paragraph (3), a local educational agency receiv-  
9       ing a subgrant under subsection (a) shall use not  
10      less than 35 percent of such funds to support activi-  
11      ties for the acquisition of eligible technology needed  
12      to—

13               “(A) except for the activities described in  
14      paragraph (2), carry out activities described in  
15      the application submitted under subsection (b),  
16      including purchasing devices, equipment, and  
17      software applications, and improving  
18      connectivity to and within schools; and

19               “(B) address readiness shortfalls identified  
20      under the technology readiness survey com-  
21      pleted by the local educational agency.

22               “(2) PROFESSIONAL DEVELOPMENT FOR DIG-  
23      ITAL LEARNING.—Subject to paragraph (3), a local  
24      educational agency receiving a subgrant under sub-  
25      section (a)—

1           “(A) shall use not less than 40 percent of  
2           such funds to carry out—

3                   “(i) digital age professional develop-  
4                   ment opportunities for teachers, para-  
5                   professionals, library and media personnel,  
6                   specialized instructional support personnel,  
7                   technology coordinators, and administra-  
8                   tors in the effective use of modern infor-  
9                   mation and communication technology  
10                  tools and digital resources to deliver in-  
11                  struction, curriculum and school classroom  
12                  management, including for classroom  
13                  teachers to assess, support, and provide  
14                  engaging student learning opportunities,  
15                  including professional development that—

16                           “(I) is ongoing, sustainable, and  
17                           scalable;

18                           “(II) is participatory;

19                           “(III) includes communication  
20                           and regular interactions with instruc-  
21                           tors, facilitators, and peers and is di-  
22                           rectly related to up-to-date teaching  
23                           methods in content areas;

1                   “(IV) includes strategies and  
2                   tools for improving communication  
3                   with parents and family engagement;

4                   “(V) may be built around active  
5                   professional learning communities or  
6                   online communities of practice or  
7                   other tools that increase collaboration  
8                   among teachers across schools, local  
9                   educational agencies, or States; and

10                  “(VI) may contain on-demand  
11                  components, such as instructional vid-  
12                  eos, training documents, or learning  
13                  modules;

14                  “(ii) ongoing professional development  
15                  in strategies, pedagogy, and assessment in  
16                  the core academic subjects that involve the  
17                  use of technology and curriculum redesign  
18                  as key components of supporting effective,  
19                  innovative teaching and learning, and im-  
20                  proving student achievement;

21                  “(iii) ongoing professional develop-  
22                  ment in the use of educational technologies  
23                  to ensure every educator achieves and  
24                  maintains technology literacy, including

1                   possessing and maintaining the knowledge  
2                   and skills to use technology—

3                   “**(I)** across the curriculum for  
4                   student learning;

5                   “**(II)** for real-time data analysis  
6                   and online or digital assessment to en-  
7                   able individualized instruction; and

8                   “**(III)** to develop and maintain  
9                   student technology literacy;

10                  “**(iv)** ongoing professional develop-  
11                  ment for school leaders to provide and pro-  
12                  mote leadership in the use of—

13                  “**(I)** educational technology to en-  
14                  sure a digital-age learning environ-  
15                  ment, including the capacity to lead  
16                  the reform or redesign of curriculum,  
17                  instruction, assessment; and

18                  “**(II)** data through the use of  
19                  technology in order to increase stu-  
20                  dent learning opportunity, student  
21                  technology literacy, student access to  
22                  technology, and student engagement  
23                  in learning; and



1                   “(v) a review of the effectiveness of  
2                   the professional development and regular  
3                   intervals of learner feedback and data; and

4                   “(B) may use such funds for—

5                   “(i) the use of technology coaches to  
6                   work directly with teachers, including  
7                   through the preparation of teachers as  
8                   technology leaders or master teachers—

9                   “(I) who are provided with the  
10                  means to serve as experts and to cre-  
11                  ate professional development opportu-  
12                  nities for other teachers in the effec-  
13                  tive use of technology; and

14                  “(II) who may leverage tech-  
15                  nologies, such as distance learning  
16                  and online virtual educator-to-educator  
17                  peer communities, as a means to  
18                  support ongoing, participatory profes-  
19                  sional growth around the integration  
20                  of effective educational technologies;

21                  “(ii) innovative approaches to ongoing  
22                  professional development such as non-  
23                  standard achievement recognition strate-  
24                  gies, including digital badging,  
25                  gamification elements, use of learner-cre-

1           ated learning objects, integration of social  
2           and professional networking tools, rating  
3           and commenting on learning artifacts, and  
4           personalization of professional develop-  
5           ment; and

6                   “(iii) any other activities required to  
7           carry out the local educational agency’s  
8           technology plan described in subsection  
9           (b)(4).

10           “(3) MODIFICATION OF FUNDING ALLOCA-  
11           TIONS.—A State educational agency may authorize a  
12           local educational agency to modify the percentage of  
13           the local educational agency’s subgrant funds re-  
14           quired to carry out the activities described in para-  
15           graphs (1) or (2) if the local educational agency  
16           demonstrates that such modification will assist the  
17           local educational agency in more effectively carrying  
18           out such activities.

19           “(4) PURCHASING CONSORTIA.—Local edu-  
20           cational agencies receiving subgrants under sub-  
21           section (a) may—

22                   “(A) form a local purchasing consortia  
23           with other such local educational agencies to  
24           carry out the activities described in this sub-

1 section, including purchasing eligible tech-  
2 nology; and

3 “(B) use such funds for purchasing eligible  
4 technology through a State purchasing con-  
5 sortia under section 103(d).

6 **“SEC. 5449. REPORTING.**

7 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local  
8 educational agency receiving a subgrant under section 104  
9 shall submit to the State educational agency that awarded  
10 such subgrant an annual report the meets the require-  
11 ments of subsection (c).

12 “(b) STATE EDUCATIONAL AGENCIES.—Each State  
13 educational agency receiving a grant under section  
14 101(b)(2) shall submit to the Secretary an annual report  
15 that meets the requirements of subsection (c).

16 “(c) REPORT REQUIREMENTS.—A report submitted  
17 under subsection (a) or (b) shall include, at a minimum,  
18 a description of—

19 “(1) the status of the State education agency’s  
20 plan described in section 102(b)(3) or local edu-  
21 cational agency’s technology plan under section  
22 104(b)(4), as applicable;

23 “(2) the categories of eligible technology ac-  
24 quired and types of programs funded under this title  
25 and how such technology is being used;

1           “(3) the professional development activities  
2 funded under this title, including types of activities  
3 and entities involved in providing such professional  
4 development; and

5           “(4) information on the impact of the grant on  
6 students and student outcomes, such as—

7               “(A) the number of and demographic in-  
8 formation about students who are served under  
9 this subpart;

10              “(B) student achievement, student growth,  
11 and graduation rates of such students;

12              “(C) college-and-career readiness data  
13 about such students, such as rates of credit ac-  
14 cumulation, course taking and completion, and  
15 college enrollment and persistence;

16              “(D) student attendance and participation  
17 rates;

18              “(E) student engagement and discipline;

19              “(F) school climate and teacher working  
20 conditions;

21              “(G) increases in inclusion of students  
22 with disabilities and English-language learners;  
23 and

24              “(H) such other information the Secretary  
25 may require or other information State edu-

1           cational agencies or local educational agencies  
2           served under this subpart propose to include, as  
3           approved by the Secretary.

4   **“SEC. 5450. INVESTING IN INNOVATION.**

5           “From the amounts appropriated under section  
6 5459, the Secretary may reserve up to 30 percent to—

7           “(1) fund the identification, development, eval-  
8           uation, and expansion of innovative, evidence-based  
9           practices, programs, and strategies in order to sig-  
10          nificantly—

11                  “(A) increase student academic achieve-  
12                  ment and decrease achievement gaps;

13                  “(B) increase secondary school graduation  
14                  rates;

15                  “(C) increase college enrollment rates,  
16                  rates of college persistence, and rates of attain-  
17                  ment of other post-secondary credentials;

18                  “(D) improve teacher and principal effec-  
19                  tiveness or retention of highly effective teachers  
20                  or principals; and

21                  “(E) increase the identification and dis-  
22                  semination of innovative educational strategies  
23                  in rural areas; and

24                  “(2) support the rapid development, expansion,  
25          and adoption of tools and resources that improve the

1 efficiency, effectiveness, or pace of adoption of such  
2 educational practices, programs, and strategies.

3 **“SEC. 5451. ESTABLISHMENT OF THE ADVANCED RE-  
4 SEARCH PROJECT AGENCY-EDUCATION.**

5 “(a) PROGRAM ESTABLISHED.—From the amounts  
6 appropriated under section 5459, the Secretary may re-  
7 serve up to 5 percent to—

8 “(1) establish and carry out the Advanced Re-  
9 search Projects Agency-Education (in this section  
10 referred to as ‘ARPA-ED’) to—

11 “(A) identify and promote advances in  
12 learning, fundamental and applied sciences, and  
13 engineering that may be translated into new  
14 learning technologies;

15 “(B) develop, test, and evaluate new learn-  
16 ing technologies and related processes; and

17 “(C) accelerate transformational techno-  
18 logical advances in education;

19 “(2) convene an advisory panel under sub-  
20 section (d); and

21 “(3) carry out the evaluation and dissemination  
22 requirements under subsection (e).

23 “(b) APPOINTMENTS.—

1           “(1) DIRECTOR.—ARPA–ED shall be under  
2           the direction of the Director of ARPA–ED, who  
3           shall be appointed by the Secretary.

4           “(2) QUALIFIED INDIVIDUALS.—The Secretary  
5           shall appoint, for a term of not more than 4 years,  
6           qualified individuals who represent scientific, engi-  
7           neering, professional, and other personnel with ex-  
8           pertise in carrying out the activities described in this  
9           section to positions in ARPA–ED, at rates of com-  
10          pensation determined by the Secretary, without re-  
11          gard to the provisions of title 5, United States Code,  
12          except that such rates of compensation shall not to  
13          exceed the rate for level I of the Executive Schedule  
14          under section 5312 of such title.

15          “(c) FUNCTIONS OF ARPA–ED.—Upon consultation  
16          with the advisory panel convened under subsection (d), the  
17          Secretary shall select public and private entities to carry  
18          out the activities described in subsection (a)(1) by—

19                 “(1) awarding such entities grants, contracts,  
20                 cooperative agreements, or cash prizes; or

21                 “(2) entering into such other transactions with  
22                 such entities as the Secretary may prescribe in regu-  
23                 lations.

24          “(d) ADVISORY PANEL.—

1           “(1) IN GENERAL.—The Secretary shall con-  
2           vene an advisory panel to advise and consult with  
3           the Secretary, Director, and the qualified individuals  
4           appointed under subsection (b)(2) on—

5                   “(A) ensuring that the awards made and  
6                   transaction entered into under subsection (c)  
7                   are consistent with the purposes described in  
8                   subsection (a)(1); and

9                   “(B) ensuring the relevance, accessibility,  
10                  and utility of such awards and transactions to  
11                  education practitioners.

12           “(2) APPOINTMENT OF MEMBERS.—The Sec-  
13           retary shall appoint the following qualified individ-  
14           uals to serve on the advisory panel:

15                   “(A) Education practitioners.

16                   “(B) Experts in technology.

17                   “(C) Specialists in rapid gains in student  
18                  achievement and school turnaround.

19                   “(D) Specialists in personalized learning.

20                   “(E) Researchers, including at least one  
21                  representative from a comprehensive center es-  
22                  tablished under 203 of the Educational Tech-  
23                  nical Assistance Act of 2002 (20 U.S.C. 9602)  
24                  or the regional laboratories system established



1 under section 174 of the Education Sciences  
2 Reform Act (20 U.S.C. 9564).

3 “(F) Other individuals with expertise who  
4 will contribute to the overall rigor and quality  
5 of ARPA–ED.

6 “(3) APPLICABILITY OF FACA.—The Federal  
7 Advisory Committee Act (5 U.S.C. App.) shall not  
8 apply to the panel convened under this subsection  
9 and any appointee to such panel shall not be consid-  
10 ered an ‘employee’ under section 2105 of title 5,  
11 United States Code.

12 “(e) EVALUATION AND DISSEMINATION.—

13 “(1) EVALUATION.—The Secretary shall obtain  
14 independent, periodic, and rigorous evaluation of—

15 “(A) the effectiveness of the processes  
16 ARPA–Ed is using to achieve the purposes de-  
17 scribed in subsection (a)(1);

18 “(B) the relevance, accessibility, and utility  
19 of the awards made and transactions entered  
20 into under subsection (c) to education practi-  
21 tioners; and

22 “(C) the effectiveness of the projects car-  
23 ried out through such awards and transactions,  
24 using evidence standards developed in consulta-  
25 tion with the Institute of Education Sciences,

1           and the suitability of such projects for further  
2           investment or increased scale.

3           “(2) DISSEMINATION AND USE.—The Secretary  
4           shall disseminate information to education practi-  
5           tioners, including teachers, principals, and local and  
6           State superintendents, on effective practices and  
7           technologies developed under ARPA–ED, as appro-  
8           priate, through—

9                   “(A) the comprehensive centers established  
10                  under 203 of the Educational Technical Assist-  
11                  ance Act of 2002 (20 U.S.C. 9602);

12                  “(B) the regional laboratories system es-  
13                  tablished under section 174 of the Education  
14                  Sciences Reform Act (20 U.S.C. 9564); and

15                  “(C) such other means as the Secretary  
16                  determines to be appropriate.

17           “(f) ADMINISTRATIVE REQUIREMENTS.—Notwith-  
18           standing section 437(d) of the General Education Provi-  
19           sions Act (20 U.S.C. 1232(d)), the Secretary shall estab-  
20           lish such processes as may be necessary for the Secretary  
21           to manage and administer ARPA–ED, which are not con-  
22           strained by other Department of Education-wide adminis-  
23           trative requirements that may prevent ARPA–ED from  
24           carrying out the purposes described in subsection (a)(1).

1 **“SEC. 5452. NATIONAL ACTIVITIES.**

2 “(a) IN GENERAL.—Subject to subsection (b), the  
3 Secretary shall reserve not more than 10 percent of the  
4 funds reserved under this section for each fiscal year to  
5 carry out activities of national significance, which may in-  
6 clude—

7 “(1) technical assistance, including to appli-  
8 cants from rural areas;

9 “(2) pre-application workshops or web-based  
10 seminars for potential applicants, including appli-  
11 cants from rural areas;

12 “(3) the recruitment of peer reviewers, includ-  
13 ing individuals with a background in rural education  
14 and individuals with expertise in education tech-  
15 nology, to participate in the review of applications  
16 submitted under section 5354;

17 “(4) dissemination of best practices, in con-  
18 sultation with the regional educational laboratories  
19 established under part D of the Education Sciences  
20 Reform Act of 2002 (20 U.S.C. 9561 et seq.) and  
21 comprehensive centers established under section 203  
22 of the Educational Technical Assistance Act of 2002  
23 (20 U.S.C. 9602), developed with grant funds pro-  
24 vided under this part, including best practices devel-  
25 oped with grant funds in rural areas;

1           “(5) entering into partnerships with other agen-  
2           cies, nonprofits, and the private sector to carry out  
3           advanced research and development activities, in-  
4           cluding research and activities in rural areas; and

5           “(6) carrying out prize awards, in a manner  
6           consistent with section 24 of the Stevenson-Wydler  
7           Technology Innovation Act of 1980 (15 U.S.C.  
8           3719).

9           “(b) RESERVATION OF FUNDS FOR DISSEMINA-  
10          TION.—The Secretary shall reserve not less than 50 per-  
11          cent of the funds reserved under this section to carry out  
12          the dissemination activities described in subsection (a)(4).

13          **“SEC. 5453. PROGRAM AUTHORIZED; LENGTH OF GRANTS;  
14                  PRIORITIES.**

15          “(a) PROGRAM AUTHORIZATION.—From the  
16          amounts appropriated under this section and not reserved  
17          under section 5452, the Secretary shall award grants, on  
18          a competitive basis, to eligible entities to carry out the  
19          activities described in section 5455.

20          “(b) DURATION OF GRANTS.—The Secretary shall  
21          award grants to eligible entities under this section for a  
22          period of not more than 3 years, and may extend such  
23          grants for an additional 2-year period if the eligible entity  
24          demonstrates to the Secretary that it is making significant

1 progress on the program performance measures identified  
2 in section 5456.

3 “(c) RURAL AREAS.—The Secretary shall ensure that  
4 not less than 25 percent of the funds awarded under this  
5 section for any fiscal year are for projects that meet both  
6 of the following requirements:

7 “(1) The eligible entity is—

8 “(A) a local educational agency with an  
9 urban-centric district locale code of 32, 33, 41,  
10 42, or 43, as determined by the Secretary;

11 “(B) a consortium of such local edu-  
12 cational agencies; or

13 “(C) an educational service agency or a  
14 nonprofit organization with demonstrated ex-  
15 pertise in serving students from rural areas.

16 “(2) A majority of the schools to be served by  
17 the project are designated with a school locale code  
18 of 41, 42, or 43, or a combination of such codes, as  
19 determined by the Secretary.

20 “(d) SUPPORT FOR NEW PRACTICES, STRATEGIES,  
21 OR PROGRAMS.—The Secretary shall ensure that not less  
22 than one-half of the funds awarded under this section for  
23 any fiscal year are for projects that—

24 “(1) meet an evidence standard described in  
25 paragraph (2) or (3) of subsection (f); and

1           “(2) do not meet the evidence standard de-  
2           scribed in paragraph (1) of subsection (f).

3           “(e) PRIORITIES.—In awarding grants under this  
4           section, the Secretary may give priority to an eligible enti-  
5           ty that includes, in its application under section 5354, a  
6           plan to—

7           “(1) improve early learning outcomes and aca-  
8           demic connections between early learning and ele-  
9           mentary school;

10           “(2) support college access, persistence, and  
11           success;

12           “(3) support family and community engage-  
13           ment;

14           “(4) address the unique learning needs of stu-  
15           dents with disabilities or English language learners;

16           “(5) support the effective use of education tech-  
17           nology to improve teaching and learning;

18           “(6) improve the teaching and learning of  
19           science, technology, engineering, computing, or  
20           mathematics;

21           “(7) serve schools in rural local educational  
22           agencies;

23           “(8) train teachers or principals to adopt and  
24           implement college and career ready standards;

1           “(9) develop alternative career pathways or dif-  
2           ferentiated school staffing models for effective teach-  
3           ers or principals to expand their impact on student  
4           learning;

5           “(10) train or support principals or teacher  
6           leaders, including teacher leaders preparing for prin-  
7           cipal roles;

8           “(11) support, improve, or develop any other  
9           area of school innovation, as determined by the Sec-  
10          retary; and

11          “(12) address the learning needs of Indian, Na-  
12          tive American, Alaska Native, or migrant children in  
13          school.

14          “(f) STANDARDS OF EVIDENCE.—The Secretary shall  
15          set standards for the quality of evidence that an eligible  
16          entity shall provide to demonstrate that the activities the  
17          eligible entity proposes to carry out with grant funds  
18          under this section are likely to succeed in improving stu-  
19          dent outcomes or outcomes on other performance meas-  
20          ures. These standards may include any of the following:

21                 “(1) Strong evidence that the activities pro-  
22                 posed by the eligible entity will have a statistically  
23                 significant effect on student academic achievement,  
24                 student growth, graduation rates, or outcomes on  
25                 other performance measures.

1           “(2) Moderate evidence that the activities pro-  
2           posed by the eligible entity will improve student aca-  
3           demic achievement, student growth, graduation  
4           rates, or outcomes on other performance measures.

5           “(3) Evidence of promise or a strong theory  
6           that the activities proposed by the eligible entity will  
7           improve student academic achievement, student  
8           growth, graduation rates, or outcomes on other per-  
9           formance measures.

10 **“SEC. 5454. APPLICATIONS.**

11           “(a) APPLICATIONS.—An eligible entity that desires  
12           to receive a grant under section 5453 shall submit an ap-  
13           plication to the Secretary at such time, in such manner,  
14           and containing such information as the Secretary may rea-  
15           sonably require.

16           “(b) CONTENTS.—Each application submitted by an  
17           eligible entity under subsection (a) shall—

18           “(1) describe the project for which the eligible  
19           entity is seeking a grant and how the evidence sup-  
20           porting that project meets the standards of evidence  
21           established by the Secretary under section 5453(f);

22           “(2) describe how the eligible entity will address  
23           at least one of the areas described in section  
24           5455(a)(1);



1           “(3) provide an estimate of the number of stu-  
2           dents that the eligible entity plans to serve under  
3           the proposed project, including the percentage of  
4           those students who are from low-income families,  
5           and the number of students to be served through ad-  
6           ditional expansion after the grant ends;

7           “(4) demonstrate that the eligible entity has es-  
8           tablished one or more partnerships with the private  
9           sector, which may include philanthropic organiza-  
10          tions, and that the partner or partners will provide  
11          matching funds, except that the Secretary may  
12          waive, on a case-by-case basis, the matching funds  
13          requirement under this paragraph upon a showing of  
14          exceptional circumstances, such as the difficulty of  
15          raising matching funds for a project to serve a rural  
16          area;

17          “(5) describe the eligible entity’s plan for con-  
18          tinuing the proposed project after the grant funding  
19          under section 5453 ends, including a plan for dis-  
20          semination of best practices and collaboration with  
21          other local educational agencies;

22          “(6) demonstrate that the proposed project has  
23          incorporated input and feedback from educators  
24          working in the area to be served;

1           “(7) if the eligible entity is a local educational  
2           agency—

3                   “(A) document the local educational agen-  
4                   cy’s record in—

5                           “(i) increasing student achievement,  
6                           including achievement for each subgroup  
7                           described in section 1111(b)(2)(C)(v); or

8                           “(ii) decreasing achievement gaps;  
9                           and

10                   “(B) demonstrate how the local edu-  
11                   cational agency has made significant improve-  
12                   ments in other outcomes, as applicable, on the  
13                   performance measures described in section  
14                   5456;

15           “(8) if the eligible entity is a nonprofit organi-  
16           zation—

17                   “(A) provide evidence that the nonprofit  
18                   organization has helped at least one high-need  
19                   school or high-need local educational agency  
20                   significantly—

21                           “(i) increase student achievement, in-  
22                           cluding achievement for each subgroup de-  
23                           scribed in section 1111(b)(2)(C)(v);

24                           “(ii) reduce achievement gaps; or

25                           “(iii) increase graduation rates; and

1           “(B) describe how the nonprofit organiza-  
2           tion has helped at least 1 school or local edu-  
3           cational agency make a significant improve-  
4           ment, as applicable, in other outcomes on the  
5           performance measures described in section  
6           5456;

7           “(9) if the eligible entity is an educational serv-  
8           ice agency—

9           “(A) provide evidence that the agency has  
10          helped at least one high-need school or high-  
11          need local educational agency significantly—

12                 “(i) increase student achievement, in-  
13                 cluding achievement for each subgroup de-  
14                 scribed in section 1111(b)(2)(C)(v);

15                 “(ii) reduce achievement gaps; or

16                 “(iii) increase graduation rates; and

17          “(B) describe how the agency has helped  
18          at least 1 school or local educational agency  
19          make a significant improvement, as applicable,  
20          in other outcomes on the performance measures  
21          described in section 5456;

22          “(10) provide a description of the eligible enti-  
23          ty’s plan for independently evaluating the effective-  
24          ness of activities carried out with funds under sec-  
25          tion 5453;

1           “(11) provide an assurance that the eligible en-  
2           tity will—

3                   “(A) cooperate with cross-cutting evalua-  
4                   tions;

5                   “(B) make evaluation data available to  
6                   third parties for validation and further study  
7                   consistent with protections established by appli-  
8                   cable Federal, State, and local privacy require-  
9                   ments and other on provisions on the protection  
10                  of personally identifiable information; and

11                  “(C) participate in communities of prac-  
12                  tice; and

13                  “(12) if the eligible entity is a nonprofit organi-  
14                  zation that intends to make subgrants, consistent  
15                  with section 5455(b), provide an assurance that the  
16                  eligible entity will apply paragraphs (1) through  
17                  (10), as appropriate, in the eligible entity’s selection  
18                  of subgrantees and in the oversight of such sub-  
19                  grants.

20                  “(c) CRITERIA FOR EVALUATING APPLICATIONS.—

21                  The Secretary shall award grants under section 5453 on  
22                  a competitive basis, based on the quality of the applica-  
23                  tions under this section submitted and, consistent with the  
24                  standards established under section 5453(f), each eligible  
25                  entity’s likelihood of achieving success in improving stu-

1 dent outcomes or outcomes on other performance meas-  
2 ures.

3 **“SEC. 5455. USES OF FUNDS.**

4 “(a) USES OF FUNDS.—Each eligible entity that re-  
5 ceives a grant under section 5453—

6 “(1) shall use the grant funds to address, at a  
7 minimum, one of the following areas of school inno-  
8 vations:

9 “(A) Improving the effectiveness and dis-  
10 tribution of teachers or principals.

11 “(B) Strengthening the use of data to im-  
12 prove teaching and learning.

13 “(C) Providing high-quality instruction  
14 based on rigorous standards that build toward  
15 college and career readiness and measuring stu-  
16 dents’ mastery using high-quality assessments  
17 aligned to those standards.

18 “(D) Turning around the lowest-per-  
19 forming schools.

20 “(E) Supporting the effective use of tech-  
21 nology to improve teaching or principals and  
22 learning, including training teachers or prin-  
23 cipals in the innovative use of technology.

24 “(F) Any other area of school innovation,  
25 as determined by the Secretary;

1           “(2) shall use those funds to develop or expand  
2 strategies to improve the performance of high-need  
3 students on the performance measures described in  
4 section 5456; and

5           “(3) may use the grant funds for an inde-  
6 pendent evaluation, as required by section  
7 5454(b)(9), of the innovative practices carried out  
8 with the grant.

9           “(b) **AUTHORITY TO SUBGRANT.**—In the case of an  
10 eligible entity receiving a grant under section 5453 that  
11 is nonprofit organization such eligible entity may use the  
12 grant funds to make subgrants to other entities to provide  
13 support to one or more high-need schools or high-need  
14 local educational agencies. Any entity receiving a subgrant  
15 under this subsection shall comply with the requirements  
16 of this part for eligible entities, as appropriate.

17 **“SEC. 5456. PERFORMANCE MEASURES.**

18           “(a) **IN GENERAL.**—The Secretary shall establish  
19 performance measures for the projects carried out under  
20 this part. These measures, at a minimum, shall track an  
21 eligible entity’s progress in—

22           “(1) improving outcomes for each subgroup de-  
23 scribed in section 1111(b)(2)(C)(v) that is served by  
24 the grantee on measures, including, as applicable,  
25 by—

1           “(A) increasing student achievement and  
2           decreasing achievement gaps;

3           “(B) increasing secondary school gradua-  
4           tion rates;

5           “(C) increasing college enrollment rates  
6           and rates of college persistence;

7           “(D) improving teacher and principal ef-  
8           fectiveness or the retention of highly effective  
9           teachers or principals;

10          “(E) improving school readiness; or

11          “(F) any other indicator as the Secretary  
12          or grantee may determine; and

13          “(2) implementing the eligible entity’s project  
14          in rural schools, as applicable.

15          “(b) DATA COLLECTION PERIOD.—From the  
16          amounts appropriated under this section, the Secretary  
17          may—

18               “(1) approve, for an eligible entity receiving a  
19               grant under section 5453, a data collection period of  
20               not more than 72 months beginning after the end of  
21               the eligible entity’s grant period; and

22               “(2) provide the eligible entity with funding  
23               during such period for the sole purpose of collecting,  
24               analyzing, and reporting performance information

1 under this subsection on the project carried out dur-  
2 ing the grant period.

3 **“SEC. 5457. ANNUAL REPORT.**

4 “An eligible entity that receives a grant under section  
5 5453 shall submit to the Secretary, at such time and in  
6 such manner as the Secretary may require, an annual re-  
7 port that includes information on—

8 “(1) the eligible entity’s progress on the per-  
9 formance measures established under section 5456;  
10 and

11 “(2) the data supporting such progress.

12 **“SEC. 5458. DEFINITIONS.**

13 “In this part:

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

16 “(A) a local educational agency;

17 “(B) an educational service agencies; or

18 “(C) a nonprofit organization in partner-  
19 ship with a local educational agency or consor-  
20 tium of schools.

21 “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-  
22 CY.—The term ‘high-need local educational agency’  
23 means a local educational agency—



1           “(A) that serves not fewer than 10,000  
2 children from families with incomes below the  
3 poverty line;

4           “(B) for which not less than 20 percent of  
5 the children served by the agency are from fam-  
6 ilies with incomes below the poverty line; or

7           “(C) that is in the highest quartile of local  
8 educational agencies in the State, based on stu-  
9 dent poverty.

10          “(3) HIGH-NEED SCHOOL.—The term ‘high-  
11 need school’ means—

12           “(A) an elementary school or middle school  
13 in which not less than 50 percent of the en-  
14 rolled students are children eligible for free or  
15 reduced price lunch under the Richard B. Rus-  
16 sell National School Lunch Act (42 U.S.C.  
17 1751 et seq.);

18           “(B) a high school in which not less than  
19 40 percent of the enrolled students are children  
20 eligible for free or reduced price lunch under  
21 the Richard B. Russell National School Lunch  
22 Act (42 U.S.C. 1751 et seq.), which may be cal-  
23 culated using comparable data from feeder  
24 schools.

1           “(4) PRINCIPAL.—The term ‘principal’ includes  
2           an assistant principal.

3           “(5) TEACHER.—The term ‘teacher’ includes  
4           teacher leaders.

5           “(6) TEACHER LEADER.—The term ‘teacher  
6           leader’ means a teacher who has demonstrated effec-  
7           tiveness and assumes leadership responsibilities to  
8           work with other teachers to raise student achieve-  
9           ment in multiple classrooms.

10 **“SEC. 5459. AUTHORIZATION.**

11           “‘There are authorized to be appropriated to carry out  
12           this subpart \$750,000,000 for fiscal year 2016 and such  
13           sums as may be necessary for each of the 4 succeeding  
14           fiscal years.’”.

15           (b) REPEAL.—Part B of title I (20 U.S.C. 6361 et  
16           seq.) is repealed.

17           **Subtitle D—Family Engagement in**  
18           **Education Programs**

19           **SEC. 521. FAMILY ENGAGEMENT IN EDUCATION PRO-**  
20           **GRAMS.**

21           Title V of the Act (20 U.S.C. 5101 et seq.) is a  
22           amended by adding at the end the following new part:



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

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

9 **“SEC. 5702. GRANTS AUTHORIZED.**

10          “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—  
11 From the amount appropriated under section 4306, the  
12 Secretary is authorized to award grants for each fiscal  
13 year to statewide organizations (and consortia of such or-  
14 ganizations and State educational agencies), to establish  
15 Statewide Family Engagement Centers that provide com-  
16 prehensive training and technical assistance to State edu-  
17 cational agencies, local educational agencies, schools iden-  
18 tified by State educational agencies and local educational  
19 agencies, organizations that support family-school part-  
20 nerships, and other organizations that carry out parent  
21 education and family engagement in education programs.

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

1 **“SEC. 5703. APPLICATIONS.**

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

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

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

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

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

20 “(A) management and governance;

21 “(B) statewide leadership; and

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

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

1 educational agencies, schools, educators, parents,  
2 and organizations on family engagement in edu-  
3 cation policies and practices that are effective for  
4 parents (including low-income parents) and families,  
5 English learners, minorities, parents of students  
6 with disabilities, parents of homeless students, foster  
7 parents and students, and parents of migratory stu-  
8 dents, including evaluation results, reporting, or  
9 other data exhibiting such demonstrated experience.

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

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

13 “(i) parents, who shall constitute a  
14 majority of the members of the special ad-  
15 visory committee;

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

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

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

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

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

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

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

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

24                  “(F) work with—

1                   “(i) other Statewide Family Engage-  
2                   ment Centers assisted under this part; and

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

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

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

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

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



1 **“SEC. 5704. USES OF FUNDS.**

2 “(a) IN GENERAL.—Grantees shall use grant funds  
3 received under this part, based on the needs determined  
4 under section 4303(b)(5)(I), to provide training and tech-  
5 nical assistance to State educational agencies, local edu-  
6 cational agencies, and organizations that support family-  
7 school partnerships, and activities, services, and training  
8 for local educational agencies, school leaders, educators,  
9 and parents—

10 “(1) to assist parents in participating effectively  
11 in their children’s education and to help their chil-  
12 dren meet college and career ready standards, such  
13 as assisting parents—

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

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

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

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

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

6           “(F) to train other parents; and

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

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

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

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

1           “(c) TECHNICAL ASSISTANCE.—The Secretary shall  
2 reserve not more than 2 percent of the funds appropriated  
3 under section 4306 to carry out this part to provide tech-  
4 nical assistance, by grant or contract, for the establish-  
5 ment, development, and coordination of Statewide Family  
6 Engagement Centers.

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

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

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

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

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

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

1 **“SEC. 5705. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

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

7 **“SEC. 5706. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated to carry out  
9 this part \$30,000,000 for fiscal year 2016 and such sums  
10 as may be necessary for subsequent fiscal years.”.

11 **Subtitle E—Fast Track to College**

12 **SEC. 531. SHORT TITLE.**

13 This subtitle may be cited as the “Fast Track to Col-  
14 lege Act of 2013”.

15 **SEC. 532. PURPOSE.**

16 The purpose of this subtitle is to increase secondary  
17 school graduation rates and the percentage of students  
18 who complete a recognized postsecondary credential by the  
19 age of 26, including among low-income students and stu-  
20 dents from other populations underrepresented in higher  
21 education.

22 **SEC. 533. DEFINITIONS.**

23 For purposes of this subtitle:

24 (1) **DUAL ENROLLMENT PROGRAM.**—The term  
25 “dual enrollment program” means an academic pro-  
26 gram through which a secondary school student is

1       able simultaneously to earn credit toward a sec-  
2       ondary school diploma and a postsecondary degree  
3       or credential.

4               (2) EARLY COLLEGE HIGH SCHOOL.—The term  
5       “early college high school” means a secondary school  
6       that provides a course of study that enables a stu-  
7       dent to earn a secondary school diploma and either  
8       an associate’s degree or one to two years of postsec-  
9       ondary credit toward a postsecondary degree or cre-  
10      dential.

11              (3) EDUCATIONAL SERVICE AGENCY.—The  
12      term “educational service agency” has the meaning  
13      given such term in section 9101(17) of the Elemen-  
14      tary and Secondary Education Act of 1965 (20  
15      U.S.C. 7801(17)).

16              (4) ELIGIBLE ENTITY.—The term “eligible enti-  
17      ty” means a local educational agency, which may be  
18      an educational service agency, in a collaborative  
19      partnership with an institution of higher education.  
20      Such partnership also may include other entities,  
21      such as a nonprofit organization with experience in  
22      youth development.

23              (5) INSTITUTION OF HIGHER EDUCATION.—The  
24      term “institution of higher education” has the

1 meaning given such term in section 101 of the High-  
2 er Education Act of 1965 (20 U.S.C. 1001).

3 (6) LOCAL EDUCATIONAL AGENCY.—The term  
4 “local educational agency” has the meaning given  
5 such term in section 9101(26) of the Elementary  
6 and Secondary Education Act of 1965 (20 U.S.C.  
7 7801(26)).

8 (7) SECRETARY.—The term “Secretary” means  
9 the Secretary of Education.

10 (8) LOW-INCOME STUDENT.—The term “low-in-  
11 come student” means a student described in section  
12 1113(a)(5) of the Elementary and Secondary Edu-  
13 cation Act of 1965 (20 U.S.C. 6313(a)(5)).

14 **SEC. 534. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**  
15 **TIONS.**

16 (a) IN GENERAL.—To carry out this subtitle, there  
17 are authorized to be appropriated \$150,000,000 for fiscal  
18 year 2014 and such sums as may be necessary for each  
19 of fiscal years 2015 through 2019.

20 (b) EARLY COLLEGE HIGH SCHOOLS.—The Sec-  
21 retary shall reserve not less than 45 percent of the funds  
22 appropriated under subsection (a) to support early college  
23 high schools under section 535.

24 (c) DUAL ENROLLMENT PROGRAMS.—The Secretary  
25 shall reserve not less than 45 percent of such funds to

1 support dual enrollment programs (other than early col-  
2 lege high schools) under section 535.

3 (d) STATE GRANTS.—The Secretary shall reserve 10  
4 percent of such funds, or \$10,000,000, whichever is less,  
5 for grants to States under section 539.

6 **SEC. 535. AUTHORIZED PROGRAM.**

7 (a) IN GENERAL.—The Secretary is authorized to  
8 award 6-year grants to eligible entities seeking to establish  
9 a new, or support an existing, early college high school  
10 or other dual enrollment program in accordance with sec-  
11 tion 536.

12 (b) GRANT AMOUNT.—The Secretary shall ensure  
13 that grants are of sufficient size to enable grantees to  
14 carry out all required activities and otherwise meet the  
15 purposes of this subtitle, except that a grant under this  
16 section may not exceed \$2,000,000.

17 (c) MATCHING REQUIREMENT.—

18 (1) IN GENERAL.—An eligible entity shall con-  
19 tribute matching funds toward the costs of the early  
20 college high school or other dual enrollment program  
21 to be supported under this section, of which not less  
22 than half shall be from non-Federal sources, which  
23 funds shall represent not less than the following:

1 (A) Twenty percent of the grant amount  
2 received in each of the first and second years of  
3 the grant.

4 (B) Thirty percent in each of the third and  
5 fourth years.

6 (C) Forty percent in the fifth year.

7 (D) Fifty percent in the sixth year.

8 (2) DETERMINATION OF AMOUNT CONTRIB-  
9 UTED.—The Secretary shall allow an eligible entity  
10 to satisfy the requirement of this subsection through  
11 in-kind contributions.

12 (d) SUPPLEMENT, NOT SUPPLANT.—An eligible enti-  
13 ty shall use a grant received under this section only to  
14 supplement funds that would, in the absence of such  
15 grant, be made available from non-Federal funds for sup-  
16 port of the activities described in the eligible entity's appli-  
17 cation under section 537, and not to supplant such funds.

18 (e) PRIORITY.—In awarding grants under this sec-  
19 tion, the Secretary shall give priority to applicants—

20 (1) that propose to establish or support an  
21 early college high school or other dual enrollment  
22 program that will serve a student population of  
23 which 0 percent or more are students counted under  
24 section 1113(a)(5) of the Elementary and Secondary  
25 Education Act of 1965 (20 U.S.C. 6313(a)(5)); and



1           (2) from States that provide assistance to early  
2 college high schools or other dual enrollment pro-  
3 grams, such as assistance to defray the costs of  
4 higher education (including costs of tuition, fees,  
5 and textbooks).

6           (f) GEOGRAPHIC DISTRIBUTION.—The Secretary  
7 shall, to the maximum extent practicable, ensure that  
8 grantees are from a representative cross-section of urban,  
9 suburban, and rural areas.

10 **SEC. 536. USES OF FUNDS.**

11           (a) MANDATORY ACTIVITIES.—An eligible entity  
12 shall use grant funds received under section 535 to sup-  
13 port the activities described in its application under sec-  
14 tion 537, including the following:

15           (1) PLANNING YEAR.—In the case of a new  
16 early college high school or dual enrollment program,  
17 during the first year of the grant—

18                   (A) hiring a principal and staff, as appro-  
19 priate;

20                   (B) designing the curriculum and sequence  
21 of courses in collaboration with (at a minimum)  
22 teachers from the local educational agency and  
23 faculty from the partner institution of higher  
24 education;

1 (C) informing parents and the community  
2 about the school or program and opportunities  
3 to become actively involved in the school or pro-  
4 gram;

5 (D) establishing a course articulation proc-  
6 ess for defining and approving courses for sec-  
7 ondary school and postsecondary credit or cre-  
8 dential;

9 (E) outreach programs to ensure that sec-  
10 ondary school students and their families are  
11 aware of the early college high school or dual  
12 enrollment program;

13 (F) liaison activities among partners in the  
14 eligible entity; and

15 (G) coordinating secondary and postsec-  
16 ondary support services, academic calendars,  
17 and transportation.

18 (2) IMPLEMENTATION PERIOD.—During the re-  
19 mainder of the grant period—

20 (A) academic and social support services,  
21 including counseling;

22 (B) liaison activities among partners in the  
23 eligible entity;

1 (C) data collection and use of such data  
2 for student and instructional improvement and  
3 program evaluation;

4 (D) outreach programs to ensure that sec-  
5 ondary school students and their families are  
6 aware of the early college high school or dual  
7 enrollment program;

8 (E) professional development, including  
9 joint professional development for secondary  
10 school and faculty from the institution of higher  
11 education; and

12 (F) school or program design and planning  
13 team activities, including curriculum develop-  
14 ment.

15 (b) ALLOWABLE ACTIVITIES.—An eligible entity may  
16 also use grant funds received under section 535 otherwise  
17 to support the activities described in its application under  
18 section 537, including—

19 (1) purchasing textbooks and equipment that  
20 support the school or program's curriculum;

21 (2) developing learning opportunities for stu-  
22 dents that complement classroom experiences, such  
23 as internships, career-based capstone projects, and  
24 opportunities provided under chapters 1 and 2 of

1       subpart 2 of part A of title IV of the Higher Edu-  
2       cation Act of 1965 (20 U.S.C. 1070a–11 et seq.);

3             (3) transportation; and

4             (4) planning time for secondary school and edu-  
5       cators from an institution of higher education to col-  
6       laborate.

7       **SEC. 537. APPLICATION.**

8       (a) IN GENERAL.—To receive a grant under section  
9       535, an eligible entity shall submit to the Secretary an  
10      application at such time, in such manner, and including  
11      such information as the Secretary determines to be appro-  
12      priate.

13      (b) CONTENTS OF APPLICATION.—At a minimum,  
14      the application described in subsection (a) shall include  
15      a description of—

16             (1) the early college high school’s or other dual  
17      enrollment program’s budget;

18             (2) each partner in the eligible entity and its  
19      experience with early college high schools or other  
20      dual enrollment programs, key personnel from each  
21      partner and their responsibilities for the early col-  
22      lege high school or dual enrollment program, and  
23      how the eligible entity will work with secondary and  
24      postsecondary teachers, other public and private en-  
25      tities, community-based organizations, businesses,

1 labor organizations, and parents to ensure that stu-  
2 dents will be prepared to succeed in postsecondary  
3 education and employment, which may include the  
4 development of an advisory board;

5 (3) how the eligible entity will target and re-  
6 cruit at-risk youth, including those at risk of drop-  
7 ping out of school, first generation college students,  
8 and students from populations described in section  
9 1111(b)(2)(C)(v)(II) of the Elementary and Sec-  
10 ondary Education Act of 1965 (20 U.S.C.  
11 6311(b)(2)(C)(v)(II));

12 (4) a system of student supports including, but  
13 not limited to, small group activities, tutoring, lit-  
14 eracy and numeracy skill development in all aca-  
15 demic disciplines, parental and community outreach  
16 and engagement, extended learning time, and college  
17 readiness activities, such as early college academic  
18 seminars and counseling;

19 (5) in the case of an early college high school,  
20 how a graduation and career plan will be developed,  
21 consistent with State graduation requirements, for  
22 each student and reviewed each semester;

23 (6) how parents or guardians of students in the  
24 early college high school or dually enrolled students  
25 will be informed of their academic performance and

1 progress and, subject to paragraph (5), involved in  
2 the development of their career and graduation plan;

3 (7) coordination that will occur between the in-  
4 stitution of higher education and the local edu-  
5 cational agency, including regarding academic cal-  
6 endars, provision of student services, curriculum de-  
7 velopment, and professional development;

8 (8) how the eligible entity will ensure that  
9 teachers in the early college high school or other  
10 dual enrollment program receive appropriate profes-  
11 sional development and other supports, including to  
12 enable them to utilize effective parent and commu-  
13 nity engagement strategies, and help English-lan-  
14 guage learners, students with disabilities, and stu-  
15 dents from diverse cultural backgrounds to succeed;

16 (9) learning opportunities for students that  
17 complement classroom experiences, such as intern-  
18 ships, career-based capstone projects, and opportuni-  
19 ties provided under chapters 1 and 2 of subpart 2  
20 of part A of title IV of the Higher Education Act  
21 of 1965 (20 U.S.C. 1070a–11 et seq.);

22 (10) how policies, agreements, and courses  
23 taken will ensure that postsecondary credits earned  
24 will be transferable to, at a minimum, public institu-

1 tions of higher education within the State, consistent  
2 with existing statewide articulation agreements;

3 (11) student assessments and other measure-  
4 ments of student achievement including benchmarks  
5 for student achievement;

6 (12) outreach programs to provide elementary  
7 and secondary school students, especially those in  
8 middle grades, and their parents, teachers, school  
9 counselors, and principals information about and  
10 academic preparation for the early college high  
11 school or other dual enrollment program;

12 (13) how the local educational agency and insti-  
13 tution of higher education will work together, as ap-  
14 propriate, to collect and use data for student and in-  
15 structional improvement and program evaluation;

16 (14) how the eligible entity will help students  
17 meet eligibility criteria for postsecondary courses  
18 and ensure that students understand how their cred-  
19 its will transfer; and

20 (15) how the eligible entity will access and le-  
21 verage additional resources necessary to sustain the  
22 early college high school or other dual enrollment  
23 program after the grant expires, including by engag-  
24 ing businesses and non-profit organizations.

1 (c) ASSURANCES.—An eligible entity’s application  
2 under subsection (a) shall include assurances that—

3 (1) in the case of an early college high school,  
4 the majority of courses offered, including postsec-  
5 ondary courses, will be offered at facilities of the in-  
6 stitution of higher education;

7 (2) students will not be required to pay tuition  
8 or fees for postsecondary courses;

9 (3) postsecondary credits earned will be tran-  
10 scribed upon completion of the requisite course  
11 work; and

12 (4) faculty teaching postsecondary courses meet  
13 the normal standards for faculty established by the  
14 institution of higher education.

15 (d) WAIVER.—The Secretary may waive the require-  
16 ment of subsection (c)(1) upon a showing that it is im-  
17 practical to apply due to geographic considerations.

18 **SEC. 538. PEER REVIEW.**

19 (a) PEER REVIEW OF APPLICATIONS.—The Sec-  
20 retary shall establish peer review panels to review applica-  
21 tions submitted pursuant to section 537 to advise the Sec-  
22 retary regarding such applications.

23 (b) COMPOSITION OF PEER REVIEW PANELS.—The  
24 Secretary shall ensure that each peer review panel is not



1 comprised wholly of full-time officers or employees of the  
2 Federal Government and includes, at a minimum—

3 (1) experts in the establishment and adminis-  
4 tration of early college high schools or other dual en-  
5 rollment programs from the secondary and postsec-  
6 ondary perspective;

7 (2) faculty at institutions of higher education  
8 and secondary school teachers with expertise in dual  
9 enrollment; and

10 (3) experts in the education of at-risk students.

11 **SEC. 539. GRANTS TO STATES.**

12 (a) **IN GENERAL.**—The Secretary is authorized to  
13 award 5-year grants to State agencies responsible for sec-  
14 ondary or postsecondary education for efforts to support  
15 or establish early college high schools or other dual enroll-  
16 ment programs.

17 (b) **GRANT AMOUNT.**—The Secretary shall ensure  
18 that grants are of sufficient size to enable grantees to  
19 carry out all required activities.

20 (c) **MATCHING REQUIREMENT.**—A State shall con-  
21 tribute matching funds from non-Federal sources toward  
22 the costs of carrying out activities under this section,  
23 which funds shall represent not less than 50 percent of  
24 the grant amount.

1 (d) PRIORITY.—In awarding grants under this sec-  
2 tion, the Secretary shall give priority to States that pro-  
3 vide assistance to early college high schools or other dual  
4 enrollment programs, such as assistance to defray the  
5 costs of higher education, such as tuition, fees, and text-  
6 books.

7 (e) APPLICATION.—To receive a grant under this sec-  
8 tion, a State agency shall submit to the Secretary an appli-  
9 cation at such time, in such manner, and including such  
10 information as the Secretary determines to be appropriate.

11 (f) CONTENTS OF APPLICATION.—At a minimum, the  
12 application described in subsection (e) shall include—

13 (1) how the State will carry out all of the re-  
14 quired State activities described in subsection (g);

15 (2) how the State will identify and eliminate  
16 barriers to implementing effective early college high  
17 schools and dual enrollment programs after the  
18 grant expires, including by engaging businesses and  
19 non-profit organizations;

20 (3) how the State will access and leverage addi-  
21 tional resources necessary to sustain early college  
22 high schools or other dual enrollment programs; and

23 (4) such other information as the Secretary de-  
24 termines to be appropriate.

1 (g) STATE ACTIVITIES.—A State receiving a grant  
2 under this section shall use such funds for—

3 (1) creating outreach programs to ensure that  
4 secondary school students, their families, and com-  
5 munity members are aware of early college high  
6 schools and dual enrollment programs in the State;

7 (2) planning and implementing a statewide  
8 strategy for expanding access to early college high  
9 schools and dual enrollment programs for students  
10 who are underrepresented in higher education to  
11 raise statewide rates of secondary school graduation,  
12 readiness for postsecondary education, and comple-  
13 tion of postsecondary degrees and credentials, with  
14 a focus on at-risk students, including identifying any  
15 obstacles to such a strategy under State law or pol-  
16 icy;

17 (3) providing technical assistance to early col-  
18 lege high schools and other dual enrollment pro-  
19 grams, such as brokering relationships and agree-  
20 ments that forge a strong partnership between ele-  
21 mentary and secondary and postsecondary partners;

22 (4) identifying policies that will improve the ef-  
23 fectiveness and ensure the quality of early college  
24 high schools and dual enrollment programs, such as

1 access, funding, data and quality assurance, govern-  
2 ance, accountability and alignment policies;

3 (5) planning and delivering statewide training  
4 and peer learning opportunities for school leaders  
5 and teachers from early college high schools and  
6 dual enrollment programs, which may include pro-  
7 viding instructional coaches who offer on-site guid-  
8 ance;

9 (6) disseminating best practices in early college  
10 high schools and dual enrollment programs from  
11 across the State and from other States; and

12 (7) facilitating statewide data collection, re-  
13 search and evaluation, and reporting to policymakers  
14 and other stakeholders.

15 **SEC. 540. REPORTING AND OVERSIGHT.**

16 (a) REPORTING BY GRANTEES.—

17 (1) IN GENERAL.—The Secretary shall establish  
18 uniform guidelines for all grantees concerning infor-  
19 mation such grantees annually shall report to the  
20 Secretary to demonstrate a grantee's progress to-  
21 ward achieving the goals of this subtitle.

22 (2) CONTENTS OF REPORT.—At a minimum,  
23 the report described in paragraph (1) shall include,  
24 for eligible entities receiving funds under section  
25 535, for students participating in the early college

1 high school or other dual enrollment program within  
2 each category of students described in section  
3 1111(h)(1)(C)(i) of the Elementary and Secondary  
4 Education Act of 1965 (20 U.S.C.6311(h)(1)(C)(i)):

5 (A) The number of students.

6 (B) The percentage of students scoring ad-  
7 vanced, proficient, basic, and below basic on the  
8 assessments described in section 1111(b)(3) of  
9 the Elementary and Secondary Education Act  
10 of 1965 (20 U.S.C. 6311(b)(3)).

11 (C) The performance of students on other  
12 assessments or measurements of achievement.

13 (D) The number of secondary school cred-  
14 its earned.

15 (E) The number of postsecondary credits  
16 earned.

17 (F) Attendance rate, as appropriate.

18 (G) Graduation rate.

19 (H) Placement in postsecondary education  
20 or advanced training, in military service, and in  
21 employment.

22 (I) A description of the school or pro-  
23 gram's student, parent, and community out-  
24 reach and engagement.

1           (b) REPORTING BY SECRETARY.—The Secretary an-  
2 nually shall compile and analyze the information described  
3 in subsection (a) and shall submit a report containing such  
4 analysis to the Committee on Health, Education, Labor,  
5 and Pensions of the Senate and the Committee on Edu-  
6 cation and Labor of the House of Representatives. The  
7 report shall include identification of best practices for  
8 achieving the goals of this subtitle.

9           (c) MONITORING VISITS.—The Secretary’s designee  
10 shall visit each grantee at least once for the purpose of  
11 helping the grantee achieve the goals of this subtitle and  
12 to monitor the grantee’s progress toward achieving such  
13 goals.

14           (d) NATIONAL EVALUATION.—Not later than 6  
15 months after the date on which funds are appropriated  
16 to carry out this subtitle, the Secretary shall enter into  
17 a contract with an independent organization to perform  
18 an evaluation of the grants awarded under this subtitle.  
19 Such evaluation shall apply rigorous procedures to obtain  
20 valid and reliable data concerning participants’ outcomes  
21 by social and academic characteristics and monitor the  
22 progress of students from secondary school to and through  
23 postsecondary education.

24           (e) TECHNICAL ASSISTANCE.—The Secretary shall  
25 provide technical assistance to eligible entities concerning

1 best practices in early college high schools and dual enroll-  
2 ment programs and shall disseminate such best practices  
3 among eligible entities and State and local educational  
4 agencies.

5 **SEC. 541. RULES OF CONSTRUCTION.**

6 (a) EMPLOYEES.—Nothing in this subtitle shall be  
7 construed to alter or otherwise affect the rights, remedies,  
8 and procedures afforded to the employees of local edu-  
9 cational agencies (including schools) or institutions of  
10 higher education under Federal, State, or local laws (in-  
11 cluding applicable regulations or court orders) or under  
12 the terms of collective bargaining agreements, memoranda  
13 of understanding, or other agreements between such em-  
14 ployees and their employers.

15 (b) GRADUATION RATE.—A student who graduates  
16 from an early college high school supported under this  
17 subtitle in the standard number of years for graduation  
18 described in the eligible entity's application shall be con-  
19 sidered to have graduated on time for purposes of section  
20 1111(b)(2)(C)(6) of the Elementary and Secondary Edu-  
21 cation Act of 1965 (20 U.S.C. 6311(b)(2)(C)(6)).

1           **TITLE VI—FLEXIBILITY AND**  
2                           **ACCOUNTABILITY**

3   **SEC. 601. FLEXIBILITY AND ACCOUNTABILITY.**

4           Title VI (20 U.S.C. 7301 et seq.), as amended by  
5 section 110(b), is further amended by amending section  
6 6234—

7                   (1) by striking “fiscal year 2002” and inserting  
8                   “fiscal year 2016”; and

9                   (2) by striking “, to be distributed equally be-  
10                  tween subparts 1 and 2”.

11           **TITLE VII—INDIAN, NATIVE HA-**  
12                           **WAIAN, AND ALASKA NATIVE**  
13                           **EDUCATION**

14   **SEC. 701. IN GENERAL.**

15           Title VII (20 U.S.C. 7401 et seq.) is amended—

16                   (1) by striking “Bureau of Indian Affairs” each  
17                   place it appears and inserting “Bureau of Indian  
18                   Education”;

19                   (2) by striking “No Child Left Behind Act of  
20                   2001” each place it appears and insert “Student  
21                   Success Act”; and

22                   (3) in sections 7152, 7205(c), and 7304(d)(1),  
23                   by striking “fiscal year 2002” each place it appears  
24                   and inserting “fiscal year 2016”.



## 1           **Subtitle A—Indian Education**

### 2   **SEC. 711. PURPOSE.**

3           Section 7102 (20 U.S.C. 7402) is amended to read  
4 as follows:

#### 5   **“SEC. 7102. PURPOSE.**

6           “It is the purpose of this part to support the efforts  
7 of local educational agencies, Indian tribes and organiza-  
8 tions, postsecondary institutions, and other entities—

9                   “(1) to ensure the academic achievement of  
10 American Indian and Alaska Native students by  
11 meeting their unique cultural, language, and edu-  
12 cational needs, consistent with section 1111(c);

13                   “(2) to ensure that Indian and Alaska Native  
14 students gain knowledge and understanding of Na-  
15 tive communities, languages, tribal histories, tradi-  
16 tions, and cultures; and

17                   “(3) to ensure that principals, teachers, and  
18 other staff who serve Indian and Alaska Native stu-  
19 dents have the ability to provide culturally appro-  
20 priate and effective instruction to such students.”.

### 21           **PART 1—FORMULA GRANTS TO LOCAL** 22                   **EDUCATIONAL AGENCIES**

#### 23   **SEC. 721. FORMULA GRANT PURPOSE.**

24           Section 7111 (20 U.S.C. 7421) is amended to read  
25 as follows:

1 **“SEC. 7111. PURPOSE.**

2 “(a) PURPOSE.—It is the purpose of this subpart to  
3 support the efforts of local educational agencies, Indian  
4 tribes and organizations, postsecondary institutions, and  
5 other entities to improve the academic achievement of  
6 American Indian and Alaska Native students by meeting  
7 their unique cultural, language, and educational needs.

8 “(b) PROGRAMS.—This subpart carries out the pur-  
9 pose described in subsection (a) by authorizing programs  
10 of direct assistance for—

11 “(1) meeting the unique educational and cul-  
12 turally related academic needs of Indians and Alaska  
13 Natives;

14 “(2) strengthening American Indian, Native  
15 Hawaiian, and Alaska Native students’ knowledge of  
16 their languages, history, traditions, and cultures;

17 “(3) the education of Indian children and  
18 adults;

19 “(4) the training of Indian persons as educators  
20 and counselors, and in other professions serving In-  
21 dian people; and

22 “(5) research, evaluation, data collection, and  
23 technical assistance.”.

24 **SEC. 722. GRANTS TO LOCAL EDUCATIONAL AGENCIES,**  
25 **TRIBES, AND INDIAN ORGANIZATIONS.**

26 Section 7112 (20 U.S.C. 7422) is amended—

1           (1) in subsection (a), by striking “and Indian  
2           tribes” and inserting “, Indian tribes, and Indian or-  
3           ganizations”;

4           (2) in subsection (b)(2), by striking “a reserva-  
5           tion” and inserting “an Indian reservation”; and

6           (3) by striking subsection (c) and inserting the  
7           following:

8           “(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

9           “(1) IN GENERAL.—If a local educational agen-  
10          cy that is otherwise eligible for a grant under this  
11          subpart does not establish a committee under section  
12          7114(c)(5) for such grant, an Indian tribe, an In-  
13          dian organization, or a consortium of such entities,  
14          that represents more than one-half of the eligible In-  
15          dian children who are served by such local edu-  
16          cational agency may apply for such grant.

17          “(2) UNAFFILIATED INDIAN TRIBES.—An In-  
18          dian tribe that operates a school and is not affiliated  
19          with either the local educational agency or the Bu-  
20          reau of Indian Education shall be eligible to apply  
21          for a grant under this subpart.

22          “(3) SPECIAL RULE.—

23          “(A) IN GENERAL.—The Secretary shall  
24          treat each Indian tribe, Indian organization, or  
25          consortium of such entities applying for a grant

1           pursuant to paragraph (1) or (2) as if such  
2           tribe, Indian organization, or consortium were a  
3           local educational agency for purposes of this  
4           subpart.

5           “(B) EXCEPTIONS.—Notwithstanding sub-  
6           paragraph (A), such Indian tribe, Indian orga-  
7           nization, or consortium shall not be subject to  
8           the requirements of subsections (b)(7) or (c)(5)  
9           of section 7114 or section 7118(c) or 7119.

10          “(4) ASSURANCE TO SERVE ALL INDIAN CHIL-  
11          DREN.—An Indian tribe, Indian organization, or  
12          consortium of such entities that is eligible to apply  
13          for a grant under paragraph (1) shall include, in the  
14          application required under section 7114, an assur-  
15          ance that the entity will use the grant funds to pro-  
16          vide services to all Indian students served by the  
17          local educational agency.

18          “(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

19                 “(1) IN GENERAL.—If no local educational  
20                 agency pursuant to subsection (b), and no Indian  
21                 tribe, Indian organization, or consortium pursuant  
22                 to subsection (c), applies for a grant under this sub-  
23                 part, an Indian community-based organization serv-  
24                 ing the community of the local educational agency  
25                 may apply for such grant.

1           “(2) APPLICABILITY OF SPECIAL RULE.—The  
2           Secretary shall apply the special rule in subsection  
3           (c)(3) to a community-based organization applying  
4           or receiving a grant under paragraph (1) in the  
5           same manner as such rule applies to an Indian tribe,  
6           Indian organization, or consortium.

7           “(3) DEFINITION OF INDIAN COMMUNITY-  
8           BASED ORGANIZATION.—In this subsection, the term  
9           ‘Indian community-based organization’ means any  
10          organization that—

11                   “(A) is composed primarily of Indian par-  
12                   ents and community members, tribal govern-  
13                   ment education officials, and tribal members  
14                   from a specific community;

15                   “(B) assists in the social, cultural, and  
16                   educational development of Indians in such  
17                   community;

18                   “(C) meets the unique cultural, language,  
19                   and academic needs of Indian students; and

20                   “(D) demonstrates organizational capacity  
21                   to manage the grant.

22          “(e) CONSORTIA.—

23                   “(1) IN GENERAL.—A local educational agency,  
24                   Indian tribe, or Indian organization that meets the  
25                   eligibility requirements under this section may form

1 a consortium with other eligible local educational  
2 agencies, Indian tribes, or Indian organizations for  
3 the purpose of obtaining grants and operating pro-  
4 grams under this subpart.

5 “(2) REQUIREMENTS FOR LOCAL EDUCATIONAL  
6 AGENCIES IN CONSORTIA.—In any case where 2 or  
7 more local educational agencies that are eligible  
8 under subsection (b) form or participate in a consor-  
9 tium to obtain a grant, or operate a program, under  
10 this subpart, each local educational agency partici-  
11 pating in such a consortium shall—

12 “(A) provide, in the application submitted  
13 under section 7114, an assurance that the eligi-  
14 ble Indian children served by such local edu-  
15 cational agency will receive the services of the  
16 programs funded under this subpart; and

17 “(B) agree to be subject to all require-  
18 ments, assurances, and obligations applicable to  
19 a local educational agency receiving a grant  
20 under this subpart.”.

21 **SEC. 723. AMOUNT OF GRANTS.**

22 Section 7113(b) (20 U.S.C. 7423(b)) is amended—

23 (1) in paragraph (1), by striking “\$3,000” and  
24 inserting “\$10,000”;

1           (2) by striking paragraph (2) and redesignating  
2           paragraph (3) as paragraph (2); and  
3           (3) in paragraph (2), as so redesignated, by  
4           striking “\$4,000” and inserting “\$15,000”.

5 **SEC. 724. APPLICATIONS.**

6           (a) IN GENERAL.—Section 7114 (20 U.S.C. 7424)  
7 is amended—

8           (1) in subsection (b)—

9           (A) in paragraph (2)—

10           (i) in subparagraph (A)—

11           (I) by striking “is consistent  
12           with” and inserting “supports”; and

13           (II) by inserting “, tribal,” after  
14           “State”; and

15           (ii) in subparagraph (B), by striking  
16           “such goals” and all that follows through  
17           the semicolon at the end and inserting  
18           “such goals, to ensure such students meet  
19           the same college and career ready State  
20           academic achievement standards under sec-  
21           tion 1111(b) for all children;”;

22           (B) in paragraph (5)—

23           (i) in subparagraph (A), by striking  
24           “and” after the semicolon; and

1 (ii) by adding at the end the fol-  
2 lowing:

3 “(C) the parents of Indian children, and  
4 representatives of Indian tribes, on the com-  
5 mittee described in subsection (c)(5) will par-  
6 ticipate in the planning of the professional de-  
7 velopment materials;”;

8 (C) in paragraph (6)—

9 (i) in subparagraph (B)—

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

12 “(iii) the Indian tribes whose children  
13 are served by the local educational agency;  
14 and”; and

15 (ii) in subparagraph (C), by striking  
16 the period at the end and inserting “;  
17 and”; and

18 (D) by adding at the end the following:

19 “(7) describes—

20 “(A) the formal process the local edu-  
21 cational agency used to collaborate with Indian  
22 tribes located in the community in the develop-  
23 ment of the comprehensive programs; and

24 “(B) the actions taken as a result of the  
25 collaboration.”;



1 (2) in subsection (c)—

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

4 “(A) determine the extent to which such  
5 activities address the unique cultural, language,  
6 and educational needs of Indian students;”;

7 (B) in paragraph (3)(C), by inserting “rep-  
8 resentatives of Indian tribes with reservations  
9 located within 50 miles of any of the schools  
10 that have Indian children in any such school,”  
11 after “Indian children and teachers”;

12 (C) in paragraph (4)(A)—

13 (i) by redesignating clauses (ii) and  
14 (iii) as clauses (iii) and (iv), respectively;  
15 and

16 (ii) by inserting the following after  
17 clause (i):

18 “(ii) representatives of Indian tribes  
19 with reservations located within 50 miles of  
20 any of the schools that have children in  
21 any such school;”.

22 (D) in subparagraph (4)(B), by adding “or  
23 representatives of Indian tribes described in  
24 subparagraph (A)(ii)” after “children”; and

25 (E) in subparagraph (4)(D)—

1 (i) by striking “; and” at the end of  
2 clause (i); and

3 (ii) by adding at the end the fol-  
4 lowing:

5 “(iii) determined that the program  
6 will directly enhance the educational expe-  
7 rience of Indian and Alaska Native stu-  
8 dents; and”;

9 (3) by adding at the end the following:

10 “(d) OUTREACH.—The Secretary shall monitor the  
11 applications for grants under this subpart to identify eligi-  
12 ble local educational agencies and schools operated by the  
13 Bureau of Indian Education that have not applied for such  
14 grants, and shall undertake appropriate outreach activities  
15 to encourage and assist eligible entities to submit applica-  
16 tions for such grants.”.

17 **SEC. 725. AUTHORIZED SERVICES AND ACTIVITIES.**

18 Section 7115 (20 U.S.C. 7425) is amended—

19 (1) in subsection (b)—

20 (A) by inserting before paragraph (2) the  
21 following:

22 “(1) activities that support Native American  
23 language immersion programs and Native American  
24 language restoration programs,”;

1 (B) in paragraph (3), by striking “chal-  
2 lenging State academic content and student  
3 academic achievement standards” and inserting  
4 “college and career ready State academic con-  
5 tent and student academic achievement stand-  
6 ards under section 1111(b)”;

7 (C) by striking paragraph (4) and insert-  
8 ing the following:

9 “(4) integrated educational services in combina-  
10 tion with other programs to meet the unique needs  
11 of Indian children and their families, including pro-  
12 grams that promote parental involvement—

13 “(A) in school activities; and

14 “(B) to increase student achievement;”;

15 (D) by striking paragraph (6) and insert-  
16 ing the following:

17 “(6) activities that educate individuals so as to  
18 prevent violence, suicide, and substance abuse;”;

19 (E) by striking paragraph (9) and insert-  
20 ing the following:

21 “(9) activities that incorporate culturally and  
22 linguistically relevant curriculum content into class-  
23 room instruction that is responsive to the unique  
24 learning styles of Indian and Alaska Native children,  
25 and ensures that children are better able to meet the

1 college and career ready State academic achievement  
2 standards under section 1111(b);” and

3 (F) in paragraph (11) by striking “chil-  
4 dren,” and all that follows through the period  
5 and inserting “children;”; and

6 (G) by adding at the end the following:

7 “(12) dropout prevention strategies for Indian  
8 and Alaska Native students; and

9 “(13) strategies to meet the educational needs  
10 of at-risk Indian students in correctional facilities,  
11 including such strategies that support Indian and  
12 Alaska Native students who are transitioning from  
13 such facilities to schools served by local educational  
14 agencies.”.

15 (2) in subsection (c) by adding at the end the  
16 following:

17 “(3) the local educational agency identifies in  
18 its application how the use of such funds in a  
19 schoolwide program will produce benefits to the In-  
20 dian students that would not be achieved if the  
21 funds were not used in a schoolwide program.”.

22 **SEC. 726. STUDENT ELIGIBILITY FORMS.**

23 Section 7117(e) (20 U.S.C. 7427(e)) is amended to  
24 read as follows:

25 “(e) DOCUMENTATION AND TYPES OF PROOF.—

1           “(1) TYPES OF PROOF.—For purposes of deter-  
2           mining whether a child is eligible to be counted for  
3           the purpose of computing the amount of a grant  
4           award under section 7113, the membership of the  
5           child, or any parent or grandparent of the child, in  
6           a tribe or band of Indians (as so defined) may be  
7           established by proof other than an enrollment num-  
8           ber, notwithstanding the availability of an enroll-  
9           ment number for a member of such tribe or band.  
10          Nothing in subsection (b) shall be construed to re-  
11          quire the furnishing of an enrollment number.

12           “(2) NO NEW OR DUPLICATE DETERMINA-  
13          TIONS.—Once a child is determined to be an Indian  
14          eligible to be counted for such grant award, the local  
15          educational agency shall maintain a record of such  
16          determination and shall not require a new or dupli-  
17          cate determination to be made for such child for a  
18          subsequent application for a grant under this sub-  
19          part.

20           “(3) PREVIOUSLY FILED FORMS.—An Indian  
21          student eligibility form that was on file as required  
22          by this section on the day before the date of enact-  
23          ment of the Student Success Act and that met the  
24          requirements of this section, as this section was in  
25          effect on the day before the date of enactment of

1       such Act, shall remain valid for such Indian stu-  
2       dent.”.

3       **SEC. 727. TECHNICAL ASSISTANCE.**

4       Subpart 1 of part A of title VII is amended by adding  
5       at the end the following new section:

6       **“SEC. 7120. TECHNICAL ASSISTANCE.**

7       “The Secretary shall, directly or through contract,  
8       provide technical assistance to a local educational agency  
9       upon request, in addition to any technical assistance avail-  
10      able under section 1116 or available through the Institute  
11      of Education Sciences, to support the services and activi-  
12      ties described under this section, including for the—

13             “(1) development of applications under this sec-  
14      tion;

15             “(2) improvement in the quality of implementa-  
16      tion, content of activities, and evaluation of activities  
17      supported under this subpart;

18             “(3) integration of activities under this title  
19      with other educational activities established by the  
20      local educational agency; and

21             “(4) coordination of activities under this title  
22      with programs administered by each Federal agency  
23      providing grants for the provision of educational and  
24      related services.”.

1 **SEC. 728. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**  
2 **TIES FOR INDIAN CHILDREN.**

3 Section 7121(e)(1)(G) (20 U.S.C. 7441(e)(1)(G)) is  
4 amended to read as follows:

5 “(G) high-quality early childhood education  
6 programs that support children’s school readi-  
7 ness, including kindergarten and prekind-  
8 garten programs, family-based preschool pro-  
9 grams, and the provision of services to Indian  
10 children with disabilities;”.

11 **PART 2—SPECIAL PROGRAMS AND PROJECTS TO**  
12 **IMPROVE EDUCATIONAL OPPORTUNITIES**  
13 **FOR INDIAN CHILDREN**

14 **SEC. 731. PROFESSIONAL DEVELOPMENT FOR TEACHERS**  
15 **AND EDUCATION PROFESSIONALS.**

16 Section 7122 (20 U.S.C. 7442) is amended—

17 (1) in subsection (a), by striking paragraphs  
18 (1) and (2) and inserting the following:

19 “(1) to increase the number of qualified and ef-  
20 fective Indian teachers and administrators serving  
21 Indian students;

22 “(2) to provide training to qualified Indian indi-  
23 viduals to become teachers, administrators, social  
24 workers, and other educators; and”;

25 (2) by striking subsection (e) and inserting the  
26 following:

1       “(e) APPLICATION.—Each eligible entity desiring a  
2 grant under this section shall submit an application to the  
3 Secretary at such time, in such manner, and accompanied  
4 by such information, as the Secretary may reasonably re-  
5 quire. At a minimum, an application under this section  
6 shall describe how the eligible entity will—

7               “(1) recruit qualified Indian individuals, such  
8 as students who may not be of traditional college  
9 age, to become teachers or principals;

10              “(2) use funds made available under the grant  
11 to support the recruitment, preparation, and profes-  
12 sional development of Indian teachers or principals  
13 in local educational agencies that serve a high pro-  
14 portion of Indian students; and

15              “(3) assist participants in meeting the require-  
16 ments under subsection (h).”; and

17              (4) by striking subsection (g) and inserting the  
18 following:

19              “(g) GRANT PERIOD.—The Secretary shall award  
20 grants under this section for an initial period of not more  
21 than 3 years, and may renew such grants for not more  
22 than an additional 2 years if the Secretary finds that the  
23 grantee is achieving the objectives of the grant.”.



1                   **PART 3—NATIONAL ACTIVITIES**

2   **SEC. 741. NATIONAL ACTIVITIES.**

3           Section 7131(c)(2) (20 U.S.C. 7451(c)(2)) is amend-  
4 ed by striking “Office of Indian Education Programs” and  
5 inserting “Bureau of Indian Education”.

6   **SEC. 742. IMPROVEMENT OF ACADEMIC SUCCESS FOR STU-**  
7                   **DENTS THROUGH NATIVE AMERICAN LAN-**  
8                   **GUAGE.**

9           Subpart 3 of part A of title VII (20 U.S.C. 7451 et  
10 seq.) is amended by striking sections 7132 through 7136  
11 and inserting the following:

12   **“SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**  
13                   **STUDENTS THROUGH NATIVE AMERICAN**  
14                   **LANGUAGE.**

15           “(a) PURPOSE.—It is the purpose of this section to  
16 improve educational opportunities and academic achieve-  
17 ment of Indian and Alaska Native students through Na-  
18 tive American language programs and to foster the acqui-  
19 sition of Native American language.

20           “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
21 tion, the term ‘eligible entity’ means a State educational  
22 agency, local educational agency, Indian tribe, Indian or-  
23 ganization, federally supported elementary school or sec-  
24 ondary school for Indian students, Indian institution (in-  
25 cluding an Indian institution of higher education), or a  
26 consortium of such entities.

1       “(c) GRANTS AUTHORIZED.—The Secretary shall  
2 award grants to eligible entities to enable such entities to  
3 carry out the following activities:

4           “(1) Native American language programs  
5 that—

6           “(A) provide instruction through the use of  
7 a Native American language for not less than  
8 10 children for an average of not less than 500  
9 hours per year per student;

10          “(B) provide for the involvement of par-  
11 ents, caregivers, and families of students en-  
12 rolled in the program;

13          “(C) utilize, and may include the develop-  
14 ment of, instructional courses and materials for  
15 learning Native American languages and for in-  
16 struction through the use of Native American  
17 languages;

18          “(D) provide support for professional de-  
19 velopment activities; and

20          “(E) include a goal of all students achiev-  
21 ing—

22           “(i) fluency in a Native American lan-  
23 guage; and

1                   “(ii) academic proficiency in mathe-  
2                   matics, English, reading or language arts,  
3                   and science.

4                   “(2) Native American language restoration pro-  
5                   grams that—

6                   “(A) provide instruction in not less than 1  
7                   Native American language;

8                   “(B) provide support for professional de-  
9                   velopment activities for teachers of Native  
10                  American languages;

11                  “(C) develop instructional materials for the  
12                  programs; and

13                  “(D) include the goal of increasing pro-  
14                  ficiency and fluency in not less than 1 Native  
15                  American language.

16                  “(d) APPLICATION.—

17                  “(1) IN GENERAL.—An eligible entity that de-  
18                  sires to receive a grant under this section shall sub-  
19                  mit an application to the Secretary at such time, in  
20                  such manner, and accompanied by such information  
21                  as the Secretary may require.

22                  “(2) CERTIFICATION.—An eligible entity that  
23                  submits an application for a grant to carry out the  
24                  activity specified in subsection (c)(1), shall include  
25                  in such application a certification that assures that

1 such entity has experience and a demonstrated  
2 record of effectiveness in operating and admin-  
3 istering a Native American language program or any  
4 other educational program in which instruction is  
5 conducted in a Native American language.

6 “(e) GRANT DURATION.—The Secretary shall award  
7 grants under this section for an initial period of not more  
8 than 3 years, and may renew such grants for not more  
9 than an additional 2 years if the Secretary finds that the  
10 grantee is achieving the objectives of the grant.

11 “(f) DEFINITION.—In this section, the term ‘average’  
12 means the aggregate number of hours of instruction  
13 through the use of a Native American language to all stu-  
14 dents enrolled in a Native American language program  
15 during a school year divided by the total number of stu-  
16 dents enrolled in the program.

17 “(g) ADMINISTRATIVE COSTS.—

18 “(1) IN GENERAL.—Except as provided in para-  
19 graph (2), not more than 5 percent of the funds pro-  
20 vided to a grantee under this section for any fiscal  
21 year may be used for administrative purposes.

22 “(2) EXCEPTION.—An elementary school or  
23 secondary school for Indian students that receives  
24 funds from a recipient of a grant under subsection

1 (c) for any fiscal year may use not more than 10  
2 percent of the funds for administrative purposes.

3 **“SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATION**  
4 **AGENCY COLLABORATION.**

5 “The Secretary, in consultation with the Director of  
6 the Bureau of Indian Education, shall conduct a study of  
7 the relationship among State educational agencies, local  
8 educational agencies, and other relevant State and local  
9 agencies, and tribes or tribal representatives to—

10 “(1) identify examples of best practices in col-  
11 laboration among those entities that result in the  
12 provision of better services to Indian students; and

13 “(2) provide recommendations on—

14 “(A) State educational agency functions  
15 that tribal educational agencies could perform;

16 “(B) areas and agency functions in which  
17 greater State educational agency and tribal  
18 education agency collaboration is needed; and

19 “(C) other steps to reducing barriers to  
20 serving Indian students, especially such stu-  
21 dents who are at risk of academic failure.”.

1 **Subtitle B—Native Hawaiian Edu-**  
2 **cation; Alaska Native Education**

3 **SEC. 751. NATIVE HAWAIIAN EDUCATION AND ALASKA NA-**  
4 **TIVE EDUCATION.**

5 Title VII (20 U.S.C. 7401 et seq.) is amended—

6 (1) in the heading of part B, by inserting “;  
7 **ALASKA NATIVE EDUCATION**” after “**NATIVE**  
8 **HAWAIIAN EDUCATION**”; and

9 (2) by inserting before section 7201 the fol-  
10 lowing:

11 **“Subpart 1—Native Hawaiian Education”.**

12 **SEC. 752. FINDINGS.**

13 Section 7202 (20 U.S.C. 7512) is amended to read  
14 as follows:

15 **“SEC. 7202. FINDINGS.**

16 “Congress finds the following:

17 “(1) Native Hawaiians are a distinct and  
18 unique indigenous people with a historical continuity  
19 to the original inhabitants of the Hawaiian archi-  
20 pelago, whose society was organized as a nation and  
21 internationally recognized as a nation by the United  
22 States, and many other countries.

23 “(2) Native Hawaiians have a cultural, historic,  
24 and land-based link to the indigenous people who ex-  
25 ercised sovereignty over the Hawaiian Islands.

1           “(3) The political status of Native Hawaiians is  
2           comparable to that of American Indians and Alaska  
3           Natives.

4           “(4) The political relationship between the  
5           United States and the Native Hawaiian people has  
6           been recognized and reaffirmed by the United  
7           States, as evidenced by the inclusion of Native Ha-  
8           waiians in many Federal statutes, including—

9                   “(A) the Native American Programs Act of  
10                   1974 (42 U.S.C. 2991 et seq.);

11                   “(B) Public Law 95–341 (commonly  
12                   known as the ‘American Indian Religious Free-  
13                   dom Act’ (42 U.S.C. 1996));

14                   “(C) the National Museum of the Amer-  
15                   ican Indian Act (20 U.S.C. 80q et seq.);

16                   “(D) the Native American Graves Protec-  
17                   tion and Repatriation Act (25 U.S.C. 3001 et  
18                   seq.);

19                   “(E) the National Historic Preservation  
20                   Act (16 U.S.C. 470 et seq.);

21                   “(F) the Native American Languages Act  
22                   (25 U.S.C. 2901 et seq.);

23                   “(G) the American Indian, Alaska Native,  
24                   and Native Hawaiian Culture and Art Develop-  
25                   ment Act (20 U.S.C. 4401 et seq.);

1           “(H) the Workforce Investment Act of  
2           1998 (29 U.S.C. 2801 et seq.); and

3           “(I) the Older Americans Act of 1965 (42  
4           U.S.C. 3001 et seq.).

5           “(5) Many Native Hawaiian students lag be-  
6           hind other students in terms of—

7           “(A) school readiness factors;

8           “(B) scoring below national norms on edu-  
9           cation achievement tests at all grade levels;

10          “(C) underrepresentation in the uppermost  
11          achievement levels and in gifted and talented  
12          programs;

13          “(D) overrepresentation among students  
14          qualifying for special education programs;

15          “(E) underrepresentation in institutions of  
16          higher education and among adults who have  
17          completed 4 or more years of college.

18          “(6) The percentage of Native Hawaiian stu-  
19          dents served by the State of Hawaii Department of  
20          Education rose 30 percent from 1980 to 2008, and  
21          there are and will continue to be geographically  
22          rural, isolated areas with a high Native Hawaiian  
23          population density.

24          “(7) The Native Hawaiian people are deter-  
25          mined to preserve, develop, and transmit to future



1 generations their ancestral territory and their cul-  
2 tural identity in accordance with their own spiritual  
3 and traditional beliefs, customs, practices, language,  
4 and social institutions.”.

5 **SEC. 753. PURPOSES.**

6 Section 7203 (20 U.S.C. 7513) is amended to read  
7 as follows:

8 **“SEC. 7203. PURPOSES.**

9 “The purposes of this part are—

10 “(1) to develop, implement, assess, and evaluate  
11 innovative educational programs to improve the aca-  
12 demic achievement of Native Hawaiian students by  
13 meeting their unique cultural and language needs in  
14 order to help such students meet State academic  
15 content and achievement standards as described in  
16 section 1111(b);

17 “(2) to provide guidance to appropriate Fed-  
18 eral, State, and local agencies to more effectively  
19 and efficiently focus resources, including resources  
20 made available under this part, on the development  
21 and implementation of—

22 “(A) innovative educational programs for  
23 Native Hawaiians;

24 “(B) rigorous and substantive Native Ha-  
25 waiian language programs; and

1           “(C) Native Hawaiian culture-based edu-  
2           cational programs; and

3           “(3) to create a system by which information  
4           from programs funded under this part will be col-  
5           lected, analyzed, evaluated, reported, and used in de-  
6           cisionmaking activities regarding the types of grants  
7           awarded under this part.”.

8 **SEC. 754. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

9           Section 7204 (20 U.S.C. 7514) is amended to read  
10 as follows:

11 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL**  
12 **GRANT.**

13           “(a) GRANT AUTHORIZED.—In order to carry out the  
14 purposes of this part the Secretary shall award a grant  
15 to an education council, as described under subsection (b).

16           “(b) EDUCATION COUNCIL.—

17           “(1) ELIGIBILITY.—To be eligible to receive the  
18 grant under subsection (a), the council shall be an  
19 education council (referred to in this section as the  
20 ‘Education Council’) that meets the requirements of  
21 this subsection.

22           “(2) COMPOSITION.—The Education Council  
23 shall consist of 15 members of whom—

24           “(A) 1 shall be the President of the Uni-  
25           versity of Hawaii (or a designee);

1           “(B) 1 shall be the Governor of the State  
2 of Hawaii (or a designee);

3           “(C) 1 shall be the Superintendent of the  
4 State of Hawaii Department of Education (or a  
5 designee);

6           “(D) 1 shall be the chairperson of the Of-  
7 fice of Hawaiian Affairs (or a designee);

8           “(E) 1 shall be the executive director of  
9 Hawaii’s Charter School Network (or a des-  
10 ignee);

11           “(F) 1 shall be the chief executive officer  
12 of the Kamehameha Schools (or a designee);

13           “(G) 1 shall be the chairperson of the  
14 Queen Liliuokalani Trust (or a designee);

15           “(H) 1 shall be a member, selected by the  
16 other members of the Education Council, who  
17 represents a private grant-making entity;

18           “(I) 1 shall be the Mayor of the County of  
19 Hawaii (or a designee);

20           “(J) 1 shall be the Mayor of Maui County  
21 (or a designee from the Island of Maui);

22           “(K) 1 shall be the Mayor of the County  
23 of Kauai (or a designee);

1           “(L) 1 shall be appointed by the Mayor of  
2 Maui County from the Island of either Molokai  
3 or Lanai;

4           “(M) 1 shall be the Mayor of the City and  
5 County of Honolulu (or a designee);

6           “(N) 1 shall be the chairperson of the Ha-  
7 waiian Homes Commission (or a designee); and

8           “(O) 1 shall be the chairperson of the Ha-  
9 waii Workforce Development Council (or a des-  
10 ignee representing the private sector).

11          “(3) REQUIREMENTS.—Any designee serving on  
12 the Education Council shall demonstrate, as deter-  
13 mined by the individual who appointed such designee  
14 with input from the Native Hawaiian community,  
15 not less than 5 years of experience as a consumer  
16 or provider of Native Hawaiian education or cultural  
17 activities, with traditional cultural experience given  
18 due consideration.

19          “(4) LIMITATION.—A member (including a des-  
20 ignee), while serving on the Education Council, shall  
21 not be a recipient of grant funds that are awarded  
22 under this part.

23          “(5) TERM OF MEMBERS.—A member who is a  
24 designee shall serve for a term of not more than 4  
25 years.

1           “(6) CHAIR, VICE CHAIR.—

2                   “(A) SELECTION.—The Education Council  
3 shall select a Chair and a Vice Chair from  
4 among the members of the Education Council.

5                   “(B) TERM LIMITS.—The Chair and Vice  
6 Chair shall each serve for a 2-year term.

7           “(7) ADMINISTRATIVE PROVISIONS RELATING  
8 TO EDUCATION COUNCIL.—The Education Council  
9 shall meet at the call of the Chair of the Council,  
10 or upon request by a majority of the members of the  
11 Education Council, but in any event not less often  
12 than every 120 days.

13           “(8) NO COMPENSATION.—None of the funds  
14 made available through the grant may be used to  
15 provide compensation to any member of the Edu-  
16 cation Council or member of a working group estab-  
17 lished by the Education Council, for functions de-  
18 scribed in this section.

19           “(c) USE OF FUNDS.—The Education Council shall  
20 use funds made available through the grant to carry out  
21 each of the following activities:

22                   “(1) Providing advice about the coordination of,  
23 and serving as a clearinghouse for, the educational  
24 services and programs for Native Hawaiians.

1           “(2) Providing direction and guidance, such as  
2 through the issuance of reports and recommenda-  
3 tions, to appropriate Federal, State, and local agen-  
4 cies in order to focus and improve the use of re-  
5 sources relating to Native Hawaiian education.

6           “(3) provide technical assistance to Native Ha-  
7 waiian organizations that are grantees or potential  
8 grantees under this part;

9           “(4) assessing and evaluating the individual  
10 and aggregate impact of grants and activities funded  
11 under this part and how well they meet the needs of  
12 Native Hawaiians, including information and data  
13 about—

14           “(A) the effectiveness of such grantees in  
15 meeting the educational priorities established by  
16 the Education Council, as described in para-  
17 graph (6)(D), using metrics related to these  
18 priorities; and

19           “(B) the effectiveness of such grantees in  
20 carrying out any of the activities described in  
21 section 7205(e) that are related to the specific  
22 goals and purposes of each grantee’s grant  
23 project, using metrics related to these priorities;

24           “(5) assess and define the educational needs of  
25 Native Hawaiians; and

1           “(6) may use funds to hire an executive director  
2           to enable the Council to carry out the activities de-  
3           scribed in this subsection.

4           “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-  
5           TIONS.—The Education Council shall use funds made  
6           available through the grant under subsection (a) to hold  
7           not less than 1 community consultation each year on each  
8           of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and  
9           Kauai, at which—

10           “(1) not less than 3 members of the Education  
11           Council shall be in attendance;

12           “(2) the Education Council shall gather com-  
13           munity input regarding—

14           “(A) current grantees under this part, as  
15           of the date of the consultation;

16           “(B) priorities and needs of Native Hawai-  
17           ians; and

18           “(C) other Native Hawaiian education  
19           issues; and

20           “(3) the Education Council shall report to the  
21           community on the outcomes of the activities sup-  
22           ported by grants awarded under this part.

23           “(f) REPORTS.—

24           “(1) ANNUAL EDUCATION COUNCIL REPORT.—

25           The Education Council shall use funds made avail-

1       able through the grant under this section to prepare  
2       and submit to the Secretary, before the end of each  
3       calendar year, annual reports that contain—

4               “(A) a description of the activities of the  
5       Education Council during the preceding cal-  
6       endar year;

7               “(B) recommendations of the Education  
8       Council, if any, regarding priorities to be estab-  
9       lished under section 7205(b);

10              “(C) significant barriers to achieving the  
11       goals under this subpart;

12              “(D) a summary of each community con-  
13       sultation session, as described in subsection (d);  
14       and

15              “(E) recommendations to establish funding  
16       priorities based on an assessment of—

17                      “(i) the educational needs of Native  
18       Hawaiians;

19                      “(ii) programs and services currently  
20       available to address such needs, including  
21       the effectiveness of such programs in im-  
22       proving educational performance of Native  
23       Hawaiians; and

24                      “(iii) priorities for funding in specific  
25       geographic communities.



1           “(2) REPORT BY THE SECRETARY.—Not later  
2 than 2 years after the date of enactment of the Stu-  
3 dent Success Act, the Secretary shall prepare and  
4 submit to the Committee on Indian Affairs of the  
5 Senate and the authorizing committees a report  
6 that—

7           “(A) summarizes the annual reports of the  
8 Education Council;

9           “(B) describes the allocation and use of  
10 funds under this subpart and the information  
11 gathered since the first annual report submitted  
12 by the Education Council to the Secretary  
13 under this section; and

14           “(C) contains recommendations for  
15 changes in Federal, State, and local policy to  
16 advance the purposes of this subpart.

17           “(g) FUNDING.—For each fiscal year, the Secretary  
18 shall use the amount described in section 7206(d)(2), to  
19 make a payment under the grant. Funds made available  
20 through the grant shall remain available until expended.”.

21 **SEC. 755. GRANT PROGRAM AUTHORIZED.**

22           Section 7205 (20 U.S.C. 7515 et seq.) is amended  
23 to read as follows:

1 **“SEC. 7205. GRANT PROGRAM AUTHORIZED.**

2 “(a) GRANTS AND CONTRACTS.—In order to carry  
3 out programs that meet the purposes of this part, the Sec-  
4 retary is authorized to award grants to, or enter into con-  
5 tracts with—

6 “(1) Native Hawaiian educational organiza-  
7 tions;

8 “(2) Native Hawaiian community-based organi-  
9 zations;

10 “(3) public and private nonprofit organizations,  
11 agencies, and institutions with experience in devel-  
12 oping or operating Native Hawaiian education and  
13 workforce development programs or programs of in-  
14 struction in the Native Hawaiian language;

15 “(4) charter schools; or

16 “(5) consortia of the organizations, agencies,  
17 and institutions described in paragraphs (1) through  
18 (4).

19 “(b) PRIORITY.—In awarding grants and entering  
20 into contracts under this part, the Secretary shall give pri-  
21 ority to—

22 “(1) programs that meet the educational pri-  
23 ority recommendations of the Education Council, as  
24 described under section 7204(d)(6)(E);

25 “(2) programs designed to improve the aca-  
26 demic achievement of Native Hawaiian students by

1 meeting their unique cultural and language needs in  
2 order to help such students meet State academic  
3 content and achievement standards as described in  
4 Section 1111(b) including the use of Native Hawai-  
5 ian language and preservation or reclamation of Na-  
6 tive Hawaiian culture-based educational practices;  
7 and

8 “(3) programs in which a local educational  
9 agency, institution of higher education, or a State  
10 educational agency apply for a grant or contract as  
11 part of a partnership or consortium with a nonprofit  
12 entity serving underserved communities within the  
13 Native Hawaiian population.

14 “(c) AUTHORIZED ACTIVITIES.—Activities provided  
15 through programs carried out under this part may in-  
16 clude—

17 “(1) the development and maintenance of a  
18 statewide Native Hawaiian early education system to  
19 provide a continuum of high-quality early learning  
20 services for Native Hawaiian children;

21 “(2) the operation of family-based education  
22 centers that provide such services as—

23 “(A) programs for Native Hawaiian par-  
24 ents and students;

1           “(B) early education programs for Native  
2           Hawaiians; and

3           “(C) research on, and development and as-  
4           sessment of, family-based, early childhood, and  
5           preschool programs for Native Hawaiians;

6           “(3) activities that enhance beginning reading  
7           and literacy in either the Hawaiian or the English  
8           language among Native Hawaiian students;

9           “(4) activities to meet the special needs of Na-  
10          tive Hawaiian students with disabilities, including—

11           “(A) the identification of such students  
12           and their needs;

13           “(B) the provision of support services to  
14           the families of such students; and

15           “(C) other activities consistent with the re-  
16           quirements of the Individuals with Disabilities  
17           Education Act;

18           “(5) activities that address the special needs of  
19           Native Hawaiian students who are gifted and tal-  
20           ented, including—

21           “(A) educational, psychological, and devel-  
22           opmental activities designed to assist in the  
23           educational progress of such students; and

1           “(B) activities that involve the parents of  
2           such students in a manner designed to assist in  
3           the educational progress of such students;

4           “(6) the development of academic and voca-  
5           tional curricula to address the needs of Native Ha-  
6           waiian students, including curricular materials in  
7           the Hawaiian language and mathematics and science  
8           curricula that incorporate Native Hawaiian tradition  
9           and culture;

10          “(7) professional development activities for edu-  
11          cators, including—

12               “(A) the development of programs to pre-  
13               pare prospective teachers to address the unique  
14               needs of Native Hawaiian students within the  
15               context of Native Hawaiian culture, language,  
16               and traditions;

17               “(B) in-service programs to improve the  
18               ability of teachers who teach in schools with  
19               high concentrations of Native Hawaiian stu-  
20               dents to meet the unique needs of such stu-  
21               dents; and

22               “(C) the recruitment and preparation of  
23               Native Hawaiians, and other individuals who  
24               live in communities with a high concentration of  
25               Native Hawaiians, to become teachers;

1           “(8) the operation of community-based learning  
2           centers that address the needs of Native Hawaiian  
3           students, parents, families, and communities  
4           through the coordination of public and private pro-  
5           grams and services, including—

6                   “(A) early education programs;

7                   “(B) before, after, and Summer school  
8           programs, expanded learning time, or weekend  
9           academies;

10                  “(C) career and technical education pro-  
11           grams; and

12                  “(D) programs that recognize and support  
13           the unique cultural and educational needs of  
14           Native Hawaiian children, and incorporate ap-  
15           propriately qualified Native Hawaiian elders  
16           and seniors;

17           “(9) activities, including program co-location,  
18           that ensure Native Hawaiian students graduate col-  
19           lege and career ready including—

20                   “(A) family literacy services;

21                   “(B) counseling, guidance, and support  
22           services for students; and

23                   “(C) professional development activities de-  
24           signed to help educators improve the college

1           and career readiness of Native Hawaiian stu-  
2           dents;

3           “(10) research and data collection activities to  
4           determine the educational status and needs of Na-  
5           tive Hawaiian children and adults;

6           “(11) other research and evaluation activities  
7           related to programs carried out under this part; and

8           “(12) other activities, consistent with the pur-  
9           poses of this part, to meet the educational needs of  
10          Native Hawaiian children and adults.

11          “(d) **ADDITIONAL ACTIVITIES.**—Notwithstanding  
12 any other provision of this part, funds made available to  
13 carry out this section as of the day before the date of en-  
14 actment of the Student Success Act shall remain available  
15 until expended. The Secretary may use such funds to sup-  
16 port the following:

17           “(1) The repair and renovation of public  
18           schools that serve high concentrations of Native Ha-  
19           waiian students.

20           “(2) The perpetuation of, and expansion of ac-  
21           cess to, Hawaiian culture and history, such as  
22           through digital archives.

23           “(3) Informal education programs that promote  
24           traditional Hawaiian knowledge, science, astronomy,

1 and the environment through State museums or  
2 learning centers.

3 “(4) Public charter schools serving high con-  
4 centrations of Native Hawaiian students.

5 “(e) ADMINISTRATIVE COSTS.—

6 “(1) IN GENERAL.—Except as provided in para-  
7 graph (2), not more than 5 percent of funds pro-  
8 vided to a recipient of a grant or contract under this  
9 section for any fiscal year may be used for adminis-  
10 trative purposes.

11 “(2) EXCEPTION.—The Secretary may waive  
12 the requirement of paragraph (1) for a nonprofit en-  
13 tity that receives funding under this section and  
14 allow not more than 10 percent of funds provided to  
15 such nonprofit entity under this section for any fis-  
16 cal year to be used for administrative purposes.”.

17 **SEC. 756. ADMINISTRATIVE PROVISIONS; AUTHORIZATION**  
18 **OF APPROPRIATIONS.**

19 Section 7206 (20 U.S.C. 7516) is amended to read  
20 as follows:

21 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

22 “(a) APPLICATION REQUIRED.—No grant may be  
23 made under this part, and no contract may be entered into  
24 under this part, unless the entity seeking the grant or con-  
25 tract submits an application to the Secretary at such time,



1 in such manner, and containing such information as the  
2 Secretary may determine to be necessary to carry out the  
3 provisions of this part.

4 “(b) DIRECT GRANT APPLICATIONS.—The Secretary  
5 shall provide a copy of all direct grant applications to the  
6 Education Council.

7 “(c) SUPPLEMENT NOT SUPPLANT.—

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (2), funds made available under this part  
10 shall be used to supplement, and not supplant, any  
11 State or local funds used to achieve the purposes of  
12 this part.

13 “(2) EXCEPTION.—Paragraph (1) shall not  
14 apply to any nonprofit entity or Native Hawaiian  
15 community-based organization that receives a grant  
16 or other funds under this part.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There are authorized to be  
19 appropriated to carry out this section, and sections  
20 7204 and 7205, such sums as may be necessary for  
21 fiscal year 2016 and each of the 5 succeeding fiscal  
22 years.

23 “(2) RESERVATION.—Of the funds appro-  
24 priated under this subsection, the Secretary shall re-  
25 serve, for each fiscal year after the date of enact-

1       ment of the Student Success Act not less than  
2       \$500,000 for the grant to the Education Council  
3       under section 7204.

4           “(3) AVAILABILITY.—Funds appropriated  
5       under this subsection shall remain available until ex-  
6       pended.”.

7   **SEC. 757. DEFINITIONS.**

8       Section 7207 (20 U.S.C. 7517) is amended—

9           (1) by redesignating paragraphs (1) through  
10       (6) as paragraphs (2) through (7), respectively; and

11          (2) by inserting before paragraph (2) (as reded-  
12       ignated by paragraph (1)) the following:

13           “(1) COMMUNITY CONSULTATION.—The term  
14       ‘community consultation’ means a public gath-  
15       ering—

16           “(A) to discuss Native Hawaiian education  
17       concerns; and

18           “(B) about which the public has been given  
19       not less than 30 days notice.”.

20   **SEC. 758. ALASKA NATIVE EDUCATION.**

21       (a) IN GENERAL.—Subpart B of title VII (20 U.S.C.  
22       7511 et seq.) is further amended by adding at the end  
23       the following:

1           **“Subpart C—Alaska Native Education**

2   **“SEC. 7301. SHORT TITLE.**

3           “‘This part may be cited as the “Alaska Native Edu-  
4   cational Equity, Support, and Assistance Act

5   **“SEC. 7302. FINDINGS.**

6           “Congress finds and declares the following:

7           “(1) It is the policy of the Federal Government  
8   to maximize the leadership of and participation by  
9   Alaska Native peoples in the planning and the man-  
10   agement of Alaska Native education programs and  
11   to support efforts developed by and undertaken with-  
12   in the Alaska Native community to improve edu-  
13   cational opportunity for all students.

14           “(2) Many Alaska Native children enter and  
15   exit school with serious educational disadvantages.

16           “(3) Overcoming the magnitude of the geo-  
17   graphic challenges, historical inequities, and other  
18   barriers to successfully improving educational out-  
19   comes for Alaska Native students in rural, village,  
20   and urban settings is challenging. Significant dis-  
21   parities between academic achievement of Alaska  
22   Native students and non-Native students continues,  
23   including lower graduation rates, increased school  
24   dropout rates, and lower achievement scores on  
25   standardized tests.

1           “(4) The preservation of Alaska Native cultures  
2           and languages and the integration of Alaska Native  
3           cultures and languages into education, positive iden-  
4           tity development for Alaska Native students, and  
5           local, place-based, and culture-based programming  
6           are critical to the attainment of educational success  
7           and the long-term well-being of Alaska Native stu-  
8           dents.

9           “(5) Improving educational outcomes for Alaska  
10          Native students increases access to employment op-  
11          portunities.

12          “(6) The programs and activities authorized  
13          under this part give priority to Alaska Native orga-  
14          nizations as a means of increasing Alaska Native  
15          parents’ and community involvement in the pro-  
16          motion of academic success of Alaska Native stu-  
17          dents.

18          “(7) The Federal Government should lend sup-  
19          port to efforts developed by and undertaken within  
20          the Alaska Native community to improve educational  
21          opportunity for Alaska Native students. In 1983,  
22          pursuant to Public Law 98–63, Alaska ceased to re-  
23          ceive educational funding from the Bureau of Indian  
24          Affairs. The Bureau of Indian Education does not  
25          operate any schools in Alaska, nor operate or fund

1 Alaska Native education programs. The program  
2 under this part supports the Federal trust responsi-  
3 bility of the United States to Alaska Natives.

4 **“SEC. 7303. PURPOSES.**

5 “The purposes of this part are as follows:

6 “(1) To recognize and address the unique edu-  
7 cational needs of Alaska Natives in order to help  
8 such students meet State academic content and  
9 achievement standards as described in 1111(b).

10 “(2) To recognize the role of Alaska Native lan-  
11 guages and cultures in the educational success and  
12 long-term well-being of Alaska Native students.

13 “(3) To integrate Alaska Native cultures and  
14 languages into education, develop Alaska Native stu-  
15 dents’ positive identity, and support local place-  
16 based and culture-based curriculum and program-  
17 ming.

18 “(4) To authorize the development, manage-  
19 ment, and expansion of effective supplemental edu-  
20 cational programs to benefit Alaska Native people.

21 “(5) To provide direction and guidance to ap-  
22 propriate Federal, State, and local agencies to focus  
23 resources, including resources made available under  
24 this part, on meeting the educational needs of Alas-  
25 ka Natives.

1           “(6) To ensure the maximum participation by  
2 Alaska Native educators and leaders in the planning,  
3 development, implementation, management, and  
4 evaluation of programs designed to serve Alaska Na-  
5 tives students, and to ensure Alaska Native organi-  
6 zations play a meaningful role in providing supple-  
7 mental educational services to Alaska Native stu-  
8 dents.

9 **“SEC. 7304. PROGRAM AUTHORIZED.**

10       “(a) GENERAL AUTHORITY.—

11           “(1) GRANTS AND CONTRACTS.—To carry out  
12 programs that meet the purposes of this subpart,  
13 the Secretary is authorized to make grants to, or  
14 enter into contracts with:

15                   “(A) Alaska Native Organizations; and

16                   “(B) Alaska Native Organizations that are  
17 in partnership with State educational agencies  
18 and local educational agencies.

19           “(2) MANDATORY ACTIVITIES.—Activities pro-  
20 vided through the programs carried out under this  
21 part shall include the following which shall only be  
22 provided specifically in the context of elementary  
23 and secondary education:

24                   “(A) The development and implementation  
25 of plans, methods, strategies, and activities to

1 improve the academic achievement of Alaska  
2 Native students by meeting their unique cul-  
3 tural and language needs in order to help such  
4 students meet State academic content and  
5 achievement standards as described in section  
6 1111(b).

7 “(B) The collection of data to assist in the  
8 evaluation of the programs carried out under  
9 this part.

10 “(3) PERMISSIBLE ACTIVITIES.—Activities pro-  
11 vided through programs carried out under this part  
12 may include the following which shall only be pro-  
13 vided specifically in the context of elementary and  
14 secondary education:

15 “(A) The development of curricula and  
16 programs that address the educational needs of  
17 Alaska Native students, including the following:

18 “(i) Curriculum materials that reflect  
19 the cultural diversity, languages, history,  
20 or the contributions of Alaska Native peo-  
21 ple.

22 “(ii) Instructional programs that  
23 make use of Alaska Native languages and  
24 cultures.

1                   “(iii) Networks that develop, test, and  
2                   disseminate best practices and introduce  
3                   successful programs, materials, and tech-  
4                   niques to meet the educational needs of  
5                   Alaska Native students in urban and rural  
6                   schools.

7                   “(iv) Methods to evaluate teachers’ in-  
8                   clusion of diverse Alaska Native cultures in  
9                   their lesson plans.

10                  “(B) Training and professional develop-  
11                  ment activities for educators, including the fol-  
12                  lowing:

13                         “(i) Pre-service and in-service training  
14                         and professional development programs to  
15                         prepare teachers to develop appreciation  
16                         for, and understanding of, Alaska Native  
17                         history, cultures, values, ways of knowing  
18                         and learning in order to effectively address  
19                         the cultural diversity and unique needs of  
20                         Alaska Native students and incorporate  
21                         them into lesson plans.

22                         “(ii) Recruitment and preparation of  
23                         Alaska Natives, and other individuals who  
24                         live in communities with high a concentra-  
25                         tion of Alaska Natives, to become teachers.



1                   “(iii) Programs that will lead to the  
2                   certification and licensing of Alaska Native  
3                   teachers, principals, and superintendents.

4                   “(C) The development and operation of  
5                   student enrichment programs, including those  
6                   in science, technology, engineering, and mathe-  
7                   matics that—

8                   “(i) are designed to prepare Alaska  
9                   Native students to excel in such subjects;

10                   “(ii) provide appropriate support serv-  
11                   ices to enable such students to benefit  
12                   from the programs; and

13                   “(iii) include activities that recognize  
14                   and support the unique cultural and edu-  
15                   cational needs of Alaska Native children,  
16                   and incorporate appropriately qualified  
17                   Alaska Native elders and other tradition  
18                   bearers.

19                   “(D) Research and data collection activi-  
20                   ties to determine the educational status and  
21                   needs of Alaska Native children and other such  
22                   research and evaluation activities related to pro-  
23                   grams funded under this subpart.

24                   “(E) Activities designed to increase Alaska  
25                   Native students’ graduation rates and prepare

1 Alaska Native students to be college or career  
2 ready upon graduation from high school, such  
3 as—

4 “(i) Remedial and enrichment pro-  
5 grams; and

6 “(ii) Culturally based education pro-  
7 grams such as—

8 “(I) programs of study and other  
9 instruction in Alaska Native history  
10 and ways of living to share the rich  
11 and diverse cultures of Alaska Native  
12 peoples among Alaska Native youth  
13 and elders, non-Native students,  
14 teachers, and the larger community;

15 “(II) instructing Alaska Native  
16 youth in leadership, communication,  
17 Native culture, arts, and languages;

18 “(III) providing instruction in  
19 Alaska Native history and ways of liv-  
20 ing to students and teachers in the  
21 local school district;

22 “(IV) intergenerational learning  
23 and internship opportunities to Alaska  
24 Native youth and young adults;

1                   “(V) cultural immersion activi-  
2                   ties.

3                   “(VI) culturally-informed cur-  
4                   riculum intended to preserve and pro-  
5                   mote Alaska Native culture;

6                   “(VII) Native language immer-  
7                   sion activities; and

8                   “(VIII) school-within-a-school  
9                   model programs.

10                  “(G) Student and teacher exchange pro-  
11                  grams, cross-cultural immersion programs, and  
12                  culture camps designed to build mutual respect  
13                  and understanding among participants.

14                  “(H) Education programs for at-risk  
15                  urban Alaska Native students that are designed  
16                  to improve academic proficiency and graduation  
17                  rates, utilize strategies otherwise permissible  
18                  under this subpart, and incorporate a strong  
19                  data collection and continuous evaluation com-  
20                  ponent.

21                  “(I) Programs and strategies that provide  
22                  technical assistance and support to schools and  
23                  communities to engage adults in promoting the  
24                  academic progress and overall well-being of  
25                  Alaska Native people such as through child and

1 youth development, positive youth-adult rela-  
2 tionships, improved conditions for learning  
3 (school climate, student connection to school  
4 and community), and increased connections be-  
5 tween schools and families.

6 “(J) Career preparation activities to enable  
7 Alaska Native children and adults to prepare  
8 for meaningful employment, including programs  
9 providing tech-prep, mentoring, training, and  
10 apprenticeship activities.

11 “(K) Support for the development and  
12 operational activities of regional vocational  
13 schools in rural areas of Alaska to provide stu-  
14 dents with necessary resources to prepare for  
15 skilled employment opportunities.

16 “(L) Regional leadership academies that  
17 demonstrate effectiveness in building respect,  
18 understanding, and fostering a sense of Alaska  
19 Native identity to promote their pursuit of and  
20 success in completing higher education or ca-  
21 reer training.

22 “(M) Strategies designed to increase par-  
23 ents’ involvement in their children’s education.

1           “(N) other activities consistent with the  
2           purpose of this part, to meet the educational  
3           needs of Alaska Native children and adults.

4           “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not  
5           more than 5 percent of funds provided to an award recipi-  
6           ent under this part for any fiscal year may be used for  
7           administrative purposes.

8           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
9           are authorized to be appropriated to carry out this part  
10          such sums as may be necessary for the fiscal years 2016  
11          through 2020.

12       **“SEC. 7305. ADMINISTRATIVE PROVISIONS.**

13       “(a) APPLICATION REQUIRED.—

14           “(1) IN GENERAL.—No grant may be made  
15           under this part, and no contract may be entered into  
16           under this part, unless the Alaska Native Organiza-  
17           tion seeking the grant or contract submits an appli-  
18           cation to the Secretary in such time, in such man-  
19           ner, and containing such information as the Sec-  
20           retary may determine necessary to carry out the pro-  
21           visions of this part.

22       “(b) CONSULTATION REQUIRED.—Each applicant for  
23       an award under this part shall provide for ongoing advice  
24       from and consultation with representatives of the Alaska  
25       Native community.

1       “(c) LOCAL EDUCATIONAL AGENCY COORDINA-  
2 TION.—Each applicant for an award under this part shall  
3 inform each local educational agency serving students who  
4 would participate in the program to be carried out under  
5 the grant or contract about the application.

6       “(d) CONTINUATION AWARDS.—An applicant de-  
7 scribed in section 6204(a)(2) that receives funding under  
8 this part shall periodically demonstrate to the Secretary,  
9 during the term of the award, that the applicant is con-  
10 tinuing to play the lead role in its partnership and in the  
11 implementation and evaluation of the funded program.

12 **“SEC. 7306. DEFINITIONS.**

13       “In this part:

14           “(1) ALASKA NATIVE.—The term ‘Alaska Na-  
15 tive’ has the same meaning as the term ‘Native ’ has  
16 in section 3(b) of the Alaska Native Claims Settle-  
17 ment Act and their descendants.

18           “(2) ALASKA NATIVE ORGANIZATION.—The  
19 term ‘Alaska Native Organization’ means a federally  
20 recognized tribe or a tribal organization (as the  
21 terms are defined by the Indian Self-Determination  
22 and Education Assistance Act (25 U.S.C. 450b)),  
23 and a consortium of such entities, that—

1           “(A) has expertise or traditional knowledge  
2           that is relevant to the purposes and activities  
3           described in this part; and

4           “(B) has Alaska Native people in sub-  
5           stantive, policymaking, and leadership positions  
6           within the organization.”.

7           (b) CONFORMING AMENDMENT.—Part C of title VII  
8 (20 U.S.C. 7541 et seq.) is repealed.

## 9           **TITLE VIII—IMPACT AID**

### 10          **SEC. 801. PURPOSE.**

11           Section 8001 (20 U.S.C. 7701) is amended by strik-  
12 ing “challenging State standards” and inserting “State  
13 academic standards”.

### 14          **SEC. 802. PAYMENTS RELATING TO FEDERAL ACQUISITION** 15                                   **OF REAL PROPERTY.**

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

17           (1) in subsection (b)(1)(B), by striking “section  
18           8014(a)” and inserting “section 3(d)(1)”; and

19           (2) by amending subsection (f) to read as fol-  
20           lows:

21           “(f) SPECIAL RULE.—Beginning with fiscal year  
22 2016, a local educational agency shall be deemed to meet  
23 the requirements of subsection (a)(1)(C) if records to de-  
24 termine eligibility under such subsection were destroyed

1 prior to fiscal year 2000 and the agency received funds  
2 under subsection (b) in the previous year.”;

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

5 “(g) FORMER DISTRICTS.—

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

17 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
18 CIES.—A local educational agency described in this  
19 paragraph is—

20 “(A) any local educational agency that, for  
21 fiscal year 1994 or any preceding fiscal year,  
22 applied for, and was determined to be eligible  
23 under section 2(e) of the Act of September 30,  
24 1950 (Public Law 874, 81st Congress) as that  
25 section was in effect for that fiscal year; or



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

6                   “(i) for fiscal years 2006 through  
7                   2015, the local educational agency notifies  
8                   the Secretary not later than 30 days after  
9                   the date of enactment of the Student Suc-  
10                  cess Act of the designation described in  
11                  paragraph (1); and

12                   “(ii) for fiscal year 2016, and each  
13                   subsequent fiscal year, the local edu-  
14                   cational agency includes the designation in  
15                   its application under section 8005 or any  
16                   timely amendment to such application.

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

24           (4) in subsection (h)—

25                   (A) in paragraph (2)—

1 (i) in subparagraph (C)(ii), by strik-  
2 ing “section 8014(a)” and inserting “sec-  
3 tion 3(d)(1)”; and

4 (ii) in subparagraph (D), by striking  
5 “section 8014(a)” and inserting “section  
6 3(d)(1)”; and

7 (B) in paragraph (4), by striking “Impact  
8 Aid Improvement Act of 2012” and inserting  
9 “Student Success Act”;  
10 (5) by repealing subsection (k);

11 (6) by redesignating subsection (l) as subsection  
12 (k);

13 (7) by amending subsection (k) (as so redesign-  
14 ated) by striking “(h)(4)(B)” and inserting  
15 “(h)(2)”;

16 (8) by repealing subsection (m); and

17 (9) by redesignating subsection (n) as sub-  
18 section (j).

19 **SEC. 803. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**  
20 **NECTED CHILDREN.**

21 (a) COMPUTATION OF PAYMENT.—Section 8003(a)  
22 (20 U.S.C. 7703(a)) is amended—

23 (1) in the matter preceding subparagraph (A)  
24 of paragraph (1), by inserting after “schools of such  
25 agency” the following: “(including those children en-

1 rolled in such agency as a result of the open enroll-  
2 ment policy of the State in which the agency is lo-  
3 cated, but not including children who are enrolled in  
4 a distance education program at such agency and  
5 who are not residing within the geographic bound-  
6 aries of such agency)”; and

7 (2) in paragraph (5)(A), by striking “1984”  
8 and all that follows through “situated” and inserting  
9 “1984, or under lease of off-base property under  
10 subchapter IV of chapter 169 of title 10, United  
11 States Code, to be children described under para-  
12 graph (1)(B) if the property described is within the  
13 fenced security perimeter of the military facility or  
14 attached to and under any type of force protection  
15 agreement with the military installation upon which  
16 such housing is situated.”

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

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

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

24 (3) in paragraph (2)—

25 (A) in subparagraph (B)—

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

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

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

11 “(I) is a local educational agen-  
12 cy—

13 “(aa) whose boundaries are  
14 the same as a Federal military  
15 installation or an island property  
16 designated by the Secretary of  
17 the Interior to be property that is  
18 held in trust by the Federal Gov-  
19 ernment; and

20 “(bb) that has no taxing au-  
21 thority;

22 “(II) is a local educational agen-  
23 cy that—

24 “(aa) has an enrollment of  
25 children described in subsection

1 (a)(1) that constitutes a percent-  
2 age of the total student enroll-  
3 ment of the agency that is not  
4 less than 45 percent;

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

7 “(AA) for an agency  
8 that has a total student en-  
9 rollment of 500 or more stu-  
10 dents, 125 percent of the av-  
11 erage per-pupil expenditure  
12 of the State in which the  
13 agency is located; or

14 “(BB) for any agency  
15 that has a total student en-  
16 rollment less than 500, 150  
17 percent of the average per-  
18 pupil expenditure of the  
19 State in which the agency is  
20 located or the average per-  
21 pupil expenditure of 3 or  
22 more comparable local edu-  
23 cational agencies in the  
24 State in which the agency is  
25 located; and

1                   “(cc) is an agency that has  
2 a tax rate for general fund pur-  
3 poses that is not less than 95  
4 percent of the average tax rate  
5 for general fund purposes of  
6 comparable local educational  
7 agencies in the State;

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

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

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

1 total student enrollment of the  
2 agency that is not less than 65  
3 percent; and

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

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

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

17 “(bb) not less than 5,000 of  
18 such children are children de-  
19 scribed in subparagraphs (A) and  
20 (B) of subsection (a)(1); or

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

23 “(aa) has an enrollment of  
24 children described in subsection  
25 (a)(1) including, for purposes of

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

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

10 (iii) in clause (ii)—

11 (I) by striking “A heavily” and  
12 inserting the following:

13 “(I) IN GENERAL.—Subject to  
14 subclause (II), a heavily”; and

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

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



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

8                   (B) by striking subparagraph (C);

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

12                  (D) in subparagraph (C) (as so redesign-  
13                  ated)—

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

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

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

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

1 section (a)(1), and that has an enrollment of  
2 children described in subparagraphs (A), (B),  
3 or (C) of such subsection equal to at least 10  
4 percent of the agency’s total enrollment, the  
5 Secretary shall calculate the weighted student  
6 units of those children described in subpara-  
7 graph (D) or (E) of such subsection by multi-  
8 plying the number of such children by a factor  
9 of 0.55.

10 “(bb) Notwithstanding subitem (aa), a  
11 local educational agency that received a pay-  
12 ment under this paragraph for fiscal year 2012  
13 shall not be required to have an enrollment of  
14 children described in subparagraphs (A), (B),  
15 or (C) of subsection (a)(1) equal to at least 10  
16 percent of the agency’s total enrollment.”; and

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

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

23 (F) in subparagraph (E) (as so redesign-  
24 nated)—

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

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

6 (iii) by striking clause (ii);

7 (G) in subparagraph (F) (as so redesign-  
8 nated)—

9 (i) by striking “subparagraph  
10 (C)(i)(II)(bb)” and inserting “subpara-  
11 graph (B)(i)(II)(bb)(BB)”;

12 (ii) by amending clause (ii) to read as  
13 follows:

14 “(ii) beginning in fiscal year 2010, a  
15 local educational agency shall be deemed to  
16 meet the average tax rate requirements for  
17 general fund purposes of this paragraph if  
18 the average tax rate calculation submitted  
19 to the Department by the agency has  
20 been—

21 “(I) calculated by the State edu-  
22 cational agency in which the applying  
23 agency resides to meet the - require-  
24 ments of this paragraph for average

1 tax rate for general fund purposes;  
2 and

3 “(II) the Department accepted  
4 calculation of average tax rate for  
5 general fund purposes from the state  
6 educational agency on behalf of the  
7 applying agency in at least 5 prior  
8 years.

9 “(III) notwithstanding any other  
10 provision of law limiting the period  
11 during which the Secretary may obli-  
12 gate funds appropriated for any fiscal  
13 year after 2010, the Secretary may  
14 obligate funds remaining after final  
15 payments have been made from any  
16 funds of such fiscal years in order to  
17 carry out this subparagraph.”

18 (H) in subparagraph (G) (as so redesign-  
19 nated)—

20 (i) in clause (i)—

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

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

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

8 (IV) by inserting before the pe-  
9 riod, the following: “or during such  
10 time as activities associated with base  
11 closure and realignment,  
12 modularization, force structure  
13 change, or force relocation are ongo-  
14 ing”; and

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

18 (4) in paragraph (3)—

19 (A) in subparagraph (B)—

20 (i) by amending clause (iii) to read as  
21 follows:

22 “(iii) In the case of a local educational  
23 agency providing a free public education to stu-  
24 dents enrolled in kindergarten through grade  
25 12, but which enrolls students described in sub-

1 paragraphs (A), (B), and (D) of subsection  
2 (a)(1) only in grades 9 through 12, and which  
3 received a final payment in fiscal year 2009 cal-  
4 culated under this paragraph (as this para-  
5 graph was in effect on the day before the date  
6 of enactment of the Student Success Act) for  
7 students in grades 9 through 12, the Secretary  
8 shall, in calculating the agency’s payment, con-  
9 sider only that portion of such agency’s total  
10 enrollment of students in grades 9 through 12  
11 when calculating the percentage under clause  
12 (i)(I) and only that portion of the total current  
13 expenditures attributed to the operation of  
14 grades 9 through 12 in such agency when cal-  
15 culating the percentage under clause (i)(II).”;  
16 and

17 (ii) by adding at the end the fol-  
18 lowing:

19 “(v) In the case of a local educational  
20 agency that is providing a program of distance  
21 education to children not residing within the ge-  
22 ographic boundaries of the agency, the Sec-  
23 retary shall—

24 “(I) for purposes of the calculation  
25 under clause (i)(I), disregard such children

1 from the total number of children in aver-  
2 age daily attendance at the schools served  
3 by such agency; and

4 “(II) for purposes of the calculation  
5 under clause (i)(II), disregard any funds  
6 received for such children from the total  
7 current expenditures for such agency.”;

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

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

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

23 “(i) a percentage, the denominator of  
24 which is the difference between the full  
25 amount computed under paragraph (1) or

1           (2) (as the case may be) for all local edu-  
2           cational agencies and the amount of the  
3           threshold payment (as calculated under  
4           subparagraphs (B) and (C)) of all local  
5           educational agencies, and the numerator of  
6           which is the aggregate of the excess sums,  
7           by;

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

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

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



1           “(F) INCREASES.—If the sums appro-  
2           priated under section 3(d)(2) are sufficient to  
3           increase the threshold payment above the 100  
4           percent threshold payment described in sub-  
5           paragraph (D), then the Secretary shall in-  
6           crease payments on the same basis as such pay-  
7           ments were reduced, except no local educational  
8           agency may receive a payment amount greater  
9           than 100 percent of the maximum payment cal-  
10          culated under this subsection.”; and

11          (5) in paragraph (4)—

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

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

17          (c) PRIOR YEAR DATA.—Paragraph (2) of section  
18          8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-  
19          lows:

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

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

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

8           “(i) of not less than 10 percent, or  
9           100 students, of children described in—

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

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

18           “(ii) that is the direct result of closure  
19           or realignment of military installations  
20           under the base closure process or the relo-  
21           cation of members of the Armed Forces  
22           and civilian employees of the Department  
23           of Defense as part of the force structure  
24           changes or movements of units or per-  
25           sonnel between military installations or be-

1           cause of actions initiated by the Secretary  
2           of the Interior or the head of another Fed-  
3           eral agency; or

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

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

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

15       (d) CHILDREN WITH DISABILITIES.—Section  
16 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking  
17 “section 8014(c)” and inserting “section 3(d)(3)”.

18       (e) HOLD HARMLESS.—

19           (1) IN GENERAL.—The total amount the Sec-  
20           retary shall pay a local educational agency under  
21           subsection (b)—

22                   (A) beginning in fiscal year 2016 and for  
23                  any fiscal year thereafter in which a local edu-  
24                  cational agency’s payment is reduced by an  
25                  amount greater than \$5,000,000 or 20 percent

1 from the amount received in the previous fiscal  
2 year, the Secretary shall pay a local educational  
3 agency for each of the 3 years following the re-  
4 duction under subsection (b)—

5 (i) for the first year shall not be less  
6 than 90 percent of the total amount that  
7 the local educational agency received under  
8 subsection (b)(1) or (b)(2) in the fiscal  
9 year prior to the reduction herein referred  
10 to as the base year;

11 (ii) for the second year shall not be  
12 less than 85 percent of the total amount  
13 that the local educational agency received  
14 under subsection (b)(1) or (b)(2) in the  
15 base year; and

16 (iii) for the third year shall not be less  
17 than 80 percent of the total amount that  
18 the local educational agency received under  
19 subsection (b) (1) or (b) (2) in the base  
20 year.

21 (2) RATABLE REDUCTION.—

22 (A) IN GENERAL.—If the sums made avail-  
23 able under this title for any fiscal year are in-  
24 sufficient to pay the full amounts that all local  
25 educational agencies in all States are eligible to

1 receive under paragraph (1) for such year, then  
2 the Secretary shall ratably reduce the payments  
3 to all such agencies for such year.

4 (B) ADDITIONAL FUNDS.—If additional  
5 funds become available for making payments  
6 under paragraph (1) for such fiscal year, pay-  
7 ments that were reduced under subparagraph  
8 (A) shall be increased on the same basis as  
9 such payments were reduced.

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

12 **SEC. 804. POLICIES AND PROCEDURES RELATING TO CHIL-**  
13 **DREN RESIDING ON INDIAN LANDS.**

14 Section 8004(e)(9) is amended by striking “Bureau  
15 of Indian Affairs” and inserting “Bureau of Indian Edu-  
16 cation”.

17 **SEC. 805. APPLICATION FOR PAYMENTS UNDER SECTIONS**  
18 **8002 AND 8003.**

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

22 **SEC. 806. CONSTRUCTION.**

23 Section 8007 (20 U.S.C. 7707) is amended—  
24 (1) in subsection (a)—

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

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

5 “(C) The agency is eligible under section  
6 4003(b)(2) or is receiving basic support pay-  
7 ments under circumstances described in section  
8 4003(b)(2)(B)(ii).”; and

9 (C) in paragraph (3), by striking “section  
10 8014(e)” each place it appears and inserting  
11 “section 3(d)(4)”;

12 (2) in subsection (b)—

13 (A) in paragraph (1), by striking “section  
14 8014(e)” and inserting “section 3(d)(4)”;

15 (B) in paragraph (3)—

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

18 “(cc) At least 10 percent of the  
19 property in the agency is exempt from  
20 State and local taxation under Fed-  
21 eral law.”; and

22 (ii) by adding at the end the fol-  
23 lowing:

1           “(F) LIMITATIONS ON ELIGIBILITY RE-  
2           QUIREMENTS.—The Secretary shall not limit  
3           eligibility—

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

13                   “(ii) under subparagraph (C)(i)(I)(cc),  
14                   to those local educational agencies in which  
15                   more than 10 percent of the property in  
16                   each such agency is exempt from State and  
17                   local taxation under Federal law.”;

18                  (C) in paragraph (6)—

19                   (i) in the matter preceding subpara-  
20                   graph (A), by striking “in such manner,  
21                   and accompanied by such information”  
22                   and inserting “and in such manner”; and

23                   (ii) by striking subparagraph (F); and  
24                   (D) by striking paragraph (7).

1 **SEC. 807. FACILITIES.**

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

5 **SEC. 808. STATE CONSIDERATION OF PAYMENTS PRO-**  
6 **VIDING STATE AID.**

7 Section 8009 (20 U.S.C. 7709) is amended—

8 (1) in subsection (c)(1)(B), by striking “and  
9 contain the information”; and

10 (2) in subsection (d)(2)—

11 (A) by striking “A State” and inserting  
12 the following:

13 “(A) IN GENERAL.—A State”; and

14 (B) by adding at the end of the following:

15 “(B) STATES THAT ARE NOT EQUALIZED  
16 STATES.—A State that has not been approved  
17 as an equalized State under subsection (b) shall  
18 not consider funds received under section 8002  
19 or section 8003 of this title in any State for-  
20 mula or place a limit or direct the use of such  
21 funds for the purposes of determining a local  
22 educational agency’s fund balance.”.



1 **SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**  
2 **VIEW.**

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

6 **SEC. 810. DEFINITIONS.**

7 Section 8013 (20 U.S.C. 7713) is amended—

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

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

12 (3) in paragraph (5)(A)(iii)—

13 (A) in subclause (II), by striking “Stewart  
14 B. McKinney Homeless Assistance Act” and in-  
15 serting “McKinney-Vento Homeless Assistance  
16 Act (42 U.S.C. 11411)”;

17 (B) in subclause (III), by inserting before  
18 the semicolon, “(25 U.S.C. 4101 et seq.)”;

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

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

23 **SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

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

25 (1) by striking “2000” each place it appears  
26 and inserting “2016”;

1 (2) by striking “2001” and inserting “2017”;

2 and

3 (3) by striking “2002” and inserting “2018”.

4 **SEC. 812. CONFORMING AMENDMENTS.**

5 Subsection (c) of the Impact Aid Improvement Act  
6 of 2012 (20 U.S.C. 6301 note; Public Law 112-239; 126  
7 Stat. 1748) is amended—

8 (1) (1) by striking paragraphs (1) and (4); and

9 (2) (2) by redesignating paragraphs (2) and

10 (3), as paragraphs (1) and (2), respectively.

11 **TITLE IX—GENERAL**

12 **PROVISIONS**

13 **SEC. 900. GENERAL AMENDMENTS.**

14 (a) **GENERAL PROHIBITION.**—Section 9527(a) (20  
15 U.S.C. 7907(a)) is amended by inserting “specific instruc-  
16 tional content, academic standards or assessments,” after  
17 “school’s curriculum,”.

18 (b) **RULE OF CONSTRUCTION.**—Section 9534 (20  
19 U.S.C. 7914) is amended by adding at the end the fol-  
20 lowing:

21 “(c) **RULE OF CONSTRUCTION.**—Any public or pri-  
22 vate entity that receives funds allocated under this Act  
23 including from a State educational agency or local edu-  
24 cational agency shall be considered a program under sub-  
25 section (a) and be subject to the requirements of sub-

1 section (a) in carrying out programs or activities funded  
2 under this Act.”.

3 **Subtitle A—Protecting Students**  
4 **From Sexual and Violent Predators**

5 **SEC. 901. BACKGROUND CHECKS.**

6 Subpart 2 of part E of title IX (20 U.S.C. 7901 et  
7 seq.) is amended by adding at the end the following:

8 **“SEC. 9537. CRIMINAL BACKGROUND CHECKS.**

9 “(a) IN GENERAL.—A State educational agency that  
10 receives funds under this Act shall have in effect—

11 “(1) requirements, policies, and procedures to  
12 require and conduct criminal background checks for  
13 each school employee including prospective school  
14 employees described in subsection (c)(1); and

15 “(2) prohibit the employment of a school em-  
16 ployee as described in subsection (c).

17 “(b) REQUIREMENTS.—A criminal background check  
18 for a school employee under subsection (a) shall include—

19 “(1) a search of the State criminal and sex of-  
20 fender registry or repository in the State where the  
21 school employee resides, and each State where such  
22 school employee resided during the preceding 5  
23 years;

24 “(2) a search of State-based child abuse and  
25 neglect registries and databases in the State where

1 the school employee resides, and each State where  
2 such school employee resided during the preceding 5  
3 years;

4 “(3) a search of the National Crime Informa-  
5 tion Center;

6 “(4) a Federal Bureau of Investigation finger-  
7 print check using the Integrated Automated Finger-  
8 print Identification System; and

9 “(5) a search of the National Sex Offender  
10 Registry established under the Adam Walsh Child  
11 Protection and Safety Act of 2006 (42 U.S.C.  
12 16901 et seq.).

13 “(c) PROHIBITIONS.—

14 “(1) SCHOOL EMPLOYEE.—A school employee  
15 shall be ineligible for employment by a local edu-  
16 cational agency or State educational agency that is  
17 receiving funds under this Act if such individual—

18 “(A) refuses to consent to the criminal  
19 background check described in subsection (b);

20 “(B) knowingly makes a materially false  
21 statement in connection with such criminal  
22 background check;

23 “(C) is registered, or is required to be reg-  
24 istered, on a State sex offender registry or re-  
25 pository or the National Sex Offender Registry

1 established under the Adam Walsh Child Pro-  
2 tection and Safety Act of 2006 (42 U.S.C.  
3 16901 et seq.); or

4 “(D) has been convicted of a felony con-  
5 sisting of—

6 “(i) murder, as described in section  
7 1111 of title 18, United States Code;

8 “(ii) child abuse or neglect;

9 “(iii) a crime against children, includ-  
10 ing child pornography;

11 “(iv) spousal abuse;

12 “(v) a crime involving rape or sexual  
13 assault;

14 “(vi) kidnapping;

15 “(vii) arson;

16 “(viii) physical assault or battery; or

17 “(ix) subject to subsection (e)(4), a  
18 drug-related offense committed during the  
19 preceding 5 years; or

20 “(E) has been convicted of a violent mis-  
21 demeanor committed as an adult against a  
22 child, including the following crimes: child  
23 abuse, child endangerment, sexual assault, or of  
24 a misdemeanor involving child pornography.

1           “(2) STATE EDUCATIONAL AGENCY OR LOCAL  
2           EDUCATIONAL AGENCY.—A State educational agency  
3           or local educational agency described in paragraph  
4           (1) shall be ineligible for assistance under this Act  
5           if the agency employs or contracts with a school em-  
6           ployee who is ineligible for employment under para-  
7           graph (1).

8           “(d) SUBMISSION OF REQUESTS FOR BACKGROUND  
9           CHECKS.—

10           “(1) IN GENERAL.—A State educational agency  
11           or local educational agency covered by subsection (c)  
12           shall submit a request, to the appropriate State  
13           agency designated by a State, for a criminal back-  
14           ground check described in subsection (b), for each  
15           school employee.

16           “(2) SCHOOL EMPLOYEES.—Subject to para-  
17           graph (4), in the case of an individual who became  
18           a school employee before the date of enactment of  
19           the Student Success Act shall submit such a re-  
20           quest—

21                   “(A) prior to the last day described in sub-  
22                   section (k)(1); and

23                   “(B) not less often than once during each  
24                   5-year period following the first submission date  
25                   under this paragraph for that school employee.

1           “(3) PROSPECTIVE SCHOOL EMPLOYEES.—Sub-  
2           ject to paragraph (4), in the case of an individual  
3           who is a prospective school employee on or after that  
4           date of enactment, the provider shall submit such a  
5           request—

6                   “(A) prior to the date the individual be-  
7                   comes a school employee; and

8                   “(B) not less than once during each 5-year  
9                   period following the first submission date under  
10                  this paragraph for that staff member.

11          “(e) BACKGROUND CHECK RESULTS AND AP-  
12          PEALS.—

13                  “(1) BACKGROUND CHECK RESULTS.—The  
14                  State shall carry out the request of a State edu-  
15                  cational agency or local educational agency for a  
16                  criminal background check as expeditiously as pos-  
17                  sible, but not to exceed 45 days after the date on  
18                  which such request was submitted, and shall provide  
19                  the results of the criminal background check to such  
20                  agency provider and to the school employee staff  
21                  member.

22                  “(2) PRIVACY.—

23                          “(A) IN GENERAL.—The State shall pro-  
24                          vide the results of the criminal background  
25                          check to the State educational agency or local

1 educational agency in a statement that indi-  
2 cates whether a school employee is eligible or  
3 ineligible for employment described in sub-  
4 section (c), without revealing any disqualifying  
5 crime or other related information regarding  
6 the individual.

7 “(B) INELIGIBLE SCHOOL EMPLOYEE.—If  
8 the school employee is ineligible for such em-  
9 ployment due to the background check, the  
10 State will, when providing the results of the  
11 background check, include information related  
12 to each disqualifying crime, in a report to the  
13 school employee.

14 “(C) PUBLIC RELEASE OF RESULTS.—No  
15 State shall publicly release or share the results  
16 of individual background checks, except States  
17 may release aggregated data by crime as listed  
18 under subsection (c)(1)(D) from background  
19 check results, as long as such data is not per-  
20 sonally identifiable information.

21 “(3) APPEALS.—

22 “(A) IN GENERAL.—The State shall pro-  
23 vide for a process by which a school employee  
24 may appeal the results of a criminal back-  
25 ground check conducted under this section to



1 challenge the accuracy or completeness of the  
2 information contained in such member's crimi-  
3 nal background report.

4 “(B) APPEALS PROCESS.—The State shall  
5 ensure that—

6 “(i) each school employee shall be  
7 given notice of the opportunity to appeal;

8 “(ii) a school employee will receive in-  
9 structions about how to complete the ap-  
10 peals process if the school employee wishes  
11 to challenge the accuracy or completeness  
12 of the information contained in such em-  
13 ployee's criminal background report; and

14 “(iii) the appeals process is completed  
15 in a timely manner for each school em-  
16 ployee.

17 “(C) COSTS.—A school employee who has  
18 successfully challenged the findings contained in  
19 such employee's criminal background check re-  
20 port in the appeals process under this para-  
21 graph shall be allowed to seek compensation for  
22 any reasonable costs incurred from such appeal.

23 “(4) REVIEW.—

24 “(A) IN GENERAL.—The State may allow  
25 for a review process through which the State

1           may determine that a school employee identified  
2           in subsection (c) is eligible for employment with  
3           the educational agency.

4                   “(B) FACTORS.—The review process shall  
5           be an individualized assessment consistent with  
6           title VII of the Civil Rights Act of 1964 (42  
7           U.S.C. 2000e et seq.) and the U.S. Equal Em-  
8           ployment Opportunity Commission Enforcement  
9           Guidance on the Consideration of Arrest and  
10          Conviction Records in Employment Decisions,  
11          and may include consideration of the following  
12          factors—

13                   “(i) nature and seriousness of the of-  
14           fense;

15                   “(ii) circumstances under which the  
16           offense was committed;

17                   “(iii) lapse of time since the offense  
18           was committed or the individual was re-  
19           leased from prison;

20                   “(iv) individual’s age at the time of  
21           the offense;

22                   “(v) social conditions which may have  
23           fostered the offense;

24                   “(vi) relationship of the nature of the  
25           offense to the position sought;

1 “(vii) number of criminal convictions;

2 “(viii) honesty and transparency of  
3 the candidate in admitting the conviction  
4 record;

5 “(ix) individual’s work history, includ-  
6 ing evidence that the individual performed  
7 the same or similar work, post-conviction,  
8 with the same or different employer, with  
9 no known incidents of criminal conduct;

10 “(x) evidence of rehabilitation as dem-  
11 onstrated by the individual’s good conduct  
12 while in correctional custody and/or the  
13 community; counseling or psychiatric treat-  
14 ment received; acquisition of additional  
15 academic or vocational schooling; success-  
16 ful participation in correctional work-re-  
17 lease programs and the recommendations  
18 of persons who have or have had the appli-  
19 cant under their supervision;

20 “(xi) whether the individual is bonded  
21 under Federal, state, or local bonding pro-  
22 gram; and

23 “(xii) any other factor that may lead  
24 to the conclusion that the individual does  
25 not pose a risk to children.

1           “(C) LIMITATION.—This paragraph shall  
2           not apply to a school employee who has been  
3           convicted of a serious violent or sexual felony  
4           against a child, as determined by the State.

5           “(5) NO PRIVATE RIGHT OF ACTION.—Nothing  
6           in this section shall be construed to create a private  
7           right of action if a State educational agency or local  
8           educational agency has acted in accordance with this  
9           section.

10          “(f) FEES FOR BACKGROUND CHECKS.—Fees that a  
11          State may charge for the costs of processing applications  
12          and administering a criminal background check as re-  
13          quired by this section shall not exceed the actual costs to  
14          the State for the processing and administration.

15          “(g) TRANSPARENCY.—The State must ensure that  
16          the policies and procedures under this section are pub-  
17          lished on the Web site (or otherwise publicly available  
18          venue in the absence of a Web site) of the State and the  
19          Web sites of local lead agencies.

20          “(h) CONSTRUCTION.—

21                 “(1) DISQUALIFICATION FOR OTHER CRIMES.—  
22                 Nothing in this section shall be construed to prevent  
23                 a State from disqualifying individuals as a school  
24                 employee based on their conviction for crimes not  
25                 specifically listed in this section that bear upon the

1 fitness of an individual to provide care for and have  
2 responsibility for the safety and well-being of chil-  
3 dren.

4 “(2) RIGHTS AND REMEDIES.—Nothing in this  
5 section shall be construed to alter or otherwise affect  
6 the rights and remedies provided for a school em-  
7 ployee residing in a State that disqualifies individ-  
8 uals as a school employee for crimes not specifically  
9 provided for under this section.

10 “(i) REPORTING.—Not later than one year after the  
11 date of the enactment of this Act, the Secretary of Edu-  
12 cation shall report to Congress on—

13 “(1) any information available about numbers  
14 of individuals restricted or disqualified from being a  
15 school employee on the basis of a criminal record  
16 identified in the background check, pursuant to this  
17 section in total, and for each type of conviction, as  
18 specified in sections (c)(1)(D) and (c)(1)(E);

19 “(2) the identity of each state’s agency with ju-  
20 risdiction over the background check results and ap-  
21 peals process described in section (e);

22 “(3) the identity of each state’s agency with ju-  
23 risdiction over the individualized assessment, as de-  
24 scribed in section (e)(4);

1           “(4) the numbers of individuals approved for  
2           consideration as a school employee by the individual-  
3           ized assessment, as defined in section (e)(4) in total,  
4           and for each type of conviction, as specified in sec-  
5           tions (c)(1)(D) and (c)(1)(E); and

6           “(5) the numbers of successful and unsuccessful  
7           appeals to the accuracy and completeness of records  
8           or information, in total, by State, and by type of  
9           conviction, as specified in section sections (c)(1)(D)  
10          and (c)(1)(E).

11          “(j) DEFINITION.—In this section, the term ‘school  
12          employee’ means—

13               “(1) an employee of, or a person seeking em-  
14               ployment with, a local educational agency or State  
15               educational agency, and who, as a result of such em-  
16               ployment, has (or will have) a job duty that results  
17               in unsupervised access to elementary school or sec-  
18               ondary school students;

19               “(2) any person, or an employee of any person  
20               who has a contract or agreement to provide services  
21               with an elementary school or secondary school, local  
22               educational agency, or State educational agency, and  
23               such person or employee, as a result of such contract  
24               or agreement, has a job duty that results in unsu-

1 supervised access to elementary school or secondary  
2 students; and

3 “(3) an employee of or a person seeking em-  
4 ployment with a high-quality prekindergarten pro-  
5 gram, as defined in section 1112 of the Student  
6 Success Act, or a person who has a contract or  
7 agreement with such program; and

8 “(k) EFFECTIVE DATE.—

9 “(1) IN GENERAL.—A State that receives funds  
10 under this Act shall meet the requirements of this  
11 section for the provision of criminal background  
12 checks for a school employee described in subsection  
13 (d)(1) not later than the last day of the second full  
14 fiscal year after the date of enactment of the Stu-  
15 dent Success Act.

16 “(2) EXTENSION.—The Secretary may grant a  
17 State an extension of time, of not more than 1 fiscal  
18 year, to meet the requirements of this section if the  
19 State demonstrates a good faith effort to comply  
20 with the requirements of this section.

21 “(3) PENALTY FOR NONCOMPLIANCE.—Except  
22 as provided in paragraphs (1) and (2), for any fiscal  
23 year that a State fails to comply substantially with  
24 the requirements of this section, the Secretary shall  
25 withhold 5 percent of the funds that would otherwise

1 be allocated to that State in accordance with this  
2 Act for the following fiscal year.

3 **“SEC. 9538. EQUALITY IN ATHLETIC PROGRAMS.**

4 “(a) REPORT.—Each coeducational elementary or  
5 secondary school that participates in any program under  
6 this Act and has an athletic program, shall annually, for  
7 the immediately preceding academic year, prepare a report  
8 that contains the following information:

9 “(1) The number of students that attended the  
10 school and for each student an identification of such  
11 student’s—

12 “(A) sex;

13 “(B) race; and

14 “(C) ethnicity.

15 “(2) A listing of the teams that competed in  
16 athletic competition and for each such team the fol-  
17 lowing data:

18 “(A) The total number of participants as  
19 of the day of the first scheduled contest for the  
20 team, and for each participant an identification  
21 of such participant’s—

22 “(i) sex;

23 “(ii) race; and

24 “(iii) ethnicity.

25 “(B) The year the team began.



1           “(C) The total expenditures for each team  
2           from school and nonschool sources, including a  
3           listing of the following data for each team:

4                   “(i) Expenditures for travel.

5                   “(ii) Expenditures for equipment (in-  
6                   cluding any equipment replacement sched-  
7                   ule).

8                   “(iii) Expenditures for uniforms (in-  
9                   cluding any uniform replacement sched-  
10                  ule).

11                  “(iv) Expenditures for facilities (in-  
12                  cluding locker rooms, fields, and gym-  
13                  nasiums) and their maintenance and re-  
14                  pair.

15                  “(v) Expenditures for training and  
16                  medical facilities and services.

17                  “(vi) Expenditures for publicity for  
18                  competitions (including press guides, press  
19                  releases, game programs, and publicity  
20                  personnel).

21           “(D) The total number of trainers and  
22           medical personnel, and for each trainer or med-  
23           ical personnel an identification of such per-  
24           son’s—

25                   “(i) sex;

1           “(ii) employment status (including  
2           whether such person is employed full-time  
3           or part-time, and whether such person is a  
4           head or assistant trainer or medical serv-  
5           ices provider) and duties other than pro-  
6           viding training or medical services; and

7           “(iii) qualifications, including whether  
8           the person is a professional or student.

9           “(E) The total number of coaches, and for  
10          each coach an identification of such coach’s—

11          “(i) sex;

12          “(ii) employment status (including  
13          whether such coach is employed full-time  
14          or part-time, and whether such coach is a  
15          head or assistant coach) and duties other  
16          than coaching; and

17          “(iii) qualifications, including whether  
18          the person is a professional or student.

19          “(F) Total annual revenues generated by  
20          the team (including contributions from outside  
21          sources such as booster clubs), disaggregated by  
22          source.

23          “(G) The total number of competitions  
24          scheduled, and for each scheduled competition

1 an indication of what day of the week and time  
2 the competition was scheduled.

3 “(H) The total number of practices sched-  
4 uled, and for each scheduled practice an indica-  
5 tion of what day of the week and time the prac-  
6 tice was scheduled.

7 “(I) The season in which the team com-  
8 peted.

9 “(J) Whether such team participated in  
10 postseason competition, and the success of such  
11 team in any postseason competition.

12 “(3) The average annual institutional salary at-  
13 tributable to coaching of the head coaches of men’s  
14 teams, across all offered sports, and the average an-  
15 nual institutional salary attributable to coaching of  
16 the head coaches of women’s teams, across all of-  
17 fered sports.

18 “(4) The average annual institutional salary at-  
19 tributable to coaching of the assistant coaches of  
20 men’s teams, across all offered sports, and the aver-  
21 age annual institutional salary attributable to coach-  
22 ing of the assistant coaches of women’s teams,  
23 across all offered sports.

24 “(b) SPECIAL RULE.—For the purpose of reporting  
25 the information described in paragraphs (3) and (4) of

1 subsection (a), if a coach has responsibilities for more  
2 than 1 team and the school does not allocate such coach's  
3 salary by team, the school should divide the salary by the  
4 number of teams for which the coach has responsibility  
5 and allocate the salary among the teams on a basis con-  
6 sistent with the coach's responsibilities for the different  
7 teams.

8       “(c) DISCLOSURE OF INFORMATION TO STUDENTS  
9 AND PUBLIC.—On an annual basis, each coeducational el-  
10 ementary or secondary school described in subsection (a)  
11 shall—

12           “(1) make available to students, potential stu-  
13 dents, and the public, upon request, the information  
14 contained in each report by the school under this  
15 section by October 15 of each school year; and

16           “(2) ensure that all students at the school and  
17 members of the relevant community are informed of  
18 their right to request such information.

19       “(d) SUBMISSION; INFORMATION AVAILABILITY.—  
20 On an annual basis, each coeducational elementary or sec-  
21 ondary school described in subsection (a) shall provide the  
22 information contained in each report by the school under  
23 this section to the Commissioner for Education Statistics  
24 not later than 15 days after the date that the school makes  
25 such information available under subsection (c).

1 “(e) DUTIES OF COMMISSIONER FOR EDUCATION  
2 STATISTICS.—The Commissioner for Education Statistics  
3 shall—

4 “(1) ensure that the data required under this  
5 section are posted on the Department of Education’s  
6 Web site within a reasonable period of time; and

7 “(2) not later than 180 days after the date of  
8 the enactment of the Student Success Act, notify all  
9 elementary and secondary schools in all States about  
10 the requirements under subsection (c) and issue  
11 guidance to all elementary and secondary schools on  
12 how to collect and report the information required  
13 under this section.”.

14 **SEC. 902. CONFORMING AMENDMENT.**

15 Section 2 is amended by adding after the item relat-  
16 ing to section 9536 the following:

“Sec. 9537. Background checks.

“Sec. 9538. Equality in athletic programs.”.

17 **Subtitle B—Evaluation Authority**

18 **SEC. 911. EVALUATION AUTHORITY.**

19 Title IX (20 U.S.C. 7801 et seq.) is further amended  
20 by amending part F to read as follows:

21 **“PART F—EVALUATION AUTHORITY**

22 **“SEC. 9911. EVALUATION AUTHORITY.**

23 “(a) RESERVATION OF FUNDS.—The Secretary shall  
24 reserve not less than 1 percent of the amount appropriated

1 to carry out each categorical program and demonstration  
2 project authorized under this Act, except the Secretary  
3 may not reserve more than 1 percent of title I, part A  
4 to carry out the evaluation activities described in this sec-  
5 tion.

6 “(b) EVALUATION ACTIVITIES.—From funds re-  
7 served under subsection (a), the reserved amounts—

8 “(1) shall first be used by the Secretary, acting  
9 through the Director of the Institute of Education  
10 Sciences, to—

11 “(A) conduct comprehensive, high-quality  
12 evaluations of the program that—

13 “(i) are consistent with the evaluation  
14 plan under subsection (d); and

15 “(ii) primarily include impact evalua-  
16 tions that use experimental or quasi-experi-  
17 mental designs, where practicable and ap-  
18 propriate, and other rigorous methodolo-  
19 gies that permit the strongest possible  
20 causal inferences;

21 “(B) conduct studies of the effectiveness of  
22 the program and the administrative impact of  
23 the program on schools and local educational  
24 agencies; and

1           “(C) widely disseminate evaluation findings  
2           under this section related to programs author-  
3           ized under this Act—

4                   “(i) in a timely fashion;

5                   “(ii) in forms that are understand-  
6           able, easily accessible, and usable, or  
7           adaptable for use in, the improvement of  
8           educational practice;

9                   “(iii) through electronic transfer, and  
10          other means, such as posting, as available,  
11          to the websites of State educational agen-  
12          cies, local educational agencies, the Insti-  
13          tute of Education Sciences, the Depart-  
14          ment, or in another relevant place; and

15                   “(iv) in a manner that promotes the  
16          utilization of such findings; and

17          “(2) may be used by the Secretary, acting  
18          through the Director of the Institute of Education  
19          Sciences—

20                   “(A) to evaluate the aggregate short- and  
21          long-term effects and cost efficiencies across  
22          Federal programs assisted or authorized under  
23          this Act and related Federal early childhood  
24          education, preschool, elementary school, and

1 secondary school programs under any other  
2 Federal law; and

3 “(B) assist grantees of such programs in  
4 collecting and analyzing data related to con-  
5 ducting high-quality evaluations under para-  
6 graph (1).

7 “(c) TITLE I.—The Secretary, acting through the Di-  
8 rector of the Institute of Education Sciences, shall use  
9 funds authorized under subsection(a)(1) to carry out eval-  
10 uation activities under this section related to title I.

11 “(d) CONSOLIDATION.—Notwithstanding any other  
12 provision of this section the Secretary in consultation with  
13 the Director of the Institute of Education Sciences—

14 “(1) may consolidate the funds reserved under  
15 subsections (a) or (c) for purposes of carrying out  
16 the activities under subsection (b)(1) and subsection  
17 (g); and

18 “(2) shall not be required to evaluate under  
19 subsection (b)(1) each program authorized under  
20 this Act each year.

21 “(e) EVALUATION PLAN.—The Director of the Insti-  
22 tute of Education Sciences, shall, on a biennial basis, de-  
23 velop, submit to Congress, and make publicly available an  
24 evaluation plan, that—





1 a student to control behavior or restrict freedom of  
2 movement that is not—

3 “(A) prescribed by a licensed physician, or  
4 other qualified health professional acting under  
5 the scope of the professional’s authority under  
6 State law, for the standard treatment of a stu-  
7 dent’s medical or psychiatric condition; and

8 “(B) administered as prescribed by the li-  
9 censed physician or other qualified health pro-  
10 fessional acting under the scope of the profes-  
11 sional’s authority under State law.

12 “(2) MECHANICAL RESTRAINT.—The term ‘me-  
13 chanical restraint’ has the meaning given the term  
14 in section 595(d)(1) of the Public Health Service  
15 Act (42 U.S.C. 290jj(d)(1)), except that the mean-  
16 ing shall be applied by substituting ‘student’s’ for  
17 ‘resident’s’.

18 “(3) PHYSICAL ESCORT.—The term ‘physical  
19 escort’ has the meaning given the term in section  
20 595(d)(2) of the Public Health Service Act (42  
21 U.S.C. 290jj(d)(2)), except that the meaning shall  
22 be applied by substituting ‘student’ for ‘resident’.

23 “(4) PHYSICAL RESTRAINT.—The term ‘phys-  
24 ical restraint’ has the meaning given the term in sec-

1       tion 595(d)(3) of the Public Health Service Act (42  
2       U.S.C. 290jj(d)(3)).

3           “(5) POSITIVE BEHAVIOR SUPPORTS.—The  
4       term ‘positive behavior supports’ means a systematic  
5       approach to embed evidence-based practices and  
6       data-driven decisionmaking to improve school cli-  
7       mate and culture, including a range of systemic and  
8       individualized strategies to reinforce desired behav-  
9       iors and diminish reoccurrence of problem behaviors,  
10      in order to achieve improved academic and social  
11      outcomes and increase learning for all students, in-  
12      cluding students with the most complex and inten-  
13      sive behavioral needs.

14          “(6) PROTECTION AND ADVOCACY SYSTEM.—  
15      The term ‘protection and advocacy system’ means a  
16      protection and advocacy system established under  
17      section 143 of the Developmental Disabilities Assist-  
18      ance and Bill of Rights Act of 2000 (42 U.S.C.  
19      15043).

20          “(7) SCHOOL.—The term ‘school’ means an en-  
21      tity—

22           “(A) that—

23           “(i) is a public or private—

24           “(I) day or residential elementary  
25           school or secondary school; or

1                   “(II) early childhood, elementary  
2                   school, or secondary school program  
3                   that is under the jurisdiction of a  
4                   school, local educational agency, edu-  
5                   cational service agency, or other edu-  
6                   cational institution or program; and

7                   “(ii) receives, or serves students who  
8                   receive, support in any form from any pro-  
9                   gram supported, in whole or in part, with  
10                  funds appropriated under the Student Suc-  
11                  cess Act; or

12                  “(B) that is a school funded or operated  
13                  by the Department of the Interior.

14                  “(8) SCHOOL PERSONNEL.—The term ‘school  
15                  personnel’ has the meaning—

16                         “(A) given the term in section 4151(10);  
17                         and

18                         “(B) given the term ‘school resource offi-  
19                         cer’ in section 4151(11).

20                  “(9) SECLUSION.—The term ‘seclusion’ has the  
21                  meaning given the term in section 595(d)(4) of the  
22                  Public Health Service Act (42 U.S.C. 290jj(d)(4)).

23                  “(10) STATE-APPROVED CRISIS INTERVENTION  
24                  TRAINING PROGRAM.—The term ‘State-approved cri-  
25                  sis intervention training program’ means a training

1 program approved by a State and the Secretary  
2 that, at a minimum, provides—

3 “(A) training in evidence-based techniques  
4 shown to be effective in the prevention of phys-  
5 ical restraint and seclusion;

6 “(B) training in evidence-based techniques  
7 shown to be effective in keeping both school  
8 personnel and students safe when imposing  
9 physical restraint or seclusion;

10 “(C) evidence-based skills training related  
11 to positive behavior supports, safe physical es-  
12 cort, conflict prevention, understanding ante-  
13 cedents, de-escalation, and conflict manage-  
14 ment;

15 “(D) training in first aid and  
16 cardiopulmonary resuscitation;

17 “(E) information describing State policies  
18 and procedures that meet the minimum stand-  
19 ards established by regulations promulgated  
20 pursuant to section 9702(a); and

21 “(F) certification for school personnel in  
22 the techniques and skills described in subpara-  
23 graphs (A) through (D), which shall be required  
24 to be renewed on a periodic basis.

1           “(11) STUDENT.—The term ‘student’ means a  
2 student enrolled in a school defined in paragraph  
3 (7), except that in the case of a student enrolled in  
4 a private school or private program, such term  
5 means a student who receives support in any form  
6 from any program supported, in whole or in part,  
7 with funds appropriated under the Student Success  
8 Act.

9           “(12) TIME OUT.—The term ‘time out’ has the  
10 meaning given the term in section 595(d)(5) of the  
11 Public Health Service Act (42 U.S.C. 290jj(d)(5)),  
12 except that the meaning shall be applied by sub-  
13 stituting ‘student’ for ‘resident’.

14 **“SEC. 9702. MINIMUM STANDARDS; RULE OF CONSTRUC-**  
15 **TION.**

16           “(a) MINIMUM STANDARDS.—Not later than 180  
17 days after the date of the enactment of the Student Suc-  
18 cess Act, to ensure a safe learning environment and pro-  
19 tect each student from physical or mental abuse, aversive  
20 behavioral interventions that compromise student health  
21 and safety, or any physical restraint or seclusion imposed  
22 solely for purposes of discipline or convenience or in a  
23 manner otherwise inconsistent with this part, the Sec-  
24 retary shall promulgate regulations establishing the fol-  
25 lowing minimum standards:

1           “(1) School personnel shall be prohibited from  
2           imposing on any student the following:

3                   “(A) Mechanical restraints.

4                   “(B) Chemical restraints.

5                   “(C) Physical restraint or physical escort  
6           that restricts breathing.

7                   “(D) Aversive behavioral interventions that  
8           compromise health and safety.

9           “(2) School personnel shall be prohibited from  
10          imposing physical restraint or seclusion on a student  
11          unless—

12                   “(A) the student’s behavior poses an immi-  
13          nent danger of physical injury to the student,  
14          school personnel, or others;

15                   “(B) less restrictive interventions would be  
16          ineffective in stopping such imminent danger of  
17          physical injury;

18                   “(C) such physical restraint or seclusion is  
19          imposed by school personnel who—

20                           “(i) continuously monitor the student  
21                           face-to-face; or

22                           “(ii) if school personnel safety is sig-  
23                           nificantly compromised by such face-to-face  
24                           monitoring, are in continuous direct visual  
25                           contact with the student;

1           “(D) such physical restraint or seclusion is  
2           imposed by—

3                   “(i) school personnel trained and cer-  
4                   tified by a State-approved crisis interven-  
5                   tion training program (as defined in sec-  
6                   tion 9701(16)); or

7                   “(ii) other school personnel in the  
8                   case of a rare and clearly unavoidable  
9                   emergency circumstance when school per-  
10                  sonnel trained and certified as described in  
11                  clause (i) are not immediately available  
12                  due to the unforeseeable nature of the  
13                  emergency circumstance; and

14                  “(E) such physical restraint or seclusion  
15                  ends immediately upon the cessation of the con-  
16                  ditions described in subparagraphs (A) and (B).

17                  “(3) States, in consultation with local edu-  
18                  cational agencies and private school officials, shall  
19                  ensure that a sufficient number of personnel are  
20                  trained and certified by a State-approved crisis  
21                  intervention training program (as defined in section  
22                  9701(16)) to meet the needs of the specific student  
23                  population in each school.

24                  “(4) The use of physical restraint or seclusion  
25                  as a planned intervention shall not be written into



1 a student’s education plan, individual safety plan,  
2 behavioral plan, or individualized education program  
3 (as defined in section 602 of the Individuals with  
4 Disabilities Education Act (20 U.S.C. 1401)). Local  
5 educational agencies or schools may establish poli-  
6 cies and procedures for use of physical restraint or  
7 seclusion in school safety or crisis plans, provided  
8 that such school plans are not specific to any indi-  
9 vidual student.

10 “(5) Schools shall establish procedures to be  
11 followed after each incident involving the imposition  
12 of physical restraint or seclusion upon a student, in-  
13 cluding—

14 “(A) procedures to provide to the parent of  
15 the student, with respect to each such inci-  
16 dent—

17 “(i) an immediate verbal or electronic  
18 communication on the same day as the in-  
19 cident; and

20 “(ii) written notification within 24  
21 hours of the incident; and

22 “(B) any other procedures the Secretary  
23 determines appropriate.

24 “(b) SECRETARY OF THE INTERIOR.—The Secretary  
25 of the Interior shall ensure that schools operated or fund-

1 ed by the Department of the Interior comply with the reg-  
2 ulations promulgated by the Secretary under subsection  
3 (a).

4 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
5 tion shall be construed to authorize the Secretary to pro-  
6 mulgate regulations prohibiting the use of—

7 “(1) time out (as defined in section 9701(20));

8 “(2) devices implemented by trained school per-  
9 sonnel, or utilized by a student, for the specific and  
10 approved therapeutic or safety purposes for which  
11 such devices were designed and, if applicable, pre-  
12 scribed, including—

13 “(A) restraints for medical immobilization;

14 “(B) adaptive devices or mechanical sup-  
15 ports used to achieve proper body position, bal-  
16 ance, or alignment to allow greater freedom of  
17 mobility than would be possible without the use  
18 of such devices or mechanical supports; or

19 “(C) vehicle safety restraints when used as  
20 intended during the transport of a student in a  
21 moving vehicle; or

22 “(3) handcuffs by school resource officers (as  
23 such term is defined in section 4151(11))—

24 “(A) in the—

1 “(i) case when a student’s behavior  
2 poses an imminent danger of physical in-  
3 jury to the student, school personnel, or  
4 others; or

5 “(ii) lawful exercise of law enforce-  
6 ment duties; and

7 “(B) less restrictive interventions would be  
8 ineffective.

9 **“SEC. 9703. STATE PLAN AND REPORT REQUIREMENTS AND**  
10 **ENFORCEMENT.**

11 “(a) STATE PLAN.—Not later than 2 years after the  
12 Secretary promulgates regulations pursuant to section  
13 9702(a), and each year thereafter, each State educational  
14 agency shall submit to the Secretary a State plan that pro-  
15 vides—

16 “(1) assurances to the Secretary that the State  
17 has in effect—

18 “(A) State policies and procedures that  
19 meet the minimum standards, including the  
20 standards with respect to State-approved crisis  
21 intervention training programs, established by  
22 regulations promulgated pursuant to section  
23 9702(a); and

24 “(B) a State mechanism to effectively  
25 monitor and enforce the minimum standards;

1           “(2) a description of the State policies and pro-  
2           cedures, including a description of the State-ap-  
3           proved crisis intervention training programs in such  
4           State; and

5           “(3) a description of the State plans to ensure  
6           school personnel and parents, including private  
7           school personnel and parents, are aware of the State  
8           policies and procedures.

9           “(b) REPORTING.—

10           “(1) REPORTING REQUIREMENTS.—Not later  
11           than 2 years after the date the Secretary promul-  
12           gates regulations pursuant to section 9702(a), and  
13           each year thereafter, each State educational agency  
14           shall (in compliance with the requirements of section  
15           444 of the General Education Provisions Act (com-  
16           monly known as the ‘Family Educational Rights and  
17           Privacy Act of 1974’) (20 U.S.C. 1232g)) prepare  
18           and submit to the Secretary, and make available to  
19           the public, a report that includes the information de-  
20           scribed in paragraph (2), with respect to each local  
21           educational agency, and each school not under the  
22           jurisdiction of a local educational agency, located in  
23           the same State as such State educational agency.

24           “(2) INFORMATION REQUIREMENTS.—

1           “(A) GENERAL INFORMATION REQUIRE-  
2           MENTS.—The report described in paragraph (1)  
3           shall include information on—

4                   “(i) the total number of incidents in  
5                   the preceding full-academic year in which  
6                   physical restraint was imposed upon a stu-  
7                   dent; and

8                   “(ii) the total number of incidents in  
9                   the preceding full-academic year in which  
10                  seclusion was imposed upon a student.

11          “(B) DISAGGREGATION.—

12                  “(i) GENERAL DISAGGREGATION RE-  
13                  QUIREMENTS.—The information described  
14                  in subparagraph (A) shall be disaggregated  
15                  by—

16                          “(I) the total number of incidents  
17                          in which physical restraint or seclu-  
18                          sion was imposed upon a student—

19                                  “(aa) that resulted in injury;

20                                  “(bb) that resulted in death;

21                                  and

22                                  “(cc) in which the school  
23                                  personnel imposing physical re-  
24                                  straint or seclusion were not

1 trained and certified as described  
2 in section 9702(a)(2)(D)(i); and

3 “(II) the demographic character-  
4 istics of all students upon whom phys-  
5 ical restraint or seclusion was im-  
6 posed, including—

7 “(aa) the categories identi-  
8 fied in section 1111(h)(1)(C)(i);

9 “(bb) age; and

10 “(cc) disability status (which  
11 has the meaning given the term  
12 ‘individual with a disability’ in  
13 section 7(20) of the Rehabilita-  
14 tion Act of 1973 (29 U.S.C.  
15 705(20))).

16 “(ii) UNDUPLICATED COUNT; EXCEP-  
17 TION.—The disaggregation required under  
18 clause (i) shall—

19 “(I) be carried out in a manner  
20 to ensure an unduplicated count of  
21 the—

22 “(aa) total number of inci-  
23 dents in the preceding full-aca-  
24 demic year in which physical re-

1                   strait was imposed upon a stu-  
2                   dent; and

3                   “(bb) total number of inci-  
4                   dents in the preceding full-aca-  
5                   demic year in which seclusion  
6                   was imposed upon a student; and

7                   “(II) not be required in a case in  
8                   which the number of students in a  
9                   category would reveal personally iden-  
10                  tifiable information about an indi-  
11                  vidual student.

12               “(c) ENFORCEMENT.—

13                   “(1) IN GENERAL.—

14                   “(A) USE OF REMEDIES.—If a State edu-  
15                   cational agency fails to comply with subsection  
16                   (a) or (b), the Secretary shall—

17                   “(i) withhold, in whole or in part, fur-  
18                   ther payments under an applicable pro-  
19                   gram (as such term is defined in section  
20                   400(e) of the General Education Provi-  
21                   sions Act (20 U.S.C. 1221)) in accordance  
22                   with section 455 of such Act (20 U.S.C.  
23                   1234d);

24                   “(ii) require a State educational agen-  
25                   cy to submit, and implement, within 1 year

1 of such failure to comply, a corrective plan  
2 of action, which may include redirection of  
3 funds received under an applicable pro-  
4 gram; or

5 “(iii) issue a complaint to compel  
6 compliance of the State educational agency  
7 through a cease and desist order, in the  
8 same manner the Secretary is authorized  
9 to take such action under section 456 of  
10 the General Education Provisions Act (20  
11 U.S.C. 1234e).

12 “(B) CESSATION OF WITHHOLDING OF  
13 FUNDS.—Whenever the Secretary determines  
14 (whether by certification or other appropriate  
15 evidence) that a State educational agency who  
16 is subject to the withholding of payments under  
17 subparagraph (A)(i) has cured the failure pro-  
18 viding the basis for the withholding of pay-  
19 ments, the Secretary shall cease the withholding  
20 of payments with respect to the State edu-  
21 cational agency under such subparagraph.

22 “(2) RULE OF CONSTRUCTION.—Nothing in  
23 this subsection shall be construed to limit the Sec-  
24 retary’s authority under the General Education Pro-  
25 visions Act (20 U.S.C. 1221 et seq.).



1 **“SEC. 9704. GRANT AUTHORITY.**

2 “(a) IN GENERAL.—From the amount appropriated  
3 under section 922, the Secretary may award grants to  
4 State educational agencies to assist the agencies in—

5 “(1) establishing, implementing, and enforcing  
6 the policies and procedures to meet the minimum  
7 standards established by regulations promulgated by  
8 the Secretary pursuant to section 9702(a);

9 “(2) improving State and local capacity to col-  
10 lect and analyze data related to physical restraint  
11 and seclusion; and

12 “(3) improving school climate and culture by  
13 implementing school-wide positive behavior support  
14 approaches.

15 “(b) DURATION OF GRANT.—A grant under this sec-  
16 tion shall be awarded to a State educational agency for  
17 a 3-year period.

18 “(c) APPLICATION.—Each State educational agency  
19 desiring a grant under this section shall submit an appli-  
20 cation to the Secretary at such time, in such manner, and  
21 accompanied by such information as the Secretary may  
22 require, including information on how the State edu-  
23 cational agency will target resources to schools and local  
24 educational agencies in need of assistance related to pre-  
25 venting and reducing physical restraint and seclusion.

26 “(d) AUTHORITY TO MAKE SUBGRANTS.—

1           “(1) IN GENERAL.—A State educational agency  
2           receiving a grant under this section may use such  
3           grant funds to award subgrants, on a competitive  
4           basis, to local educational agencies.

5           “(2) APPLICATION.—A local educational agency  
6           desiring to receive a subgrant under this section  
7           shall submit an application to the applicable State  
8           educational agency at such time, in such manner,  
9           and containing such information as the State edu-  
10          cational agency may require.

11          “(e) PRIVATE SCHOOL PARTICIPATION.—

12           “(1) IN GENERAL.—A local educational agency  
13           receiving subgrant funds under this section shall,  
14           after timely and meaningful consultation with appro-  
15           priate private school officials, ensure that private  
16           school personnel can participate, on an equitable  
17           basis, in activities supported by grant or subgrant  
18           funds.

19           “(2) PUBLIC CONTROL OF FUNDS.—The control  
20           of funds provided under this section, and title to ma-  
21           terials, equipment, and property purchased with  
22           such funds, shall be in a public agency, and a public  
23           agency shall administer such funds, materials, equip-  
24           ment, and property.

1       “(f) REQUIRED ACTIVITIES.—A State educational  
2 agency receiving a grant, or a local educational agency re-  
3 ceiving a subgrant, under this section shall use such grant  
4 or subgrant funds to carry out the following:

5           “(1) Researching, developing, implementing,  
6 and evaluating strategies, policies, and procedures to  
7 prevent and reduce physical restraint and seclusion  
8 in schools, consistent with the minimum standards  
9 established by regulations promulgated by the Sec-  
10 retary pursuant to section 9702(a).

11          “(2) Providing professional development, train-  
12 ing, and certification for school personnel to meet  
13 such standards.

14          “(3) Carrying out the reporting requirements  
15 under section 9703(b) and analyzing the information  
16 included in a report prepared under such section to  
17 identify student, school personnel, and school needs  
18 related to use of physical restraint and seclusion.

19       “(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In ad-  
20 dition to the required activities described in subsection (f),  
21 a State educational agency receiving a grant, or a local  
22 educational agency receiving a subgrant, under this sec-  
23 tion may use such grant or subgrant funds for one or more  
24 of the following:

1           “(1) Developing and implementing high-quality  
2 professional development and training programs to  
3 implement evidence-based systematic approaches to  
4 school-wide positive behavior supports, including im-  
5 proving coaching, facilitation, and training capacity  
6 for administrators, teachers, specialized instructional  
7 support personnel, and other staff.

8           “(2) Providing technical assistance to develop  
9 and implement evidence-based systematic approaches  
10 to school-wide positive behavior supports, including  
11 technical assistance for data-driven decisionmaking  
12 related to behavioral supports and interventions in  
13 the classroom.

14           “(3) Researching, evaluating, and disseminating  
15 high-quality evidence-based programs and activities  
16 that implement school-wide positive behavior sup-  
17 ports with fidelity.

18           “(4) Supporting other local positive behavior  
19 support implementation activities consistent with  
20 this subsection.

21           “(h) EVALUATION AND REPORT.—Each State edu-  
22 cational agency receiving a grant under this section shall,  
23 at the end of the 3-year grant period for such grant—

24           “(1) evaluate the State’s progress toward the  
25 prevention and reduction of physical restraint and

1 seclusion in the schools located in the State, con-  
2 sistent with the minimum standards established by  
3 regulations promulgated by the Secretary pursuant  
4 to section 9702(a); and

5 “(2) submit to the Secretary a report on such  
6 progress.

7 “(i) DEPARTMENT OF THE INTERIOR.—From the  
8 amount appropriated under section 9708, the Secretary  
9 may allocate funds to the Secretary of the Interior for ac-  
10 tivities under this section with respect to schools operated  
11 or funded by the Department of the Interior, under such  
12 terms as the Secretary of Education may prescribe.

13 **“SEC. 9705. NATIONAL ASSESSMENT.**

14 “(a) NATIONAL ASSESSMENT.—The Secretary shall  
15 carry out a national assessment to determine the effective-  
16 ness of this part, which shall include—

17 “(1) analyzing data related to physical restraint  
18 and seclusion incidents;

19 “(2) analyzing the effectiveness of Federal,  
20 State, and local efforts to prevent and reduce the  
21 number of physical restraint and seclusion incidents  
22 in schools;

23 “(3) identifying the types of programs and serv-  
24 ices that have demonstrated the greatest effective-

1           ness in preventing and reducing the number of phys-  
2           ical restraint and seclusion incidents in schools; and

3           “(4) identifying evidence-based personnel train-  
4           ing models with demonstrated success in preventing  
5           and reducing the number of physical restraint and  
6           seclusion incidents in schools, including models that  
7           emphasize positive behavior supports and de-escala-  
8           tion techniques over physical intervention.

9           “(b) REPORT.—The Secretary shall submit to the  
10          Committee on Education and the Workforce of the House  
11          of Representatives and the Committee on Health, Edu-  
12          cation, Labor, and Pensions of the Senate—

13           “(1) not later than 3 years after the date of en-  
14           actment of the Student Success Act, an interim re-  
15           port that summarizes the preliminary findings of the  
16           assessment described in subsection (a); and

17           “(2) not later than 5 years after the date of the  
18           enactment of the Student Success Act, a final report  
19           of the findings of the assessment.

20          **“SEC. 9706. PROTECTION AND ADVOCACY SYSTEMS.**

21           “Protection and Advocacy Systems shall have the au-  
22           thority provided under section 143 of the Developmental  
23           Disabilities Assistance and Bill of Rights Act of 2000 (42  
24           U.S.C. 15043) to investigate, monitor, and enforce protec-  
25           tions provided for students under this part.

1 **“SEC. 9707. LIMITATION OF AUTHORITY.**

2 “(a) IN GENERAL.—Nothing in this part shall be  
3 construed to restrict or limit, or allow the Secretary to  
4 restrict or limit, any other rights or remedies otherwise  
5 available to students or parents under Federal or State  
6 law or regulation.

7 “(b) APPLICABILITY.—

8 “(1) PRIVATE SCHOOLS.—Nothing in this part  
9 shall be construed to affect any private school that  
10 does not receive, or does not serve students who re-  
11 ceive, support in any form from any program sup-  
12 ported, in whole or in part, with funds appropriated  
13 to the Department of Education.

14 “(2) HOME SCHOOLS.—Nothing in this part  
15 shall be construed to—

16 “(A) affect a home school, whether or not  
17 a home school is treated as a private school or  
18 home school under State law; or

19 “(B) consider parents who are schooling a  
20 child at home as school personnel.

21 **“SEC. 9708. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated such sums  
23 as may be necessary to carry out this part for fiscal year  
24 2016 and each of the 4 succeeding fiscal years.

1 **“SEC. 9709. PRESUMPTION OF CONGRESS RELATING TO**  
2 **COMPETITIVE PROCEDURES.**

3 “(a) PRESUMPTION.—It is the presumption of Con-  
4 gress that grants awarded under this part will be awarded  
5 using competitive procedures based on merit.

6 “(b) REPORT TO CONGRESS.—If grants are awarded  
7 under this part using procedures other than competitive  
8 procedures, the Secretary shall submit to Congress a re-  
9 port explaining why competitive procedures were not  
10 used.”.

11 **Subtitle D—Protecting Student**  
12 **Athletes From Concussions**

13 **SEC. 931. PROTECTING STUDENT ATHLETES FROM CON-**  
14 **CUSSIONS.**

15 Title IX (20 U.S.C. 7801 et seq.) is further amended  
16 by adding at the end the following:

17 **“PART H—PROTECTING STUDENT ATHLETES**  
18 **FROM CONCUSSIONS**

19 **“SEC. 9801. MINIMUM STATE REQUIREMENTS.**

20 “Beginning with fiscal year 2016, in order to be eligi-  
21 ble to receive funds for such year or a subsequent fiscal  
22 year under this Act each State educational agency shall  
23 issue regulations establishing the following minimum re-  
24 quirements in order to protect student academic achieve-  
25 ment from the impact of concussions:



1           “(1) LOCAL EDUCATIONAL AGENCY CONCUS-  
2           SION SAFETY AND MANAGEMENT PLAN.—Each local  
3           educational agency in the State, in consultation with  
4           members of the community in which such agency is  
5           located, shall develop and implement a standard plan  
6           for concussion safety and management that in-  
7           cludes—

8                   “(A) the education of students, parents,  
9                   and school personnel about concussions, such  
10                  as—

11                           “(i) the training and certification of  
12                           school personnel, including coaches, ath-  
13                           letic trainers, and school nurses, on con-  
14                           cussion safety and management; and

15                                   “(ii) using and maintaining standard-  
16                                   ized release forms, treatment plans, obser-  
17                                   vation, monitoring and reporting forms,  
18                                   recordkeeping forms, and post-injury fact  
19                                   sheets;

20                           “(B) supports for students recovering from  
21                           a concussion, such as—

22                                   “(i) guiding such student in resuming  
23                                   participation in athletic activity and aca-  
24                                   demic activities with the help of a multi-  
25                                   disciplinary team, which may include—

1                   “(I) a health care professional,  
2                   the parents of such student, a school  
3                   nurse, or other relevant school per-  
4                   sonnel; and

5                   “(II) an individual who is as-  
6                   signed by a public school to oversee  
7                   and manage the recovery of such stu-  
8                   dent;

9                   “(ii) providing appropriate academic  
10                  accommodations; and

11                  “(iii) referring students whose symp-  
12                  toms of concussion reemerge or persist  
13                  upon the reintroduction of cognitive and  
14                  physical demands for evaluation of the eli-  
15                  gibility of such students for services under  
16                  the Individual with Disabilities Education  
17                  Act (20 U.S.C. 1400 et seq.) and the Re-  
18                  habilitation Act of 1973 (29 U.S.C. 701  
19                  note et seq.); and

20                  “(C) best practices designed to ensure,  
21                  with respect to concussions, the uniformity of  
22                  safety standards, treatment, and management,  
23                  such as—

1                   “(i) disseminating information on con-  
2                   cussion management safety and manage-  
3                   ment to the public; and

4                   “(ii) applying uniform standards for  
5                   concussion safety and management to all  
6                   students enrolled in public schools.

7                   “(2) POSTING OF INFORMATION ON CONCUS-  
8                   SIONS.—Each public elementary school and each  
9                   secondary school shall post on school grounds, in a  
10                  manner that is visible to students and school per-  
11                  sonnel, and make publicly available on the school  
12                  website, information on concussions that—

13                  “(A) is based on peer-reviewed scientific  
14                  evidence (such as information made available by  
15                  the Centers for Disease Control and Preven-  
16                  tion);

17                  “(B) shall include—

18                         “(i) the risks posed by sustaining a  
19                         concussion;

20                         “(ii) the actions a student should take  
21                         in response to sustaining a concussion, in-  
22                         cluding the notification of school personnel;  
23                         and

24                         “(iii) the signs and symptoms of a  
25                         concussion; and

- 1 “(C) may include—
- 2 “(i) the definition of a concussion;
- 3 “(ii) the means available to the stu-
- 4 dent to reduce the incidence or recurrence
- 5 of a concussion; and
- 6 “(iii) the effects of a concussion on
- 7 academic learning and performance.
- 8 “(3) RESPONSE TO CONCUSSION.—If any school
- 9 personnel, including coaches and athletic trainers, of
- 10 a public school suspects that a student has sustained
- 11 a concussion during a school-sponsored athletic ac-
- 12 tivity—
- 13 “(A) the student shall be—
- 14 “(i) immediately removed from par-
- 15 ticipation in such activity; and
- 16 “(ii) prohibited from returning to par-
- 17 ticipate in school-sponsored athletic activi-
- 18 ties—
- 19 “(I) on the day such student sus-
- 20 tained a concussion; and
- 21 “(II) until such student submits
- 22 a written release from a health care
- 23 professional stating that the student
- 24 is capable of resuming participation in

1 school-sponsored athletic activities;  
2 and

3 “(B) such personnel shall report to the  
4 parent or guardian of such student—

5 “(i) the date, time, and extent of the  
6 injury suffered by such student; and

7 “(ii) any actions taken to treat such  
8 student.

9 “(4) RETURN TO ATHLETICS AND AKA-  
10 DEMICS.—Before a student who has sustained a con-  
11 cussion in a school-sponsored athletic activity re-  
12 sumes participation in school-sponsored athletic ac-  
13 tivities or academic activities, the school shall receive  
14 a written release from a health care professional,  
15 that—

16 “(A) states that the student is capable of  
17 resuming participation in such activities; and

18 “(B) may require the student to follow a  
19 plan designed to aid the student in recovering  
20 and resuming participation in such activities in  
21 a manner that—

22 “(i) is coordinated, as appropriate,  
23 with periods of cognitive and physical rest  
24 while symptoms of a concussion persist;  
25 and

1                   “(ii) reintroduces cognitive and phys-  
2                   ical demands on such student on a pro-  
3                   gressive basis only as such increases in ex-  
4                   ertion do not cause the reemergence or  
5                   worsening of symptoms of a concussion.

6 **“SEC. 9802. REPORT TO SECRETARY OF EDUCATION.**

7                   “Not later than 6 months after promulgating regula-  
8                   tions pursuant to section 9801 in order to be eligible to  
9                   receive funds under this Act, each State educational agen-  
10                  cy shall submit to the Secretary of Education a report that  
11                  contains—

12                  “(1) a description of the State regulations pro-  
13                  mulgated pursuant to section 9801; and

14                  “(2) an assurance that the State has imple-  
15                  mented such regulations.

16 **“SEC. 9803. RULE OF CONSTRUCTION.**

17                  “Nothing in this subtitle shall be construed to alter  
18                  or supersede State law with respect to education standards  
19                  or procedures or civil liability.

20 **“SEC. 9804. DEFINITIONS.**

21                  “In this subtitle:

22                  “(1) **CONCUSSION.**—The term ‘concussion’  
23                  means a type of traumatic brain injury that—

1           “(A) is caused by a blow, jolt, or motion  
2           to the head or body that causes the brain to  
3           move rapidly in the skull;

4           “(B) disrupts normal brain functioning  
5           and alters the mental state of the individual,  
6           causing the individual to experience—

7                   “(i) any period of observed or self-re-  
8                   ported —

9                           “(I) transient confusion, dis-  
10                           orientation, or impaired consciousness;

11                           “(II) dysfunction of memory  
12                           around the time of injury; and

13                           “(III) loss of consciousness last-  
14                           ing less than 30 minutes;

15                           “(ii) any one of four types of symp-  
16                           toms of a headache, including—

17                                   “(I) physical symptoms, such as  
18                                   headache, fatigue, or dizziness;

19                                   “(II) cognitive symptoms, such  
20                                   as memory disturbance or slowed  
21                                   thinking;

22                                   “(III) emotional symptoms, such  
23                                   as irritability or sadness; and

24                                   “(IV) difficulty sleeping; and

25                   “(C) can occur—

1                   “(i) with or without the loss of con-  
2                   sciousness; and

3                   “(ii) during participation in any orga-  
4                   nized sport or recreational activity.

5                   “(2) HEALTH CARE PROFESSIONAL.—The term  
6                   ‘health care professional’ means a physician, nurse,  
7                   certified athletic trainer, physical therapist,  
8                   neuropsychologist or other qualified individual  
9                   who—

10                   “(A) is a registered, licensed, certified, or  
11                   otherwise statutorily recognized by the State to  
12                   provide medical treatment;

13                   “(B) is experienced in the diagnosis and  
14                   management of traumatic brain injury among a  
15                   pediatric population; and

16                   “(C) may be a volunteer.

17                   “(3) SCHOOL PERSONNEL.—The term ‘school  
18                   personnel’ has the meaning given such term in sec-  
19                   tion 4151.

20                   “(4) SCHOOL-SPONSORED ATHLETIC ACTIV-  
21                   ITY.—The term ‘school-sponsored athletic activity’  
22                   means—

23                   “(A) any physical education class or pro-  
24                   gram of a school;



1           “(B) any athletic activity authorized dur-  
2           ing the school day on school grounds that is not  
3           an instructional activity; and

4           “(C) any extracurricular sports team, club,  
5           or league organized by a school on or off school  
6           grounds.”.

7   **TITLE       X—EDUCATION       FOR**  
8       **HOMELESS   CHILDREN   AND**  
9       **YOUTHS**

10 **SEC. 1001. EDUCATION FOR HOMELESS CHILDREN AND**  
11       **YOUTHS.**

12       Subtitle B of title VII of the McKinney-Vento Home-  
13 less Assistance Act is amended to read as follows:

14           **“Subtitle B—Education for**  
15       **Homeless Children and Youths**

16 **“SEC. 721. STATEMENT OF POLICY.**

17       “The following is the policy of Congress:

18           “(1) Each State educational agency shall en-  
19           sure that each homeless child and youth has access  
20           to the same free, appropriate public education, in-  
21           cluding a public preschool education, as provided to  
22           other children and youth.

23           “(2) In any State where compulsory residency  
24           requirements or other requirements of laws, regula-  
25           tions, practices, or policies may act as a barrier to

1 the identification, enrollment, attendance, or success  
2 in school of homeless children and youth, the State  
3 shall review and revise such laws, regulations, prac-  
4 tices, or policies to ensure that homeless children  
5 and youth are afforded the same free appropriate  
6 public education as is provided to other children and  
7 youth.

8 “(3) Homelessness is not a sufficient reason to  
9 separate students from the mainstream school envi-  
10 ronment.

11 “(4) Homeless children and youth shall have  
12 access to the education and other services that such  
13 children and youth need to ensure that such children  
14 and youth have an opportunity to meet the same col-  
15 lege and career ready State student academic  
16 achievement standards to which all students are  
17 held.

18 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**  
19 **THE EDUCATION OF HOMELESS CHILDREN**  
20 **AND YOUTHS.**

21 “(a) GENERAL AUTHORITY.—The Secretary is au-  
22 thorized to make grants to States from allotments made  
23 under subsection (c) and in accordance with this section  
24 to enable such States to carry out the activities described  
25 in subsections (d) through (g).

1           “(b) APPLICATION.—In order for a State to be eligi-  
2 ble to receive a grant under this section, the State edu-  
3 cational agency, in consultation with other relevant State  
4 agencies, shall submit an application to the Secretary at  
5 such time, in such manner, and containing or accompanied  
6 by such information as the Secretary may reasonably re-  
7 quire.

8           “(c) ALLOCATION AND RESERVATIONS.—

9                   “(1) ALLOCATION.—

10                           “(A) IN GENERAL.—Subject to subpara-  
11 graph (C), the Secretary is authorized to allot  
12 to each State an amount that bears the same  
13 ratio to the amount appropriated for such year  
14 under section 727 that remains after the Sec-  
15 retary reserves funds under paragraph (2) and  
16 uses funds to carry out section 724(d) and (h),  
17 as the amount allocated under section 1122 of  
18 the Elementary and Secondary Education Act  
19 of 1965 (20 U.S.C. 6332) to the State for that  
20 year bears to the total amount allocated under  
21 section 1122 of such Act to all States for that  
22 year, except as provided in subparagraph (B)—

23                           “(B) MINIMUM ALLOTMENTS.—No State  
24 shall receive for a fiscal year less under this  
25 paragraph than the greater of—

1 “(i) \$300,000; or

2 “(ii) an amount that bears the same  
3 ratio to the amount appropriated for such  
4 year under section 727 that remains after  
5 the Secretary reserves funds under para-  
6 graph (2) and uses funds to carry out sec-  
7 tion 724 (d) and (h), as the amount the  
8 State received under this paragraph for the  
9 preceding fiscal year bears to the total  
10 amount received by all States under this  
11 paragraph for the preceding fiscal year.

12 “(C) REDUCTION FOR INSUFFICIENT  
13 FUNDS.—If there are insufficient funds in a fis-  
14 cal year to allot to each State the minimum  
15 amount under subparagraph (B), the Secretary  
16 shall ratably reduce the allotments to all States  
17 based on the proportionate share that each  
18 State received under this subsection for the pre-  
19 ceding fiscal year.

20 “(2) RESERVATIONS.—

21 “(A) STUDENTS IN TERRITORIES.—The  
22 Secretary is authorized to reserve 0.1 percent of  
23 the amount appropriated for each fiscal year  
24 under section 727 to be allocated by the Sec-  
25 retary among the United States Virgin Islands,

1           Guam, American Samoa, and the Common-  
2           wealth of the Northern Mariana Islands, ac-  
3           cording to their respective need for assistance  
4           under this title, as determined by the Secretary.  
5           Funds allocated under this subparagraph shall  
6           be used for programs that are consistent with  
7           the purposes of the programs described in this  
8           subtitle.

9                   “(B) INDIAN STUDENTS.—

10                   “(i) TRANSFER.—The Secretary shall  
11                   transfer 1 percent of the amount appro-  
12                   priated for each fiscal year under section  
13                   727 to the Department of the Interior for  
14                   programs that are for Indian students  
15                   served by schools funded by the Secretary  
16                   of the Interior, as determined under the  
17                   Indian Self-Determination and Education  
18                   Assistance Act (25 U.S.C. 450 et seq.),  
19                   and that are consistent with the purposes  
20                   of the programs described in this title.

21                   “(ii) AGREEMENT.—The Secretary of  
22                   Education and the Secretary of the Inte-  
23                   rior shall enter into an agreement, con-  
24                   sistent with the requirements of this title,  
25                   for the distribution and use of the funds

1           described in clause (i) under terms that  
2           the Secretary of Education determines best  
3           meet the purposes of the programs de-  
4           scribed in this title. Such agreement shall  
5           set forth the plans of the Secretary of the  
6           Interior for the use of the funds trans-  
7           ferred, including appropriate goals, objec-  
8           tives, and milestones for that use.

9           “(d) STATE ACTIVITIES.—Grant funds from a grant  
10          made to a State under this section shall be used for the  
11          following:

12                 “(1) To provide activities for and services to  
13                 improve the identification of homeless children and  
14                 youth and enable such children and youth to enroll  
15                 in, attend, and succeed in school, including in early  
16                 childhood education programs.

17                 “(2) To establish or designate an Office of the  
18                 Coordinator for Education of Homeless Children and  
19                 Youth in the State educational agency in accordance  
20                 with subsection (f) that has sufficient knowledge,  
21                 authority, and time to carry out the duties described  
22                 in this title.

23                 “(3) To prepare and carry out the State plan  
24                 described in subsection (g).

1           “(4) To develop and implement professional de-  
2           velopment activities for liaisons designated under  
3           subsection (g)(1)(J)(ii), other local educational agen-  
4           cy school personnel, and community agencies to im-  
5           prove their—

6                   “(A) identification of homeless children  
7                   and youth; and

8                   “(B) awareness of, and capacity to respond  
9                   to, specific needs in the education of homeless  
10                  children and youth.

11          “(e) STATE AND LOCAL SUBGRANTS.—

12                  “(1) MINIMUM DISBURSEMENTS BY STATES.—

13          From the grant funds made available each year to  
14          a State under subsection (a) to carry out this title,  
15          the State educational agency shall distribute not less  
16          than 75 percent by making subgrants under section  
17          723 to local educational agencies for the purposes of  
18          carrying out section 723.

19                  “(2) USE BY STATE EDUCATIONAL AGENCY.—

20          A State educational agency may use any grant funds  
21          remaining after making subgrants under section 723  
22          to conduct activities under subsection (f) directly or  
23          through making grants or entering into contracts.

24                  “(3) PROHIBITION ON SEGREGATING HOMELESS  
25          STUDENTS.—In providing a free public education to

1 a homeless child or youth, no State receiving funds  
2 under this title shall segregate such child or youth  
3 in a separate school, or in a separate program within  
4 a school, based on such child's or youth's status as  
5 homeless.

6 “(A) EXCEPTION.—Notwithstanding para-  
7 graph (3), paragraphs (1)(J)(i) and (3) of sub-  
8 section (g), section 723(a)(2), and any other  
9 provision of this title relating to the placement  
10 of homeless children or youths in schools, a  
11 State that has a separate school for homeless  
12 children or youths that was operated and in re-  
13 ceipt of funds under this title in fiscal year  
14 2015 in a covered county shall be eligible to re-  
15 ceive funds under this title for programs carried  
16 out in such school.

17 “(B) DEFINITION.—For purposes of this  
18 paragraph, the term ‘covered county’ means  
19 San Diego County, California.

20 “(f) FUNCTIONS OF THE OFFICE OF COORDI-  
21 NATOR.—The Coordinator for Education of Homeless  
22 Children and Youth established in each State shall—

23 “(1) gather and make publicly available reliable,  
24 valid, and comprehensive information on



1           “(A) the nature and extent of the problems  
2           homeless children and youth have in gaining ac-  
3           cess to public preschool programs, and to public  
4           elementary schools and secondary schools;

5           “(B) the difficulties in identifying the spe-  
6           cial needs and barriers to participation and  
7           achievement of such children and youth;

8           “(C) any progress made by the State edu-  
9           cational agency and local educational agencies  
10          in the State in addressing such problems and  
11          difficulties; and

12          “(D) the success of the programs under  
13          this title in identifying homeless children and  
14          youth and allowing homeless children and youth  
15          to enroll in, attend, and succeed in school; and

16          “(2) develop and carry out the State plan de-  
17          scribed in subsection (g);

18          “(3) collect data for and transmit to the Sec-  
19          retary, at such time and in such manner as the Sec-  
20          retary may require, reports containing such informa-  
21          tion as the Secretary determines is necessary to as-  
22          sess the educational needs of homeless children and  
23          youth within the State including data requested pur-  
24          suant to section 724(h);

1           “(4) improve the provision of comprehensive  
2 education and related support services to homeless  
3 children and youth and their families, and to mini-  
4 mize educational disruption, through coordination of  
5 activities and collaboration with—

6           “(A) educators, including teachers, admin-  
7 istrators, specialized instructional support per-  
8 sonnel, and child development and preschool  
9 program personnel;

10           “(B) providers of services to homeless chil-  
11 dren and youth and homeless families, public  
12 and private child welfare and social service  
13 agencies, law enforcement agencies, juvenile and  
14 family courts, agencies providing mental health  
15 services, domestic violence agencies, child care  
16 providers, runaway and homeless youth centers,  
17 and providers of services and programs funded  
18 under the Runaway and Homeless Youth Act  
19 (42 U.S.C. 5701 et seq.);

20           “(C) providers of emergency, transitional,  
21 and permanent housing to homeless children  
22 and youth, and their families, including public  
23 housing agencies, shelter operators, operators of  
24 transitional housing facilities, and providers of  
25 transitional living programs for homeless youth;

1           “(D) local educational agency liaisons des-  
2           gnated under subsection (g)(1)(J)(ii) for home-  
3           less children and youths; and

4           “(E) community organizations and groups  
5           representing homeless children and youth and  
6           their families; and

7           “(5) provide professional development and tech-  
8           nical assistance to and conduct monitoring of local  
9           educational agencies, in coordination with local edu-  
10          cational agency liaisons designated under subsection  
11          (g)(1)(J)(ii), to ensure that local educational agen-  
12          cies comply with the requirements of paragraphs (3)  
13          through (8) of subsection (g), and subsection (e)(3);  
14          and

15          “(g) STATE PLAN.—

16                 “(1) IN GENERAL.—Each State shall submit to  
17                 the Secretary and implement a plan to provide for  
18                 the education of homeless children and youth within  
19                 the State. Such plan shall include the following:

20                         “(A) A description of how such children  
21                         and youth are (or will be) given the opportunity

22                                 “(i) to meet the same challenging  
23                                 State academic achievement standards all  
24                                 students are expected to meet; and

1                   “(ii) to become college and career  
2                   ready.

3                   “(B) A description of the procedures the  
4                   State educational agency will use, in coordina-  
5                   tion with local educational agencies, to identify  
6                   such children and youths in the State and to  
7                   assess their needs.

8                   “(C) A description of procedures for the  
9                   prompt resolution of disputes arising under this  
10                  title, which shall—

11                  “(i) be developed in coordination and  
12                  collaboration with the liaisons designated  
13                  under subparagraph (J)(ii);

14                  “(ii) be readily available and provided  
15                  in a written format and, to the extent  
16                  practicable, in a manner and form under-  
17                  standable to the parents and guardians of  
18                  homeless children and youth;

19                  “(iii) take into account the edu-  
20                  cational best interest of the homeless child  
21                  or youth, or unaccompanied youth, in-  
22                  volved; and

23                  “(iv) ensure that parents and guard-  
24                  ians of homeless children and youth, and  
25                  unaccompanied youth, who have exhausted

1           the procedures available under this para-  
2           graph are able to appeal to the State edu-  
3           cational agency, and are enrolled in school  
4           pursuant to paragraph (4)(C) and receive  
5           transportation pursuant to subparagraph  
6           (J)(iii) pending final resolution of the dis-  
7           pute.

8           “(D) A description of programs for school  
9           personnel (including the liaisons, principals, at-  
10          tendance officers, teachers, enrollment per-  
11          sonnel, and specialized instructional support  
12          personnel) to increase the awareness of such  
13          personnel of the specific needs of homeless ado-  
14          lescents, including runaway and homeless  
15          youth.

16          “(E) A description of procedures that en-  
17          sure that homeless children and youth are able  
18          to participate in Federal, State, or local nutri-  
19          tion programs.

20          “(F) A description of procedures that en-  
21          sure that—

22                  “(i) homeless children have access to  
23                  public preschool programs, administered by  
24                  the State educational agency or local edu-  
25                  cational agency, including through the poli-

1           cies and practices required under para-  
2           graph (3);

3                   “(ii) homeless youths and youth sepa-  
4           rated from the public schools, are identi-  
5           fied and accorded equal access to appro-  
6           priate and available secondary education  
7           and support services, including receiving  
8           appropriate credit for full or partial  
9           coursework satisfactorily completed while  
10          attending a prior school, and for work  
11          completed after their enrollment in a new  
12          school, consistent with State graduation re-  
13          quirements and accreditation standards;  
14          and

15                   “(iii) homeless children and youth  
16          who meet the relevant eligibility criteria  
17          are able to participate in Federal, State, or  
18          local educational programs, such as

19                           “(I) innovative school models, in-  
20                   cluding charter schools, magnet  
21                   schools, and blended learning schools;

22                           “(II) expanded learning time and  
23                   out-of-school time programs, including  
24                   before- and after-school programs and  
25                   summer schools;

1                   “(III) middle and secondary  
2                   school enrichment programs, including  
3                   career and technical education, ad-  
4                   vanced placement, international bacca-  
5                   laureate, and dual enrollment courses;

6                   “(IV) online learning opportuni-  
7                   ties, including virtual schools; and

8                   “(V) relevant workforce invest-  
9                   ment programs.

10                  “(G) Strategies to address problems identi-  
11                  fied in the reports provided to the Secretary  
12                  under subsection (f)(3).

13                  “(H) Strategies to address other problems  
14                  with respect to the education of homeless chil-  
15                  dren and youth, including enrollment problems  
16                  related to—

17                         “(i) immunization and other required  
18                         health records and screenings;

19                         “(ii) residency requirements;

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

22                         “(iv) guardianship issues; or

23                         “(v) uniform or dress code require-  
24                         ments.

1           “(I) A demonstration that the State edu-  
2           cational agency and local educational agencies  
3           and schools in the State have developed, and  
4           shall review and revise, their policies and prac-  
5           tices to remove barriers to the identification,  
6           enrollment, attendance, retention, and success  
7           of homeless children and youth in schools, in-  
8           cluding early childhood education programs, in  
9           the State.

10           “(J) Assurances that the following will be  
11           carried out—

12                   “(i) the State educational agency and  
13                   local educational agencies in the State will  
14                   adopt policies and practices to ensure that  
15                   homeless children and youth are not stig-  
16                   matized or segregated on the basis of their  
17                   status as homeless;

18                   “(ii) local educational agencies will  
19                   designate an appropriate staff person as  
20                   the local educational agency liaison for  
21                   homeless children and youth, who shall  
22                   have sufficient training and time to carry  
23                   out the duties described in paragraph  
24                   (7)(A), and who may also be a coordinator  
25                   for other Federal programs.



1           “(iii) the State and local educational  
2 agencies in the State will adopt policies  
3 and practices to ensure that transportation  
4 is provided at the request of the parent or  
5 guardian involved (or in the case of an un-  
6 accompanied youth, the liaison), to and  
7 from the school of origin for as long as the  
8 student has the right to attend the school  
9 of origin as determined in paragraph  
10 (4)(A), in accordance with the following,  
11 where applicable:

12           “(I) If the child or youth con-  
13 tinues to live in the area served by the  
14 local educational agency for the school  
15 of origin, the child’s or youth’s trans-  
16 portation to and from the school of  
17 origin shall be provided or arranged  
18 by the local educational agency for the  
19 school of origin.

20           “(II) If the child’s or youth’s liv-  
21 ing arrangements in the area served  
22 by the local educational agency of ori-  
23 gin terminate and the child or youth,  
24 though continuing the child’s or  
25 youth’s education in the school of ori-

1                   gin, begins living in an area served by  
2                   another local educational agency, the  
3                   local educational agency of origin and  
4                   the local educational agency for the  
5                   area in which the child or youth is liv-  
6                   ing shall agree upon a method to ap-  
7                   portion the responsibility and cost for  
8                   providing transportation to and from  
9                   the school of origin. If the local edu-  
10                  cational agencies are unable to agree  
11                  upon such method, the responsibility  
12                  and costs for transportation shall be  
13                  shared equally between the agencies.

14                  “(iv) The State educational agency  
15                  and local educational agencies will adopt  
16                  policies and practices to promote school  
17                  success for homeless children and youth,  
18                  including access to full participation in  
19                  academic and extracurricular activities that  
20                  are made available to non-homeless stu-  
21                  dents.

22                  “(2) COMPLIANCE.—

23                  “(A) IN GENERAL.—Each plan adopted  
24                  under this subsection shall also describe how  
25                  the State will ensure that local educational

1 agencies in the State will comply with the re-  
2 quirements of paragraphs (3) through (8).

3 “(B) COORDINATION.—Such plan shall in-  
4 dicate what technical assistance the State will  
5 furnish to local educational agencies and how  
6 compliance efforts will be coordinated with the  
7 local educational agency liaisons designated  
8 under paragraph (1)(J)(ii).

9 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-  
10 MENTS.—

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

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

18 “(I) in any case in which the  
19 child or youth becomes a homeless  
20 child or youth between academic years  
21 or during an academic year; or

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

1           “(ii) enroll the child or youth in any  
2           public school that nonhomeless students  
3           who live in the attendance area in which  
4           the child or youth is actually living are eli-  
5           gible to attend.

6           “(B) BEST INTEREST.—In determining the  
7           best interest of the child or youth under sub-  
8           paragraph (A), the local educational agency  
9           shall—

10           “(i) presume that keeping a homeless  
11           child or youth in the school of origin is in  
12           the child’s or youth’s best interest, except  
13           when doing so is contrary to the wishes of  
14           the child’s or youth’s parent or guardian;

15           “(ii) consider student-centered factors  
16           related to the child’s or youth’s best inter-  
17           est, including factors related to the impact  
18           of mobility on achievement, education,  
19           health, and safety of homeless children and  
20           youth, giving priority to the wishes of the  
21           homeless child’s or youth’s parent or  
22           guardian or the unaccompanied youth in-  
23           volved;

24           “(iii) if, after conducting the best in-  
25           terest determination described in clause

1 (ii), the local educational agency deter-  
2 mines that it is not in the child's or  
3 youth's best interest to attend the school  
4 or origin or the school requested by the  
5 parent, guardian, or unaccompanied youth,  
6 provide, in coordination with the local edu-  
7 cational agency liaison, the homeless  
8 child's or youth's parent or guardian or  
9 the unaccompanied youth, with a written  
10 explanation in a manner or form under-  
11 standable to such parent, guardian, or  
12 youth, to the extent practicable, including  
13 a statement regarding the right to appeal  
14 under subparagraph (E);

15 “(iv) in the case of an unaccompanied  
16 youth, ensure that the homeless liaison  
17 designated under paragraph (1)(J)(ii) as-  
18 sists in placement or enrollment decisions  
19 under this subparagraph, gives priority to  
20 the views of such unaccompanied youth,  
21 and provides notice to such youth of the  
22 right to appeal under subparagraph (E);  
23 and

24 “(v) provide transportation pursuant  
25 to paragraphs (1)(J)(iii) and (5).

1 “(C) ENROLLMENT.—

2 “(i) ENROLLMENT.—The school se-  
3 lected in accordance with this paragraph  
4 shall immediately enroll the homeless child  
5 or youth, even if the child or youth—

6 “(I) is unable to produce records  
7 traditionally required for enrollment,  
8 including previous academic records,  
9 health records, proof of residency or  
10 guardianship, or other documentation;

11 “(II) has unpaid fines or fees  
12 from prior schools or is unable to pay  
13 fees in the school selected; or

14 “(III) has missed application or  
15 enrollment deadlines during any pe-  
16 riod of homelessness.

17 “(ii) CONTACTING SCHOOL LAST AT-  
18 TENDED.—The enrolling school shall im-  
19 mediately contact the school last attended  
20 by the child or youth to obtain relevant  
21 academic and other records.

22 “(iii) RELEVANT HEALTH RECORDS.—  
23 If the child or youth needs to obtain immu-  
24 nizations or other required health records,  
25 the enrolling school shall immediately en-

1 roll the child or youth and immediately  
2 refer the parent or guardian of the child or  
3 youth, or the unaccompanied youth, to the  
4 local educational agency liaison designated  
5 under paragraph (1)(J)(ii), who shall as-  
6 sist in obtaining necessary immunizations  
7 or screenings or other required health  
8 records, in accordance with subparagraph  
9 (D).

10 “(iv) NO LIABILITY.—Whenever the  
11 school selected enrolls an unaccompanied  
12 youth in accordance with this paragraph,  
13 no liability shall be imposed upon the  
14 school by reason of enrolling the youth  
15 without parent or guardian consent.

16 “(D) RECORDS.—Any record ordinarily  
17 kept by the school, including immunization or  
18 medical records, academic records, birth certifi-  
19 cates, guardianship records, and evaluations for  
20 special services or programs, regarding each  
21 homeless child or youth shall be maintained—

22 “(i) so that the records involved are  
23 available when a child or youth enters a  
24 new school or school district, even if the  
25 child or youth owes fees or fines or did not

1           withdraw from the previous school in con-  
2           formance with local withdrawal procedures;  
3           and

4                   “(ii) in a manner consistent with sec-  
5           tion 444 of the General Education Provi-  
6           sions Act (20 U.S.C. 1232g).

7                   “(E) DISPUTES.—If a dispute arises over  
8           eligibility, enrollment, school selection or service  
9           in a public school or public preschool, or any  
10          other issue relating to services under this  
11          title—

12                   “(i) in the case of a dispute relating  
13           to eligibility for enrollment or school selec-  
14           tion, the child or youth shall be imme-  
15           diately enrolled in the school in which en-  
16           rollment is sought, pending final resolution  
17           of the dispute including all available ap-  
18           peals;

19                   “(ii) the parent or guardian of the  
20           child or youth shall be provided with a  
21           written explanation of the school’s decision  
22           regarding eligibility for enrollment, school  
23           selection, or services, made by the school  
24           or the local educational agency, which shall



1 include information about the right to ap-  
2 peal the decision;

3 “(iii) the child, youth, parent, or  
4 guardian shall be referred to the local edu-  
5 cational agency liaison designated under  
6 paragraph (1)(J)(ii), who shall carry out  
7 the dispute resolution process as described  
8 in paragraph (1)(C) as expeditiously as  
9 possible after receiving notice of such dis-  
10 pute; and

11 “(iv) in the case of an unaccompanied  
12 youth, the liaison shall ensure that the  
13 youth is immediately enrolled in the school  
14 in which the youth seeks enrollment, pend-  
15 ing resolution of such dispute.

16 “(F) PLACEMENT CHOICE.—The choice re-  
17 garding placement shall be made regardless of  
18 whether the child or youth involved lives with  
19 the homeless parents or has been temporarily  
20 placed elsewhere.

21 “(G) SCHOOL OF ORIGIN DEFINED.—

22 “(i) IN GENERAL.—In this paragraph,  
23 the term ‘school of origin’ means the  
24 school that the child or youth attended

1           when permanently housed or the school in  
2           which the child or youth was last enrolled.

3           “(ii) RECEIVING SCHOOL.—When a  
4           child or youth completes the final grade  
5           level served by the school of origin, as de-  
6           scribed in clause (i), the term ‘school of or-  
7           igin’ shall include the designated receiving  
8           school at the next grade level for the feeder  
9           school that the child or youth attended.

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

14          “(I) PRIVACY.—Information about a home-  
15          less child’s or youth’s living situation shall be  
16          treated as a student education record under  
17          section 444 of the General Education Provi-  
18          sions Act (20 U.S.C. 1232g) and shall not be  
19          released to housing providers, employers, law  
20          enforcement personnel, or other persons or  
21          agencies not authorized to have such informa-  
22          tion under section 99.31 of title 34, Code of  
23          Federal Regulations, paying particular atten-  
24          tion to preventing disruption of the living situa-  
25          tion of the child or youth and to supporting the

1 safety of such children and youth who are sur-  
2 vivors of domestic violence and unaccompanied  
3 youth.

4 “(J) ACADEMIC ACHIEVEMENT.—The  
5 school selected in accordance with this para-  
6 graph shall ensure that homeless children and  
7 youth have opportunities to meet the same col-  
8 lege and career ready State student academic  
9 achievement standards to which other students  
10 are held, including implementing the policies  
11 and practices required by paragraph (1)(J)(iv).

12 “(4) COMPARABLE SERVICES.—In addition to  
13 receiving services provided for homeless children and  
14 youth under this title or other Federal, State, or  
15 local laws, regulations, policies, or practices, each  
16 homeless child or youth to be assisted under this  
17 title shall be provided services comparable to services  
18 offered to other students in the school selected under  
19 paragraph (4), including the following:

20 “(A) Transportation services.

21 “(B) Educational services for which the  
22 child or youth meets the eligibility criteria, such  
23 as services provided under title I of the Elemen-  
24 tary and Secondary Education Act of 1965 (20  
25 U.S.C. 6301 et seq.), similar State or local pro-

1           grams, charter schools, magnet schools, edu-  
2           cational programs for children with disabilities,  
3           and educational programs for students with  
4           limited English proficiency.

5           “(C) Programs in vocational and technical  
6           education.

7           “(D) Programs for gifted and talented stu-  
8           dents.

9           “(E) School nutrition programs.

10          “(F) Health and counseling services, as  
11          appropriate.

12          “(5) COORDINATION.—

13          “(A) IN GENERAL.—Each local educational  
14          agency shall coordinate—

15                 “(i) the provision of services under  
16                 this title with the services of local social  
17                 services agencies and other agencies or en-  
18                 tities providing services to homeless chil-  
19                 dren and youth and their families, includ-  
20                 ing services and programs funded under  
21                 the Runaway and Homeless Youth Act (42  
22                 U.S.C. 5701 et seq.); and

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

1           “(B) HOUSING ASSISTANCE.—Each State  
2           educational agency and local educational agency  
3           that receives assistance under this title shall co-  
4           ordinate, if applicable, with State and local  
5           housing agencies responsible for developing the  
6           comprehensive housing affordability strategy  
7           described in section 105 of the Cranston-Gon-  
8           zalez National Affordable Housing Act (42  
9           U.S.C. 12705) to minimize educational disrup-  
10          tion for children and youth who become home-  
11          less.

12          “(C) COORDINATION PURPOSE.—The co-  
13          ordination required under subparagraphs (A)  
14          and (B) shall be designed to—

15                 “(i) ensure that all homeless children  
16                 and youth are identified within a reason-  
17                 able time frame;

18                 “(ii) ensure that all homeless children  
19                 and youth have access to and are in rea-  
20                 sonable proximity to available education  
21                 and related support services; and

22                 “(iii) raise the awareness of school  
23                 personnel and service providers of the ef-  
24                 fects of short-term stays in a shelter and

1           other challenges associated with homeless-  
2           ness.

3           “(D) HOMELESS CHILDREN AND YOUTHS  
4           WITH DISABILITIES.—For children and youth  
5           who are to be assisted both under this title, and  
6           under the Individuals with Disabilities Edu-  
7           cation Act (20 U.S.C. 1400 et seq.) or section  
8           504 of the Rehabilitation Act of 1973 (29  
9           U.S.C. 794), each local educational agency shall  
10          coordinate the provision of services under this  
11          title with the provision of programs for children  
12          with disabilities served by such local educational  
13          agency and other involved local educational  
14          agencies.

15          “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

16                 “(A) DUTIES.—Each local educational  
17                 agency liaison for homeless children and youth,  
18                 designated under paragraph (1)(J)(ii), shall en-  
19                 sure that—

20                         “(i) all homeless children and youths  
21                         are identified by school personnel and  
22                         through coordination activities with other  
23                         entities and agencies;

24                         “(ii) homeless children and youth are  
25                         enrolled in, and have a full and equal op-

1 opportunity to succeed in, schools of that  
2 local educational agency;

3 “(iii) homeless families, children, and  
4 youth have access to educational services  
5 for which such families, children, and  
6 youth are eligible, including services  
7 through Head Start, Early Head Start,  
8 early intervention, and Even Start pro-  
9 grams, and preschool programs;

10 “(iv) homeless families, and homeless  
11 children and youth, receive referrals to  
12 health care services, dental services, mental  
13 health and substance abuse services, hous-  
14 ing services, and other appropriate serv-  
15 ices;

16 “(v) homeless children and youth are  
17 certified as eligible for free meals offered  
18 under the Richard B. Russell National  
19 School Lunch Act (42 U.S.C. 1751 et seq.)  
20 and the Child Nutrition Act of 1966 (42  
21 U.S.C. 1771 et seq.), without further ap-  
22 plication;

23 “(vi) the parents or guardians of  
24 homeless children and youth are informed  
25 of the educational and related opportuni-

1 ties available to their children, including  
2 early learning opportunities, and are pro-  
3 vided with meaningful opportunities to par-  
4 ticipate in the education of their children;

5 “(vii) public notice of the educational  
6 rights of homeless children and youth is in-  
7 corporated into documents related to resi-  
8 dency requirements or enrollment, provided  
9 upon school enrollment and withdrawal,  
10 posted on the local educational agency’s  
11 website, and disseminated in locations fre-  
12 quented by parents and guardians of  
13 homeless children and youth and unaccom-  
14 panied youth, including schools, shelters,  
15 public libraries, and soup kitchens in a  
16 manner and form understandable to par-  
17 ents and guardians of homeless children  
18 and youth and unaccompanied youth;

19 “(viii) disputes are resolved in accord-  
20 ance with paragraph (3)(E);

21 “(ix) the parent or guardian of a  
22 homeless child or youth, or any unaccom-  
23 panied youth, is fully informed of all trans-  
24 portation services, including transportation  
25 to the school of origin, as described in



1 paragraph (1)(J)(iii), and is assisted in ac-  
2 cessing transportation to the school that is  
3 selected under paragraph (4)(A).

4 “(x) school personnel are adequately  
5 prepared to implement this title and re-  
6 ceive professional development, resource  
7 materials, technical assistance, and other  
8 support; and

9 “(xi) unaccompanied youth—

10 “(I) are enrolled in school;

11 “(II) have opportunities to meet  
12 the same college and career ready  
13 State student academic achievement  
14 standards to which other students are  
15 held, including through implementa-  
16 tion of the policies and practices re-  
17 quired by subparagraphs (F)(ii) and  
18 (J)(iv) of paragraph (1); and

19 “(III) are informed of their sta-  
20 tus as independent students under  
21 section 480 of the Higher Education  
22 Act of 1965 (20 U.S.C. 1087vv), in-  
23 cluding through school counselors that  
24 have received professional develop-  
25 ment about unaccompanied youth,

1                   and receive verification of such status  
2                   for purposes of the Free Application  
3                   for Federal Student Aid described in  
4                   section 483 of such Act (20 U.S.C.  
5                   1090).

6                   “(B) NOTICE.—State coordinators ap-  
7                   pointed under subsection (d)(2) and local edu-  
8                   cational agencies shall inform school personnel,  
9                   service providers, and advocates working with  
10                  homeless families and homeless children and  
11                  youth of the contact information and duties of  
12                  the local educational agency liaisons, including  
13                  publishing an annually updated list of the liai-  
14                  sons working in the State on the State edu-  
15                  cational agency’s website.

16                  “(C) LOCAL AND STATE COORDINATION.—  
17                  the local educational agency liaisons shall, as a  
18                  part of their duties, coordinate and collaborate  
19                  with State coordinators and community and  
20                  school personnel responsible for the provision of  
21                  education and related support services to home-  
22                  less children and youth. Such coordination shall  
23                  include collecting and providing to the State  
24                  Coordinator the reliable, valid, and comprehen-

1           sive data needed to meet the requirements of  
2           paragraphs (1) and (3) of subsection (f).

3           “(D) PROFESSIONAL DEVELOPMENT.—The  
4           local educational agency liaisons shall partici-  
5           pate in the professional development and other  
6           technical assistance activities provided by the  
7           State Coordinator pursuant to subsection (f)(5).

8           “(h) EMERGENCY DISASTER GRANTS.—

9           “(1) IN GENERAL.—The Secretary shall make  
10          emergency disaster grants to eligible local edu-  
11          cational agencies and eligible States described in  
12          paragraph (2), in order to increase the capacity for  
13          such local educational agencies and States to re-  
14          spond to major disasters.

15          “(2) ELIGIBILITY; APPLICATION.—

16                 “(A) ELIGIBILITY.—

17                         “(i) LOCAL EDUCATIONAL AGENCY  
18                         ELIGIBILITY.—A local educational agency  
19                         shall be eligible to receive an emergency  
20                         disaster grant under this subsection, based  
21                         on demonstrated need, if such local edu-  
22                         cational agency’s enrollment of homeless  
23                         children and youth has increased as a re-  
24                         sult of a hurricane, flood, or other natural  
25                         disaster for which the President declared a

1 major disaster under title IV of the Robert  
2 T. Stafford Disaster Relief and Emergency  
3 Assistance Act (42 U.S.C. 5170 et seq.).

4 “(ii) STATE ELIGIBILITY.—A State,  
5 through the Office of the Coordinator for  
6 Education of Homeless Children and  
7 Youths in the State educational agency,  
8 shall be eligible to receive an emergency  
9 disaster grant under this subsection if  
10 there are 1 or more eligible local edu-  
11 cational agencies, as described in clause  
12 (i), located within the State.

13 “(B) APPLICATION.—In order for an eligi-  
14 ble State or an eligible local educational agency  
15 to receive a grant under this subsection, the  
16 State educational agency, in consultation with  
17 other relevant State agencies, or local edu-  
18 cational agency shall submit an application to  
19 the Secretary at such time, in such manner,  
20 and containing or accompanied by such infor-  
21 mation as the Secretary may reasonably re-  
22 quire.

23 “(3) DISTRIBUTION OF GRANTS.—The Sec-  
24 retary shall distribute emergency disaster grant  
25 funds—

1           “(A) based on demonstrated need, to State  
2           educational agencies or local educational agen-  
3           cies for local educational agencies whose enroll-  
4           ment of homeless children and youths has in-  
5           creased as a result of a hurricane, flood, or  
6           other natural disaster for which the President  
7           has declared a major disaster under title IV of  
8           the Robert T. Stafford Disaster Relief and  
9           Emergency Assistance Act (42 U.S.C. 5170 et  
10          seq.);

11          “(B) expeditiously, and in no case later  
12          than 75 days after such funds are appropriated  
13          to the Secretary; and

14          “(C) in a manner that enables local edu-  
15          cational agencies to use such funds for the im-  
16          mediate needs of disaster response and ongoing  
17          disaster recovery.

18          “(4) AMOUNT OF GRANTS.—The Secretary shall  
19          distribute grants under this subsection in amounts  
20          determined by the Secretary and related to the in-  
21          crease in enrollment of homeless children and youths  
22          as a result of such major disaster.

23          “(5) USES OF FUNDS.—A local educational  
24          agency or State educational agency that receives an  
25          emergency disaster grant under this subsection shall

1 use the grant funds to carry out the activities de-  
2 scribed in section 723(d).

3 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**  
4 **THE EDUCATION OF HOMELESS CHILDREN**  
5 **AND YOUTH.**

6 “(a) GENERAL AUTHORITY.—

7 “(1) IN GENERAL.—The State educational  
8 agency shall, in accordance with section 722(e), and  
9 from amounts made available to such agency under  
10 section 727, make subgrants to local educational  
11 agencies for the purpose of facilitating the identifica-  
12 tion, enrollment, attendance, and success in school  
13 of homeless children and youth.

14 “(2) SERVICES.—

15 “(A) IN GENERAL.—Services under para-  
16 graph (1)—

17 “(i) may be provided through pro-  
18 grams on school grounds or at other facili-  
19 ties; and

20 “(ii) shall, to the maximum extent  
21 practicable, be provided through existing  
22 programs and mechanisms that integrate  
23 homeless children and youth with non-  
24 homeless children and youth.

1           “(B) SERVICES ON SCHOOL GROUNDS.—If  
2           services under paragraph (1) are provided to  
3           homeless children and youth on school grounds,  
4           the schools involved may use funds under this  
5           subtitle to provide the same services to other  
6           children and youth who are determined by the  
7           local educational agency serving the school to be  
8           at risk of failing in, or dropping out of, school.

9           “(3) REQUIREMENT.—Services provided under  
10          this section shall not replace the regular academic  
11          program and shall be designed to expand upon or  
12          improve services provided as part of the school’s reg-  
13          ular academic program.

14          “(4) DURATION OF GRANTS.—Subgrants under  
15          this section shall be for terms not to exceed 3 years.

16          “(b) APPLICATION.—A local educational agency that  
17          desires to receive a subgrant under this section shall sub-  
18          mit an application to the State educational agency at such  
19          time, in such manner, and containing or accompanied by  
20          such information as the State educational agency may rea-  
21          sonably require. Such application shall include the fol-  
22          lowing:

23                 “(1) An assessment of the educational and re-  
24                 lated needs of homeless children and youth in the  
25                 area served by such agency (which may be under-

1 taken as part of a needs assessment for other dis-  
2 advantaged group).

3 “(2) A description of the services and programs  
4 for which assistance is sought to address the needs  
5 identified in paragraph (1).

6 “(3) An assurance that the local educational  
7 agency’s combined fiscal effort per student, or the  
8 aggregate expenditures of that agency and the State  
9 with respect to the provision of free public education  
10 by such agency for the fiscal year preceding the fis-  
11 cal year for which the subgrant determination is  
12 made, was not less than 90 percent of such com-  
13 bined fiscal effort or aggregate expenditures for the  
14 second fiscal year preceding the fiscal year for which  
15 the determination is made.

16 “(4) An assurance that the applicant complies  
17 with, or will use requested funds to comply with,  
18 paragraphs (3) through (7) of section 722(g).

19 “(5) A description of policies and procedures  
20 that the agency will implement to ensure that activi-  
21 ties carried out by the agency will not isolate or stig-  
22 matize homeless children and youth.

23 “(6) An assurance that the local educational  
24 agency will collect and promptly provide data re-



1        requested by the State Coordinator pursuant to para-  
2        graphs (1) and (3) of section 722(f).

3            “(7) An assurance that the local educational  
4        agency has removed the policies and practices that  
5        have created barriers to the identification, enroll-  
6        ment, attendance, retention, and success in school of  
7        all homeless children and youth.

8        “(c) AWARDS.—

9            “(1) IN GENERAL.—The State educational  
10        agency shall, in accordance with the requirements of  
11        this subtitle and from amounts made available to it  
12        under section 722(a), make subgrants on a competi-  
13        tive basis to local educational agencies that submit  
14        applications under subsection (b). Such subgrants  
15        shall be awarded on the basis of the need of such  
16        agencies under this subtitle and the quality of the  
17        applications submitted.

18        “(2) NEED.—

19            “(A) IN GENERAL.—In determining need  
20        under paragraph (1), the State educational  
21        agency may consider the number of homeless  
22        children and youth enrolled in preschool, ele-  
23        mentary schools, and secondary schools within  
24        the area served by the local educational agency,  
25        and shall consider the needs of such children

1           and youth and the ability of the local edu-  
2           cational agency to meet such needs.

3           “(B)    OTHER    CONSIDERATIONS.—The  
4           State educational agency may also consider the  
5           following:

6                   “(i) The extent to which the proposed  
7                   use of funds will facilitate the identifica-  
8                   tion, enrollment, retention, and educational  
9                   success of homeless children and youth.

10                   “(ii) The extent to which the applica-  
11                   tion reflects coordination with other local  
12                   and State agencies that serve homeless  
13                   children and youth.

14                   “(ii) The extent to which the applica-  
15                   tion reflects coordination with other local  
16                   and State agencies that serve homeless  
17                   children and youth.

18                   “(iii) The extent to which the appli-  
19                   cant exhibits in the application and in cur-  
20                   rent practice (as of the date of submission  
21                   of the application) a commitment to edu-  
22                   cation for all homeless children and youth.

23                   “(iv) Such other criteria as the State  
24                   agency determines to be appropriate.

1           “(3) QUALITY.—In determining the quality of  
2 applications under paragraph (1), the State edu-  
3 cational agency shall consider the following:

4           “(A) The applicant’s needs assessment  
5 under subsection (b)(1) and the likelihood that  
6 the program presented in the application will  
7 meet such needs.

8           “(B) The types, intensity, and coordination  
9 of the services to be provided under the pro-  
10 gram.

11           “(C) The extent to which the applicant will  
12 promote meaningful involvement of parents or  
13 guardians of homeless children or youth in the  
14 education of their children.

15           “(D) The extent to which homeless chil-  
16 dren and youths will be integrated into the reg-  
17 ular education program involved.

18           “(E) The quality of the applicant’s evalua-  
19 tion plan for the program.

20           “(F) The extent to which services provided  
21 under this subtitle will be coordinated with  
22 other services available to homeless children  
23 and youth and their families, including housing  
24 and social services and services provided under  
25 the Individuals with Disabilities Education Act

1 (20 U.S.C. 1400 et seq.), title I of the Elemen-  
2 tary and Secondary Education Act of 1965 (20  
3 U.S.C. 6301 et seq.), and similar State and  
4 local programs.

5 “(G) The extent to which the local edu-  
6 cational agency will use the subgrant to lever-  
7 age resources, including by maximizing funding  
8 for the position of the liaison described in sec-  
9 tion 722(g)(1)(J)(ii) and the provision of trans-  
10 portation.

11 “(H) The local educational agency’s use of  
12 funds to serve homeless children and youth  
13 under section 1113(c)(3) of the Elementary and  
14 Secondary Education Act of 1965 (20 U.S.C.  
15 6313(c)(3)).

16 “(I) The extent to which the applicant’s  
17 program meets such other measures as the  
18 State educational agency considers to be indic-  
19 ative of a high-quality program, including the  
20 extent to which the local educational agency will  
21 provide services to unaccompanied youth and  
22 preschool-aged children.

23 “(J) The extent to which the application  
24 describes how the applicant will meet the re-  
25 quirements of section 722(g)(4).

1           “(d) AUTHORIZED ACTIVITIES.—A local educational  
2 agency may use funds awarded under this section for ac-  
3 tivities that carry out the purpose of this subtitle, includ-  
4 ing the following:

5           “(1) The provision of tutoring, supplemental in-  
6 struction, and enriched educational services that are  
7 linked to the achievement of the same college and  
8 career ready State academic content standards and  
9 college and career ready State student academic  
10 achievement standards the State establishes for  
11 other children and youths.

12           “(2) The provision of expedited evaluations of  
13 the strengths, needs, and eligibility of homeless chil-  
14 dren and youth, including needs and eligibility for  
15 programs and services (including educational pro-  
16 grams for gifted and talented students, children with  
17 disabilities, and students with limited English pro-  
18 ficiency, charter school programs, magnet school  
19 programs, programs in career and technical edu-  
20 cation, and school nutrition programs).

21           “(3) Professional development and other activi-  
22 ties for educators and specialized instructional sup-  
23 port personnel that are designed to heighten the un-  
24 derstanding and sensitivity of such educators and  
25 personnel to the needs of homeless children and

1 youth, the rights of such children and youth under  
2 this subtitle, and the specific educational needs of  
3 runaway and homeless youth.

4 “(4) The provision of referral services to home-  
5 less children and youths for medical, dental, mental,  
6 and other health services.

7 “(5) The provision of assistance to defray the  
8 excess cost of transportation under paragraphs  
9 (1)(J)(iii) and (5)(A) of section 722(g) not otherwise  
10 provided through Federal, State, or local funding.

11 “(6) The provision of developmentally appro-  
12 priate early childhood education programs, not oth-  
13 erwise provided through Federal, State, or local  
14 funding.

15 “(7) The provision of services and assistance to  
16 attract, engage, and retain homeless children and  
17 youth, particularly homeless children and youth who  
18 are not enrolled in school, in public school programs  
19 and services provided to nonhomeless children and  
20 youths.

21 “(8) The provision for homeless children and  
22 youths of before- and after-school, mentoring, and  
23 summer programs in which a teacher or other quali-  
24 fied individual provides tutoring, homework assist-  
25 ance, and supervision of educational activities.

1           “(9) If necessary, the payment of fees and  
2 other costs associated with tracking, obtaining, and  
3 transferring records necessary to facilitate the ap-  
4 propriate placement of homeless children and youths  
5 in school, including birth certificates, immunization  
6 or medical records, academic records, guardianship  
7 records, and evaluations for special programs or  
8 services.

9           “(10) The provision of education and training  
10 to the parents of homeless children and youths about  
11 the rights of, and resources available to, such chil-  
12 dren and youth, and other activities designed to in-  
13 crease the meaningful involvement of families of  
14 homeless children or youth in the education of their  
15 children.

16           “(11) The development of coordination of ac-  
17 tivities between schools and agencies providing serv-  
18 ices to homeless children and youths, as described in  
19 section 722(g)(6).

20           “(12) The provision of pupil services (including  
21 counseling) and referrals for such services.

22           “(13) Activities to address the particular needs  
23 of homeless children and youth that may arise from  
24 domestic violence and parental mental health or sub-  
25 stance abuse problems.

1           “(14) The adaptation of space and purchase of  
2           supplies for any nonschool facilities made available  
3           under subsection (a)(2) to provide services under  
4           this subsection.

5           “(15) The provision of school supplies, includ-  
6           ing those supplies to be distributed at shelters or  
7           temporary housing facilities, or other appropriate lo-  
8           cations.

9           “(16) The provision of assistance to defray the  
10          cost of the position of liaison designated pursuant to  
11          section 722(g)(1)(J)(ii), not otherwise provided  
12          through Federal, State, or local funding.

13          “(17) The provision of other extraordinary or  
14          emergency assistance needed to enable homeless chil-  
15          dren and youth to enroll, attend, and succeed in  
16          school, including in early childhood education pro-  
17          grams.

18       **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

19          “(a) REVIEW OF STATE PLANS.—In reviewing the  
20          State plan submitted by a State educational agency under  
21          section 722(g), the Secretary shall use a peer review proc-  
22          ess and shall evaluate whether State laws, policies, and  
23          practices described in such plan adequately address the  
24          problems of all homeless children and youth relating to



1 access to education and placement as described in such  
2 plan.

3 “(b) TECHNICAL ASSISTANCE.—The Secretary  
4 shall—

5 “(1) provide support and technical assistance to  
6 a State educational agencies to assist such agencies  
7 in carrying out their responsibilities under this sub-  
8 title; and

9 “(2) establish or designate a Federal Office of  
10 the Coordinator for Education of Homeless Children  
11 and Youths that has sufficient capacity, resources,  
12 and support to carry out the responsibilities de-  
13 scribed in this subtitle.

14 “(c) NOTICE.—

15 “(1) IN GENERAL.—The Secretary shall, before  
16 the next school year that begins after the date of en-  
17 actment of the Student Success Act, develop and  
18 disseminate a public notice of the educational rights  
19 of homeless children and youth. The notice shall in-  
20 clude information regarding the definition of home-  
21 less children and youth in section 726.

22 “(2) DISSEMINATION.—The Secretary shall dis-  
23 seminate the notice nationally. The Secretary also  
24 shall disseminate such notice to heads of other De-  
25 partment of Education offices, including those re-

1       sponsible for special education programs, higher  
2       education, and programs under parts A, B, C, D, G,  
3       and H of title I, title III, title IV, and part B of title  
4       V of the Elementary and Secondary Education Act  
5       of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391  
6       et seq., 6421 et seq., 6531 et seq., 6551 et seq.,  
7       6801 et seq., 7102 et seq., and 7221 et seq.). The  
8       Secretary shall also disseminate such notice to heads  
9       of other Federal agencies, and grant recipients and  
10      other entities carrying out federally funded pro-  
11      grams, including Head Start programs, grant recipi-  
12      ents under the Health Care for the Homeless pro-  
13      gram of the Health Resources and Services Adminis-  
14      tration of the Department of Health and Human  
15      Services, grant recipients under the Emergency  
16      Food and Shelter National Board Program of the  
17      Federal Emergency Management Agency, grant re-  
18      cipients under the Runaway and Homeless Youth  
19      Act (42 U.S.C. 5701 et seq.), grant recipients under  
20      the John H. Chafee Foster Care Independence pro-  
21      gram, grant recipients under homeless assistance  
22      programs administered by the Department of Hous-  
23      ing and Urban Development, and recipients of Fed-  
24      eral funding for programs carried out by the Admin-

1           istration on Children, Youth and Families of the De-  
2           partment of Health and Human Services.

3           “(d) EVALUATION AND DISSEMINATION.—The Sec-  
4           retary shall conduct evaluation, dissemination, and tech-  
5           nical assistance activities of programs designed to meet  
6           the educational needs of homeless preschool, elementary  
7           school, and secondary school students, and may use funds  
8           appropriated under section 727 to conduct such activities.

9           “(e) SUBMISSION AND DISTRIBUTION.—The Sec-  
10          retary shall require applications for grants under section  
11          722 to be submitted to the Secretary not later than the  
12          expiration of the 120-day period beginning on the date  
13          that funds are available for purposes of making such  
14          grants and shall make such grants not later than the expi-  
15          ration of the 180-day period beginning on such date.

16          “(f) DETERMINATION BY SECRETARY.—The Sec-  
17          retary, based on the information received from the States  
18          and information gathered by the Secretary under sub-  
19          section (h), shall determine the extent to which State edu-  
20          cational agencies are ensuring that each homeless child  
21          and homeless youth has access to a free appropriate public  
22          education, as described in section 721(1). The Secretary  
23          shall provide support and technical assistance to State  
24          educational agencies in areas in which barriers to a free  
25          appropriate public education persist.

1       “(g) PUBLICATION.—The Secretary shall develop,  
2 issue, and publish in the Federal Register, not later than  
3 90 days after the date of enactment of the Student Suc-  
4 cess Act, a summary of the changes enacted by that Act  
5 and related strategies, which summary shall include—

6               “(1) strategies by which a State can assist local  
7 educational agencies to implement the provisions  
8 amended by the Act;

9               “(2) strategies by which a State can review and  
10 revise State policies and procedures that may  
11 present barriers to the identification, enrollment, at-  
12 tendance, and success of homeless children and  
13 youth in school; and

14               “(3) strategies by which entities carrying out  
15 preschool programs can implement requirements of  
16 section 722(g)(3).

17       “(h) INFORMATION.—

18               “(1) IN GENERAL.—From funds appropriated  
19 under section 727, the Secretary shall, directly or  
20 through grants, contracts, or cooperative agree-  
21 ments, periodically, but not less frequently than  
22 every two years, collect and disseminate publicly  
23 data and information regarding—

24                       “(A) the number and location of homeless  
25 children and youth;

1           “(B) the education and related support  
2 services such children and youth receive;

3           “(C) the extent to which the needs of  
4 homeless children and youth are being met;

5           “(D) the academic progress being made by  
6 homeless children and youth, including the per-  
7 cent or number of homeless children and youth  
8 participating in State assessments; and

9           “(E) such other data and information as  
10 the Secretary determines to be necessary and  
11 relevant to carry out this subtitle.

12           “(2) COORDINATION.—The Secretary shall co-  
13 ordinate such collection and dissemination with  
14 other agencies and entities that receive assistance  
15 and administer programs under this subtitle.

16           “(i) REPORT.—Not later than 4 years after the date  
17 of enactment of the Student Success Act, the Secretary  
18 shall prepare and submit to the President and the Com-  
19 mittee on Education and the Workforce of the House of  
20 Representatives and the Committee on Health, Education,  
21 Labor, and Pensions of the Senate a report on the status  
22 of education of homeless children and youths, which shall  
23 include information on—

24           “(1) the education of homeless children and  
25 youth; and

1           “(2) the actions of the Secretary and the effec-  
2           tiveness of the programs supported under this sub-  
3           title.

4   **“SEC. 725. RULE OF CONSTRUCTION.**

5           “Nothing in this subtitle shall be construed to dimin-  
6           ish the rights of parents or guardians of homeless children  
7           or youth, or unaccompanied youth, otherwise provided  
8           under State law, policy, or practice, including laws or poli-  
9           cies that authorize the best interest determination in sec-  
10          tion 722(g)(3) to be made solely by the parent, guardian,  
11          or youth involved.

12   **“SEC. 726. DEFINITIONS.**

13          “In this subtitle:

14                 “(1) ENROLL; ENROLLMENT.—The terms ‘en-  
15                 roll’ and ‘enrollment’ include attending classes and  
16                 participating fully in school activities.

17                 “(2) HOMELESS CHILDREN AND YOUTH.—The  
18                 term ‘homeless children and youth’—

19                         “(A) means individuals who lack a fixed,  
20                         regular, and adequate nighttime residence  
21                         (within the meaning of section 103(a)(1));

22                         “(B) includes—

23                                 “(i) children and youth who—

24   “(I) are sharing the housing of  
25   other persons due to loss of housing,

1 economic hardship, or a similar rea-  
2 son;

3 “(II) are living in motels, hotels,  
4 trailer parks, or camping grounds due  
5 to the lack of alternative adequate ac-  
6 commodations;

7 “(III) are living in emergency or  
8 transitional shelters;

9 “(IV) subject to subparagraph  
10 (C), are awaiting foster care place-  
11 ment; and

12 “(V) are abandoned in hospitals;

13 “(ii) children and youth who have a  
14 primary nighttime residence that is a pub-  
15 lic or private place not designed for or or-  
16 dinarily used as a regular sleeping accom-  
17 modation for human beings (within the  
18 meaning of section 103(a)(2)(C));

19 “(iii) children and youth who are liv-  
20 ing in cars, parks, public spaces, aban-  
21 doned buildings, substandard housing, bus  
22 or train stations, or similar settings; and

23 “(iv) migratory children (as such term  
24 is defined in section 1312 of the Elemen-  
25 tary and Secondary Education Act of

1           1965) who qualify as homeless for the pur-  
2           poses of this subtitle because the children  
3           are living in circumstances described in  
4           clauses (i) through (iii); and

5           “(C) 1 year after the date of enactment of  
6           the Student Success Act, shall not include the  
7           children and youth described in subparagraph  
8           (B)(i)(IV).

9           “(3) LOCAL EDUCATIONAL AGENCY; STATE  
10          EDUCATIONAL AGENCY.—The terms ‘local edu-  
11          cational agency’ and ‘State educational agency’ have  
12          the meanings given such terms in section 9101 of  
13          the Elementary and Secondary Education Act of  
14          1965 (20 U.S.C. 7801).

15          “(4) SECRETARY.—The term ‘Secretary’ means  
16          the Secretary of Education.

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

20          “(6) UNACCOMPANIED YOUTH.—The term ‘un-  
21          accompanied youth’ means a homeless child or youth  
22          not in the physical custody of a parent or legal  
23          guardian.



1 **“SEC. 727. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—For the purpose of carrying out  
3 this subtitle, other than section 725, there are authorized  
4 to be appropriated to the Secretary \$100,000,000 for fis-  
5 cal year 2016 and such sums as may be necessary for each  
6 of fiscal years 2017 through 2022.

7 “(b) EMERGENCY DISASTER GRANTS.—In addition  
8 to sums authorized under subsection (a), there are author-  
9 ized to be appropriated to the Secretary to carry out sub-  
10 section (h) such additional sums as may be necessary.”.

11 **TITLE XI—PREKINDERGARTEN**  
12 **ACCESS**  
13 **Subtitle A—Access to Voluntary**  
14 **Prekindergarten for Low- and**  
15 **Moderate-Income Families**

16 **SEC. 1111. PURPOSES.**

17 The purposes of this subtitle are to—

18 (1) establish a Federal-State partnership to  
19 provide access to high-quality public prekindergarten  
20 programs for all children from low-income and mod-  
21 erate-income families to ensure that they enter kin-  
22 dergarten prepared for success;

23 (2) broaden participation in such programs to  
24 include children from additional middle-class fami-  
25 lies; and

1           (3) promote access to high-quality kindergarten,  
2           and high-quality early childhood education programs  
3           and settings for children.

4 **SEC. 1112. DEFINITIONS.**

5           In this subtitle:

6           (1) **CHILD WITH A DISABILITY.**—The term  
7           “child with a disability” has the meaning given the  
8           term in section 602 of the Individuals with Disabil-  
9           ities Education Act (20 U.S.C. 1401).

10           (2) **COMPREHENSIVE EARLY LEARNING ASSESS-**  
11           **MENT SYSTEM.**—The term “comprehensive early  
12           learning assessment system”—

13                   (A) means a coordinated and comprehen-  
14                   sive system of multiple assessments, each of  
15                   which is valid and reliable for its specified pur-  
16                   pose and for the population with which it will  
17                   be used, that—

18                           (i) organizes information about the  
19                           process and context of young children’s  
20                           learning and development to help early  
21                           childhood educators make informed in-  
22                           structional and programmatic decisions;  
23                           and

1 (ii) conforms to the recommendations  
2 of the National Research Council reports  
3 on early childhood; and

4 (B) includes, at a minimum—

5 (i) child screening measures to iden-  
6 tify children who may need follow-up serv-  
7 ices to address developmental, learning, or  
8 health needs in, at a minimum, areas of  
9 physical health, behavioral health, oral  
10 health, child development, vision, and hear-  
11 ing;

12 (ii) child formative assessments;

13 (iii) measures of environmental qual-  
14 ity; and

15 (iv) measures of the quality of adult-  
16 child interactions.

17 (3) DUAL LANGUAGE LEARNER.—The term  
18 “dual language learner” means an individual who is  
19 limited English proficient.

20 (4) EARLY CHILDHOOD EDUCATION PRO-  
21 GRAM.—The term “early childhood education pro-  
22 gram” has the meaning given the term under section  
23 103 of the Higher Education Act of 1965 (20  
24 U.S.C. 1003).

1           (5) ELEMENTARY SCHOOL.—The term “elemen-  
2           tary school” has the meaning given the term in sec-  
3           tion 9101 of the Elementary and Secondary Edu-  
4           cation Act of 1965 (20 U.S.C. 7801).

5           (6) ELIGIBILITY DETERMINATION DATE.—The  
6           term “eligibility determination date” means the date  
7           used to determine eligibility for public elementary  
8           school in the community in which the eligible local  
9           entity involved is located.

10          (7) ELIGIBLE LOCAL ENTITY.—The term “eligi-  
11          ble local entity” means—

12                 (A) a local educational agency, including a  
13                 charter school or a charter management organi-  
14                 zation that acts as a local educational agency,  
15                 or an educational service agency in partnership  
16                 with a local educational agency—

17                         (i) that has met the requirement de-  
18                         scribed in section 1112(9)(B); or

19                         (ii) whose teachers are in progress of  
20                         meeting such requirement within two  
21                         years;

22                 (B) an entity (including a Head Start pro-  
23                 gram or licensed child care setting) that carries  
24                 out, administers, or supports an early childhood  
25                 education program and—

1 (i) that has met the requirement de-  
2 scribed in section 1112(9)(B); or

3 (ii) whose teachers are in progress of  
4 meeting such requirement within two  
5 years; or

6 (C) a consortium of entities described in  
7 subparagraph (A) or (B).

8 (8) FULL-DAY.—The term “full-day” means a  
9 day that is—

10 (A) equivalent to a full school day at the  
11 public elementary schools in a State; and

12 (B) not less than 5 hours a day.

13 (9) HIGH-QUALITY PREKINDERGARTEN PRO-  
14 GRAM.—The term “high-quality prekindergarten  
15 program” means a prekindergarten program sup-  
16 ported by an eligible local entity that includes, at a  
17 minimum, the following elements based on nationally  
18 recognized standards:

19 (A) Serves children who—

20 (i) are age 4 or children who are age  
21 3 or 4, by the eligibility determination date  
22 (including children who turn age 5 while  
23 attending the program); or

24 (ii) have attained the legal age for  
25 State-funded prekindergarten.

1 (B) Requires high qualifications for staff,  
2 including that teachers meet the requirements  
3 of 1 of the following clauses:

4 (i) The teacher has a bachelor's de-  
5 gree in early childhood education or a re-  
6 lated field with coursework that dem-  
7 onstrates competence in early childhood  
8 education.

9 (ii) The teacher—

10 (I) has a bachelor's degree in any  
11 field;

12 (II) has demonstrated knowledge  
13 of early childhood education by pass-  
14 ing a State-approved assessment in  
15 early childhood education;

16 (III) while employed as a teacher  
17 in the prekindergarten program, is en-  
18 gaged in on-going professional devel-  
19 opment in early childhood education  
20 for not less than 2 years; and

21 (IV) not more than 3 years after  
22 starting employment as a teacher in  
23 the prekindergarten program, enrolls  
24 in and completes a State-approved ed-  
25 ucator preparation program in which

1 the teacher receives training and sup-  
2 port in early childhood education.

3 (iii) The teacher has bachelor's degree  
4 with a credential, license, or endorsement  
5 that demonstrates competence in early  
6 childhood education.

7 (C) Maintains an evidence-based maximum  
8 class size.

9 (D) Maintains an evidence-based child to  
10 instructional staff ratio.

11 (E) Offers a full-day program.

12 (F) Provides developmentally appropriate  
13 learning environments and evidence-based cur-  
14 ricula that are aligned with the State's early  
15 learning and development standards described  
16 in section 1115(1).

17 (G) Offers instructional staff salaries com-  
18 parable to kindergarten through grade 12  
19 teaching staff.

20 (H) Provides for ongoing monitoring and  
21 program evaluation to ensure continuous im-  
22 provement.

23 (I) Offers accessible comprehensive services  
24 for children that include, at a minimum—

1 (i) screenings for vision, dental, hear-  
2 ing, health (including mental health), and  
3 development (including early literacy and  
4 math skill development) and referrals, and  
5 assistance obtaining services, when appro-  
6 priate;

7 (ii) family engagement opportunities  
8 that take into account home language,  
9 such as parent conferences (including par-  
10 ent input about their child's development)  
11 and support services, such as parent edu-  
12 cation, home visiting, and family literacy  
13 services;

14 (iii) nutrition services, including nutri-  
15 tious meals and snack options aligned with  
16 requirements set by the most recent Child  
17 and Adult Care Food Program guidelines  
18 promulgated by the Department of Agri-  
19 culture as well as regular, age-appropriate,  
20 nutrition education for children and their  
21 families;

22 (iv) programs coordinated with local  
23 educational agencies and entities providing  
24 programs authorized under section 619  
25 and part C of the Individuals with Disabil-



1                   ities Education Act (20 U.S.C. 1419 and  
2                   1431 et seq.);

3                   (v) physical activity programs aligned  
4                   with evidence-based guidelines, such as  
5                   those recommended by the Institute of  
6                   Medicine, and which take into account and  
7                   accommodate children with disabilities;

8                   (vi) additional support services, as ap-  
9                   propriate, based on the findings of the  
10                  needs analysis as described in section  
11                  1120; and

12                  (vii) on-site coordination, to the max-  
13                  imum extent feasible.

14                  (J) Provides high-quality professional de-  
15                  velopment for all staff, including regular in-  
16                  classroom observation for teachers and teacher  
17                  assistants by individuals trained in such obser-  
18                  vation and which may include evidence-based  
19                  coaching.

20                  (K) Meets the education performance  
21                  standards in effect under section 641A(a)(1)(B)  
22                  of the Head Start Act (42 U.S.C.  
23                  9836a(a)(1)(B)).

24                  (L) Maintains evidence-based health and  
25                  safety standards.

1 (M) Maintains disciplinary policies that do  
2 not include expulsion or an extended suspension  
3 of participating children, and that include pro-  
4 viding appropriate early educational services for  
5 participating children who are suspended for a  
6 short period of time.

7 (10) GOVERNOR.—The term “Governor” means  
8 the chief executive officer of a State.

9 (11) HOMELESS CHILD.—The term “homeless  
10 child” means a child or youth described in section  
11 725(2) of the McKinney-Vento Homeless Assistance  
12 Act (42 U.S.C. 11434a(2)).

13 (12) INSTITUTION OF HIGHER EDUCATION.—  
14 The term “institution of higher education” has the  
15 meaning given the term in section 102 of the Higher  
16 Education Act of 1965 (20 U.S.C. 1002).

17 (13) INDIAN TRIBE; TRIBAL ORGANIZATION.—  
18 The terms “Indian tribe” and “tribal organization”  
19 have the meanings given the terms in 658P of the  
20 Child Care and Development Block Grant of 1990  
21 (42 U.S.C. 9858n).

22 (14) LIMITED ENGLISH PROFICIENT.—The  
23 term “limited English proficient” has the meaning  
24 given the term in section 637 of the Head Start Act  
25 (42 U.S.C. 9832).

1           (15) LOCAL EDUCATIONAL AGENCY; STATE  
2 EDUCATIONAL AGENCY; EDUCATIONAL SERVICE  
3 AGENCY.—The terms “local educational agency”,  
4 “State educational agency”, and “educational service  
5 agency” have the meanings given the terms in sec-  
6 tion 9101 of the Elementary and Secondary Edu-  
7 cation Act of 1965 (20 U.S.C. 7801).

8           (16) MIGRANT OR SEASONAL AGRICULTURAL  
9 LABOR.—The term “migrant or seasonal agricultural  
10 labor” refers to an individual who is engaged in ag-  
11 ricultural labor, including those who have changed  
12 their residence from one geographic location to an-  
13 other in the proceeding 36 months.

14           (17) MIGRATORY CHILD.—The term “migratory  
15 child” has the meaning given the term in section  
16 1309 of the Elementary and Secondary Education  
17 Act of 1965 (20 U.S.C. 6399).

18           (18) OUTLYING AREA.—The term “outlying  
19 area” means each of the United States Virgin Is-  
20 lands, Guam, American Samoa, the Commonwealth  
21 of the Northern Mariana Islands, and the Republic  
22 of Palau.

23           (19) POVERTY LINE.—The term “poverty line”  
24 means the official poverty line (as defined by the Of-  
25 fice of Management and Budget)—

1 (A) adjusted to reflect the percentage  
2 change in the Consumer Price Index for All  
3 Urban Consumers published by the Bureau of  
4 Labor Statistics of the Department of Labor  
5 for the most recent 12-month period or other  
6 interval for which the data are available; and

7 (B) applicable to a family of the size in-  
8 volved.

9 (20) SECONDARY SCHOOL.—The term “sec-  
10 ondary school” has the meaning given the term in  
11 section 9101 of the Elementary and Secondary Edu-  
12 cation Act of 1965 (20 U.S.C. 7801).

13 (21) SECRETARY.—The term “Secretary”  
14 means the Secretary of Education.

15 (22) STATE.—Except as otherwise provided in  
16 this subtitle, the term “State” means each of the 50  
17 States, the District of Columbia, the Commonwealth  
18 of Puerto Rico, and each of the outlying areas.

19 (23) STATE ADVISORY COUNCIL ON EARLY  
20 CHILDHOOD EDUCATION AND CARE.—The term  
21 “State Advisory Council on Early Childhood Edu-  
22 cation and Care” means the State Advisory Council  
23 on Early Childhood Education and Care established  
24 under section 642B(b) of the Head Start Act (42  
25 U.S.C. 9837b(b)).

1 **SEC. 1113. PROGRAM AUTHORIZATION.**

2 From amounts made available to carry out this sub-  
3 title, the Secretary, in consultation with the Secretary of  
4 Health and Human Services, shall award grants to States  
5 to implement high-quality prekindergarten programs, con-  
6 sistent with the purposes of this subtitle described in sec-  
7 tion 1111. For each fiscal year, the funds provided under  
8 a grant by a State shall equal the allotment determined  
9 for the State under section 1114.

10 **SEC. 1114. ALLOTMENTS AND RESERVATIONS OF FUNDS.**

11 (a) RESERVATION.—From the amount made avail-  
12 able each fiscal year to carry out this subtitle, the Sec-  
13 retary shall—

14 (1) reserve not less than 1 percent and not  
15 more than 2 percent for payments to Indian tribes  
16 and tribal organizations;

17 (2) reserve  $\frac{1}{2}$  of 1 percent for the outlying  
18 areas to be distributed among the outlying areas on  
19 the basis of their relative need, as determined by the  
20 Secretary in accordance with the purposes of this  
21 subtitle;

22 (3) reserve  $\frac{1}{2}$  of 1 percent for eligible local en-  
23 tities that serve children in families who are engaged  
24 in migrant or seasonal agricultural labor; and

25 (4) reserve not more than 1 percent or  
26 \$30,000,000, whichever amount is less, for national

1 activities, including administration, technical assist-  
2 ance, and evaluation.

3 (b) ALLOTMENTS.—

4 (1) IN GENERAL.—From the amount made  
5 available each fiscal year to carry out this subtitle  
6 and not reserved under subsection (a), the Secretary  
7 shall make allotments to States in accordance with  
8 paragraph (2) that have submitted an approved ap-  
9 plication.

10 (2) ALLOTMENT AMOUNT.—

11 (A) IN GENERAL.—Subject to subpara-  
12 graph (B), the Secretary shall allot the amount  
13 made available under paragraph (1) for a fiscal  
14 year among the States in proportion to the  
15 number of children who are age 4 who reside  
16 within the State and are from families with in-  
17 comes at or below 200 percent of the poverty  
18 line for the most recent year for which satisfac-  
19 tory data are available, compared to the num-  
20 ber of such children who reside in all such  
21 States for that fiscal year.

22 (B) MINIMUM ALLOTMENT AMOUNT.—No  
23 State receiving an allotment under subpara-  
24 graph (A) may receive less than  $\frac{1}{2}$  of 1 percent

1 of the total amount allotted under such sub-  
2 paragraph.

3 (3) REALLOTMENT AND CARRY OVER.—

4 (A) IN GENERAL.—If one or more States  
5 do not receive an allotment under this sub-  
6 section for any fiscal year, the Secretary may  
7 use the amount of the allotment for that State  
8 or States, in such amounts as the Secretary de-  
9 termines appropriate, for either or both of the  
10 following:

11 (i) To increase the allotments of  
12 States with approved applications for the  
13 fiscal year, consistent with subparagraph  
14 (B).

15 (ii) To carry over the funds to the  
16 next fiscal year.

17 (B) REALLOTMENT.—In increasing allot-  
18 ments under subparagraph (A)(i), the Secretary  
19 shall allot to each State with an approved appli-  
20 cation an amount that bears the same relation-  
21 ship to the total amount to be allotted under  
22 subparagraph (A)(i), as the amount the State  
23 received under paragraph (2) for that fiscal  
24 year bears to the amount that all States re-  
25 ceived under paragraph (2) for that fiscal year.

1           (4) STATE.—For purposes of this subsection,  
2           the term “State” means each of the 50 States, the  
3           District of Columbia, and the Commonwealth of  
4           Puerto Rico.

5           (c) FLEXIBILITY.—The Secretary may make minimal  
6           adjustments to allotments under this subsection, which  
7           shall neither lead to a significant increase or decrease in  
8           a State’s allotment determined under subsection (b), based  
9           on a set of factors, such as the level of program participa-  
10          tion and the estimated cost of the activities specified in  
11          the State plan under section 1116(a)(2).

12          **SEC. 1115. STATE ELIGIBILITY CRITERIA.**

13          A State is eligible to receive a grant under this sub-  
14          title if the State demonstrates to the Secretary that the  
15          State—

16                (1) has established or will establish early learn-  
17                ing and development standards that describe what  
18                children from birth to kindergarten entry should  
19                know and be able to do, are universally designed and  
20                developmentally, culturally, and linguistically appro-  
21                priate, are aligned with the State’s challenging aca-  
22                demic content standards and challenging student  
23                academic achievement standards, as adopted under  
24                section 1111(b)(1) of the Elementary and Secondary  
25                Education Act of 1965 (20 U.S.C. 6311(b)(1)), and



1 cover all of the essential domains of school readi-  
2 ness, which address—

3 (A) physical well-being and motor develop-  
4 ment;

5 (B) social and emotional development;

6 (C) approaches to learning, including cre-  
7 ative arts expression;

8 (D) developmentally appropriate oral and  
9 written language and literacy development; and

10 (E) cognition and general knowledge, in-  
11 cluding early mathematics and early scientific  
12 development;

13 (2) has the ability or will develop the ability to  
14 link prekindergarten data with its elementary school  
15 and secondary school data for the purpose of col-  
16 lecting longitudinal information for all children par-  
17 ticipating in the State's high-quality prekindergarten  
18 program and any other Federally-funded early child-  
19 hood program that will remain with the child  
20 through the child's public education through grade  
21 12;

22 (3) offers State-funded kindergarten for chil-  
23 dren who are eligible children for that service in the  
24 State; and

1           (4) has established a State Advisory Council on  
2           Early Childhood Education and Care.

3 **SEC. 1116. STATE APPLICATIONS.**

4           (a) IN GENERAL.—To receive a grant under this sub-  
5 title, the Governor of a State, in consultation with the In-  
6 dian tribes and tribal organizations in the State, if any,  
7 shall submit an application to the Secretary at such time,  
8 in such manner, and containing such information as the  
9 Secretary may reasonably require. At a minimum, each  
10 such application shall include—

11           (1) an assurance that the State—

12                   (A) will coordinate with and continue to  
13 participate in the programs authorized under  
14 section 619 and part C of the Individuals with  
15 Disabilities Education Act (20 U.S.C. 1419 and  
16 1431 et seq.), the Child Care and Development  
17 Block Grant Act of 1990 (42 U.S.C. 9858 et  
18 seq.), and the maternal, infant, and early child-  
19 hood home visiting programs funded under sec-  
20 tion 511 of the Social Security Act (42 U.S.C.  
21 711) for the duration of the grant;

22                   (B) will designate a State-level entity (such  
23 as an agency or joint interagency office), se-  
24 lected by the Governor, for the administration  
25 of the grant, which shall coordinate and consult

1 with the State educational agency if the entity  
2 is not the State educational agency; and

3 (C) will establish, or certify the existence  
4 of, program standards for all State prekinde-  
5 garten programs consistent with the definition  
6 of a high-quality prekindergarten program  
7 under section 1112;

8 (2) a description of the State's plan to—

9 (A) use funds received under this subtitle  
10 and the State's matching funds to provide high-  
11 quality prekindergarten programs, in accord-  
12 ance with section 1117(d), with open enrollment  
13 for all children in the State who—

14 (i) are described in section  
15 1112(9)(A); and

16 (ii) are from families with incomes at  
17 or below 200 percent of the poverty line;

18 (B) develop or enhance a system for moni-  
19 toring eligible local entities that are receiving  
20 funds under this subtitle for compliance with  
21 quality standards developed by the State and to  
22 provide program improvement support, which  
23 may be accomplished through the use of a  
24 State-developed system for quality rating and  
25 improvement;

1 (C) if applicable, expand participation in  
2 the State's high-quality prekindergarten pro-  
3 grams to children from families with incomes  
4 above 200 percent of the poverty line;

5 (D) carry out the State's comprehensive  
6 early learning assessment system, or how the  
7 State plans to develop such a system, ensuring  
8 that any assessments are culturally, develop-  
9 mentally, and age-appropriate and consistent  
10 with the recommendations from the study on  
11 Developmental Outcomes and Assessments for  
12 Young Children by the National Academy of  
13 Sciences, consistent with section 649(j) of the  
14 Head Start Act (42 U.S.C. 9844);

15 (E) develop, implement, and make publicly  
16 available the performance measures and targets  
17 described in section 1119;

18 (F) increase the number of teachers with  
19 bachelor's degrees in early childhood education,  
20 or with bachelor's degrees in another closely re-  
21 lated field and specialized training and dem-  
22 onstrated competency in early childhood edu-  
23 cation, including how institutions of higher edu-  
24 cation will support increasing the number of  
25 teachers with such degrees and training, includ-

1           ing through the use of assessments of prior  
2           learning, knowledge, and skills to facilitate and  
3           expedite attainment of such degrees;

4           (G) coordinate and integrate the activities  
5           funded under this subtitle with Federal, State,  
6           and local services and programs that support  
7           early childhood education and care, including  
8           programs supported under this subtitle, the El-  
9           ementary and Secondary Education Act of 1965  
10          (20 U.S.C. 6301 et seq.), the Individuals with  
11          Disabilities Education Act (20 U.S.C. 1400 et  
12          seq.), the Head Start Act (42 U.S.C. 9831 et  
13          seq.), the Community Services Block Grant Act  
14          (42 U.S.C. 9901 et seq.), the Child Care and  
15          Development Block Grant Act of 1990 (42  
16          U.S.C. 9858 et seq.), the temporary assistance  
17          for needy families program under part A of title  
18          IV of the Social Security Act (42 U.S.C. 601 et  
19          seq.), the State incentive grant program under  
20          section 14006 of the American Recovery and  
21          Reinvestment Act of 2009 (Public Law 111–5),  
22          Federally funded early literacy programs, the  
23          maternal, infant, and early childhood home vis-  
24          iting programs funded under section 511 of the  
25          Social Security Act (42 U.S.C. 711), health im-

1           provements to child care funded under title  
2           XIX of the Social Security Act (42 U.S.C. 1396  
3           et seq.), the program under subtitle B of title  
4           VII of the McKinney-Vento Homeless Assist-  
5           ance Act (42 U.S.S. 11431 et seq.), the Invest-  
6           ing In Innovation program under section 14007  
7           of the American Recovery and Reinvestment  
8           Act of 2009 (Public Law 111–5), programs au-  
9           thorized under part E of title IV of the Social  
10          Security Act (42 U.S.C. 670 et seq.), the Fos-  
11          tering Connections to Success and Increasing  
12          Adoptions Act of 2008 (Public Law 110–351),  
13          and any other Federal, State, or local early  
14          childhood education programs used in the  
15          State;

16                 (H) award subgrants to eligible local enti-  
17                 ties, and in awarding such subgrants, facilitate  
18                 a delivery system of high-quality prekind-  
19                 ergarten programs that includes diverse pro-  
20                 viders, such as providers in community-based,  
21                 public school, and private settings, and consider  
22                 the system’s impact on options for families;

23                 (I) in the case of a State that does not  
24                 have a funding mechanism for subgranting  
25                 funds to implement high-quality prekind-

1           garten, use objective criteria in awarding sub-  
2           grants to eligible local entities that will imple-  
3           ment high-quality prekindergarten programs,  
4           including actions the State will take to ensure  
5           that eligible local entities will coordinate with  
6           local educational agencies or other early learn-  
7           ing providers, as appropriate, to carry out ac-  
8           tivities to provide children served under this  
9           subtitle with a successful transition from pre-  
10          school into kindergarten, which activities shall  
11          include—

12                   (i) aligning curricular objectives and  
13                   instruction;

14                   (ii) providing staff professional devel-  
15                   opment, including opportunities for joint-  
16                   professional development on early learning  
17                   and kindergarten through grade 3 stand-  
18                   ards, assessments, and curricula;

19                   (iii) coordinating family engagement  
20                   and support services; and

21                   (iv) encouraging the shared use of fa-  
22                   cilities and transportation, as appropriate;

23                   (J) use the State early learning and devel-  
24                   opment standards described in section 1115(1)  
25                   to address the needs of dual language learners,

1 including by incorporating benchmarks related  
2 to English language development;

3 (K) identify barriers, and propose solutions  
4 to overcome such barriers, which may include  
5 seeking assistance under section 1126, in the  
6 State to effectively use and integrate Federal,  
7 State, and local public funds and private funds  
8 for early childhood education that are available  
9 to the State on the date on which the applica-  
10 tion is submitted;

11 (L) support articulation agreements (as  
12 defined in section 486A of the Higher Edu-  
13 cation Act of 1965 (20 U.S.C. 1093a)) between  
14 public 2-year and public 4-year institutions of  
15 higher education and other credit-bearing pro-  
16 fessional development in the State for early  
17 childhood teacher preparation programs and  
18 closely related fields;

19 (M) ensure that the higher education pro-  
20 grams in the State have the capacity to prepare  
21 a workforce to provide high-quality prekind-  
22 garten programs;

23 (N) support workforce development, in-  
24 cluding State and local policies that support  
25 prekindergarten instructional staff's ability to



1           earn a degree, certification, or other specializa-  
2           tions or qualifications, including policies on  
3           leave, substitutes, and child care services, in-  
4           cluding non-traditional hour child care;

5           (O) hold eligible local entities accountable  
6           for use of funds;

7           (P) ensure that the State's early learning  
8           and development standards are integrated into  
9           the instructional and programmatic practices of  
10          high-quality prekindergarten programs and re-  
11          lated programs and services, such as those pro-  
12          vided to children under section 619 and part C  
13          of the Individuals with Disabilities Education  
14          Act (20 U.S.C. 1419 and 1431 et seq);

15          (Q) increase the number of children in the  
16          State who are enrolled in high-quality kinder-  
17          garten programs and carry out a strategy to  
18          implement such a plan;

19          (R) coordinate the State's activities sup-  
20          ported by grants under this subtitle with activi-  
21          ties in State plans required under the Elemen-  
22          tary and Secondary Education Act of 1965 (20  
23          U.S.C. 6301 et seq.), the Individuals with Dis-  
24          abilities Education Act (20 U.S.C. 1400 et  
25          seq.), the Head Start Act (42 U.S.C. 9831 et

1 seq.), the Child Care and Development Block  
2 Grant Act of 1990 (42 U.S.C. 9858 et seq.),  
3 and the Adult Education and Family Literacy  
4 Act (20 U.S.C. 9201 et seq.);

5 (S) encourage eligible local entities to co-  
6 ordinate with community-based learning re-  
7 sources, such as libraries, arts and arts edu-  
8 cation programs, appropriate media programs,  
9 family literacy programs, public parks and  
10 recreation programs, museums, nutrition edu-  
11 cation programs, and programs supported by  
12 the Corporation for National and Community  
13 Service;

14 (T) work with eligible local entities, in con-  
15 sultation with elementary school principals, to  
16 ensure that high-quality prekindergarten pro-  
17 grams have sufficient and appropriate facilities  
18 to meet the needs of children eligible for pre-  
19 kindergarten;

20 (U) support local early childhood coordi-  
21 nating entities, such as local early childhood  
22 councils, if applicable, and help such entities to  
23 coordinate early childhood education programs  
24 with high-quality prekindergarten programs to

1 ensure effective and efficient delivery of early  
2 childhood education program services;

3 (V) support shared services administering  
4 entities, if applicable;

5 (W) ensure that the provision of high-quality  
6 prekindergarten programs will not lead to a  
7 diminution in the quality or supply of services  
8 for infants and toddlers or disrupt the care of  
9 infants and toddlers in the geographic area  
10 served by the eligible local entity, which may in-  
11 clude demonstrating that the State will direct  
12 funds to provide high-quality early childhood  
13 education and care to infants and toddlers in  
14 accordance with section 1117(d); and

15 (X) ensure that all high-quality prekindergarten  
16 programs the State supports under this  
17 Act will conduct criminal history background  
18 checks that meet the requirements of section  
19 9537 on employees and applicants for employ-  
20 ment with unsupervised access to children; and

21 (3) an inventory of the State's higher education  
22 programs that prepare individuals for work in a  
23 high-quality prekindergarten program, including—

24 (A) certification programs;

25 (B) associate degree programs;

- 1 (C) baccalaureate degree programs  
2 (D) masters degree programs; and  
3 (E) other programs that lead to a speciali-  
4 zation in early childhood education, or a related  
5 field.

6 (b) DEVELOPMENT OF APPLICATION.—In developing  
7 an application for a grant under this subtitle, a State shall  
8 consult with the State Advisory Council on Early Child-  
9 hood Education and Care and incorporate such Council's  
10 recommendations, where applicable.

11 (c) CONSTRUCTION.—Nothing in this section shall be  
12 construed to alter or otherwise affect the rights, remedies,  
13 and procedures afforded school employees, local edu-  
14 cational agency employees, and the employees of early  
15 childhood education programs under Federal, State, or  
16 local laws (including applicable regulations or court or-  
17 ders) or under the terms of collective bargaining agree-  
18 ments, memoranda of understanding, or other agreements  
19 between such employees and their employers.

20 **SEC. 1117. STATE USE OF FUNDS.**

21 (a) RESERVATION FOR QUALITY IMPROVEMENT AC-  
22 TIVITIES.—

23 (1) IN GENERAL.—A State that receives a  
24 grant under this subtitle may reserve for, not more  
25 than the first 4 years such State receives such a

1 grant, not more than 20 percent of the grant funds  
2 for quality improvement activities that support the  
3 elements of high-quality prekindergarten programs.  
4 Such quality improvement activities may include  
5 supporting teachers, center directors, and principals  
6 in a State's high-quality prekindergarten program,  
7 licensed or regulated child care, or Head Start pro-  
8 grams to enable such teachers or directors to earn  
9 a baccalaureate degree in early childhood education,  
10 or closely-related field, through activities which may  
11 include—

12 (A) expanding or establishing scholarships,  
13 counseling, and compensation initiatives to  
14 cover the cost of tuition, fees, materials, trans-  
15 portation, and release time for such teachers;

16 (B) providing ongoing professional develop-  
17 ment opportunities, including regular in-class-  
18 room observation by individuals trained in such  
19 observation, for such teachers, directors, prin-  
20 cipals, and teachers assistants to enable such  
21 teachers, directors, principals, and teachers as-  
22 sistants to carry out the elements of high-qual-  
23 ity prekindergarten programs, which may in-  
24 clude activities that address—

- 1 (i) promoting children’s development  
2 across all of the essential domains of early  
3 learning and development;
- 4 (ii) developmentally appropriate cur-  
5 ricula and teacher-child interaction;
- 6 (iii) effective family engagement;
- 7 (iv) providing culturally competent in-  
8 struction;
- 9 (v) working with a diversity of chil-  
10 dren and families, including children with  
11 special needs and dual language learners;
- 12 (vi) childhood nutrition and physical  
13 education programs;
- 14 (vii) supporting the implementation of  
15 evidence-based curricula;
- 16 (viii) social and emotional develop-  
17 ment; and
- 18 (ix) incorporating age-appropriate  
19 strategies of positive behavioral interven-  
20 tions and supports; and
- 21 (C) providing families with increased op-  
22 portunities to learn how best to support their  
23 children’s physical, cognitive, social, and emo-  
24 tional development during the first five years of  
25 life.

1           (2) NOT SUBJECT TO MATCHING.—The amount  
2 reserved under paragraph (1) shall not be subject to  
3 the matching requirements under section 1120.

4           (3) COORDINATION.—A State that reserves an  
5 amount under paragraph (1) shall coordinate the  
6 use of such amount with activities funded under sec-  
7 tion 658G of the Child Care and Development Block  
8 Grant Act of 1990 (42 U.S.C. 9858e) and the Head  
9 Start Act (42 U.S.C. 9831 et seq.).

10          (4) CONSTRUCTION.—A State may not use  
11 funds reserved under this subsection to meet the re-  
12 quirement described in section 1112(9)(G).

13          (b) SUBGRANTS FOR HIGH-QUALITY PREKINDER-  
14 GARTEN PROGRAMS.—A State that receives a grant under  
15 this subtitle shall award subgrants of sufficient size to eli-  
16 gible local entities to enable such eligible local entities to  
17 implement high-quality prekindergarten programs for chil-  
18 dren who—

19           (1) are described in section 1112(9)(A);

20           (2) reside within the State; and

21           (3) are from families with incomes at or below  
22 200 percent of the poverty line.

23          (c) ADMINISTRATION.—A State that receives a grant  
24 under this subtitle may reserve not more than 1 percent  
25 of the grant funds for administration of the grant, and

1 may use part of that reservation for the maintenance of  
2 the State Advisory Council on Early Childhood Education  
3 and Care.

4 (d) EARLY CHILDHOOD EDUCATION AND CARE PRO-  
5 GRAMS FOR INFANTS AND TODDLERS.—

6 (1) USE OF ALLOTMENT FOR INFANTS AND  
7 TODDLERS.—An eligible State may apply to use, and  
8 the appropriate Secretary may grant permission for  
9 the State to use, not more than 15 percent of the  
10 funds made available through a grant received under  
11 this subtitle to award subgrants to early childhood  
12 education programs to provide, consistent with the  
13 State’s early learning and development guidelines for  
14 infants and toddlers, high-quality early childhood  
15 education and care to infants and toddlers who re-  
16 side within the State and are from families with in-  
17 comes at or below 200 percent of the poverty line.

18 (2) APPLICATION.—To be eligible to use the  
19 grant funds as described in paragraph (1), the State  
20 shall submit an application to the appropriate Sec-  
21 retary at such time, in such manner, and containing  
22 such information as the Secretary may require. Such  
23 application shall, at a minimum, include a descrip-  
24 tion of how the State will—



1 (A) designate a lead agency which shall ad-  
2 minister such funds;

3 (B) ensure that such lead agency, in co-  
4 ordination with the State's Advisory Council on  
5 Early Childhood Education and Care, will col-  
6 laborate with other agencies in administering  
7 programs supported under this subsection for  
8 infants and toddlers in order to obtain input  
9 about the appropriate use of such funds and en-  
10 sure coordination with programs for infants and  
11 toddlers funded under the Child Care and De-  
12 velopment Block Grant Act of 1990 (42 U.S.C.  
13 9858 et seq.), the Head Start Act (42 U.S.C.  
14 9831 et seq.) (including any Early Learning  
15 Quality Partnerships established in the State  
16 under section 645B of the Head Start Act, as  
17 added by section 202), the Race to the Top and  
18 Early Learning Challenge program under sec-  
19 tion 14006 of Public Law 111-5 (123 Stat.  
20 283), the maternal, infant, and early childhood  
21 home visiting programs funded under section  
22 511 of the Social Security Act (42 U.S.C. 711),  
23 and part C of the Individuals with Disabilities  
24 Education Act (20 U.S.C. 1431 et seq.);

1 (C) ensure that infants and toddlers who  
2 benefit from amounts made available under this  
3 subsection will transition to and have the oppor-  
4 tunity to participate in a high-quality pre-  
5 kindergarten program supported under this  
6 subtitle;

7 (D) in awarding subgrants, give preference  
8 to early childhood education programs that  
9 have a plan to increase services to children with  
10 special needs, including children with develop-  
11 mental delays or disabilities, children who are  
12 dual language learners, homeless children, chil-  
13 dren who are in foster care, children of migrant  
14 families, children eligible for free or reduced-  
15 price lunch under the Richard B. Russell Na-  
16 tional School Lunch Act (42 U.S.C. 1751 et  
17 seq.), or children in the child welfare system;  
18 and

19 (E) give priority to activities carried out  
20 under this subsection that will increase access  
21 to high-quality early childhood education pro-  
22 grams for infants and toddlers in local areas  
23 with significant concentrations of low-income  
24 families that do not currently benefit from such  
25 programs.

1           (3) ELIGIBLE PROVIDERS.—A State may use  
2           the grant funds as described in paragraph (1) to  
3           serve infants and toddlers only by working with  
4           early childhood education program providers that—

5                   (A) offer full-day, full-year care, or other-  
6                   wise meet the needs of working families; and

7                   (B) meet high-quality standards, such as—

8                           (i) Early Head Start program per-  
9                           formance standards under the Head Start  
10                          Act (42 U.S.C. 9831 et seq.); or

11                           (ii) high quality, demonstrated, valid,  
12                          and reliable program standards that have  
13                          been established through a national entity  
14                          that accredits early childhood education  
15                          programs.

16           (4) FEDERAL ADMINISTRATION.—

17                   (A) IN GENERAL.—The Secretary of Edu-  
18                   cation shall bear responsibility for obligating  
19                   and disbursing funds to support activities under  
20                   this subsection and ensuring compliance with  
21                   applicable laws and administrative require-  
22                   ments, subject to paragraph (3).

23                   (B) INTERAGENCY AGREEMENT.—The Sec-  
24                   retary of Education and the Secretary of  
25                   Health and Human Services shall jointly ad-

1 minister activities supported under this sub-  
2 section on such terms as such Secretaries shall  
3 set forth in an interagency agreement. The Sec-  
4 retary of Health and Human Services shall be  
5 responsible for any final approval of a State's  
6 application under this subsection that addresses  
7 the use of funds designated for services to in-  
8 fants and toddlers.

9 (C) APPROPRIATE SECRETARY.—In this  
10 subsection, the term “appropriate Secretary”  
11 used with respect to a function, means the Sec-  
12 retary designated for that function under the  
13 interagency agreement.

14 **SEC. 1118. ADDITIONAL PREKINDERGARTEN SERVICES.**

15 (a) PREKINDERGARTEN FOR 3-YEAR OLDS.—Each  
16 State that certifies to the Secretary that the State pro-  
17 vides universally available, voluntary, high-quality pre-  
18 kindergarten programs for 4-year old children who reside  
19 within the State and are from families with incomes at  
20 or below 200 percent of the poverty line may use the  
21 State's allocation under section 1114(b) to provide high-  
22 quality prekindergarten programs for 3-year old children  
23 who reside within the State and are from families with  
24 incomes at or below 200 percent of the poverty line.

1           (b) SUBGRANTS.—In each State that has a city,  
2 county, or local educational agency that provides univer-  
3 sally available high-quality prekindergarten programs for  
4 4-year old children who reside within the State and are  
5 from families with incomes at or below 200 percent of the  
6 poverty line the State may use amounts from the State’s  
7 allocation under section 1114(b) to award subgrants to eli-  
8 gible local entities to enable such eligible local entities to  
9 provide high-quality prekindergarten programs for 3-year  
10 old children who are from families with incomes at or  
11 below 200 percent of the poverty line and who reside in  
12 such city, county or local educational agency.

13 **SEC. 1119. PERFORMANCE MEASURES AND TARGETS.**

14           (a) IN GENERAL.—A State that receives a grant  
15 under this subtitle shall develop, implement, and make  
16 publicly available the performance measures and targets  
17 for the activities carried out with grant funds. Such meas-  
18 ures shall, at a minimum, track the State’s progress in—

19                   (1) increasing school readiness across all do-  
20 mains for all categories of children, as described in  
21 section 1123(b)(7), including children with disabil-  
22 ities and dual language learners;

23                   (2) narrowing school readiness gaps between  
24 minority and nonminority children, and low-income

1 children and more advantaged children, in prepara-  
2 tion for kindergarten entry;

3 (3) decreasing placement for children in ele-  
4 mentary school in special education programs and  
5 services as described in part B of the Individuals  
6 with Disabilities Education Act (20 U.S.C. 1411 et  
7 seq.);

8 (4) increasing the number of programs meeting  
9 the criteria for high-quality prekindergarten pro-  
10 grams across all types of local eligible entities, as de-  
11 fined by the State and in accordance with section  
12 1112;

13 (5) decreasing the need for grade-to-grade re-  
14 tention in elementary school;

15 (6) if applicable, ensuring that high-quality pre-  
16 kindergarten programs do not experience instances  
17 of chronic absence among the children who partici-  
18 pate in such programs;

19 (7) increasing the number and percentage of  
20 low-income children in high-quality early childhood  
21 education programs that receive financial support  
22 through funds provided under this subtitle; and

23 (8) providing high-quality nutrition services,  
24 nutrition education, physical activity, and obesity  
25 prevention programs.

1 (b) PROHIBITION OF MISDIAGNOSIS PRACTICES.—A  
2 State shall not, in order to meet the performance meas-  
3 ures and targets described in subsection (a), engage in  
4 practices or policies that will lead to the misdiagnosis or  
5 under-diagnosis of disabilities or developmental delays  
6 among children who are served through programs sup-  
7 ported under this subtitle.

8 **SEC. 1120. MATCHING REQUIREMENTS.**

9 (a) MATCHING FUNDS.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graph (2), a State that receives a grant under this  
12 subtitle shall provide matching funds from non-Fed-  
13 eral sources, as described in subsection (c), in an  
14 amount equal to—

15 (A) 10 percent of the Federal funds pro-  
16 vided under the grant in the first year of grant  
17 administration;

18 (B) 10 percent of the Federal funds pro-  
19 vided under the grant in the second year of  
20 grant administration;

21 (C) 20 percent of the Federal funds pro-  
22 vided under the grant in the third year of grant  
23 administration;

1 (D) 30 percent of the Federal funds pro-  
2 vided under the grant in the fourth year of  
3 grant administration;

4 (E) 40 percent of the Federal funds pro-  
5 vided under the grant in the fifth year of grant  
6 administration;

7 (F) 50 percent of the Federal funds pro-  
8 vided under the grant in the sixth year of grant  
9 administration;

10 (G) 75 percent of the Federal funds pro-  
11 vided under the grant in the seventh year of  
12 grant administration; and

13 (H) 100 percent of the Federal funds pro-  
14 vided under the grant in the eighth and fol-  
15 lowing years of grant administration.

16 (2) REDUCED MATCH RATE.—A State that  
17 meets the requirements under subsection (b) may  
18 provide matching funds from non-Federal sources at  
19 a reduced rate. The full reduced matching funds  
20 rate shall be in an amount equal to—

21 (A) 5 percent of the Federal funds pro-  
22 vided under the grant in the first year of grant  
23 administration;



1 (B) 5 percent of the Federal funds pro-  
2 vided under the grant in the second year of  
3 grant administration;

4 (C) 10 percent of the Federal funds pro-  
5 vided under the grant in the third year of grant  
6 administration;

7 (D) 20 percent of the Federal funds pro-  
8 vided under the grant in the fourth year of  
9 grant administration;

10 (E) 30 percent of the Federal funds pro-  
11 vided under the grant in the fifth year of grant  
12 administration;

13 (F) 40 percent of the Federal funds pro-  
14 vided under the grant in the sixth year of grant  
15 administration;

16 (G) 50 percent of the Federal funds pro-  
17 vided under the grant in the seventh year of  
18 grant administration;

19 (H) 75 percent of the Federal funds pro-  
20 vided under the grant in the eighth year of  
21 grant administration; and

22 (I) 100 percent of the Federal funds pro-  
23 vided under the grant in the ninth and fol-  
24 lowing years of the grant administration.

1 (b) REDUCED MATCH RATE ELIGIBILITY.—A State  
2 that receives a grant under this subtitle may provide  
3 matching funds from non-Federal sources at the full re-  
4 duced rate under subsection (a)(2) if the State—

5 (1)(A) offers enrollment in high-quality pre-  
6 kindergarten programs to not less than half of chil-  
7 dren in the State who are—

8 (i) age 4 on the eligibility determination  
9 date; and

10 (ii) from families with incomes at or below  
11 200 percent of the poverty line; and

12 (B) has a plan for continuing to expand access  
13 to high-quality prekindergarten programs for such  
14 children in the State; and

15 (2) has a plan to expand access to high-quality  
16 prekindergarten programs to children from moderate  
17 income families whose income exceeds 200 percent of  
18 the poverty line.

19 (c) NON-FEDERAL RESOURCES.—

20 (1) IN CASH.—A State shall provide the match-  
21 ing funds under this section in cash with non-Fed-  
22 eral resources which may include State funding,  
23 local funding, or contributions from philanthropy or  
24 other private sources, or a combination thereof.

1           (2) FUNDS TO BE CONSIDERED AS MATCHING  
2 FUNDS.—A State may include, as part of the State’s  
3 matching funds under this section, not more than 10  
4 percent of the amount of State funds designated for  
5 State prekindergarten programs or to supplement  
6 Head Start programs under the Head Start Act (42  
7 U.S.C. 9831 et seq.) as of the date of enactment of  
8 this Act, but may not include any funds that are at-  
9 tributed as matching funds, as part of a non-Federal  
10 share, or as a maintenance of effort requirement, for  
11 any other Federal program.

12 (d) MAINTENANCE OF EFFORT.—

13           (1) IN GENERAL.—If a State reduces its com-  
14 bined fiscal effort per student or the aggregate ex-  
15 penditures within the State to support early child-  
16 hood education programs for any fiscal year that a  
17 State receives a grant authorized under this subtitle  
18 relative to the previous fiscal year, the Secretary  
19 shall reduce support for such State under this sub-  
20 title by the same amount as the decline in State and  
21 local effort for such fiscal year.

22           (2) WAIVER.—The Secretary may waive the re-  
23 quirements of paragraph (1) if—

24                   (A) the Secretary determines that a waiver  
25 would be appropriate due to a precipitous de-

1 cline in the financial resources of a State as a  
2 result of unforeseen economic hardship or a  
3 natural disaster that has necessitated across-  
4 the-board reductions in State services, including  
5 early childhood education programs; or

6 (B) due to the circumstances of a State re-  
7 quiring reductions in specific programs, includ-  
8 ing early childhood education, if the State pre-  
9 sents to the Secretary a justification and dem-  
10 onstration why other programs could not be re-  
11 duced and how early childhood programs in the  
12 State will not be disproportionately harmed by  
13 such State action.

14 (e) SUPPLEMENT NOT SUPPLANT.—Grant funds re-  
15 ceived under this title shall be used to supplement and  
16 not supplant other Federal, State, and local public funds  
17 expended on public prekindergarten programs in the  
18 State.

19 **SEC. 1121. ELIGIBLE LOCAL ENTITY APPLICATIONS.**

20 (a) IN GENERAL.—An eligible local entity desiring to  
21 receive a subgrant under section 1117(b) shall submit an  
22 application to the State, at such time, in such manner,  
23 and containing such information as the State may reason-  
24 ably require.

1 (b) CONTENTS.—Each application submitted under  
2 subsection (a) shall include the following:

3 (1) PARENT AND FAMILY ENGAGEMENT.—A de-  
4 scription of how the eligible local entity plans to en-  
5 gage the parents and families of the children such  
6 entity serves and ensure that parents and families of  
7 eligible children, as described in clauses (i) and (ii)  
8 of section 1116(a)(2)(A), are aware of the services  
9 provided by the eligible local entity, which shall in-  
10 clude a plan to—

11 (A) carry out meaningful parent and fam-  
12 ily engagement, through the implementation  
13 and replication of evidence-based or promising  
14 practices and strategies, which shall be coordi-  
15 nated with parent and family engagement strat-  
16 egies supported under the Individuals with Dis-  
17 abilities Education Act (20 U.S.C. 1400 et seq.)  
18 and part A of title I and title V of the Elemen-  
19 tary and Secondary Education Act of 1965 (20  
20 U.S.C. 6311 et seq. and 7201 et seq.), if appli-  
21 cable, to—

22 (i) provide parents and family mem-  
23 bers with the skills and opportunities nec-  
24 essary to become engaged and effective  
25 partners in their children’s education, par-

1           ticularly the families of dual language  
2           learners and children with disabilities,  
3           which may include access to literacy serv-  
4           ices;

5           (ii) improve child development; and

6           (iii) strengthen relationships among  
7           prekindergarten staff and parents and  
8           family members; and

9           (B) participate in community outreach to  
10          encourage families with eligible children to par-  
11          ticipate in the eligible local entity's high-quality  
12          prekindergarten program, including—

13           (i) homeless children;

14           (ii) dual language learners;

15           (iii) children in foster care;

16           (iv) children with disabilities; and

17           (v) migrant children.

18          (2) COORDINATION & ALIGNMENT.—A descrip-  
19          tion of how the eligible local entity will—

20           (A) coordinate, if applicable, the eligible  
21          local entity's activities with—

22           (i) Head Start agencies (consistent  
23          with section 642(e)(5) of the Head Start  
24          Act (42 U.S.C. 9837(e)(5)), if the local en-  
25          tity is not a Head Start agency;

1 (ii) local educational agencies, if the  
2 eligible local entity is not a local edu-  
3 cational agency;

4 (iii) providers of services under part C  
5 of the Individuals with Disabilities Edu-  
6 cation Act (20 U.S.C. 1431 et seq.);

7 (iv) programs carried out under sec-  
8 tion 619 of the Individuals with Disabil-  
9 ities Education Act (20 U.S.C. 1419); and

10 (v) if feasible, other entities carrying  
11 out early childhood education programs  
12 and services within the area served by the  
13 local educational agency.

14 (B) develop a process to promote con-  
15 tinuity of developmentally appropriate instruc-  
16 tional programs and shared expectations with  
17 local elementary schools for children's learning  
18 and development as children transition to kin-  
19 dergarten;

20 (C) organize, if feasible, and participate in  
21 joint training, when available, including transi-  
22 tion-related training for school staff and early  
23 childhood education program staff;

24 (D) establish comprehensive transition  
25 policies and procedures, with applicable elemen-

1           tary schools and principals, for the children  
2           served by the eligible local entity that support  
3           the school readiness of children transitioning to  
4           kindergarten, including the transfer of early  
5           childhood education program records, with pa-  
6           rental consent;

7           (E) conduct outreach to parents, families,  
8           and elementary school teachers and principals  
9           to discuss the educational, developmental, and  
10          other needs of children entering kindergarten;

11          (F) help parents, including parents of chil-  
12          dren who are dual language learners, under-  
13          stand and engage with the instructional and  
14          other services provided by the kindergarten in  
15          which such child will enroll after participation  
16          in a high-quality prekindergarten program; and

17          (G) develop and implement a system to in-  
18          crease program participation of underserved  
19          populations of eligible children, especially home-  
20          less children, children eligible for a free or re-  
21          duced-price lunch under the Richard B. Russell  
22          National School Lunch Act (42 U.S.C. 1751 et  
23          seq.), parents of children who are dual language  
24          learners, and parents of children with disabil-  
25          ities.



1           (3) PROTECTIONS FOR SPECIAL POPU-  
2           LATIONS.—A description of how the eligible local en-  
3           tity will meet the diverse needs of children in the  
4           community to be served, including children with dis-  
5           abilities, children whose native language is not  
6           English, children with other special needs, children  
7           in the State foster care system, and homeless chil-  
8           dren. Such description shall demonstrate, at a min-  
9           imum, how the entity plans to—

10                   (A) ensure the eligible local entity’s high-  
11                   quality prekindergarten program is accessible  
12                   and appropriate for children with disabilities  
13                   and dual language learners;

14                   (B) establish effective procedures for pro-  
15                   viding necessary early screening for learning  
16                   issues and delays in early literacy and math  
17                   skill development and intervening services based  
18                   on these screenings to children with disabilities  
19                   prior to an eligibility determination by the State  
20                   or local agency responsible for providing serv-  
21                   ices under section 619 or part C of the Individ-  
22                   uals with Disabilities Education Act (20 U.S.C.  
23                   1419 and 1431 et seq.);

24                   (C) establish effective procedures for time-  
25                   ly referral of children with disabilities to the

1 State or local agency described in subparagraph  
2 (B);

3 (D) ensure that the eligible local entity's  
4 high-quality prekindergarten program works  
5 with appropriate entities to address the elimi-  
6 nation of barriers to immediate and continuous  
7 enrollment for homeless children; and

8 (E) ensure access to and continuity of en-  
9 rollment in high-quality prekindergarten pro-  
10 grams for migratory children, if applicable, and  
11 homeless children, including through policies  
12 and procedures that require—

13 (i) outreach to identify migratory chil-  
14 dren and homeless children;

15 (ii) immediate enrollment, including  
16 enrollment during the period of time when  
17 documents typically required for enroll-  
18 ment, including health and immunization  
19 records, proof of eligibility, and other docu-  
20 ments, are obtained;

21 (iii) continuous enrollment and par-  
22 ticipation in the same high-quality pre-  
23 kindergarten program for a child, even if  
24 the child moves out of the program's serv-  
25 ice area, if that enrollment and participa-

1                   tion are in the child’s best interest, includ-  
2                   ing by providing transportation when nec-  
3                   essary;

4                   (iv) professional development for high-  
5                   quality prekindergarten program staff re-  
6                   garding migratory children and homeless-  
7                   ness among families with young children;  
8                   and

9                   (v) in serving homeless children, col-  
10                  laboration with local educational agency li-  
11                  aisons designated under section  
12                  722(g)(1)(J)(ii) of the McKinney-Vento  
13                  Homeless Assistance Act (42 U.S.C.  
14                  11432(g)(1)(J)(ii)), and local homeless  
15                  service providers.

16                  (4) ACCESSIBLE COMPREHENSIVE SERVICES.—  
17                  A description of how the eligible local entity plans to  
18                  provide accessible comprehensive services, described  
19                  in section 1112(9)(I), to the children the eligible  
20                  local entity serves. Such description shall provide in-  
21                  formation on how the entity will—

22                  (A) conduct a data-driven community as-  
23                  sessment in coordination with members of the  
24                  community, including parents and community

1 organizations, or use a recently conducted data-  
2 driven assessment, which—

3 (i) may involve an external partner  
4 with expertise in conducting such needs  
5 analysis, to determine the most appro-  
6 priate social or other support services to  
7 offer through the eligible local entity's on-  
8 site comprehensive services to children who  
9 participate in high-quality prekindergarten  
10 programs; and

11 (ii) shall consider the resources avail-  
12 able at the school, local educational agen-  
13 cy, and community levels to address the  
14 needs of the community and improve child  
15 outcomes; and

16 (B) have a coordinated system to facilitate  
17 the screening, referral, and provision of services  
18 related to health, nutrition, mental health, dis-  
19 ability, and family support for children served  
20 by the eligible local entity.

21 (5) WORKFORCE.—A description of how the eli-  
22 gible local entity plans to support the instructional  
23 staff of such entity's high-quality prekindergarten  
24 program, which shall, at a minimum, include a plan  
25 to provide high-quality professional development, or

1 facilitate the provision of high-quality professional  
2 development through an external partner with exper-  
3 tise and a demonstrated track record of success,  
4 based on scientifically valid research, that will im-  
5 prove the knowledge and skills of high-quality pre-  
6 kindergarten teachers and staff through activities,  
7 which may include—

8 (A) acquiring content knowledge and learn-  
9 ing teaching strategies needed to provide effec-  
10 tive instruction that addresses the State’s early  
11 learning and development standards described  
12 under section 1115(1), including professional  
13 training to support the social and emotional de-  
14 velopment of children;

15 (B) enabling high-quality prekindergarten  
16 teachers and staff to pursue specialized training  
17 in early childhood development;

18 (C) enabling high-quality prekindergarten  
19 teachers and staff to acquire the knowledge and  
20 skills to provide instruction and appropriate  
21 language and support services to increase the  
22 English language skills of dual language learn-  
23 ers;

24 (D) enabling high-quality prekindergarten  
25 teachers and staff to acquire the knowledge and

1 skills to provide developmentally appropriate in-  
2 struction for children with disabilities;

3 (E) promoting classroom management;

4 (F) providing high-quality induction and  
5 support for incoming high-quality prekindergarten  
6 teachers and staff in high-quality pre-  
7 kindergarten programs, including through the  
8 use of mentoring programs and coaching that  
9 have a demonstrated track record of success;

10 (G) promoting the acquisition of relevant  
11 credentials, including in ways that support ca-  
12 reer advancement through career ladders; and

13 (H) enabling high-quality prekindergarten  
14 teachers and staff to acquire the knowledge and  
15 skills to provide culturally competent instruc-  
16 tion for children from diverse backgrounds.

17 **SEC. 1122. REQUIRED SUBGRANT ACTIVITIES.**

18 (a) IN GENERAL.—An eligible local entity that re-  
19 ceives a subgrant under section 1117(b) shall use  
20 subgrant funds to implement the elements of a high-qual-  
21 ity prekindergarten program for the children described in  
22 section 1117(b).

23 (b) COORDINATION.—

24 (1) LOCAL EDUCATIONAL AGENCY PARTNER-  
25 SHIPS WITH LOCAL EARLY CHILDHOOD EDUCATION

1       PROGRAMS.—A local educational agency that re-  
2       ceives a subgrant under this subtitle shall provide an  
3       assurance that the local educational agency will  
4       enter into strong partnerships with local early child-  
5       hood education programs, including programs sup-  
6       ported through the Head Start Act (42 U.S.C. 9831  
7       et seq.).

8               (2) ELIGIBLE LOCAL ENTITIES THAT ARE NOT  
9       LOCAL EDUCATIONAL AGENCIES.—An eligible local  
10      entity that is not a local educational agency that re-  
11      ceives a subgrant under this subtitle shall provide an  
12      assurance that such entity will enter into strong  
13      partnerships with local educational agencies.

14   **SEC. 1123. REPORT AND EVALUATION.**

15      (a) IN GENERAL.—Each State that receives a grant  
16      under this subtitle shall prepare an annual report, in such  
17      manner and containing such information as the Secretary  
18      may reasonably require.

19      (b) CONTENTS.—A report prepared under subsection  
20      (a) shall contain, at a minimum—

21               (1) a description of the manner in which the  
22      State has used the funds made available through the  
23      grant and a report of the expenditures made with  
24      the funds;

1           (2) a summary of the State's progress toward  
2           providing access to high-quality prekindergarten pro-  
3           grams for children eligible for such services, as de-  
4           termined by the State, from families with incomes at  
5           or below 200 percent of the poverty line, including  
6           the percentage of funds spent on children from fami-  
7           lies with incomes—

8                   (A) at or below 100 percent of the poverty  
9           line;

10                   (B) at or below between 101 and 150 per-  
11           cent of the poverty line; and

12                   (C) at or below between 151 and 200 per-  
13           cent of the poverty line;

14           (3) an evaluation of the State's progress toward  
15           achieving the State's performance targets, described  
16           in section 1119;

17           (4) data on the number of high-quality pre-  
18           kindergarten program teachers and staff in the  
19           State (including teacher turnover rates and teacher  
20           compensation levels compared to teachers in elemen-  
21           tary schools and secondary schools), according to the  
22           setting in which such teachers and staff work (which  
23           settings shall include, at a minimum, Head Start  
24           programs, public prekindergarten, and child care  
25           programs) who received training or education during



1 the period of the grant and remained in the early  
2 childhood education program field;

3 (5) data on the kindergarten readiness of chil-  
4 dren in the State;

5 (6) a description of the State's progress in ef-  
6 fectively using Federal, State, and local public funds  
7 and private funds, for early childhood education;

8 (7) the number and percentage of children in  
9 the State participating in high-quality prekind-  
10 garten programs, disaggregated by race, ethnicity,  
11 family income, child age, disability, whether the chil-  
12 dren are homeless children, and whether the children  
13 are dual language learners;

14 (8) data on the availability, affordability, and  
15 quality of infant and toddler care in the State;

16 (9) the number of operational minutes per week  
17 and per year for each eligible local entity that re-  
18 ceives a subgrant;

19 (10) the local educational agency and zip code  
20 in which each eligible local entity that receives a  
21 subgrant operates;

22 (11) information, for each of the local edu-  
23 cational agencies described in paragraph (10), on  
24 the percentage of the costs of the public early child-  
25 hood education programs that is funded from Fed-

1           eral, from State, and from local sources, including  
2           the percentages from specific funding programs;

3           (12) data on the number and percentage of  
4           children in the State participating in public kinder-  
5           garten programs, disaggregated by race, family in-  
6           come, child age, disability, whether the children are  
7           homeless children, and whether the children are dual  
8           language learners, with information on whether such  
9           programs are offered—

10                   (A) for a full-day; and

11                   (B) at no cost to families;

12           (13) data on the number of individuals in the  
13           State who are supported with scholarships, if appli-  
14           cable, to meet the baccalaureate degree requirement  
15           for high-quality prekindergarten programs, as de-  
16           fined in section 1112; and

17           (14) information on—

18                   (A) the numbers and rates of expulsion,  
19                   suspension, and similar disciplinary action, of  
20                   children in the State participating in high-qual-  
21                   ity prekindergarten programs, provided by any  
22                   eligible local entity, as defined in section  
23                   1112(7) of this title;

24                   (B) the State's progress in establishing  
25                   policies on effective behavior management strat-

1           egies and training that promote positive social  
2           and emotional development to eliminate expul-  
3           sions and extended suspensions of children par-  
4           ticipating in high-quality prekindergarten pro-  
5           grams; and

6                   (C) the State's policies on providing early  
7           learning services to children in the State par-  
8           ticipating in high-quality prekindergarten pro-  
9           grams who have been suspended.

10          (c) SUBMISSION.—A State shall submit the annual  
11       report prepared under subsection (a), at the end of each  
12       fiscal year, to the Secretary, the Secretary of Health and  
13       Human Services, and the State Advisory Council on Early  
14       Childhood Education and Care.

15          (d) COOPERATION.—An eligible local entity that re-  
16       ceives a subgrant under this subtitle shall cooperate with  
17       all Federal and State efforts to evaluate the effectiveness  
18       of the program the entity implements with subgrant funds.

19          (e) NATIONAL REPORT.—The Secretary shall compile  
20       and summarize the annual State reports described under  
21       subsection (c) and shall prepare and submit an annual re-  
22       port to Congress that includes a summary of such State  
23       reports.

1 **SEC. 1124. PROHIBITION OF REQUIRED PARTICIPATION OR**  
2 **USE OF FUNDS FOR ASSESSMENTS.**

3 (a) PROHIBITION ON REQUIRED PARTICIPATION.—A  
4 State receiving a grant under this subtitle shall not re-  
5 quire any child to participate in any Federal, State, local,  
6 or private early childhood education program, including a  
7 high-quality prekindergarten program.

8 (b) PROHIBITION ON USE OF FUNDS FOR ASSESS-  
9 MENT.—A State receiving a grant under this subtitle and  
10 an eligible local entity receiving a subgrant under this sub-  
11 title shall not use any grant or subgrant funds to carry  
12 out any of the following activities:

13 (1) An assessment that provides rewards or  
14 sanctions for individual children, teachers, or prin-  
15 cipals.

16 (2) An assessment that is used as the primary  
17 or sole method for assessing program effectiveness.

18 (3) Evaluating children, other than for the pur-  
19 poses of—

20 (A) improving instruction or the classroom  
21 environment;

22 (B) targeting professional development;

23 (C) determining the need for health, men-  
24 tal health, disability, or family support services;

1 (D) program evaluation for the purposes of  
2 program improvement and parent information;  
3 and

4 (E) improving parent and family engage-  
5 ment.

6 **SEC. 1125. COORDINATION WITH HEAD START PROGRAMS.**

7 (a) INCREASED ACCESS FOR YOUNGER CHILDREN.—

8 Not later than 1 year after the date of enactment of this  
9 Act, the Secretary and the Secretary of Health and  
10 Human Services shall develop a process—

11 (1) for use in the event that Head Start pro-  
12 grams funded under the Head Start Act (42 U.S.C.  
13 9831 et seq.) operate in States or regions that have  
14 achieved sustained universal, voluntary access to 4-  
15 year old children who reside within the State and  
16 who are from families with incomes at or below 200  
17 percent of the poverty line to high-quality prekindergarten  
18 programs; and

19 (2) for how such Head Start programs will  
20 begin converting slots for children who are age 4 on  
21 the eligibility determination date to children who are  
22 age 3 on the eligibility determination date, or, when  
23 appropriate, converting Head Start Programs into  
24 Early Head Start programs to serve infants and tod-  
25 dlers.

1 (b) COMMUNITY NEED AND RESOURCES.—The proc-  
2 ess described in subsection (a) shall—

3 (1) be carried out on a case-by-case basis and  
4 shall ensure that sufficient resources and time are  
5 allocated for the development of such a process so  
6 that no child or cohort is excluded from currently  
7 available services; and

8 (2) ensure that any conversion shall be based  
9 on community need and not on the aggregate num-  
10 ber of children served in a State or region that has  
11 achieved sustained, universal, voluntary access to  
12 high-quality prekindergarten programs.

13 (c) PUBLIC COMMENT AND NOTICE.—Not fewer than  
14 90 days after the development of the proposed process de-  
15 scribed in subsection (a), the Secretary and the Secretary  
16 of Health and Human Services shall publish a notice de-  
17 scribing such proposed process for conversion in the Fed-  
18 eral Register providing at least 90 days for public com-  
19 ment. The Secretaries shall review and consider public  
20 comments prior to finalizing the process for conversion of  
21 Head Start slots and programs.

22 (d) REPORTS TO CONGRESS.—Concurrently with  
23 publishing a notice in the Federal Register as described  
24 in subsection (c), the Secretaries shall provide a report  
25 to the Committee on Education and the Workforce of the

1 House of Representatives and the Committee on Health,  
2 Education, Labor, and Pensions of the Senate that pro-  
3 vides a detailed description of the proposed process de-  
4 scribed in subsection (a), including a description of the  
5 degree to which Head Start programs are providing State-  
6 funded high-quality prekindergarten programs as a result  
7 of the grant opportunity provided under this subtitle in  
8 States where Head Start programs are eligible for conver-  
9 sion described in subsection (a).

10 **SEC. 1126. TECHNICAL ASSISTANCE IN PROGRAM ADMINIS-**  
11 **TRATION.**

12 In providing technical assistance to carry out activi-  
13 ties under this title, the Secretary shall coordinate that  
14 technical assistance, in appropriate cases, with technical  
15 assistance provided by the Secretary of Health and  
16 Human Services to carry out the programs authorized  
17 under the Head Start Act (42 U.S.C. 9831 et seq.), the  
18 Child Care and Development Block Grant Act of 1990 (42  
19 U.S.C. 9858 et seq.), and the maternal, infant and early  
20 childhood home visiting programs assisted under section  
21 511 of the Social Security Act (42 U.S.C. 711).

22 **SEC. 1127. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out  
24 this subtitle—

25 (1) \$1,300,000,000 for fiscal year 2016;

- 1           (2) 3,250,000,000 for fiscal year 2017;  
2           (3) \$5,780,000,000 for fiscal year 2018;  
3           (4) \$7,580,000,000 for fiscal year 2019;  
4           (5) \$8,960,000,000 for fiscal year 2020; and  
5           (6) such sums as may be necessary for each of  
6           fiscal years 2021 through 2025.

7           **Subtitle B—Prekindergarten**  
8           **Development Grants**

9           **SEC. 1151. PREKINDERGARTEN DEVELOPMENT GRANTS.**

10          (a) IN GENERAL.—From the amounts appropriated  
11          under subsection (f), the Secretary of Education, in con-  
12          sultation with the Secretary of Health and Human Serv-  
13          ices, shall award competitive grants to States that wish  
14          to increase the capacity and build the infrastructure with-  
15          in the State to offer high-quality prekindergarten pro-  
16          grams.

17          (b) ELIGIBILITY.—A State that is not receiving funds  
18          under section 1115 may compete for grant funds under  
19          this subtitle if the State provides an assurance that the  
20          State will, through the support of grant funds awarded  
21          under this subtitle, meet the eligibility requirements of  
22          section 1115 not later than 3 years after the date the  
23          State first receives grant funds under this subtitle.

24          (c) GRANTS.—



1           (1) DURATION.—The Secretary shall award  
2 grants to States under this subtitle for a period of  
3 not more than 3 years and such grants shall not be  
4 renewed.

5           (2) AUTHORITY TO SUBGRANT.—

6           (A) IN GENERAL.—A State receiving a  
7 grant under this subtitle may use the grant  
8 funds to make subgrants to eligible local enti-  
9 ties (defined in section 1112(7)) to carry out  
10 activities under the grant.

11           (B) ELIGIBLE LOCAL ENTITIES.—An eligi-  
12 ble local entity receiving a subgrant under sub-  
13 paragraph (A) shall comply with the require-  
14 ments for States receiving a grant under this  
15 subtitle, as appropriate.

16           (d) APPLICATION.—

17           (1) IN GENERAL.—A Governor of a State that  
18 desires to receive a grant under this subtitle shall  
19 submit an application to the Secretary of Education  
20 at such time, in such manner, and accompanied by  
21 such information as the Secretary may reasonably  
22 require, including a description of how the State  
23 plans to become eligible for grants under section  
24 1115 by not later than 3 years after the date the  
25 State first receives grant funds under this subtitle.

1           (2) DEVELOPMENT OF APPLICATION.—In devel-  
2           oping an application for a grant under this subtitle,  
3           a Governor of a State shall consult with the State  
4           Advisory Council on Early Childhood Education and  
5           Care, and incorporate their recommendations, where  
6           applicable.

7           (e) MATCHING REQUIREMENT.—

8           (1) IN GENERAL.—To be eligible to receive a  
9           grant under this subtitle, a State shall contribute for  
10          the activities for which the grant was awarded non-  
11          Federal matching funds in an amount equal to not  
12          less than 20 percent of the amount of the grant.

13          (2) NON-FEDERAL FUNDS.—To satisfy the re-  
14          quirement of paragraph (1), a State may use—

15                 (A) cash; or

16                 (B) an in-kind contribution.

17          (3) FINANCIAL HARDSHIP WAIVER.—The Sec-  
18          retary may waive paragraph (1) or reduce the  
19          amount of matching funds required under that para-  
20          graph for a State that has submitted an application  
21          for a grant under this subtitle if the State dem-  
22          onstrates, in the application, a need for such a waiv-  
23          er or reduction due to extreme financial hardship, as  
24          determined by the Secretary of Education.

1           (f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this sub-  
3 title—

4                   (1) \$750,000,000 for fiscal year 2016; and

5                   (2) such sums as may be necessary for each of  
6           fiscal years 2017 through 2025.

