

114TH CONGRESS
1ST SESSION

S. _____

To amend the Elementary and Secondary Education Act of 1965 to ensure that every child is ready for college or a career.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Elementary and Secondary Education Act of 1965 to ensure that every child is ready for college or a career.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Every Child Ready
5 for College or Career Act of 2015”.

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

7 The table of contents for this Act is as follows: **[To**
8 **be supplied.]**

1 **SEC. 3. REFERENCES.**

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

8 **SEC. 4. STATEMENT OF PURPOSE.**

9 The purpose of this Act is to restore freedom to par-
10 ents, teachers, principals and other school leaders, States,
11 Governors, and local communities so that they can im-
12 prove their local public schools.

13 **SEC. 5. TABLE OF CONTENTS OF THE ELEMENTARY AND**
14 **SECONDARY EDUCATION ACT OF 1965.**

15 Section 2 is amended to read as follows: [To be sup-
16 plied.]

17 **TITLE I—IMPROVING BASIC PRO-**
18 **GRAMS OPERATED BY STATE**
19 **AND LOCAL EDUCATIONAL**
20 **AGENCIES**

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

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

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

25 “The purpose of this title is to ensure that all chil-
26 dren have a fair, equitable, and significant opportunity to

1 receive a high-quality education that prepares them for
2 postsecondary education or the workforce, without the
3 need for remediation, and to close the achievement gap
4 between high- and low-performing children, especially the
5 achievement gaps between minority and nonminority chil-
6 dren, and between disadvantaged children and their more
7 advantaged peers.”.

8 **SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

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

11 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
13 the purpose of carrying out part A, there are authorized
14 to be appropriated \$14,915,558,000 for each of fiscal
15 years 2016 through 2021.

16 “(b) STATE ASSESSMENTS.—For the purpose of car-
17 rying out part B, there are authorized to be appropriated
18 \$378,000,000 for each of fiscal years 2016 through 2021.

19 “(c) EDUCATION OF MIGRATORY CHILDREN.—For
20 the purpose of carrying out part C, there are authorized
21 to be appropriated \$374,751,000 for each of fiscal years
22 2016 through 2021.

23 “(d) PREVENTION AND INTERVENTION PROGRAMS
24 FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DE-
25 LINQUENT, OR AT-RISK.—For the purpose of carrying out

1 part D, there are authorized to be appropriated
2 \$47,614,000 for each of fiscal years 2016 through 2021.

3 “(e) FEDERAL ACTIVITIES.—For the purpose of car-
4 rying out evaluation activities related to title I under sec-
5 tion 9601, there are authorized to be appropriated
6 \$710,000 for each of fiscal years 2016 through 2021.”.

7 **SEC. 1003. SCHOOL IMPROVEMENT AND STATE ADMINIS-**
8 **TRATION.**

9 The Act (20 U.S.C. 6301 et seq.) is amended—

10 (1) by striking section 1003;

11 (2) by redesignating section 1004 as section
12 1003; and

13 (3) in section 1003, as redesignated by para-
14 graph (2), by adding at the end the following:

15 “(c) TECHNICAL ASSISTANCE AND SUPPORT.—

16 “(1) IN GENERAL.—Each State may reserve
17 not more than 8 percent of the amount the State re-
18 ceives under subpart 2 of part A for a fiscal year to
19 carry out paragraph (2) and to carry out the State
20 educational agency’s responsibilities under section
21 1114(a), including carrying out the State edu-
22 cational agency’s statewide system of technical as-
23 sistance and support for local educational agencies.

1 “(2) USES.—Of the amount reserved under
2 paragraph (1) for any fiscal year, the State edu-
3 cational agency—

4 “(A) shall allocate not less than 95 percent
5 of the amount directly to local educational
6 agencies for schools identified by the State
7 under section 1114(a)(1)(B), for activities
8 under section 1114(b); or

9 “(B) may, with the approval of the local
10 educational agency, directly provide for the ac-
11 tivities described in section 1114(b) or arrange
12 for their provision through other entities, such
13 as school support teams or educational service
14 agencies, or other nonprofit or for-profit organi-
15 zations.”.

16 **SEC. 1004. BASIC PROGRAM REQUIREMENTS.**

17 Subpart 1 of part A of title I (20 U.S.C. 6311 et
18 seq.) is amended—

19 (1) by striking sections 1111 through 1117 and
20 inserting the following:

21 **“SEC. 1111. STATE PLANS.**

22 “(a) PLANS REQUIRED.—

23 “(1) IN GENERAL.—For any State desiring to
24 receive a grant under this part, the State edu-
25 cational agency shall submit to the Secretary a plan,

1 developed by the State educational agency in con-
2 sultation with local educational agencies, teachers,
3 principals and other school leaders, specialized in-
4 structional support personnel, administrators, other
5 staff, and parents, that satisfies the requirements of
6 this section.

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

10 “(3) PEER REVIEW AND SECRETARIAL AP-
11 PROVAL.—

12 “(A) IN GENERAL.—The Secretary shall—

13 “(i) establish a peer-review process to
14 assist in the review of State plans;

15 “(ii) establish multidisciplinary peer
16 review teams and appoint their members,
17 including representatives of teachers, prin-
18 cipals and other school leaders, specialized
19 instructional support personnel, State edu-
20 cational agencies, local educational agen-
21 cies, and individuals and researchers with
22 practical experience in implementing aca-
23 demic standards, assessments, account-
24 ability, the needs of low-performing
25 schools, and other educational needs of

1 students, which peer review teams shall re-
2 flect a balanced representation of individ-
3 uals who—

4 “(I) have practical experience in
5 the classroom, school administration,
6 or State or local government; and

7 “(II) have been a direct employee
8 of a school, local educational agency,
9 or State educational agency within the
10 proceeding 5 years;

11 “(iii) make available to the public, in-
12 cluding by such means as posting to the
13 Department’s website, the list of peer re-
14 viewers who will review State plans under
15 this section;

16 “(iv) ensure that the peer review
17 teams are comprised of varied individuals
18 so that the same peer reviewers are not re-
19 viewing all of the State plans; and

20 “(v) deem a State plan as approved
21 within 45 days of its submission unless the
22 Secretary presents a body of substantial,
23 high-quality education research that clearly
24 demonstrates that the State’s plan does
25 not meet the requirements of this section

1 and is likely to be ineffective or is inappro-
2 priate for its intended purposes.

3 “(B) PURPOSE OF PEER REVIEW.—The
4 peer review process shall be designed to—

5 “(i) promote effective implementation
6 of the challenging State academic stand-
7 ards through State and local innovation;
8 and

9 “(ii) provide transparent feedback to
10 States designed to strengthen the States’
11 plans.

12 “(C) STANDARD AND NATURE OF RE-
13 VIEW.—Peer reviewers shall conduct a good
14 faith review of State plans in their totality and
15 in deference to State and local judgments, with
16 the goal of supporting State- and local-led inno-
17 vation.

18 “(4) STATE PLAN DETERMINATION, DEM-
19 ONSTRATION, AND REVISION.—If the Secretary de-
20 termines that the State plan does not meet the re-
21 quirements of this subsection or subsection (b) or
22 (c), the Secretary shall, prior to declining to approve
23 a State plan—

24 “(A) immediately notify the State of such
25 determination;

1 “(B) provide a detailed description of the
2 specific requirements of this subsection or sub-
3 subsection (b) or (c) of the State plan that the Sec-
4 retary determines fails to meet such require-
5 ments;

6 “(C) at the request of the State, provide
7 all comments, suggestions, or concerns in writ-
8 ing to the State, including all peer review com-
9 ments and recommendations;

10 “(D) offer the State an opportunity to re-
11 vise and resubmit its plan within 60 days of
12 such determination;

13 “(E) provide technical assistance, upon re-
14 quest of the State, in order to assist the State
15 to meet the requirements of this subsection or
16 subsection (b) or (c); and

17 “(F) conduct a public hearing within 30
18 days of such resubmission, with public notice
19 provided not less than 15 days before such
20 hearing.

21 “(5) STATE PLAN DISAPPROVAL.—The Sec-
22 retary shall have the authority to disapprove a State
23 plan if the State has been notified and offered an
24 opportunity to revise and submit with technical as-
25 sistance under paragraph (4), and—

1 “(A) the State does not revise and resub-
2 mit its plan; or

3 “(B) the State revises and resubmits a
4 plan that the Secretary determines does not
5 meet the requirements of this part after a hear-
6 ing conducted under paragraph (4)(F).

7 “(6) LIMITATIONS.—The Secretary shall not
8 have the authority to require a State, as a condition
9 of approval of the State plan, to—

10 “(A) include in, or delete from, such plan
11 1 or more specific elements of the challenging
12 State academic standards;

13 “(B) use specific academic assessment in-
14 struments or items;

15 “(C) include in, or delete from, such a plan
16 any criterion that specifies, defines, or pre-
17 scribes the standards or measures that State or
18 local educational agencies use to establish, im-
19 plement, or improve—

20 “(i) State standards;

21 “(ii) assessments;

22 “(iii) State accountability systems;

23 “(iv) systems that measure student
24 academic growth;

1 “(v) measures of other academic indi-
2 cators;

3 “(vi) teacher, principal, or other
4 school leader evaluation systems; or

5 “(vii) indicators of teacher, principal,
6 or other school leader effectiveness; or

7 “(D) require the collection, publication, or
8 transmission to the Department of individual
9 student data that is not expressly required to
10 be collected under this Act.

11 “(7) PUBLIC REVIEW.—All written communica-
12 tions, feedback, and notifications under this sub-
13 section shall be conducted in a manner that is trans-
14 parent and immediately made available to the public
15 through the website of the Department, including—

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

18 “(B) peer review comments;

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

21 “(D) public hearings under this section.

22 “(8) DURATION OF THE PLAN.—

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

1 “(i) remain in effect for the duration
2 of the State’s participation under this part;
3 and

4 “(ii) be periodically reviewed and re-
5 vised as necessary by the State educational
6 agency to reflect changes in the State’s
7 strategies and programs under this part.

8 “(B) ADDITIONAL INFORMATION.—A State
9 shall notify the Secretary if a State makes sig-
10 nificant changes to its plan, such as the adop-
11 tion of new challenging State academic stand-
12 ards, new academic assessments, or changes to
13 its accountability system under subsection
14 (b)(3).

15 “(9) FAILURE TO MEET REQUIREMENTS.—If a
16 State fails to meet any of the requirements of this
17 section, then the Secretary may withhold funds for
18 State administration under this part until the Sec-
19 retary determines that the State has fulfilled those
20 requirements.

21 “(b) CHALLENGING STATE ACADEMIC STANDARDS,
22 ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY SYS-
23 TEMS.—

24 “(1) CHALLENGING STATE ACADEMIC STAND-
25 ARDS.—

1 “(A) IN GENERAL.—Each State shall pro-
2 vide an assurance that the State has adopted
3 challenging academic content standards and
4 academic achievement standards (referred to in
5 this Act as ‘challenging State academic stand-
6 ards’) that will be used by the State, its local
7 educational agencies, and its schools to carry
8 out this part.

9 “(B) SAME STANDARDS.—The standards
10 required by subparagraph (A) shall be the same
11 standards that the State applies to all public
12 schools and public school children in the State.

13 “(C) SUBJECTS.—The State shall have
14 such standards in mathematics, reading or lan-
15 guage arts, and science, and any other subjects
16 as determined by the State, which shall include
17 the same knowledge, skills, and levels of
18 achievement expected of all children in the
19 State.

20 “(D) ALIGNMENT.—Each State shall pro-
21 vide an assurance to the Secretary that the
22 challenging State academic standards are
23 aligned with—

24 “(i) entrance requirements, without
25 the need for academic remediation, for an

1 institution of higher education in the
2 State; and

3 “(ii) State performance measures
4 identified in the State plan under section
5 113(b) of the Carl D. Perkins Career and
6 Technical Education Act of 2006.

7 “(E) ALTERNATE ACADEMIC ACHIEVE-
8 MENT STANDARDS.—Notwithstanding any other
9 provision of this paragraph, a State may,
10 through a documented and validated standards-
11 setting process, adopt alternate academic
12 achievement standards for students with the
13 most significant cognitive disabilities, provided
14 those standards—

15 “(i) are aligned with the challenging
16 State academic standards under subpara-
17 graph (A);

18 “(ii) promote access to the general
19 curriculum;

20 “(iii) reflect professional judgment of
21 the highest achievement standards attain-
22 able by those students; and

23 “(iv) are designated in the individual-
24 ized education program developed for each
25 child under section 614(d)(3) of the Indi-

1 viduals with Disabilities Education Act as
2 the standards that will be used for the stu-
3 dent.

4 “(F) ENGLISH LANGUAGE PROFICIENCY
5 STANDARDS.—Each State plan shall provide an
6 assurance that the State has adopted English
7 language proficiency standards that are aligned
8 with the challenging State academic standards
9 under subparagraph (A). Such standards
10 shall—

11 “(i) ensure proficiency in each of the
12 domains of speaking, listening, reading,
13 and writing;

14 “(ii) address the different proficiency
15 levels of children who are English learners;
16 and

17 “(iii) be aligned with the challenging
18 State academic standards in reading or
19 language arts, so that achieving proficiency
20 in the State’s English language proficiency
21 standards indicates a sufficient knowledge
22 of English to measure validly and reliably
23 the student’s achievement on the State’s
24 reading or language arts standards.

25 “(G) PROHIBITIONS.—

1 “(i) STANDARDS REVIEW OR AP-
2 PROVAL.—A State shall not be required to
3 submit any standards developed under this
4 subsection to the Secretary for review or
5 approval.

6 “(ii) FEDERAL CONTROL.—The Sec-
7 retary shall not have the authority to man-
8 date, direct, control, coerce, or exercise any
9 direction or supervision over any of the
10 challenging State academic standards
11 adopted or implemented by a State.

12 “(H) EXISTING STANDARDS.—Nothing in
13 this part shall prohibit a State from revising,
14 consistent with this section, any standard
15 adopted under this part before or after the date
16 of enactment of the Every Child Ready for Col-
17 lege or Career Act of 2015.

18 “(2) STATE-DESIGNED ACADEMIC ASSESSMENT
19 SYSTEM.—

20 **【OPTION 1- FOR DISCUSSION BY HELP COM-
21 MITTEE】**

22 “

23 **【“(A) IN GENERAL.—**Each State plan
24 shall provide an assurance that the State edu-
25 cational agency, in consultation with local edu-

1 cational agencies, has implemented a State-de-
2 signed academic assessment system that—】

3 【“(i) includes, at a minimum, aca-
4 demic assessments in mathematics, reading
5 or language arts, and science; and】

6 【“(ii) meets the requirements of sub-
7 paragraph (B).】

8 【“(B) REQUIREMENTS.—The assessment
9 system under subparagraph (A) shall—】

10 【“(i) be aligned with the challenging
11 State academic standards, and provide co-
12 herent and timely information about stu-
13 dent attainment of such standards;】

14 【“(ii) be used for purposes for which
15 such assessments are valid and reliable, be
16 of adequate technical quality for each pur-
17 pose required under this Act, and be con-
18 sistent with relevant, nationally recognized
19 professional and technical standards;】

20 【“(iii) involve multiple measures of
21 student academic achievement, which may
22 include measures of student academic
23 growth;】

24 【“(iv) provide for—】

1 【“(I) the participation in such
2 assessments of all students;】

3 【“(II) the reasonable adaptations
4 and accommodations for children with
5 disabilities (as defined in section
6 602(3) of the Individuals with Dis-
7 abilities Education Act) necessary to
8 measure the academic achievement of
9 such children relative to the chal-
10 lenging State academic standards;】

11 【“(III) alternate assessments
12 aligned with grade-level academic
13 standards, unless the State develops
14 alternate assessments aligned with al-
15 ternate academic standards, con-
16 sistent with subparagraph (F), for
17 students with the most significant
18 cognitive disabilities; and】

19 【“(IV) the inclusion of children
20 who are English learners, who shall be
21 assessed in a valid and reliable man-
22 ner and provided reasonable accom-
23 modations on assessments adminis-
24 tered to such students under this
25 paragraph, including, to the extent

1 practicable, assessments in the lan-
2 guage and form most likely to yield
3 accurate data on what such students
4 know and can do in academic content
5 areas, until such students have
6 achieved English language proficiency,
7 as determined pursuant to the
8 English language proficiency stand-
9 ards described in paragraph (1)(F);**】**
10 **【**“(v) notwithstanding clause (iv)(IV),
11 provide for assessments (using tests in
12 English) of reading or language arts of
13 any student who has attended school in the
14 United States (not including the Common-
15 wealth of Puerto Rico) for 3 or more con-
16 secutive school years, except that if the
17 local educational agency determines, on a
18 case-by-case individual basis, that assess-
19 ments in another language or form would
20 likely yield more accurate and reliable in-
21 formation on what such student knows and
22 can do, the local educational agency may
23 make a determination to assess such stu-
24 dent in the appropriate language other
25 than English for a period that does not ex-

1 ceed 2 additional consecutive years, pro-
2 vided that such student has not yet
3 reached a level of English language pro-
4 ficiency sufficient to yield valid and reliable
5 information on what such student knows
6 and can do on tests (written in English) of
7 reading or language arts;】

8 【“(vi) produce individual student in-
9 terpretive, descriptive, and diagnostic re-
10 ports, consistent with clause (ii), that allow
11 parents, teachers, and principals or other
12 school leaders to understand and address
13 the specific academic needs of students,
14 and include information regarding achieve-
15 ment on assessments, and that are pro-
16 vided to parents, teachers, and principals
17 or other school leaders in a timely manner
18 after the assessment is given, in an under-
19 standable and uniform format;】

20 【“(vii) enable results to be
21 disaggregated within each State, local edu-
22 cational agency, and school, by—】

23 【“(I) each major racial and eth-
24 nic group;】

1 【“(II) economically disadvan-
2 taged students as compared to stu-
3 dents who are not economically dis-
4 advantaged;】

5 【“(III) students with disabilities
6 as compared to nondisabled stu-
7 dents;】

8 【“(IV) English proficiency sta-
9 tus;】

10 【“(V) gender; and】

11 【“(VI) migrant status; and】

12 【“(viii) produce, at a minimum, an-
13 nual student achievement data in mathe-
14 matics and reading or language arts that
15 is valid, reliable, of high technical quality,
16 and comparable among all local edu-
17 cational agencies within the State and that
18 will be used in the State accountability sys-
19 tem under paragraph (3) and to meet re-
20 porting requirements under subsection
21 (d).】

22 【“(C) EXCEPTION TO DISAGGREGATION.—
23 Notwithstanding subparagraph (B)(vii), the
24 disaggregated results of assessments shall not
25 be required if—】

1 【“(i) the number of students in a cat-
2 egory described under subparagraph
3 (B)(vii) is insufficient to yield statistically
4 reliable information; or】

5 【“(ii) the results would reveal person-
6 ally identifiable information about an indi-
7 vidual student.】

8 【“(D) STATE-DESIGNED SYSTEM.—Each
9 State plan shall provide a description of its
10 State-designed assessment system, which may
11 include—】

12 【“(i) yearly academic assessments of
13 all students against the challenging State
14 academic standards in the subjects re-
15 quired under subparagraph (A)(i) and any
16 other subjects as determined by the State,
17 that are administered—】

18 【“(I) in each of grades 3 through
19 8; and】

20 【“(II) at least once in grades 9
21 through 12;】

22 【“(ii) grade-span academic assess-
23 ments of all students against the chal-
24 lenging State academic standards in the
25 subjects required under subparagraph

1 (A)(i) and any other subjects as deter-
2 mined by the State, that are administered
3 at least once in—】

4 【“(I) grades 3 through 5;】

5 【“(II) grades 6 through 9; and】

6 【“(III) grades 10 through 12;】

7 【“(iii) a combination of yearly aca-
8 demic assessments described in clause (i)
9 and grade-span academic assessments de-
10 scribed in clause (ii) of all students against
11 the challenging State academic standards
12 in the subjects required under subpara-
13 graph (A)(i) and any other subjects as de-
14 termined by the State;】

15 【“(iv) performance-based academic
16 assessments of all students that may be
17 used in a competency-based education
18 model that emphasizes mastery of stand-
19 ards and aligned competencies;】

20 【“(v) formative assessments of all
21 students that may be used to inform teach-
22 ing and learning;】

23 【“(vi) multiple statewide assessments
24 during the course of the year that can pro-

1 vide a summative score of individual stu-
2 dent academic growth; or】

3 【“(vii) any other system of assess-
4 ments of all students that meets the re-
5 quirements of subparagraph (B) and the
6 State determines is appropriate to meet
7 the purposes of this part.】

8 【“(E) COMPARABLE DATA DESCRIP-
9 TION.—Each State shall describe how the an-
10 nual student achievement data produced, at a
11 minimum, in mathematics and reading or lan-
12 guage arts under the assessment system de-
13 scribed in this paragraph is valid, reliable, of
14 high-technical quality, and comparable among
15 all local educational agencies within the State.】

16 **【OPTION 2: - FOR DISCUSSION BY HELP**
17 **COMMITTEE】**

18 【“(A) IN GENERAL.—Each State plan
19 shall provide an assurance that the State edu-
20 cational agency, in consultation with local edu-
21 cational agencies, has implemented a set of
22 high-quality, yearly student academic assess-
23 ments that include, at a minimum, academic as-
24 sessments in mathematics and reading or lan-
25 guage arts .】

1 【“(B) REQUIREMENTS.—Each State plan
2 shall provide an assurance that such assess-
3 ments—】

4 【“(i) are the same academic assess-
5 ments used to measure the achievement of
6 all students;】

7 【“(ii) are aligned with the challenging
8 State academic standards, and provide co-
9 herent and timely information about stu-
10 dent attainment of such standards;】

11 【“(iii) are used for purposes for which
12 such assessments are valid and reliable,
13 are of adequate technical quality for each
14 purpose required under this Act, and are
15 consistent with relevant, nationally recog-
16 nized professional and technical stand-
17 ards;】

18 【“(iv)(I) measure the annual aca-
19 demic achievement of all students against
20 the challenging State academic standards
21 in mathematics and reading or language
22 arts, and are administered—】

23 【“(aa) in each of grades 3
24 through 8; and】

1 【“(bb) at least once in grades 9
2 through 12; and】

3 【“(II) measure the academic achieve-
4 ment of all students against the chal-
5 lenging State academic standards in
6 science, and are administered not less than
7 one time, during—】

8 【“(aa) grades 3 through 5;】

9 【“(bb) grades 6 through 9; and】

10 【“(cc) grades 10 through 12;】

11 【“(v) involve multiple up-to-date
12 measures of student academic achievement,
13 which may include measures of student
14 academic growth;】

15 【“(vi) provide for—】

16 【“(I) the participation in such
17 assessments of all students;】

18 【“(II) the reasonable adaptations
19 and accommodations for children with
20 disabilities (as defined in section
21 602(3) of the Individuals with Dis-
22 abilities Education Act) necessary to
23 measure the academic achievement of
24 such children relative to the chal-
25 lenging State academic standards;】

1 【“(III) alternate assessments
2 aligned with grade-level challenging
3 State academic standards, unless the
4 State develops alternate assessments
5 aligned with alternate challenging
6 State academic standards, consistent
7 with 【subparagraph (C),】 for stu-
8 dents with the most significant cog-
9 nitive disabilities; or】

10 【“(IV) the inclusion of English
11 learners, who shall be assessed in a
12 valid and reliable manner and pro-
13 vided reasonable accommodations on
14 assessments administered to such stu-
15 dents under this paragraph, including,
16 to the extent practicable, assessments
17 in the language and form most likely
18 to yield accurate data on what such
19 students know and can do in academic
20 content areas, until such students
21 have achieved English language pro-
22 ficiency, as determined under para-
23 graph (1)(F);】

24 【“(vii) notwithstanding clause
25 (vi)(IV), provide for assessments (using

1 tests in English) of reading or language
2 arts of any student who has attended
3 school in the United States (not including
4 the Commonwealth of Puerto Rico) for 3
5 or more consecutive school years, except
6 that if the local educational agency deter-
7 mines, on a case-by-case individual basis,
8 that assessments in another language or
9 form would likely yield more accurate and
10 reliable information on what such student
11 knows and can do, the local educational
12 agency may make a determination to as-
13 sess such student in the appropriate lan-
14 guage other than English for a period that
15 does not exceed 2 additional consecutive
16 years, provided that such student has not
17 yet reached a level of English language
18 proficiency sufficient to yield valid and reli-
19 able information on what such student
20 knows and can do on tests (written in
21 English) of reading or language arts;】

22 【“(viii) produce individual student in-
23 terpretive, descriptive, and diagnostic re-
24 ports, consistent with clause (iii), that
25 allow parents, teachers, and principals to

1 understand and address the specific aca-
2 demic needs of students, and include infor-
3 mation regarding achievement on academic
4 assessments, and that are provided to par-
5 ents, teachers, and principals or other
6 school leaders in a timely manner after the
7 assessment is given, in an understandable
8 and uniform format; and】

9 【“(ix) enable results to be
10 disaggregated within each State, local edu-
11 cational agency, and school, by—】

12 【“(I) each major racial and eth-
13 nic group;】

14 【“(II) economically disadvan-
15 taged students as compared to stu-
16 dents who are not economically dis-
17 advantaged;】

18 【“(III) students with disabilities
19 as compared to nondisabled stu-
20 dents;】

21 【“(IV) English proficiency sta-
22 tus;】

23 【“(V) gender; and】

24 【“(VI) migrant status.】

1 “(F) ALTERNATE ASSESSMENTS FOR STU-
2 DENTS WITH DISABILITIES.—A State may pro-
3 vide for alternate assessments aligned with al-
4 ternate challenging State academic standards
5 for students with the most significant cognitive
6 disabilities, if the State—

7 “(i) establishes and monitors imple-
8 mentation of clear and appropriate guide-
9 lines for individualized education program
10 teams (as defined in section 614(d)(1)(B)
11 of the Individuals with Disabilities Edu-
12 cation Act) (referred to in this section as
13 ‘IEP Teams’) to apply in determining
14 when a child’s significant cognitive dis-
15 ability justifies assessment based on alter-
16 nate challenging State academic standards;

17 “(ii) ensures that the parents of those
18 students are informed that their child’s
19 academic achievement will be based on al-
20 ternate challenging State academic stand-
21 ards;

22 “(iii) documents that students with
23 the most significant cognitive disabilities
24 are, to the extent practicable, included in

1 the general curriculum, and in assessments
2 aligned with that curriculum;

3 “(iv) develops, disseminates informa-
4 tion on, and promotes the use of appro-
5 priate accommodations to increase the
6 number of students with disabilities who
7 are tested against challenging State aca-
8 demic standards for the grade in which a
9 student is enrolled; and

10 “(v) ensures that regular and special
11 education teachers and other appropriate
12 staff know how to administer assessments,
13 including making appropriate use of ac-
14 commodated, for students with disabil-
15 ities.

16 “(G) LANGUAGE ASSESSMENTS.—Each
17 State plan shall identify the languages other
18 than English that are present to a significant
19 extent in the participating student population of
20 the State and indicate the languages for which
21 assessments are not available and are needed,
22 and such State shall make every effort to de-
23 velop such assessments as are necessary.

24 “(H) ASSESSMENTS OF ENGLISH LAN-
25 GUAGE PROFICIENCY.—Each State plan shall

1 provide an assurance that local educational
2 agencies in the State will provide for an annual
3 assessment of English proficiency (measuring
4 students' speaking, listening, reading, and writ-
5 ing skills in English) of all children who are
6 English learners in the schools served by the
7 State educational agency.

8 “(I) DEFERRAL.—A State may defer the
9 commencement, or suspend the administration,
10 but not cease the development, of the assess-
11 ments described in this paragraph, for 1 year
12 for each year for which the amount appro-
13 priated for grants under part B is less than
14 \$378,000,000.

15 “(J) CONSTRUCTION.—Nothing in this
16 paragraph shall be construed to prescribe or
17 prohibit the use of the academic assessments
18 described in this part for student promotion or
19 graduation purposes.

20 “(K) LOCALLY-DESIGNED ASSESSMENT
21 SYSTEM.—Nothing in this paragraph shall be
22 construed to prohibit a local educational agency
23 from administering its own assessments in lieu
24 of the State-designed academic assessment sys-
25 tem under this paragraph, if—

1 “(i) the local educational agency ob-
2 tains approval from the State to admin-
3 ister a locally-designed academic assess-
4 ment system; and

5 “(ii) the locally-designed academic as-
6 sessment system meets the applicable re-
7 quirements for the assessments under sub-
8 paragraph (B).

9 “(3) STATE ACCOUNTABILITY SYSTEM.—Each
10 State plan shall describe a single, statewide State
11 accountability system that will be based on the chal-
12 lenging State academic standards adopted by the
13 State, and other academic indicators related to stu-
14 dent achievement identified by the State, to ensure
15 that all students graduate from high school prepared
16 for postsecondary education or the workforce with-
17 out the need for remediation and that, at a min-
18 imum—

19 “(A) annually measures academic achieve-
20 ment of all public school students in the State
21 towards meeting the challenging State academic
22 standards in mathematics and reading or lan-
23 guage arts, which may include measures of stu-
24 dent academic growth to such standards and

1 any other valid and reliable academic indicators
2 related to student achievement;

3 “(B) establishes a system of annually iden-
4 tifying and differentiating among all public
5 schools in the State based on—

6 “(i) student academic achievement
7 from assessments and other measures as
8 determined by the State under paragraph
9 (2);

10 “(ii) achievement gaps between each
11 category of students described in sub-
12 clauses (I) through (IV) of paragraph
13 (2)(B) **[(vii)/(ix)]**;

14 “(iii) overall performance of all stu-
15 dents and of each category of students de-
16 scribed in subclauses (I) through (IV) of
17 paragraph (2)(B) **[(vii)/(ix)]**;

18 “(iv) secondary school graduation
19 rates, as appropriate, including 4-year ad-
20 justed cohort graduation rates and ex-
21 tended-year adjusted cohort graduation
22 rates, as such rates were calculated on the
23 day before the date of enactment of the
24 Every Child Ready for College or Career
25 Act of 2015; and

1 “(v) any other measures or indicators
2 determined appropriate by the State that
3 will be applied to local educational agencies
4 consistently throughout the State;

5 “(C) for public schools receiving assistance
6 under this part, includes a system for annu-
7 ally—

8 “(i) identifying such schools that are
9 in need of strategies for improving student
10 academic achievement and any other meas-
11 ures determined appropriate by the State;
12 and

13 “(ii) providing assistance to local edu-
14 cational agencies to develop and implement
15 appropriate strategies for improving
16 schools identified under clause (i);

17 “(D) provides a clear and understandable
18 explanation of the method of identifying schools
19 under subparagraph (C);

20 “(E) measures the annual progress of not
21 less than 95 percent of each category of stu-
22 dents described in subclauses (I) through (IV)
23 of paragraph (2)(B) **[(vii)/(ix)]** who are enrolled
24 in the school and are required to take the as-
25 sessments under paragraph (2); and

1 “(F) measures the secondary school grad-
2 uation rates, including 4-year adjusted cohort
3 graduation rates and extended-year adjusted co-
4 hort graduation rates, as such rates were cal-
5 culated on the day before the date of enactment
6 of the Every Child Ready for College or Career
7 Act of 2015, for each category of students de-
8 scribed in subclauses (I) through (IV) of para-
9 graph (2)(B) **[(vii)/(ix)]**.

10 “(4) PROHIBITION ON REGULATION.—Nothing
11 in this subsection shall be construed to permit the
12 Secretary to establish any criterion that specifies,
13 defines, or prescribes the standards or measures that
14 State or local educational agencies use to establish,
15 implement, or improve—

16 “(A) State standards;

17 “(B) assessments;

18 “(C) State accountability systems;

19 “(D) systems that measure student aca-
20 demic growth;

21 “(E) measures of other academic indica-
22 tors;

23 “(F) teacher, principal, or other school
24 leader evaluation systems; or

1 “(G) indicators of teacher, principal, or
2 other school leader effectiveness.

3 “(c) OTHER ASSURANCES.—Each State plan shall
4 provide an assurance that—

5 “(1) the State will notify local educational
6 agencies, schools, teachers, parents, and the public
7 of the challenging State academic standards, aca-
8 demic assessments, and State accountability system,
9 developed under this section;

10 “(2) the State educational agency will assist
11 each local educational agency and school affected by
12 the State plan to meet the requirements of this part;

13 “(3) low-income and minority children, enrolled
14 in schools assisted under this part, are served by ef-
15 fective teachers, principals, and other school leaders
16 and have access to a high-quality instructional pro-
17 gram, and the State will adopt measures to evaluate
18 and publicly report the progress of the State edu-
19 cational agency with respect to such assurance;

20 “(4) the State will participate in biennial State
21 academic assessments of 4th and 8th grade reading
22 and mathematics under the National Assessment of
23 Educational Progress carried out under section
24 303(b)(3) of the National Assessment of Edu-

1 cational Progress Authorization Act if the Secretary
2 pays the costs of administering such assessments;

3 “(5) the State educational agency will modify or
4 eliminate State fiscal and accounting barriers so
5 that schools can easily consolidate funds from other
6 Federal, State, and local sources in order to improve
7 educational opportunities and reduce unnecessary
8 fiscal and accounting requirements;

9 “(6) the State educational agency will support
10 the collection and dissemination to local educational
11 agencies and schools of effective parental involve-
12 ment practices;

13 “(7) the State educational agency will provide
14 the least restrictive and burdensome regulations for
15 local educational agencies and individual schools par-
16 ticipating in a program assisted under this part;

17 “(8) the State educational agency will ensure
18 that local educational agencies, to the extent fea-
19 sible, in developing and implementing programs
20 under this part, will work in consultation with out-
21 side intermediary organizations or individuals, in-
22 cluding educational service agencies, who have exper-
23 tise in using strategies and programs based on sci-
24 entificallly valid research to improve teaching, learn-
25 ing, and schools;

1 “(9) the State educational agency has appro-
2 priate procedures and safeguards in place to ensure
3 the validity of the assessment process;

4 “(10) the State educational agency will ensure
5 that all teachers and paraprofessionals working in a
6 program supported with funds under this part meet
7 applicable State certification and licensure require-
8 ments, including alternative certification require-
9 ments; and

10 “(11) the State educational agency will coordi-
11 nate activities funded under this part with other
12 Federal activities as appropriate.

13 “(d) REPORTS.—

14 “(1) ANNUAL STATE REPORT CARD.—

15 “(A) IN GENERAL.—A State that receives
16 assistance under this part shall prepare and
17 disseminate widely to the public an annual
18 State report card that meets the requirements
19 of this paragraph.

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

22 “(i) concise; and

23 “(ii) presented in an understandable
24 and uniform format.

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

4 “(i) information, in the aggregate, on
5 student achievement on the academic as-
6 sements described in subsection (b)(2)
7 (disaggregated by each category of stu-
8 dents described in subsection
9 (b)(2)(B) [(vii)/(ix)],] except that such
10 disaggregation shall not be required in a
11 case in which the number of students in a
12 category is insufficient to yield statistically
13 reliable information or the results would
14 reveal personally identifiable information
15 about an individual student;

16 “(ii) the percentage of students as-
17 sessed and not assessed (disaggregated by
18 the same categories of students described
19 in subsection (b)(2)(B) [(vii)/(ix)] and sub-
20 ject to the same exception described in
21 clause (i));

22 “(iii) information on any other indi-
23 cator used by the State to determine stu-
24 dent achievement under subsection (b)(3)
25 (disaggregated by the same categories of

1 students described in subsection
2 (b)(2)(B) **[(vii)/(ix)]** and subject to the
3 same exception described in clause (i));

4 “(iv) secondary school graduation
5 rates, including 4-year adjusted cohort
6 graduation rates and extended-year ad-
7 justed cohort graduation rates, as such
8 rates were calculated on the day before the
9 date of enactment of the Every Child
10 Ready for College or Career Act of 2015;

11 “(v) the professional qualifications of
12 teachers in the State and the percentage of
13 such teachers teaching with emergency or
14 provisional credentials, in the aggregate
15 and disaggregated by high-poverty com-
16 pared to low-poverty schools which, for the
17 purpose of this clause, means schools in
18 the top quartile of poverty and the bottom
19 quartile of poverty in the State;

20 “(vi) information on the performance
21 of local educational agencies and schools in
22 the State;

23 “(vii) for a State that implements a
24 teacher, principal, and other school leader
25 evaluation system consistent with title II,

1 the evaluation results of teachers, prin-
2 cipals, and other school leaders, except
3 that such information shall not provide in-
4 dividually identifiable information on indi-
5 vidual teachers, principals, or other school
6 leaders;

7 “(viii) the per-pupil expenditures of
8 Federal, State, and local funds, including
9 staff salary differentials for years of em-
10 ployment, for each local educational agency
11 in the State for the preceding fiscal year;
12 and

13 “(ix) any additional information that
14 the State believes will best provide parents,
15 students, and other members of the public
16 with information regarding the progress of
17 each of the State’s public schools.

18 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY
19 REPORT CARDS.—

20 “(A) IN GENERAL.—A local educational
21 agency that receives assistance under this part
22 shall prepare and disseminate an annual local
23 educational agency report card that meets the
24 requirements of this paragraph.

1 “(B) IMPLEMENTATION.—The local edu-
2 cational agency report card shall be—

3 “(i) concise; and

4 “(ii) presented in an understandable
5 and uniform format.

6 “(C) MINIMUM REQUIREMENTS.—The
7 local educational agency shall include in its an-
8 nual local educational agency report card—

9 “(i) the information described in para-
10 graph (1)(C) as applied to the local edu-
11 cational agency and each school served by
12 the local educational agency, which—

13 “(I) in the case of a local edu-
14 cational agency, information that
15 shows how students served by the
16 local educational agency achieved on
17 the academic assessment system de-
18 scribed in subsection (b)(2) compared
19 to students in the State as a whole;
20 and

21 “(II) in the case of a school, in-
22 formation that shows how the school’s
23 students’ achievement on the aca-
24 demic assessment system described in
25 subsection (b)(2) compared to stu-

1 served by the local educational agency
2 and to all parents of students attend-
3 ing such schools; and

4 “(II) make the information wide-
5 ly available through public means, in-
6 cluding through electronic means,
7 such as posting in an easily accessible
8 manner on the local educational agen-
9 cy’s website, distribution to the media,
10 and distribution through public agen-
11 cies.

12 “(ii) EXCEPTION.—If a local edu-
13 cational agency issues a report card for all
14 students, the local educational agency may
15 include the information described in this
16 paragraph as part of such report.

17 “(3) PREEXISTING REPORT CARDS.—A State
18 educational agency or local educational agency that
19 was providing public report cards on the perform-
20 ance of students, schools, local educational agencies,
21 or the State prior to the date of enactment of the
22 Every Child Ready for College or Career Act of
23 2015, may use such report cards for the purpose of
24 disseminating information under this subsection if

1 the report card is modified, as may be needed, to
2 contain the information required by this subsection.

3 “(4) ANNUAL STATE REPORT TO THE SEC-
4 RETARY.—Each State educational agency receiving
5 assistance under this part shall report annually to
6 the Secretary, and make widely available within the
7 State—

8 “(A) information on the achievement of
9 students on the academic assessments under
10 subsection (b)(2), including the disaggregated
11 results for each category of students described
12 in subsection (b)(2)(B) **[(vii)/(ix)]**;

13 “(B) information on the acquisition of
14 English proficiency by children who are English
15 learners;

16 “(C) the number and names of the schools
17 identified under section 1114(a)(1)(B), and the
18 school assistance strategies developed and im-
19 plemented by the local educational agency
20 under section 1114(b) to address the needs of
21 students in each school;

22 “(D) the number of students and schools
23 that participated in public school choice under
24 this title;

1 “(E)(i) information on the quality and ef-
2 fectiveness of teachers; and

3 “(ii) the percentage of classes being taught
4 by teachers who are licensed or certified to
5 teach in their field of study, for the State and
6 for each local educational agency and public ele-
7 mentary school or secondary school in the
8 State; and

9 “(F) if the State has a statewide teacher,
10 principal, or other school leader evaluation sys-
11 tem, information on the results of teacher, prin-
12 cipal, and other school leader evaluation sys-
13 tems.

14 “(5) PRESENTATION OF DATA.—

15 “(A) IN GENERAL.—A State educational
16 agency or local educational agency shall only in-
17 clude in its annual report card described under
18 paragraphs (1) and (2) data that are sufficient
19 to yield statistically reliable information, as de-
20 termined by the State or local educational agen-
21 cy, and that do not reveal personally identifiable
22 information about an individual student.

23 “(B) STUDENT PRIVACY.—In carrying out
24 this subsection, student education records shall
25 not be released without written consent con-

1 sistent with section 444 of the General Edu-
2 cation Provisions Act (20 U.S.C. 1232g, com-
3 monly known as the ‘Family Educational
4 Rights and Privacy Act of 1974’).

5 “(6) REPORT TO CONGRESS.—The Secretary
6 shall transmit annually to the Committee on Health,
7 Education, Labor, and Pensions of the Senate and
8 the Committee on Education and the Workforce of
9 the House of Representatives a report that provides
10 national and State level data on the information col-
11 lected under paragraph (4). Such report shall be
12 submitted through electronic means only.

13 “(7) SECRETARY’S REPORT CARD.—

14 “(A) IN GENERAL.—Not later than July 1,
15 2017, and annually thereafter, the Secretary,
16 acting through the Director of the Institute of
17 Education Sciences, shall transmit to the Com-
18 mittee on Health, Education, Labor, and Pen-
19 sions of the Senate and the Committee on Edu-
20 cation and the Workforce of the House of Rep-
21 resentatives a national report card on the status
22 of elementary and secondary education in the
23 United States. Such report shall—

24 “(i) analyze existing data from State
25 reports required under this Act, the Indi-

1 viduals with Disabilities Education Act,
2 and the Carl D. Perkins Career and Tech-
3 nical Education Act of 2006, and summa-
4 rize major findings from such reports;

5 “(ii) analyze data from the National
6 Assessment of Educational Progress and
7 comparable international assessments;

8 “(iii) identify trends in student
9 achievement, student performance, and
10 secondary school graduation rates (includ-
11 ing 4-year adjusted cohort graduation
12 rates and extended-year adjusted cohort
13 graduation rates, as such rates were cal-
14 culated on the day before the date of en-
15 actment of the Every Child Ready for Col-
16 lege or Career Act of 2015), by analyzing
17 and reporting on the status and perform-
18 ance of students, disaggregated by each
19 category of students described in sub-
20 section (b)(2)(B)**[(vii)/(ix)]**;

21 “(iv) analyze data on Federal, State,
22 and local expenditures on education, in-
23 cluding per-pupil spending, teacher salaries
24 and pension obligations, school level spend-
25 ing, and other financial data publicly avail-

1 able, and report on current trends and
2 major findings; and

3 “(v) analyze information on the teach-
4 ing, principal, and other school leader pro-
5 fessions, including education and training,
6 retention and mobility, and effectiveness in
7 improving student achievement.

8 “(B) SPECIAL RULE.—The information
9 used to prepare the report described in sub-
10 paragraph (A) shall be derived from existing
11 State and local reporting requirements and data
12 sources. Nothing in this paragraph shall be con-
13 strued as authorizing, requiring, or allowing
14 any additional reporting requirements, data ele-
15 ments, or information to be reported to the Sec-
16 retary not otherwise explicitly authorized by any
17 other Federal law.

18 “(e) VOLUNTARY PARTNERSHIPS.—

19 “(1) IN GENERAL.—Nothing in this section
20 shall be construed to prohibit a State from entering
21 into a voluntary partnership with another State to
22 develop and implement the academic assessments,
23 challenging State academic standards, and account-
24 ability systems required under this section.

1 “(2) PROHIBITION.—The Secretary shall be
2 prohibited from requiring or coercing a State to
3 enter into a voluntary partnership described in para-
4 graph (1), including—

5 “(A) as a condition of approval of a State
6 plan under this section;

7 “(B) as a condition of an award of Federal
8 funds under any grant, contract, or cooperative
9 agreement;

10 “(C) as a condition of approval of a waiver
11 under section 9401; or

12 “(D) by providing any priority, preference,
13 or special consideration during the application
14 process under any grant, contract, or coopera-
15 tive agreement.

16 “(f) SPECIAL RULE WITH RESPECT TO BUREAU-
17 FUNDED SCHOOLS.—In determining the assessments to be
18 used by each school operated or funded by the Bureau
19 of Indian Education of the Department of the Interior
20 that receives funds under this part, the following shall
21 apply:

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

1 appropriate assessment as approved by the Secretary
2 of the Interior.

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

10 “(3) Each such school that is accredited by a
11 tribal accrediting agency or tribal division of edu-
12 cation shall use an assessment developed by such
13 agency or division, except that the Secretary of the
14 Interior shall ensure that such assessment meets the
15 requirements of this section.

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

17 “(a) PLANS REQUIRED.—

18 “(1) SUBGRANTS.—A local educational agency
19 may receive a subgrant under this part for any fiscal
20 year only if such agency has on file with the State
21 educational agency a plan, approved by the State
22 educational agency, that is developed in consultation
23 with teachers, principals and other school leaders,
24 administrators (including administrators of pro-
25 grams described in other parts of this title), other

1 appropriate school personnel, and with parents of
2 children in schools served under this part, that satis-
3 fies the requirements of this section and, as appro-
4 priate, that is coordinated with local plans for other
5 Federal education programs.

6 “(2) CONSOLIDATED APPLICATION.—The plan
7 may be submitted as part of a consolidated applica-
8 tion under section 9305.

9 “(3) STATE REVIEW AND APPROVAL.—

10 “(A) IN GENERAL.—Each local educational
11 agency plan shall be filed according to a sched-
12 ule established by the State educational agency.

13 “(B) APPROVAL.—The State educational
14 agency shall approve a local educational agen-
15 cy’s plan only if the State educational agency
16 determines that the local educational agency’s
17 plan satisfies the requirements of this part and
18 enables children served under this part to meet
19 the challenging State academic standards de-
20 scribed in section 1111(b)(1).

21 “(4) DURATION.—Each local educational agen-
22 cy plan shall be submitted for the first year for
23 which this part is in effect following the date of en-
24 actment of the Every Child Ready for College or Ca-
25 reer Act of 2015 and shall remain in effect for the

1 duration of the agency's participation under this
2 part.

3 “(5) REVIEW.—Each local educational agency
4 shall periodically review and, as necessary, revise its
5 plan to reflect changes in the local educational agen-
6 cy's strategies and programs under this part.

7 “(b) PLAN PROVISIONS.—To ensure that all children
8 receive a high-quality education that prepares them for
9 postsecondary education or the workforce without the need
10 for academic remediation, and to close the achievement
11 gap between high- and low-performing children, especially
12 the achievement gaps between minority and nonminority
13 students, and between disadvantaged children and their
14 more advantaged peers, each local educational agency plan
15 shall describe—

16 “(1) how the local educational agency will work
17 with each of the schools served by the agency so that
18 students meet the challenging State academic stand-
19 ards by—

20 “(A) developing and implementing a com-
21 prehensive program of instruction to meet the
22 academic needs of all students;

23 “(B) identifying quickly and effectively
24 students who may be at risk for academic fail-
25 ure;

1 “(C) providing additional educational as-
2 sistance to individual students determined as
3 needing help in meeting the challenging State
4 academic standards;

5 “(D) identifying significant gaps in stu-
6 dent academic achievement between each cat-
7 egory of students described in subclauses (I)
8 through (IV) of section 1111(b)(2)(B) [(vii)/
9 (ix)] and develop strategies to reduce such gaps
10 in achievement; and

11 “(E) identifying and implementing effec-
12 tive methods and instructional strategies that
13 are based on scientifically valid research in-
14 tended to strengthen the academic program of
15 the school;

16 “(2) how the local educational agency will mon-
17 itor and evaluate the effectiveness of school pro-
18 grams in improving student academic achievement,
19 especially for students not meeting the challenging
20 State academic standards;

21 “(3)(A) how the local educational agency will
22 ensure that all teachers and paraprofessionals work-
23 ing in a program supported with funds under this
24 part meet applicable State certification and licensure

1 requirements, including alternative certification re-
2 quirements; and

3 “(B) how the local educational agency, through
4 incentives for voluntary transfers, recruitment pro-
5 grams, partnerships with traditional and alternative
6 teacher preparation programs, incentive pay,
7 performance- or merit-based pay systems, or other
8 effective strategies, will identify and address any dis-
9 parities that result in low-income students and mi-
10 nority students being taught at higher rates than
11 other students by ineffective teachers;

12 “(4) the actions the local educational agency
13 will take to assist schools identified under section
14 1114(a)(1)(B) and other schools also determined by
15 the local educational agency to be in need of assist-
16 ance to improve student academic achievement, and
17 the funds used to conduct such actions;

18 “(5) the poverty criteria that will be used to se-
19 lect school attendance areas under section 1113;

20 “(6) the programs to be conducted by such
21 agency’s schools under section 1113, and where ap-
22 propriate, educational services outside such schools
23 for children living in local institutions for neglected
24 or delinquent children, and for neglected and delin-
25 quent children in community day school programs;

1 “(7) the services the local educational agency
2 will provide homeless children, including services
3 provided with funds reserved under section
4 1113(a)(3)(C)(i);

5 “(8) the strategy the local educational agency
6 will use to implement effective parental involvement
7 under section 1115;

8 “(9) how the local educational agency will co-
9 ordinate and integrate services provided under this
10 part with preschool educational services at the local
11 educational agency or individual school level, includ-
12 ing plans for the transition of participants in such
13 programs to local elementary school programs, and,
14 if appropriate, a description of how the local edu-
15 cational agency will use funds under this part to
16 support preschool programs for children, particularly
17 children participating in a Head Start program,
18 which may be provided directly by the local edu-
19 cational agency or through a subcontract with the
20 local Head Start agency designated by the Secretary
21 of Health and Human Services under section 641 of
22 the Head Start Act, or another comparable public
23 early childhood development program;

24 “(10) how the local educational agency will co-
25 ordinate programs and integrate services under this

1 part with other Federal, State, and local services
2 and programs;

3 “(11) how teachers, in consultation with par-
4 ents, administrators, and specialized instructional
5 support personnel, in targeted assistance schools
6 under section 1113, will identify the eligible children
7 most in need of services under this part;

8 “(12) if applicable, any measures that are in
9 addition to the State-designed assessment system
10 under section 1111(b)(2) that are used to determine
11 the success of children served under this part in
12 meeting the challenging State academic standards;
13 and

14 “(13) at the local educational agency’s discre-
15 tion, any other indicators that will be used in addi-
16 tion to the academic indicators described in section
17 1111 for the uses described in such section.

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

21 “(1) ensure that the results from the assess-
22 ments and other measures used under section
23 1111(b)(2) will be provided to parents and teachers
24 as soon as practicable;

1 “(2) ensure that migratory children and for-
2 merly migratory children who are eligible to receive
3 services under this part are selected to receive such
4 services on the same basis as other children who are
5 selected to receive services under this part;

6 “(3) provide services to eligible children attend-
7 ing private elementary schools and secondary schools
8 in accordance with section 1116, and timely and
9 meaningful consultation with private school officials
10 regarding such services; and

11 “(4) participate, if selected, in the National As-
12 sessment of Educational Progress in 4th and 8th
13 grade reading and mathematics carried out under
14 section 303(b)(3) of the National Assessment of
15 Educational Progress Authorization Act.

16 “(d) PARENTS RIGHT-TO-KNOW.—

17 “(1) TEACHER QUALIFICATIONS.—

18 “(A) IN GENERAL.—At the beginning of
19 each school year, a local educational agency
20 that receives funds under this part shall notify
21 the parents of each student attending any
22 school receiving funds under this part that the
23 parents may request, and the agency will pro-
24 vide the parents on request (and in a timely
25 manner), information regarding the professional

1 qualifications of the student’s classroom teach-
2 ers.

3 “(B) ADDITIONAL INFORMATION.—In ad-
4 dition to the information that parents may re-
5 quest under subparagraph (A), a school that re-
6 ceives funds under this part shall provide to
7 each individual parent—

8 “(i) information on the level of
9 achievement of the parent’s child in each
10 of the State assessments; and

11 “(ii) timely notice that the parent’s
12 child has been assigned, or has been
13 taught for 4 or more consecutive weeks by,
14 a teacher who does not meet applicable
15 State certification or licensure require-
16 ments.

17 “(2) LANGUAGE INSTRUCTION.—

18 “(A) NOTICE.—Each local educational
19 agency using funds under this part or title III
20 to provide a language instruction educational
21 program as determined under title III shall, not
22 later than 30 days after the beginning of the
23 school year, inform a parent or parents of a
24 child who is an English learner identified for

1 participation or participating in such a program
2 of—

3 “(i) the reasons for the identification
4 of their child as an English learner and in
5 need of placement in a language instruc-
6 tion educational program;

7 “(ii) the child’s level of English pro-
8 ficiency, how such level was assessed, and
9 the status of the child’s academic achieve-
10 ment;

11 “(iii) the methods of instruction used
12 in the program in which their child is, or
13 will be participating, and the methods of
14 instruction used in other available pro-
15 grams, including how such programs differ
16 in content, instructional goals, and the use
17 of English and a native language in in-
18 struction;

19 “(iv) how the program in which their
20 child is, or will be participating, will meet
21 the educational strengths and needs of
22 their child;

23 “(v) how such program will specifi-
24 cally help their child learn English and
25 meet age-appropriate academic achieve-

1 ment standards for grade promotion and
2 graduation;

3 “(vi) the specific exit requirements for
4 the program, including the expected rate of
5 transition from such program into class-
6 rooms that are not tailored for children
7 who are English learners, and the expected
8 rate of graduation from secondary school
9 (including 4-year adjusted cohort gradua-
10 tion rates and extended-year adjusted co-
11 hort graduation rates, as such rates were
12 calculated on the day before the date of en-
13 actment of the Every Child Ready for Col-
14 lege or Career Act of 2015) for such pro-
15 gram if funds under this part are used for
16 children in secondary schools;

17 “(vii) in the case of a child with a dis-
18 ability, how such program meets the objec-
19 tives of the individualized education pro-
20 gram of the child, as described in section
21 614(a)(1)(D) of the Individuals with Dis-
22 abilities Education Act; and

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

1 “(I) detailing—

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

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

11 “(II) assisting parents in select-
12 ing among various programs and
13 methods of instruction, if more than 1
14 program or method is offered by the
15 eligible entity.

16 “(B) SPECIAL RULE APPLICABLE DURING
17 THE SCHOOL YEAR.—For those children who
18 have not been identified as English learners
19 prior to the beginning of the school year but are
20 identified as English learners during such
21 school year, the local educational agency shall
22 notify the children’s parents during the first 2
23 weeks of the child being placed in a language
24 instruction educational program consistent with
25 subparagraph (A).

1 “(C) PARENTAL PARTICIPATION.—Each
2 local educational agency receiving funds under
3 this part shall implement an effective means of
4 outreach to parents of children who are English
5 learners to inform the parents regarding how
6 the parents can be involved in the education of
7 their children, and be active participants in as-
8 sisting their children to attain English pro-
9 ficiency, achieve at high levels in academic sub-
10 jects, and meet the challenging State academic
11 standards expected of all students, including
12 holding, and sending notice of opportunities for,
13 regular meetings for the purpose of formulating
14 and responding to recommendations from par-
15 ents of students assisted under this part.

16 “(D) BASIS FOR ADMISSION OR EXCLU-
17 SION.—A student shall not be admitted to, or
18 excluded from, any Federally assisted education
19 program on the basis of a surname or language-
20 minority status.

21 “(3) NOTICE AND FORMAT.—The notice and in-
22 formation provided to parents under this subsection
23 shall be in an understandable and uniform format
24 and, to the extent practicable, provided in a lan-
25 guage that the parents can understand.

1 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS;**
2 **SCHOOLWIDE PROGRAMS; TARGETED ASSIST-**
3 **ANCE PROGRAMS.**

4 “(a) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

5 “(1) DETERMINATION.—

6 “(A) IN GENERAL.—A local educational
7 agency shall use funds received under this part
8 only in eligible school attendance areas.

9 “(B) ELIGIBLE SCHOOL ATTENDANCE
10 AREAS.—In this part—

11 “(i) the term ‘school attendance area’
12 means, in relation to a particular school,
13 the geographical area in which the children
14 who are normally served by that school re-
15 side; and

16 “(ii) the term ‘eligible school attend-
17 ance area’ means a school attendance area
18 in which the percentage of children from
19 low-income families is at least as high as
20 the percentage of children from low-income
21 families served by the local educational
22 agency as a whole.

23 “(C) RANKING ORDER.—If funds allocated
24 in accordance with paragraph (3) are insuffi-
25 cient to serve all eligible school attendance
26 areas, a local educational agency shall—

1 “(i) annually rank, without regard to
2 grade spans, such agency’s eligible school
3 attendance areas in which the concentra-
4 tion of children from low-income families
5 exceeds 75 percent from highest to lowest
6 according to the percentage of children
7 from low-income families; and

8 “(ii) serve such eligible school attend-
9 ance areas in rank order.

10 “(D) REMAINING FUNDS.—If funds remain
11 after serving all eligible school attendance areas
12 under subparagraph (C), a local educational
13 agency shall—

14 “(i) annually rank such agency’s re-
15 maining eligible school attendance areas
16 from highest to lowest either by grade
17 span or for the entire local educational
18 agency according to the percentage of chil-
19 dren from low-income families; and

20 “(ii) serve such eligible school attend-
21 ance areas in rank order either within each
22 grade-span grouping or within the local
23 educational agency as a whole.

24 “(E) MEASURES.—The local educational
25 agency shall use the same measure of poverty,

1 which measure shall be the number of children
2 aged 5 through 17 in poverty counted in the
3 most recent census data approved by the Sec-
4 retary, the number of children eligible for a free
5 or reduced priced lunch under the Richard B.
6 Russell National School Lunch Act, the number
7 of children in families receiving assistance
8 under the State program funded under part A
9 of title IV of the Social Security Act, or the
10 number of children eligible to receive medical
11 assistance under the Medicaid program, or a
12 composite of such indicators, with respect to all
13 school attendance areas in the local educational
14 agency—

15 “(i) to identify eligible school attend-
16 ance areas;

17 “(ii) to determine the ranking of each
18 area; and

19 “(iii) to determine allocations under
20 paragraph (3).

21 “(F) EXCEPTION.—This subsection shall
22 not apply to a local educational agency with a
23 total enrollment of less than 1,000 children.

24 “(G) WAIVER FOR DESEGREGATION
25 PLANS.—The Secretary may approve a local

1 educational agency's written request for a waiv-
2 er of the requirements of this paragraph and
3 paragraph (3) and permit such agency to treat
4 as eligible, and serve, any school that children
5 attend with a State-ordered, court-ordered
6 school desegregation plan or a plan that con-
7 tinues to be implemented in accordance with a
8 State-ordered or court-ordered desegregation
9 plan, if—

10 “(i) the number of economically dis-
11 advantaged children enrolled in the school
12 is at least 25 percent of the school's total
13 enrollment; and

14 “(ii) the Secretary determines on the
15 basis of a written request from such agen-
16 cy and in accordance with such criteria as
17 the Secretary establishes, that approval of
18 that request would further the purposes of
19 this part.

20 “(2) LOCAL EDUCATIONAL AGENCY DISCRE-
21 TION.—

22 “(A) IN GENERAL.—Notwithstanding para-
23 graph (1)(B), a local educational agency may—

24 “(i) designate as eligible any school
25 attendance area or school in which at least

1 35 percent of the children are from low-in-
2 come families;

3 “(ii) use funds received under this
4 part in a school that is not in an eligible
5 school attendance area, if the percentage
6 of children from low-income families en-
7 rolled in the school is equal to or greater
8 than the percentage of such children in a
9 participating school attendance area of
10 such agency;

11 “(iii) designate and serve a school at-
12 tendance area or school that is not eligible
13 under this section, but that was eligible
14 and that was served in the preceding fiscal
15 year, but only for 1 additional fiscal year;
16 and

17 “(iv) elect not to serve an eligible
18 school attendance area or eligible school
19 that has a higher percentage of children
20 from low-income families if—

21 “(I) the school meets the com-
22 parability requirements of section
23 1117(b);

24 “(II) the school is receiving sup-
25 plemental funds from other State or

1 local sources that are spent according
2 to the requirements of this section;
3 and

4 “(III) the funds expended from
5 such other sources equal or exceed the
6 amount that would be provided under
7 this part.

8 “(B) SPECIAL RULE.—Notwithstanding
9 subparagraph (A)(iv), the number of children
10 attending private elementary schools and sec-
11 ondary schools who are to receive services, and
12 the assistance such children are to receive
13 under this part, shall be determined without re-
14 gard to whether the public school attendance
15 area in which such children reside is assisted
16 under subparagraph (A).

17 “(3) ALLOCATIONS.—

18 “(A) IN GENERAL.—A local educational
19 agency shall allocate funds received under this
20 part to eligible school attendance areas or eligi-
21 ble schools, identified under paragraphs (1) and
22 (2) in rank order, on the basis of the total
23 number of children from low-income families in
24 each area or school.

25 “(B) SPECIAL RULE.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), the per-pupil amount
3 of funds allocated to each school attend-
4 ance area or school under subparagraph
5 (A) shall be at least 125 percent of the
6 per-pupil amount of funds a local edu-
7 cational agency received for that year
8 under the poverty criteria described by the
9 local educational agency in the plan sub-
10 mitted under section 1112, except that this
11 clause shall not apply to a local edu-
12 cational agency that only serves schools in
13 which the percentage of such children is 35
14 percent or greater.

15 “(ii) EXCEPTION.—A local edu-
16 cational agency may reduce the amount of
17 funds allocated under clause (i) for a
18 school attendance area or school by the
19 amount of any supplemental State and
20 local funds expended in that school attend-
21 ance area or school for programs that meet
22 the requirements of this section.

23 “(C) RESERVATION.—A local educational
24 agency shall reserve such funds as are nec-
25 essary under this part to provide services com-

1 parable to those provided to children in schools
2 funded under this part to serve—

3 “(i) homeless children who do not at-
4 tend participating schools, including pro-
5 viding educationally related support serv-
6 ices to children in shelters and other loca-
7 tions where children may live;

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

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

14 “(b) SCHOOLWIDE PROGRAMS AND TARGETED AS-
15 SISTANCE SCHOOLS.—

16 “(1) IN GENERAL.—For each school that will
17 receive funds under this part, the local educational
18 agency shall determine whether the school shall op-
19 erate a schoolwide program consistent with sub-
20 section (c) or a targeted assistance school program
21 consistent with subsection (d).

22 “(2) NEEDS ASSESSMENT.—The determination
23 under paragraph (1) shall be based on a comprehen-
24 sive needs assessment of the entire school that takes
25 into account information on the academic achieve-

1 ment of children in relation to the challenging State
2 academic standards under section 1111(b)(1) and
3 any other factors as determined by the local edu-
4 cational agency.

5 “(c) SCHOOLWIDE PROGRAMS.—

6 “(1) IN GENERAL.—A local educational agency
7 may consolidate and use funds under this part, to-
8 gether with other Federal, State, and local funds, in
9 order to upgrade the entire educational program of
10 a school that serves an eligible school attendance
11 area.

12 “(2) SCHOOLWIDE PROGRAM PLAN.—An eligible
13 school operating a schoolwide program shall develop
14 a plan, in consultation with the local educational
15 agency and other individuals as determined by the
16 school, that includes—

17 “(A) the results of the comprehensive
18 needs assessments of the entire school required
19 under subsection (b)(2) and a justification for
20 why a schoolwide program will best serve the
21 needs of low-performing children within the
22 school at risk of not meeting the challenging
23 State academic standards;

1 “(B) a description of the strategies that
2 the school will be implementing, including a de-
3 scription of how such strategies will—

4 “(i) provide opportunities for all chil-
5 dren to meet the challenging State aca-
6 demic standards under section 1111(b);

7 “(ii) use effective methods and in-
8 structional strategies that—

9 “(I) are based on scientifically
10 valid research;

11 “(II) strengthen the academic
12 program in the school; and

13 “(III) increase the amount and
14 quality of learning time and help pro-
15 vide an enriched and accelerated cur-
16 riculum; and

17 “(iii) address the academic and other
18 support needs of all children in the school;

19 “(C) a list of State educational agency and
20 local educational agency programs and other
21 Federal programs that will be consolidated in
22 the schoolwide program; and

23 “(D) if appropriate, a description of how
24 funds will be used to establish or enhance pre-

1 kindergarten programs for children who are
2 aged 5 or younger.

3 “(3) IDENTIFICATION OF STUDENTS NOT RE-
4 QUIRED.—

5 “(A) IN GENERAL.—No school partici-
6 pating in a schoolwide program shall be re-
7 quired—

8 “(i) to identify particular children
9 under this part as eligible to participate in
10 a schoolwide program; or

11 “(ii) to provide services to such chil-
12 dren that are supplementary, as otherwise
13 required by section 1117.

14 “(B) SUPPLEMENTAL FUNDS.—In accord-
15 ance with the method of determination de-
16 scribed in section 1117, a school participating
17 in a schoolwide program shall use funds avail-
18 able to carry out this paragraph only to supple-
19 ment the amount of funds that would, in the
20 absence of funds under this part, be made
21 available from non-Federal sources for the
22 school, including funds needed to provide serv-
23 ices that are required by law for children with
24 disabilities and children who are English learn-
25 ers.

1 “(4) EXEMPTION FROM STATUTORY AND REGU-
2 LATORY REQUIREMENTS.—

3 “(A) EXEMPTION.—The Secretary may,
4 through publication of a notice in the Federal
5 Register, exempt schoolwide programs under
6 this section from statutory or regulatory provi-
7 sions of any other noncompetitive formula grant
8 program administered by the Secretary (other
9 than formula or discretionary grant programs
10 under the Individuals with Disabilities Edu-
11 cation Act, except as provided in section
12 613(a)(2)(D) of such Act), or any discretionary
13 grant program administered by the Secretary,
14 to support schoolwide programs if the intent
15 and purposes of such other programs are met.

16 “(B) REQUIREMENTS.—A school that
17 chooses to use funds from such other programs
18 shall not be relieved of the requirements relat-
19 ing to health, safety, civil rights, student and
20 parental participation and involvement, services
21 to private school children, comparability of serv-
22 ices, uses of Federal funds to supplement, not
23 supplant non-Federal funds (in accordance with
24 the method of determination described in sec-
25 tion 1117), or the distribution of funds to State

1 educational agencies or local educational agen-
2 cies that apply to the receipt of funds from
3 such programs.

4 “(C) RECORDS.—A school that consoli-
5 dates and uses funds from different Federal
6 programs under this paragraph shall not be re-
7 quired to maintain separate fiscal accounting
8 records, by program, that identify the specific
9 activities supported by those particular funds as
10 long as the school maintains records that dem-
11 onstrate that the schoolwide program, consid-
12 ered as a whole, addresses the intent and pur-
13 poses of each of the Federal programs that
14 were consolidated to support the schoolwide
15 program.

16 “(5) PREKINDERGARTEN PROGRAM.—A school
17 that operates a schoolwide program under this sub-
18 section may use funds made available under this
19 part to establish or enhance prekindergarten pro-
20 grams for children aged 5 or younger.

21 “(d) TARGETED ASSISTANCE SCHOOL PROGRAMS.—

22 “(1) IN GENERAL.—Each school selected to re-
23 ceive funds under subsection (a)(3) for which the
24 local educational agency serving such school, based
25 on the results of the comprehensive needs assess-

1 ment conducted under subsection (b)(2), determines
2 the school shall operate a targeted assistance school
3 program, may use funds received under this part
4 only for programs that provide services to eligible
5 children under subparagraph (B) who are identified
6 as having the greatest need for special assistance.

7 “(2) TARGETED ASSISTANCE SCHOOL PRO-
8 GRAM.—Each school operating a targeted assistance
9 school program shall develop a plan, in consultation
10 with the local educational agency and other individ-
11 uals as determined by the school, that includes—

12 “(A) the results of the comprehensive
13 needs assessments of the entire school required
14 under subsection (b)(2) and a description of
15 how a targeted assistance school program will
16 best serve the needs of eligible children within
17 the school;

18 “(B) a description of—

19 “(i) the process for determining which
20 students will be served and the students to
21 be served;

22 “(ii) the assistance that will be pro-
23 vided to such students; and

24 “(iii) how the activities supported
25 under this part will be coordinated with

1 and incorporated into the regular edu-
2 cation program of the school; and

3 “(C) assurances that the school will—

4 “(i) help provide an accelerated, high-
5 quality curriculum;

6 “(ii) minimize removing children from
7 the regular classroom during regular
8 school hours for instruction provided under
9 this part; and

10 “(iii) on an ongoing basis, review the
11 progress of participating children and re-
12 vise the plan under this section, if nec-
13 essary, to provide additional assistance to
14 enable such children to meet the chal-
15 lenging State academic standards.

16 “(3) ELIGIBLE CHILDREN.—

17 “(A) ELIGIBLE POPULATION.—

18 “(i) IN GENERAL.—The eligible popu-
19 lation for services under this subsection
20 shall be—

21 “(I) children not older than age
22 21 who are entitled to a free public
23 education through grade 12; and

24 “(II) children who are not yet at
25 a grade level at which the local edu-

1 cational agency provides a free public
2 education.

3 “(ii) ELIGIBLE CHILDREN FROM ELI-
4 GIBLE POPULATION.—From the population
5 described in clause (i), eligible children are
6 children identified by the school as failing,
7 or most at risk of failing, to meet the chal-
8 lenging State academic standards on the
9 basis of multiple, educationally related, ob-
10 jective criteria established by the local edu-
11 cational agency and supplemented by the
12 school, except that children from preschool
13 through grade 2 shall be selected solely on
14 the basis of such criteria as teacher judg-
15 ment, interviews with parents, and develop-
16 mentally appropriate measures.

17 “(B) CHILDREN INCLUDED.—

18 “(i) IN GENERAL.—Children who are
19 economically disadvantaged, children with
20 disabilities, migrant children, or children
21 who are English learners, are eligible for
22 services under this subsection on the same
23 basis as other children selected to receive
24 services under this subsection.

1 “(ii) HEAD START AND PRESCHOOL
2 CHILDREN.—A child who, at any time in
3 the 2 years preceding the year for which
4 the determination is made, participated in
5 a Head Start program, or in preschool
6 services under this title, is eligible for serv-
7 ices under this subsection.

8 “(iii) MIGRANT CHILDREN.—A child
9 who, at any time in the 2 years preceding
10 the year for which the determination is
11 made, received services under part C is eli-
12 gible for services under this subsection.

13 “(iv) NEGLECTED OR DELINQUENT
14 CHILDREN.—A child in a local institution
15 for neglected or delinquent children and
16 youth or attending a community day pro-
17 gram for such children is eligible for serv-
18 ices under this subsection.

19 “(v) HOMELESS CHILDREN.—A child
20 who is homeless and attending any school
21 served by the local educational agency is
22 eligible for services under this subsection.

23 “(C) SPECIAL RULE.—Funds received
24 under this subsection may not be used to pro-
25 vide services that are otherwise required by law

1 to be made available to children described in
2 subparagraph (B) but may be used to coordi-
3 nate or supplement such services.

4 “(4) INTEGRATION OF PROFESSIONAL DEVEL-
5 OPMENT.—To promote the integration of staff sup-
6 ported with funds under this subsection into the reg-
7 ular school program and overall school planning and
8 improvement efforts, public school personnel who are
9 paid with funds received under this subsection
10 may—

11 “(A) participate in general professional de-
12 velopment and school planning activities; and

13 “(B) assume limited duties that are as-
14 signed to similar personnel who are not so paid,
15 including duties beyond classroom instruction
16 or that do not benefit participating children, so
17 long as the amount of time spent on such du-
18 ties is the same proportion of total work time
19 as prevails with respect to similar personnel at
20 the same school.

21 “(5) SPECIAL RULES.—

22 “(A) SIMULTANEOUS SERVICE.—Nothing
23 in this subsection shall be construed to prohibit
24 a school from serving students under this sub-
25 section simultaneously with students with simi-

1 lar educational needs, in the same educational
2 settings where appropriate.

3 “(B) COMPREHENSIVE SERVICES.—If
4 health, nutrition, and other social services are
5 not otherwise available to eligible children in a
6 school operating a targeted assistance school
7 program and such school, if appropriate, has
8 established a collaborative partnership with
9 local service providers and funds are not rea-
10 sonably available from other public or private
11 sources to provide such services, then a portion
12 of the funds provided under this subsection may
13 be used as a last resort to provide such services,
14 including—

15 “(i) the provision of basic medical
16 equipment, such as eyeglasses and hearing
17 aids;

18 “(ii) compensation of a coordinator;
19 and

20 “(iii) professional development nec-
21 essary to assist teachers, specialized in-
22 structional support personnel, other staff,
23 and parents in identifying and meeting the
24 comprehensive needs of eligible children.

1 “(e) PROHIBITION.—Nothing in this section shall be
2 construed to authorize the Secretary or any other officer
3 or employee of the Federal Government to require a local
4 educational agency or school to submit the results of a
5 comprehensive needs assessment under subsection (b)(2)
6 or a plan under subsection (c) or (d) for review or ap-
7 proval.

8 **“SEC. 1114. SCHOOL IDENTIFICATION AND ASSISTANCE.**

9 “(a) STATE REVIEW AND RESPONSIBILITIES.—

10 “(1) IN GENERAL.—Each State educational
11 agency receiving funds under this part shall use a
12 system designed by the State in accordance with sec-
13 tion 1111(b)(3) to annually—

14 “(A) review the academic performance of
15 each public school in the State towards meeting
16 the challenging State academic standards and
17 any other measures determined appropriate by
18 the State, by using—

19 “(i) student academic achievement
20 data from academic assessments and other
21 measures described in section 1111(b)(2),
22 including applicable student academic
23 growth data;

24 “(ii) secondary school graduation
25 rates, including 4-year adjusted cohort

1 graduation rates and extended-year ad-
2 justed cohort graduation rates, as such
3 rates were calculated on the day before the
4 date of enactment of the Every Child
5 Ready for College or Career Act of 2015, as
6 appropriate; and

7 “(iii) other indicators determined by
8 the State, which may include—

9 “(I) attendance rates;

10 “(II) disciplinary rates, including
11 suspensions and expulsion rates;

12 “(III) the results of assessments
13 conducted under competency based
14 education models, if applicable;

15 “(IV) grade promotion rates; and

16 “(B) identify the public schools that re-
17 ceive funds under this part and are in need of
18 assistance for improving student academic
19 achievement and any other measures deter-
20 mined appropriate by the State.

21 “(2) STATE EDUCATIONAL AGENCY RESPON-
22 SIBILITIES.—The State educational agency shall—

23 “(A) make technical assistance available to
24 local educational agencies that serve schools
25 identified under paragraph (1)(B);

1 “(B) if the State educational agency deter-
2 mines that a local educational agency failed to
3 carry out its responsibilities under this section,
4 take such actions as the State educational agen-
5 cy determines to be appropriate and in compli-
6 ance with State law;

7 “(C) inform local educational agencies of
8 schools identified under paragraph (1)(B) in a
9 timely and easily accessible manner that is be-
10 fore the beginning of the school year; and

11 “(D) publicize and disseminate to the pub-
12 lic, including teachers, principals and other
13 school leaders, and parents, the results of the
14 State review under paragraph (1).

15 “(b) LOCAL EDUCATIONAL AGENCY REVIEW AND
16 RESPONSIBILITIES.—

17 “(1) IN GENERAL.—Each local educational
18 agency with a school identified under subsection
19 (a)(1)(B) shall, in consultation with school per-
20 sonnel, parents, and the local community—

21 “(A) conduct a review of such school and
22 student achievement data, including data from
23 the assessments and other measures described
24 in section 1111(b)(2), to determine the factors
25 that led to such identification;

1 “(B) conduct a review of the policies, pro-
2 cedures, personnel decisions, and budgetary de-
3 cisions of the local educational agency and the
4 school that impact the school and could have
5 contributed to the identification of the school;

6 “(C) develop appropriate strategies, as de-
7 scribed under paragraph (3), for assisting the
8 identified school; and

9 “(D) develop a comprehensive plan for the
10 successful implementation of the assistance
11 strategies, including—

12 “(i) technical assistance that will be
13 provided to the school;

14 “(ii) improved delivery of services to
15 be provided by the local educational agen-
16 cy;

17 “(iii) curriculum, program of instruc-
18 tion, or other services provided to students
19 in the school; and

20 “(iv) any changes to personnel nec-
21 essary to improve educational opportunities
22 for children in the school.

23 “(2) NOTICE TO PARENTS.—A local educational
24 agency shall promptly provide to a parent or parents
25 of each student enrolled in a school identified under

1 subsection (a)(1)(B) in an easily accessible and un-
2 derstandable form—

3 “(A) an explanation of what the identifica-
4 tion means, and how the school compares in
5 terms of academic achievement and other meas-
6 ures to other schools served by the local edu-
7 cational agency and the State educational agen-
8 cy involved;

9 “(B) the reasons for the identification;

10 “(C) an explanation of what the local edu-
11 cational agency or State educational agency is
12 doing to help the school address student aca-
13 demic achievement and other measures, includ-
14 ing a description of the assistance strategies de-
15 veloped under paragraph (1)(C) that will be im-
16 plemented in the school;

17 “(D) an explanation of how the parents
18 can become involved in addressing academic
19 achievement and other measures that caused
20 the school to be identified; and

21 “(E) an explanation of the parents’ option
22 to transfer their child to another public school
23 under paragraph (4), if applicable.

24 “(3) SCHOOL ASSISTANCE STRATEGIES.—

1 “(A) IN GENERAL.—Consistent with sub-
2 section (a)(1) and paragraph (1), a local edu-
3 cational agency shall develop evidence-based as-
4 sistance strategies and activities, which may in-
5 clude strategies and activities based on scientif-
6 ically-valid research, for an identified school
7 that the local educational agency determines ap-
8 propriate to address the needs of students in
9 such identified school.

10 “(B) STATE DETERMINED STRATEGIES.—
11 Consistent with State law, a State educational
12 agency may establish alternative State deter-
13 mined strategies that can be used by local edu-
14 cational agencies to assist a school identified
15 under subsection (a)(1)(B), in addition to the
16 assistance strategies developed by a local edu-
17 cational agency under subparagraph (A).

18 “(C) PROHIBITION.—Nothing in this sec-
19 tion shall be construed to authorize or permit
20 the Secretary to establish any criterion that
21 specifies, defines, or prescribes the school as-
22 sistance strategies that States or local edu-
23 cational agencies use to assist schools identified
24 as in need of assistance under this section.

25 “(4) PUBLIC SCHOOL CHOICE.—

1 “(A) IN GENERAL.—A local educational
2 agency may, not later than 3 months before the
3 first day of the school year following identifica-
4 tion under subsection (a)(1)(B), provide all stu-
5 dents enrolled in the identified school with the
6 option to transfer to another public school
7 served by the local educational agency, unless
8 such an option is prohibited by State law.

9 “(B) PRIORITY.—In providing students the
10 option to transfer to another public school, the
11 local educational agency shall give priority to
12 the lowest achieving children from low-income
13 families, as determined by the local educational
14 agency for the purposes of allocating funds to
15 schools under section 1113(a)(3).

16 “(C) TREATMENT.—Students who use the
17 option to transfer to another public school shall
18 be enrolled in classes and other activities in the
19 public school to which the students transfer in
20 the same manner as all other children at the
21 public school.

22 “(D) SPECIAL RULE.—A local educational
23 agency shall permit a child who transfers to an-
24 other public school under this paragraph to re-

1 main in that school until the child has com-
2 pleted the highest grade in that school.

3 “(E) PROVISION OF TRANSPORTATION.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii), a local educational
6 agency shall provide, or shall pay for the
7 provision of, transportation for a student
8 who transfers under this paragraph to the
9 public school to which the student trans-
10 fers.

11 “(ii) EXCEPTION.—The obligation of
12 a local educational agency to provide, or
13 pay for the provision of, transportation for
14 a student who transfers under this para-
15 graph ends at the end of a school year if
16 the local educational agency determines
17 that the school from which the student
18 transferred is no longer identified under
19 subsection (a)(1)(B).

20 “(iii) FUNDING.—Unless a lesser
21 amount is needed to comply with clause
22 (i), a local educational agency shall spend
23 an amount equal to not more than 5 per-
24 cent of its allocation under subpart 3 to

1 provide, or pay for, transportation under
2 clause (i).”;

3 (2) by striking section 1119; and

4 (3) by redesignating sections 1118, 1120,
5 1120A, and 1120B, as sections 1115, 1116, 1117,
6 and 1118, respectively.

7 **SEC. 1005. PARTICIPATION OF CHILDREN ENROLLED IN**
8 **PRIVATE SCHOOLS.**

9 Section 1116, as redesignated by section 1004(3), is
10 amended—

11 (1) in subsection (a), by striking paragraph (4)
12 and inserting the following:

13 “(4) EXPENDITURES.—

14 “(A) IN GENERAL.—Expenditures for edu-
15 cational services and other benefits to eligible
16 private school children shall be equal to the pro-
17 portion of funds allocated to the local edu-
18 cational agency based on the number of chil-
19 dren from low-income families who attend pri-
20 vate schools.

21 “(B) TERM OF DETERMINATION.—The
22 local educational agency may determine the eq-
23 uitable share each year or every 2 years.

1 “(C) METHOD OF DETERMINATION.—The
2 proportional share of funds shall be deter-
3 mined—

4 “(i) based on the total allocation re-
5 ceived by the local educational agency; and

6 “(ii) prior to any allowable expendi-
7 tures or transfers by the local educational
8 agency.”; and

9 (2) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (E)—

12 (I) by striking “and” before “the
13 proportion of funds”; and

14 (II) by inserting “, and how that
15 proportion of funds is determined”
16 after “such services”;

17 (ii) in subparagraph (G), by striking
18 “and” after the semicolon;

19 (iii) in subparagraph (H), by striking
20 the period at the end and inserting “;
21 and”; and

22 (iv) by inserting after subparagraph
23 (H) the following:

24 “(I) whether the agency shall provide serv-
25 ices directly or assign responsibility for the pro-

1 vision of services to a separate government
2 agency, consortium, or entity, or to a third-
3 party contractor.”; and

4 (B) in paragraph (5)(A)—

5 (i) by striking “or” before “did not
6 give due consideration”; and

7 (ii) by inserting “, or did not make a
8 decision that treats the private school stu-
9 dents equitably as required by this section”
10 before the period at the end.

11 **SEC. 1006. SUPPLEMENT, NOT SUPPLANT.**

12 Section 1117, as redesignated by section 1004(3), is
13 amended—

14 (1) by striking subsections (a) and (b) and in-
15 serting the following:

16 “(a) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
17 PLANT, NON-FEDERAL FUNDS.—

18 “(1) IN GENERAL.—A State educational agency
19 or local educational agency shall use Federal funds
20 received under this part only to supplement the
21 funds that would, in the absence of such Federal
22 funds, be made available from non-Federal sources
23 for the education of pupils participating in programs
24 assisted under this part, and not to supplant such
25 funds.

1 “(2) COMPLIANCE.—To demonstrate compli-
2 ance with paragraph (1), a local educational agency
3 shall demonstrate that the methodology used to allo-
4 cate State and local funds to each school receiving
5 assistance under this part ensures that such school
6 receives all of the State and local funds it would oth-
7 erwise receive if it were not receiving assistance
8 under this part.

9 “(3) SPECIAL RULE.—No local educational
10 agency shall be required to—

11 “(A) identify that an individual cost or
12 service supported under this part is supple-
13 mental; and

14 “(B) provide services under this part
15 through a particular instructional method or in
16 a particular instructional setting in order to
17 demonstrate such agency’s compliance with
18 paragraph (1).

19 “(4) PROHIBITION.—Nothing in this section
20 shall be construed to authorize or permit the Sec-
21 retary to establish any criterion that specifies, de-
22 fines, or prescribes the methods or manner by which
23 local educational agencies demonstrate compliance
24 with paragraph (1).”; and

1 (2) by redesignating subsections (c) and (d) as
2 subsections (b) and (c), respectively.

3 **SEC. 1007. TITLE I FUNDS FOLLOW THE LOW-INCOME**
4 **CHILD STATE OPTION.**

5 Subpart 2 of part A of title I (20 U.S.C. 6331 et
6 seq.) is amended by adding at the end the following:

7 **“SEC. 1128. TITLE I FUNDS FOLLOW THE LOW-INCOME**
8 **CHILD STATE OPTION.**

9 “(a) IN GENERAL.—Notwithstanding any other pro-
10 vision of law and to the extent permitted under State law,
11 a State educational agency may allocate grant funds under
12 this subpart among the local educational agencies in the
13 State based on the number of eligible children enrolled in
14 the public schools operated by each local educational agen-
15 cy for the purposes of ensuring that funding under this
16 subpart follows low-income children to the public school
17 they attend.

18 “(b) ELIGIBLE CHILD.—

19 “(1) DEFINITION.—In this section, the term
20 ‘eligible child’ means a child aged 5 to 17, from a
21 family with an income below the poverty level on the
22 basis of the most recent satisfactory data published
23 by the Department of Commerce.

24 “(2) CRITERIA OF POVERTY.—In determining
25 the families with incomes below the poverty level for

1 the purposes of this section, a State educational
2 agency shall use the criteria of poverty used by the
3 Census Bureau in compiling the most recent decen-
4 nial census, as the criteria have been updated by in-
5 creases in the Consumer Price Index for All Urban
6 Consumers, published by the Bureau of Labor Sta-
7 tistics.

8 “(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS.—

9 “(1) IDENTIFICATION OF ELIGIBLE CHIL-
10 DREN.—On an annual basis, on a date to be deter-
11 mined by the State educational agency, each local
12 educational agency that receives grant funding in ac-
13 cordance with subsection (a) shall inform the State
14 educational agency of the number of eligible children
15 enrolled in public schools served by the local edu-
16 cational agency.

17 “(2) ALLOCATION TO LOCAL EDUCATIONAL
18 AGENCIES.—Based on the identification of eligible
19 children in paragraph (1), the State educational
20 shall provide to a local educational agency an
21 amount equal to the sum of the amount available for
22 each eligible child in the State multiplied by the
23 number of eligible children identified by the local
24 educational agency under paragraph (1).

1 “(3) DISTRIBUTION TO SCHOOLS.—Each local
2 educational agency that receives funds under para-
3 graph (2) shall distribute such funds to the public
4 schools served by the local educational agency—

5 “(A) based on the number of eligible chil-
6 dren enrolled in such schools; and

7 “(B) in a manner that would, in the ab-
8 sence of such Federal funds, supplement the
9 funds made available from non-Federal re-
10 sources for the education of pupils participating
11 in programs under this part, and not to sup-
12 plant such funds (in accordance with the meth-
13 od of determination described in section 1117).

14 “(d) TECHNICAL ASSISTANCE.—The Secretary, in
15 consultation with the Secretary of Commerce, shall pro-
16 vide technical assistance to State educational agencies that
17 choose to allocate grant funds in accordance with sub-
18 section (a) for the purpose of assisting local educational
19 agencies and schools in such States determine an accurate
20 methodology to identify the number of eligible children
21 under subsection (c)(1).

22 “(e) APPLICATION OF PARTICIPATION OF CHILDREN
23 ENROLLED IN PRIVATE SCHOOLS.—The provisions of sec-
24 tion 1116 shall apply to this section.”.

1 **SEC. 1008. ACADEMIC ASSESSMENTS.**

2 Part B of title I (20 U.S.C. 6361 et seq.) is amended
3 to read as follows:

4 **“PART B—ACADEMIC ASSESSMENTS**

5 **“SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RE-**
6 **LATED ACTIVITIES.**

7 “The Secretary shall make grants to States to enable
8 the States to carry out 1 or more of the following:

9 “(1) To pay the costs of the development of the
10 State assessments and standards adopted under sec-
11 tion 1111(b), which may include the costs of work-
12 ing in voluntary partnerships with other States, at
13 the sole discretion of each such State.

14 “(2) If a State has developed the assessments
15 adopted under section 1111(b), to administer those
16 assessments or to carry out other assessment activi-
17 ties described in this part, such as the following:

18 “(A) Expanding the range of appropriate
19 accommodations available to children who are
20 English learners and students with disabilities
21 to improve the rates of inclusion in regular as-
22 sessments of such students, including profes-
23 sional development activities to improve the im-
24 plementation of such accommodations in in-
25 structional practice.

1 “(B) Developing or improving assessments
2 for students with disabilities, including the de-
3 velopment of assessments for all students using
4 the principles of universal design aligned to al-
5 ternate challenging State academic standards
6 for students with the most significant cognitive
7 disabilities.

8 “(C) Developing challenging State aca-
9 demic standards and aligned assessments in
10 academic subjects for which standards and as-
11 sessments are not required under section
12 1111(b).

13 “(D) Developing or improving assessments
14 of English language proficiency necessary to
15 comply with section 1111(b)(2)(B)(vi).

16 “(E) Ensuring the continued validity and
17 reliability of State assessments.

18 “(F) Refining State assessments to ensure
19 their continued alignment with the challenging
20 State academic standards and to improve the
21 alignment of curricula and instructional mate-
22 rials.

23 “(G) Developing or improving the quality,
24 validity, and reliability of assessments for chil-
25 dren who are English learners, including alter-

1 native assessments aligned with the challenging
2 State academic standards, testing accommoda-
3 tions for children who are English learners, and
4 assessments of English language proficiency.

5 “(H) Evaluating student academic achieve-
6 ment through the development or improvement
7 of comprehensive academic assessment instru-
8 ments, such as performance-based assessments
9 that emphasize the mastery of standards and
10 aligned competencies in a competency-based
11 education model, technology-based academic as-
12 sements, computer adaptive assessments, and
13 portfolios, projects, or extended performance
14 task assessments.

15 “(I) Collaborating with institutions of
16 higher education, other research institutions, or
17 other organizations to improve the quality, va-
18 lidity, and reliability of State academic assess-
19 ments.

20 “(J) Measuring student progress or aca-
21 demic growth over time, including by using
22 multiple measures.

23 “(K) Developing or improving balanced as-
24 sessment systems that include summative, in-
25 terim, and formative assessments, including

1 supporting local educational agencies in devel-
2 oping or improving such assessments.

3 **“SEC. 1202. FUNDING.**

4 “(a) ALLOTMENT OF APPROPRIATED FUNDS.—From
5 amounts made available for each fiscal year under sub-
6 section 1002(b) that are equal to or less than the amount
7 described in section 1111(b)(2)(I) (referred to in this sub-
8 section as the ‘trigger amount’), the Secretary shall—

9 “(1) reserve $\frac{1}{2}$ of 1 percent for the Bureau of
10 Indian Education;

11 “(2) reserve $\frac{1}{2}$ of 1 percent for the outlying
12 areas; and

13 “(3) from the remainder, allocate to each State
14 an amount equal to—

15 “(A) \$3,000,000; and

16 “(B) with respect to any amounts remain-
17 ing after the allocation is made under subpara-
18 graph (A), an amount that bears the same rela-
19 tionship to such total remaining amounts as the
20 number of students aged 5 through 17 in the
21 State (as determined by the Secretary on the
22 basis of the most recent satisfactory data) bears
23 to the total number of such students in all
24 States.

1 “(b) STATE DEFINED.—In this section, the term
2 ‘State’ means each of the 50 States, the District of Colum-
3 bia, and the Commonwealth of Puerto Rico.”.

4 **SEC. 1009. EDUCATION OF MIGRATORY CHILDREN.**

5 Part C of title I (20 U.S.C. 6391 et seq.) is amend-
6 ed—

7 (1) in section 1301—

8 (A) in paragraph (2), by striking “State
9 academic content and student academic achieve-
10 ment standards” and inserting “challenging
11 State academic standards”; and

12 (B) in paragraph (4), by striking “State
13 academic content and student academic achieve-
14 ment standards” and inserting “challenging
15 State academic standards”;

16 (2) in section 1303—

17 (A) by striking subsection (a) and insert-
18 ing the following:

19 “(a) STATE ALLOCATIONS.—Except as provided in
20 subsection (b), each State (other than the Commonwealth
21 of Puerto Rico) is entitled to receive under this part an
22 amount equal to—

23 “(1) the sum of the estimated number of migra-
24 tory children aged 3 through 21 who reside in the
25 State full time and the full-time equivalent of the es-

1 “(A) FURTHER REDUCTIONS.—The Sec-
2 retary”; and

3 (II) in subparagraph (B), by
4 striking “The Secretary” and insert-
5 ing “REALLOCATION.—The Sec-
6 retary”; and

7 (D) in subsection (d)(3)(B), by striking
8 “welfare or educational attainment” and insert-
9 ing “academic achievement”; and

10 (E) in subsection (e)—

11 (i) in the matter preceding paragraph
12 (1), by striking “estimated” and inserting
13 “identified”;

14 (ii) by redesignating paragraphs (2),
15 (3), and (4), as paragraphs (3), (4), and
16 (5), respectively;

17 (iii) by inserting after paragraph (1)
18 the following:

19 “(2) develop and implement a procedure for
20 monitoring the accuracy of such information;”;

21 (iv) in paragraph (4), as redesignated
22 by clause (ii), in subparagraph (A)—

23 (I) by striking “special needs”
24 and inserting “unique needs”; and

1 (II) by inserting “evidence-
2 based” before “special programs”;
3 and

4 (v) in paragraph (5), as redesignated
5 by clause (ii), by striking “child whose
6 education has been interrupted” and in-
7 serting “migratory children, including the
8 most at-risk migratory children”;

9 (3) in section 1304—

10 (A) in subsection (b)—

11 (i) in paragraph (1)—

12 (I) by striking “special edu-
13 cational needs” and inserting “unique
14 educational needs”;

15 (II) in subparagraph (B), by in-
16 serting “and” after the semicolon;

17 (III) in subparagraph (C), by
18 striking “; and” and inserting a pe-
19 riod; and

20 (IV) by striking subparagraph
21 (D);

22 (ii) in paragraph (2), by striking
23 “challenging State academic content stand-
24 ards and challenging State student aca-
25 demic achievement standards” and insert-

1 ing “challenging State academic stand-
2 ards”;

3 (iii) in paragraph (3), by striking “,
4 consistent with procedures the Secretary
5 may require,”;

6 (iv) in paragraph (5), by inserting
7 “and” after the semicolon;

8 (v) by striking paragraph (6); and

9 (vi) be redesignating paragraph (7) as
10 paragraph (6);

11 (B) in subsection (c)—

12 (i) in the matter preceding paragraph
13 (1), by striking “, satisfactory to the Sec-
14 retary,”;

15 (ii) in paragraph (3), by striking
16 “parent advisory councils” and inserting
17 “parents of migratory children”;

18 (iii) in paragraph (6)—

19 (I) in subparagraph (C)—

20 (aa) by inserting “evidence-
21 based” before “family literacy”;

22 and

23 (bb) by striking “, including
24 such programs that use models

1 developed under Even Start”;

2 and

3 (II) in subparagraph (E), by in-

4 serting “, without the need for reme-

5 diation” after “employment”; and

6 (iv) in paragraph (7), by striking “,

7 through such procedures as the Secretary

8 may require”; and

9 (C) in subsection (d), by striking “State’s

10 challenging State academic content standards

11 and challenging State student academic

12 achievement standards, and whose education

13 has been interrupted during the regular school

14 year” and inserting “challenging State aca-

15 demic standards”;

16 (4) in section 1305(b), by striking “may” and

17 inserting “shall”;

18 (5) in section 1306—

19 (A) in subsection (a)(1)—

20 (i) by striking “special” both places

21 the term appears and inserting “unique”;

22 (ii) in subparagraph (C), by striking

23 “challenging State academic content stand-

24 ards and challenging State student aca-

25 demic achievement standards” and insert-

1 ing “challenging State academic stand-
2 ards”; and

3 (iii) in subparagraph (F), by striking
4 “or B”; and

5 (B) in subsection (b), by striking para-
6 graph (4);

7 (6) in section 1307(3), by striking “welfare or
8 educational attainment” and inserting “educational
9 achievement”;

10 (7) in section 1308—

11 (A) in subsection (a)(1), by inserting
12 “through” after “including”; and

13 (B) in subsection (b)—

14 (i) in paragraph (1), by striking “ef-
15 fective methods for the” and inserting
16 “and maintaining effective systems for the
17 purpose of the”;

18 (ii) in paragraph (2)—

19 (I) in subparagraph (A)—

20 (aa) by striking “No Child
21 Left Behind Act of 2001” and
22 inserting “Every Child Ready for
23 College or Career Act of 2015”;
24 and

1 (bb) in clause (ii), by striking
2 ing “required”;

3 (II) in subparagraph (B)—

4 (aa) by striking “purposes
5 of” and inserting “the purposes
6 of the”; and

7 (bb) by striking “No Child
8 Left Behind Act of 2001” and
9 inserting “Every Child Ready for
10 College or Career Act of 2015”;

11 (iii) in paragraph (4)—

12 (I) in subparagraph (A), by striking
13 ing “2003” and inserting “2016”;
14 and

15 (II) in subparagraph (B)—

16 (aa) in clause (ii), by striking
17 ing “development and linkage”
18 and inserting “sustainment”; and

19 (bb) in clause (iii), by striking
20 ing “for measures that may be
21 taken”;

22 (8) in section 1309(1)(B), by striking “non-
23 profit”.

1 **SEC. 1010. PREVENTION AND INTERVENTION PROGRAMS**
2 **FOR CHILDREN AND YOUTH WHO ARE NE-**
3 **GLECTED, DELINQUENT, OR AT-RISK.**

4 Part D of title I (20 U.S.C. 6421 et seq.) is amend-
5 ed—

6 (1) in section 1401(a)(1), by striking “chal-
7 lenging State academic content standards and chal-
8 lenging State student academic achievement stand-
9 ards” and inserting “challenging State academic
10 standards”;

11 (2) in section 1412(b), by striking paragraph
12 (2) and inserting the following:

13 “(2) MINIMUM PERCENTAGE.—The percentage
14 in paragraph (1)(A) shall not be less than 85.0 per-
15 cent.”;

16 (3) in section 1414—

17 (A) in subsection (a)(2)—

18 (i) in subparagraph (A)—

19 (I) by striking “the program
20 goals, objectives, and performance
21 measures established by the State
22 that will be used to” and inserting
23 “how the State will”; and

24 (II) by striking “vocational” and
25 inserting “career”; and

26 (ii) in subparagraph (C)—

1 (I) in clause (ii), by inserting
2 “and” after the semicolon;

3 (II) in clause (iii), by striking “;
4 and” and inserting a period; and

5 (III) by striking clause (iv); and
6 (B) in subsection (c)—

7 (i) by striking paragraphs (6) and (7);

8 (ii) by redesignating paragraphs (8)
9 through (19) as paragraphs (6) through
10 (17), respectively;

11 (iii) in paragraph (6), as redesignated
12 by clause (ii), by striking “vocational” and
13 inserting “career”; and

14 (iv) in paragraph (7), as redesignated
15 by clause (ii), by inserting “and following”
16 after “youth prior to”;

17 (4) in section 1415(a)—

18 (A) in paragraph (1)(B)—

19 (i) by inserting “, without the need
20 for remediation,” after “transition to” and

21 (ii) by striking “vocational or tech-
22 nical training” and inserting “career and
23 technical education”; and

24 (B) in paragraph (2)—

25 (i) in subparagraph (B)—

1 (I) in clause (i), by striking “con-
2 tent standards and student academic
3 achievement”; and

4 (II) in clause (iii), by inserting
5 “and” after the semicolon;

6 (ii) in subparagraph (C), by striking
7 “; and” and inserting a period; and

8 (iii) by striking subparagraph (D);

9 (5) in section 1416—

10 (A) in paragraph (3)—

11 (i) by striking “challenging State aca-
12 demic content standards and student aca-
13 demic achievement standards” and insert-
14 ing “challenging State academic stand-
15 ards”; and

16 (ii) by striking “complete secondary
17 school, attain a secondary diploma” and
18 inserting “attain a high school diploma”;

19 (B) in paragraph (4), by striking “pupil”
20 and inserting “specialized instructional sup-
21 port”; and

22 (C) in paragraph (6), by striking “student
23 progress” and inserting “and improve student
24 achievement”;

25 (6) in section 1418(a)(2)—

1 (A) by striking “vocational” each place the
2 term appears and inserting “career”;

3 (B) by striking “secondary” and inserting
4 “high”; and

5 (C) by inserting “, without the need for re-
6 mediation,” after “reentry”;

7 (7) in section 1419, by striking “for a fiscal
8 year” and all that follows through “to provide” and
9 inserting “for a fiscal year to provide”;

10 (8) in section 1421(1), by inserting “, without
11 the need for remediation,” after “youth”;

12 (9) in section 1423(9), by striking “vocational”
13 and inserting “career”;

14 (10) in section 1424—

15 (A) in paragraph (2), by striking “, includ-
16 ing” and all that follows through “gang mem-
17 bers”; and

18 (B) in paragraph (4), by striking “voca-
19 tional” and inserting “career”;

20 (11) in section 1425—

21 (A) in paragraph (4)—

22 (i) by inserting “and obtain a high
23 school diploma” after “reenter school”;
24 and

1 (ii) by striking “secondary” and in-
2 serting “high”;

3 (B) in paragraph (6), by striking “high
4 academic achievement” and inserting “the chal-
5 lenging State academic standards”; and

6 (C) in paragraph (9), by striking “voca-
7 tional” and inserting “career”;

8 (12) in section 1426—

9 (A) in paragraph (1), by striking “reduc-
10 ing dropout rates for male students and for fe-
11 male students over a 3-year period” and insert-
12 ing “the number of children and youth obtain-
13 ing a high-school diploma or its recognized
14 equivalent”; and

15 (B) in paragraph (2), by striking “sec-
16 ondary” and inserting “high”;

17 (13) in section 1431(a), by striking “sec-
18 ondary” each place the term appears and inserting
19 “high”; and

20 (14) in section 1432(2), by striking “has lim-
21 ited English proficiency” and inserting “is a child
22 who is an English learner”.

23 **SEC. 1011. GENERAL PROVISIONS.**

24 Title I (20 U.S.C. 6301 et seq.) is amended—

25 (1) by striking parts E, F, G, and H;

- 1 (2) by redesignating part I as part E;
- 2 (3) by striking sections 1904, 1907, and 1908;
- 3 (4) by redesignating sections 1901, 1902, 1903,
4 1905, and 1906, as sections 1501, 1502, 1503,
5 1504, and 1505, respectively;
- 6 (5) in section 1501, as redesignated by para-
7 graph (4)—
- 8 (A) in subsection (a), by inserting “, in ac-
9 cordance with subsections (b) through (d),”
10 after “may issue”;
- 11 (B) in subsection (b)—
- 12 (i) in paragraph (1), by striking
13 “paraprofessionals” and inserting “prin-
14 cipals, school leaders”;
- 15 (ii) in paragraph (2), by adding at the
16 end the following: “All information from
17 such regional meetings and electronic ex-
18 changes shall be made public in an easily
19 accessible manner to interested parties.”;
- 20 (iii) in paragraph (3)(A), by striking
21 “on, at a minimum, standards and assess-
22 ments”;
- 23 (iv) by striking paragraph (4) and in-
24 serting the following:

1 “(4) PROCESS.—Such process shall not be sub-
2 ject to the Federal Advisory Committee Act, but
3 shall, unless otherwise provided as described in sub-
4 section (c), follow the provisions of the Negotiated
5 Rulemaking Act of 1990 (5 U.S.C. 561 et seq.)”;
6 and

7 (v) by striking paragraph (5);
8 (C) by redesignating subsection (c) as sub-
9 section (d); and
10 (D) by inserting after subsection (b) the
11 following:

12 “(c) ALTERNATIVE PROCESS OF FAILURE TO REACH
13 CONSENSUS.—If consensus, as defined in section 562 of
14 title 5, United States Code, on any proposed regulation
15 is not reached by the individuals selected under paragraph
16 (3)(B) for the negotiated rulemaking process, or if the
17 Secretary determines that a negotiated rulemaking proc-
18 ess is unnecessary, the Secretary may propose a regulation
19 in the following manner:

20 “(1) NOTICE TO CONGRESS.—Not less than 60
21 days prior to issuing a notice of proposed rule-
22 making in the Federal Register, the Secretary shall
23 provide to the Committee on Health, Education,
24 Labor, and Pensions of the Senate, the Committee
25 on Education and the Workforce of the House of

1 Representatives, and other relevant congressional
2 committees, notice of the Secretary's intent to issue
3 a notice of proposed rulemaking that shall include—

4 “(A) a copy of the regulation to be pro-
5 posed;

6 “(B) a justification of the need to issue a
7 regulation;

8 “(C) the anticipated burden, including the
9 time, cost, and paperwork burden, the regula-
10 tions will have on State educational agencies,
11 local educational agencies, schools, and other
12 entities that may be impacted by the regulation;

13 “(D) the anticipated benefits to State edu-
14 cational agencies, local educational agencies,
15 schools, and other entities that may be im-
16 pacted by the regulation;

17 “(E) any regulations that will be repealed
18 when the new regulations are issued; and

19 “(F) an opportunity to comment on the in-
20 formation in subparagraphs (A) through (E).

21 “(2) COMMENT PERIOD FOR CONGRESS.—The
22 Secretary shall provide Congress with a 30-day pe-
23 riod, beginning after the date on which the Secretary
24 provided the notice of any proposed rulemaking to
25 Congress under paragraph (1), to make comments

1 on the proposed rule. After addressing all comments
2 received from Congress during such period, the Sec-
3 retary may proceed with the rulemaking process
4 under section 553 of title 5, United States Code, as
5 modified by this section.

6 “(3) PUBLIC COMMENT AND REVIEW PERIOD.—
7 The public comment and review period for any pro-
8 posed regulation shall be not less than 90 days un-
9 less an emergency requires a shorter period, in
10 which case the Secretary shall—

11 “(A) designate the proposed regulation as
12 an emergency with an explanation of the emer-
13 gency in the notice provided to Congress under
14 paragraph (1);

15 “(B) publish the duration of the comment
16 and review period in such notice and in the
17 Federal Register; and

18 “(C) conduct regional meetings to review
19 such proposed regulation before issuing any
20 final regulation.

21 “(4) INDEPENDENT ASSESSMENT.—No regula-
22 tion shall be made final after the comment and re-
23 view period described in paragraph (3) until the Sec-
24 retary has published in the Federal Register—

1 “(A) an independent assessment of the
2 proposed regulation that—

3 “(i) includes a representative sam-
4 pling of local educational agencies based on
5 enrollment, geographic diversity (including
6 suburban, urban, and rural local edu-
7 cational agencies, and other factors im-
8 pacted by the proposed regulation); and

9 “(ii) addresses the burden, including
10 the time, cost, and paperwork burden, that
11 the regulation will impose on State edu-
12 cational agencies, local educational agen-
13 cies, schools, and other entities that may
14 be impacted by the regulation;

15 “(iii) addresses the benefits to State
16 educational agencies, local educational
17 agencies, schools, and other entities that
18 may be impacted by the regulation; and

19 “(iv) thoroughly addresses, based on
20 the comments received during the comment
21 and review period under paragraph (3),
22 whether the rule is financially and oper-
23 ationally viable at the local level; and

24 “(B) an explanation of how the entities de-
25 scribed in subparagraph (A)(ii) may cover the

1 cost of the burden assessed under such sub-
2 paragraph.”;

3 (6) in section 1502(a), as redesignated by para-
4 graph (4), by striking “or provides a written” and
5 all that follows through the period at the end and
6 inserting “or where negotiated rulemaking is not
7 pursued, shall conform to section 1501(c).”; and

8 (7) in section 1503, as redesignated by para-
9 graph (4)—

10 (A) in subsection (a)(2), by striking “stu-
11 dent academic achievement” and inserting
12 “academic”; and

13 (B) in subsection (b)(2)—

14 (i) in subparagraph (C), by striking “,
15 including vocational educators”;

16 (ii) in subparagraph (F), by striking
17 “and” after the semicolon; and

18 (iii) by striking subparagraph (G) and
19 inserting the following:

20 “(G) specialized instructional support per-
21 sonnel; and

22 “(H) representatives of charter schools, as
23 appropriate.”.

1 **TITLE II—HIGH-QUALITY TEACH-**
2 **ERS, PRINCIPALS, AND**
3 **OTHER SCHOOL LEADERS**

4 **SEC. 2001. TRANSFER OF CERTAIN PROVISIONS.**

5 The Act (20 U.S.C. 6301 et seq.) is amended—

6 (1) by redesignating subpart 5 of part C of title
7 II (20 U.S.C. 6731 et seq.) as subpart 3 of part F
8 of title IX, as redesignated by section 9106(1), and
9 moving that subpart to the end of part F of title IX;

10 (2) by redesignating sections 2361 through
11 2368 as sections 9541 through 9548, respectively;

12 (3) by striking the subpart heading of subpart
13 3 of part F of title IX, as redesignated by paragraph
14 (1), and inserting the following:

15 **“Subpart 3—Teacher Liability Protection”;**

16 (4) in section 9546(b), as redesignated by para-
17 graph (2), by striking the matter following para-
18 graph (2) and inserting the following:

19 “(3) A State law that makes a limitation of li-
20 ability inapplicable if the civil action was brought by
21 an officer of a State or local government pursuant
22 to State or local law.”;

23 (5) by redesignating subpart 4 of part D of title
24 II as subpart 4 of part F of title IX, as redesignated
25 by section 9106(1), and moving that subpart to fol-

1 low subpart 3 of part F of title IX, as redesignated
2 and moved by paragraph (1);

3 (6) by redesignating section 2441 as section
4 9551; and

5 (7) by striking the subpart heading of subpart
6 4 of part F of title IX, as redesignated by paragraph
7 (5), and inserting the following:

8 **“Subpart 4—Internet Safety”.**

9 **SEC. 2002. HIGH-QUALITY TEACHERS, PRINCIPALS, AND**
10 **OTHER SCHOOL LEADERS.**

11 The Act (20 U.S.C. 6301 et seq.) is amended by
12 striking title II (as amended by section 2001) and insert-
13 ing the following:

14 **“TITLE II—PREPARING, TRAIN-**
15 **ING, AND RECRUITING HIGH-**
16 **QUALITY TEACHERS, PRIN-**
17 **CIPALS, AND OTHER SCHOOL**
18 **LEADERS**

19 **“SEC. 2001. PURPOSE.**

20 “The purpose of this title is to improve student aca-
21 demic achievement by—

22 “(1) increasing the capacity of local educational
23 agencies, schools, teachers, principals, and other
24 school leaders to provide a well-rounded and com-
25 plete education for all students;

1 “(2) improving the quality and effectiveness of
2 teachers, principals, and other school leaders;

3 “(3) increasing the number of teachers, prin-
4 cipals, and other school leaders who are effective in
5 improving student academic achievement in schools;
6 and

7 “(4) ensuring that low-income and minority
8 students are served by effective teachers, principals,
9 and other school leaders and have access to a high-
10 quality instructional program.

11 **“SEC. 2002. DEFINITIONS.**

12 “In this title:

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

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

20 “(A) for not less than 1 academic year,
21 teaches alongside an effective teacher, as deter-
22 mined by a teacher evaluation system imple-
23 mented under part A (if applicable), who is the
24 teacher of record for the classroom;

1 “(B) receives concurrent instruction during
2 the year described in subparagraph (A)—

3 “(i) that is provided through an insti-
4 tution of higher education;

5 “(ii) through courses that may be
6 taught by local educational agency per-
7 sonnel or by faculty of the teacher prepara-
8 tion program; and

9 “(iii) in the teaching of the content
10 area in which the teacher will become cer-
11 tified or licensed; and

12 “(C) acquires effective teaching skills.

13 **“SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) **GRANTS TO STATES AND LOCAL EDUCATIONAL**
15 **AGENCIES.**—There are authorized to be appropriated to
16 carry out this title \$3,011,839,000 for each of fiscal years
17 2016 through 2021.

18 “(b) **NATIONAL ACTIVITIES.**—From amounts appro-
19 priated under subsection (a) for each fiscal year, the Sec-
20 retary shall reserve not more than 2 percent to carry out
21 activities authorized under section 2105.

22 “(c) **TEACHER INCENTIVE FUND.**—From amounts
23 appropriated under subsection (a) for each fiscal year that
24 remain after making the reservation under subsection (b),

1 the Secretary shall reserve not less than 10 percent to
2 carry out activities authorized under part B.

3 **“PART A—FUND FOR THE IMPROVEMENT OF**
4 **TEACHING AND LEARNING**

5 **“SEC. 2101. FORMULA GRANTS TO STATES.**

6 “(a) RESERVATION OF FUNDS.—From the total
7 amount appropriated under section 2003(a) for a fiscal
8 year after the Secretary makes the reservations under sub-
9 sections (b) and (c) of such section, the Secretary shall
10 reserve—

11 “(1) $\frac{1}{2}$ of 1 percent for allotments for the
12 United States Virgin Islands, Guam, American
13 Samoa, and the Commonwealth of the Northern
14 Mariana Islands, to be distributed among those out-
15 lying areas on the basis of their relative need, as de-
16 termined by the Secretary, in accordance with the
17 purpose of this part; and

18 “(2) $\frac{1}{2}$ of 1 percent for the Secretary of the In-
19 terior for programs under this part in schools oper-
20 ated or funded by the Bureau of Indian Education.

21 “(b) STATE ALLOTMENTS.—

22 “(1) IN GENERAL.—From the funds appro-
23 priated under section 2003(a) for a fiscal year that
24 remain after the Secretary makes the reservations
25 under subsection (a) and under subsections (b) and

1 (c) of section 2003, the Secretary shall allot to each
2 State the sum of—

3 “(A) an amount that bears the same rela-
4 tionship to 20 percent of the remaining amount
5 as the number of individuals age 5 through 17
6 in the State, as determined by the Secretary on
7 the basis of the most recent satisfactory data,
8 bears to the number of those individuals in all
9 States, as so determined; and

10 “(B) an amount that bears the same rela-
11 tionship to 80 percent of the remaining amount
12 as the number of individuals age 5 through 17
13 from families with incomes below the poverty
14 line in the State, as determined by the Sec-
15 retary on the basis of the most recent satisfac-
16 tory data, bears to the number of those individ-
17 uals in all States, as so determined.

18 “(2) EXCEPTIONS.—

19 “(A) SMALL STATE MINIMUM.—Notwith-
20 standing paragraph (1), no State receiving an
21 allotment under such paragraph shall receive
22 less than $\frac{1}{2}$ of 1 percent of the total remaining
23 amount allotted under such paragraph for a fis-
24 cal year.

1 “(B) REALLOTMENT.—If a State does not
2 receive an allotment under paragraph (1) for a
3 fiscal year, the Secretary shall reallocate the
4 amount of the State’s allotment to the remain-
5 ing States in accordance with this subsection.

6 “(c) STATE USE OF FUNDS.—

7 “(1) IN GENERAL.—Each State that receives an
8 allotment under subsection (b) for a fiscal year shall
9 reserve not less than 95 percent of such allotment
10 to make subgrants to local educational agencies for
11 such fiscal year, as described in section 2102.

12 “(2) STATE ADMINISTRATION.—A State edu-
13 cational agency may use not more than 1 percent of
14 the amount allotted to such State under subsection
15 (b) for the administrative costs of carrying out such
16 State educational agency’s responsibilities under this
17 title.

18 “(3) STATE ACTIVITIES.—

19 “(A) IN GENERAL.—The State educational
20 agency for a State that receives an allotment
21 under subsection (b) may use funds not re-
22 served under paragraph (1) to carry out 1 or
23 more of the activities described in subparagraph
24 (B), which may be implemented in conjunction
25 with a State agency of higher education (if such

1 agencies are separate) and carried out through
2 a grant or contract with a for-profit or non-
3 profit entity, including an institution of higher
4 education.

5 “(B) TYPES OF STATE ACTIVITIES.—The
6 activities described in this subparagraph are the
7 following:

8 “(i) Reforming teacher, principal, and
9 other school leader certification, recertifi-
10 cation, licensing, or tenure systems to en-
11 sure that—

12 “(I) teachers have the necessary
13 subject matter knowledge and teach-
14 ing skills in the academic subjects
15 that the teachers teach to help stu-
16 dents meet challenging State academic
17 standards described in section
18 1111(b)(1);

19 “(II) principals and other school
20 leaders have the instructional leader-
21 ship skills to help teachers teach and
22 to help students meet such chal-
23 lenging State academic standards; and

24 “(III) teacher certification or li-
25 censing requirements are aligned with

1 of academic distinction who dem-
2 onstrate the potential to become high-
3 ly effective teachers, principals, or
4 other school leaders.

5 “(iv) Developing and implementing
6 mechanisms to assist local educational
7 agencies and schools in effectively recruit-
8 ing and retaining teachers, principals, and
9 other school leaders who are effective in
10 improving student academic achievement.

11 “(v) Fulfilling the State educational
12 agency’s responsibilities concerning proper
13 and efficient administration and moni-
14 toring of the programs carried out under
15 this part, including provision of technical
16 assistance to local educational agencies.

17 “(vi) Developing, or assisting local
18 educational agencies in developing—

19 “(I) performance-based pay sys-
20 tems;

21 “(II) strategies that provide dif-
22 ferential and bonus pay for teachers
23 in high-need academic subjects and
24 teachers, principals, or other school

1 leaders, in low-income schools and
2 school districts;

3 “(III) teacher advancement ini-
4 tiatives that promote professional
5 growth and emphasize multiple career
6 paths and pay differentiation; and

7 “(IV) new teacher, principal, and
8 other school leader induction and
9 mentoring programs that are designed
10 to—

11 “(aa) improve instruction
12 and student learning and
13 achievement; and

14 “(bb) increase the retention
15 of effective teachers, principals,
16 and other school leaders.

17 “(vii) Providing assistance to local
18 educational agencies for—

19 “(I) the development and imple-
20 mentation of high-quality professional
21 development programs for principals
22 that enable the principals to be effec-
23 tive other school leaders and prepare
24 all students to meet the challenging

1 State academic standards described in
2 section 1111(b)(1); and

3 “(II) the development and sup-
4 port of other school leadership acad-
5 emies to develop educational leaders.

6 “(viii) Supporting efforts to train
7 teachers, principals, and other school lead-
8 ers to effectively integrate technology into
9 curricula and instruction.

10 “(ix) Providing training, technical as-
11 sistance, and capacity-building to local
12 educational agencies that receive a
13 subgrant under this part.

14 “(x) Supporting teacher residency
15 programs.

16 “(xi) Reforming or improving teacher,
17 principal, and other school leader prepara-
18 tion programs.

19 “(xii) Other activities identified by the
20 State that meet the purpose of this part.

21 “(d) STATE PLAN.—

22 “(1) IN GENERAL.—In order to receive an allot-
23 ment under this section for any fiscal year, a State
24 shall submit a plan to the Secretary, at such time

1 and in such manner as the Secretary may reason-
2 ably require.

3 “(2) CONTENTS.—Each plan described under
4 paragraph (1) shall include the following:

5 “(A) A description of how the State edu-
6 cational agency will use funds received under
7 this title for State-level activities described in
8 subsection (c).

9 “(B) An assurance that the State edu-
10 cational agency will monitor the implementation
11 of activities under this part and provide tech-
12 nical assistance to local educational agencies in
13 carrying out such activities.

14 “(C) An assurance that the State edu-
15 cational agency will work in consultation with
16 the entity responsible for teacher professional
17 standards, certification, and licensing under the
18 State, to ensure that the State activities sup-
19 ported under this part are carried out in con-
20 junction with such entity.

21 “(e) PROHIBITION.—Nothing in this section shall be
22 construed to authorize the Secretary or any other officer
23 or employee of the Federal Government to mandate, di-
24 rect, control, or exercise any direction or supervision
25 over—

1 “(1) the development, improvement, or imple-
2 mentation of teacher, principal, or school leader
3 evaluation systems;

4 “(2) the definition of teacher, principal, or
5 other school leader effectiveness; or

6 “(3) teacher, principal, or other school leader
7 professional standards, certification, and licensing.

8 **“SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**
9 **CIES.**

10 “(a) ALLOCATION OF FUNDS TO LOCAL EDU-
11 CATIONAL AGENCIES.—

12 “(1) IN GENERAL.—From funds made available
13 to a State under section 2101(c)(1) for a fiscal year,
14 the State, acting through the State educational
15 agency, shall award subgrants to eligible local edu-
16 cational agencies from allocations described in para-
17 graph (2).

18 “(2) ALLOCATION FORMULA.—From the funds
19 described in paragraph (1), the State educational
20 agency shall allocate to each of the eligible local edu-
21 cational agencies in the State for a fiscal year the
22 sum of—

23 “(A) an amount that bears the same rela-
24 tionship to 20 percent of such funds for such
25 fiscal year as the number of individuals aged 5

1 through 17 in the geographic area served by the
2 agency, as determined by the Secretary on the
3 basis of the most recent satisfactory data, bears
4 to the number of those individuals in the geo-
5 graphic areas served by all eligible local edu-
6 cational agencies in the State, as so determined;
7 and

8 “(B) an amount that bears the same rela-
9 tionship to 80 percent of the funds for such fis-
10 cal year as the number of individuals aged 5
11 through 17 from families with incomes below
12 the poverty line in the geographic area served
13 by the agency, 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 the geographic areas served by all the eligible
17 local educational agencies in the State, as so
18 determined.

19 “(3) ADMINISTRATIVE COSTS.—Of the amount
20 received under paragraph (2), a local educational
21 agency may use not more than 2 percent for the di-
22 rect administrative costs of carrying out its respon-
23 sibilities under this part.

24 “(b) LOCAL APPLICATIONS.—

1 “(1) IN GENERAL.—To be eligible to receive a
2 subgrant under this section, a local educational
3 agency shall conduct a needs assessment described
4 in paragraph (2) and submit an application to the
5 State educational agency at such time, in such man-
6 ner, and containing such information as the State
7 educational agency may reasonably require.

8 “(2) NEEDS ASSESSMENT.—

9 “(A) IN GENERAL.—To be eligible to re-
10 ceive a subgrant under this section, a local edu-
11 cational agency shall conduct a comprehensive
12 needs assessment of the local educational agen-
13 cy and of all schools within the jurisdiction of
14 the local educational agency.

15 “(B) REQUIREMENTS.—Such needs assess-
16 ment shall be designed to determine the schools
17 with the most acute staffing needs related to—

18 “(i) increasing the number of teach-
19 ers, principals, and other school leaders
20 who are effective in improving student aca-
21 demic achievement;

22 “(ii) ensuring that low-income and mi-
23 nority students are served by effective
24 teachers, principals, and other school lead-
25 ers;

1 “(iii) ensuring that low-income and
2 minority students have access to a high-
3 quality instructional program;

4 “(iv) hiring, retention, and promotion;

5 “(v) understanding and using data
6 and assessments to improve student learn-
7 ing and classroom practice;

8 “(vi) improving student behavior in
9 the classroom and school, including the
10 identification of early and appropriate
11 interventions;

12 “(vii) teaching students who are
13 English learners and students with disabil-
14 ities; and

15 “(viii) any other factors that the local
16 educational agency determines are appro-
17 priate to meet the needs of schools within
18 the jurisdiction of the local educational
19 agency.

20 “(3) CONSULTATION.—

21 “(A) IN GENERAL.—In conducting a needs
22 assessment as described in paragraph (2), a
23 local educational agency shall—

24 “(i) involve teachers, principals, other
25 school leaders, specialized instructional

1 support personnel, parents, community-
2 based organizations, and others with rel-
3 evant and demonstrated expertise in pro-
4 grams and activities designed to meet the
5 purpose of this part; and

6 “(ii) take into account the activities
7 that need to be conducted in order to give
8 teachers, principals, and other school lead-
9 ers the skills to provide students with the
10 opportunity to meet challenging State aca-
11 demic standards described in section
12 1111(b)(1).

13 “(B) CONTINUED CONSULTATION.—A local
14 educational agency receiving a subgrant under
15 this section shall consult with such individuals
16 and organizations described in subparagraph
17 (A) on an ongoing basis in order to—

18 “(i) seek advice regarding how best to
19 improve the local educational agency’s ac-
20 tivities to meet the purpose of this part;
21 and

22 “(ii) coordinate the local educational
23 agency’s activities under this part with
24 other related strategies, programs, and ac-
25 tivities being conducted in the community.

1 “(4) CONTENTS OF APPLICATION.—Each appli-
2 cation submitted under paragraph (1) shall be based
3 on the results of the needs assessment required
4 under paragraph (2) and shall include the following:

5 “(A) A description of the results of the
6 comprehensive needs assessment carried out
7 under paragraph (2).

8 “(B) A description of the activities to be
9 carried out by the local educational agency
10 under this section and how these activities will
11 be aligned with the challenging State academic
12 standards described in section 1111(b)(1).

13 “(C) An assurance that such activities will
14 comply with the principles of effectiveness de-
15 scribed in section 2103(c).

16 “(D) A description of the professional de-
17 velopment activities that will be made available
18 to teachers, principals, and other school leaders
19 to meet needs identified by the needs assess-
20 ment described in paragraph (2).

21 “(E) A description of how the local edu-
22 cational agency will support efforts to train
23 teachers, principals, and other school leaders to
24 effectively integrate technology into curricula
25 and instruction.

1 “(F) An assurance that the local edu-
2 cational agency will comply with section 9501
3 (regarding participation by private school chil-
4 dren and teachers).

5 “(G) A description of how the local edu-
6 cational agency will prioritize funds to schools
7 served by the agency that are identified under
8 section 1114(a)(1)(B) and have the highest per-
9 centage or number of children counted under
10 section 1124(e).

11 “(H) An assurance that the local edu-
12 cational agency will coordinate professional de-
13 velopment activities authorized under this part
14 with professional development activities pro-
15 vided through other Federal, State, and local
16 programs.

17 **“SEC. 2103. LOCAL USE OF FUNDS.**

18 “(a) IN GENERAL.—A local educational agency that
19 receives a subgrant under section 2102 shall use the funds
20 made available through the subgrant to develop, imple-
21 ment, and evaluate comprehensive programs and activities
22 described in subsection (b), which may be carried out
23 through a grant or contract with a for-profit or nonprofit
24 entity, or in partnership with an institution of higher edu-
25 cation;

1 “(b) TYPES OF ACTIVITIES.—The activities described
2 in this subsection—

3 “(1) shall meet the needs identified in the needs
4 assessment described in section 2102(b)(2);

5 “(2) shall be in accordance with the purpose of
6 this title and consistent with the principles of effec-
7 tiveness described in subsection (c); and

8 “(3) may include, among other programs and
9 activities—

10 “(A) developing or improving a rigorous,
11 transparent, and fair evaluation system for
12 teachers, principals, and other school leaders
13 that is based in part on evidence of student
14 achievement and may include student academic
15 growth and other measures, as determined by
16 the State or local educational agency;

17 “(B) developing and implementing initia-
18 tives to assist in recruiting, hiring, and retain-
19 ing highly effective teachers, principals, and
20 other school leaders, particularly in low-income
21 schools with high percentages of ineffective
22 teachers and high percentages of students who
23 do not meet the challenging State academic
24 standards described in section 1111(b)(1), in-
25 cluding initiatives that provide—

1 “(i) differential, incentive, or bonus
2 pay for teachers, principals, and other
3 school leaders in high-need academic sub-
4 ject areas and specialty areas;

5 “(ii) performance-based pay systems
6 for teachers, principals, and other school
7 leaders;

8 “(iii) teacher, principal, and other
9 school leader advancement and professional
10 growth, and an emphasis on multiple ca-
11 reer paths and pay differentiation; and

12 “(iv) new teacher, principal, and other
13 school leader induction and mentoring pro-
14 grams that are designed to improve in-
15 struction, student learning, and achieve-
16 ment, and to increase teacher and prin-
17 cipal retention;

18 “(C) recruiting qualified individuals from
19 other fields to become teachers, principals, or
20 other school leaders including mid-career pro-
21 fessionals from other occupations, former mili-
22 tary personnel, and recent graduates of institu-
23 tions of higher education with a record of aca-
24 demic distinction who demonstrate potential to

1 become effective teachers, principals, or other
2 school leaders;

3 “(D) establishing, improving, or expanding
4 model instructional programs to ensure that all
5 children receive a well-rounded and complete
6 education;

7 “(E) providing high-quality professional
8 development for teachers, principals, and other
9 school leaders focused on improving teaching
10 and student learning and achievement, includ-
11 ing supporting efforts to train teachers, prin-
12 cipals, and other school leaders to—

13 “(i) effectively integrate technology
14 into curricula and instruction; and

15 “(ii) use data from such technology to
16 improve student achievement;

17 “(F) developing programs and activities
18 that increase the ability of teachers to effec-
19 tively teach students with disabilities, including
20 students with significant cognitive disabilities,
21 which may include the use of response to inter-
22 vention and positive behavioral intervention and
23 supports, and students who are English learn-
24 ers, so that such students with disabilities and
25 students who are English learners can meet the

1 challenging State academic standards described
2 in section 1111(b)(1);

3 “(G) providing students with increased ac-
4 cess to up-to-date school library materials, a
5 well-equipped, technologically advanced school
6 library media center, and well-trained, profes-
7 sionally certified school library media special-
8 ists;

9 “(H) providing programs and activities to
10 help students prepare for postsecondary level
11 coursework, including early college or dual en-
12 rollment programs, Advanced Placement and
13 International Baccalaureate programs, and
14 other advanced learning programs, including
15 programs to meet the educational needs of gift-
16 ed and talented students;

17 “(I) providing programs that support ex-
18 tended learning opportunities, including before
19 and after school programs, summer school pro-
20 grams, and programs that extend the school
21 day, school week, or school year calendar;

22 “(J) providing general liability insurance
23 coverage for purchase by teachers related to ac-
24 tions performed in the scope of their duties;

1 “(K) supporting teacher residency pro-
2 grams;

3 “(L) reforming or improving teacher, prin-
4 cipal, and other school leader preparation pro-
5 grams; and

6 “(M) carrying out other activities identi-
7 fied by the local educational agencies that meet
8 the purpose of this part.

9 “(c) PRINCIPLES OF EFFECTIVENESS.—

10 “(1) IN GENERAL.—For a program or activity
11 developed pursuant to this title to meet the prin-
12 ciples of effectiveness, such program or activity
13 shall—

14 “(A) be based upon an assessment of ob-
15 jective data regarding the need for programs
16 and activities in the schools to be served to—

17 “(i) increase the number of teachers,
18 principals, and other school leaders who
19 are effective in improving student academic
20 achievement;

21 “(ii) ensure that low-income and mi-
22 nority students are served by effective
23 teachers, principals, and other school lead-
24 ers; and

1 “(iii) ensure that low-income and mi-
2 nority students have access to a high-qual-
3 ity instructional program;

4 “(B) be based upon established and lo-
5 cally-determined criteria—

6 “(i) aimed at ensuring that all stu-
7 dents receive a high-quality education
8 taught by effective teachers; and

9 “(ii) that result in improved student
10 academic achievement in the school served
11 by the program or activity;

12 “(C) reflect—

13 “(i) to the extent practicable, scientif-
14 ically valid research that provides evidence
15 that the program or activity will improve
16 student academic achievement; or

17 “(ii) in the absence of a strong re-
18 search base, reflect best practices in the
19 field that provide such evidence; and

20 “(D) include meaningful and ongoing con-
21 sultation with and input from teachers, prin-
22 cipals, other school leaders, parents, and (where
23 applicable) institutions of higher education, in
24 the development of the application and adminis-
25 tration of the program or activity.

1 “(2) PERIODIC EVALUATION.—

2 “(A) IN GENERAL.—A program or activity
3 carried out under this part shall undergo a
4 periodic evaluation to assess its progress toward
5 achieving the goal of providing students with a
6 high-quality education, taught by effective
7 teachers, that results in improved student aca-
8 demic achievement.

9 “(B) USE OF RESULTS.—The results of an
10 evaluation described in subparagraph (A) shall
11 be—

12 “(i) used to refine, improve, and
13 strengthen the program or activity, and to
14 refine the locally-determined criteria de-
15 scribed in paragraph (1)(B); and

16 “(ii) made available to the public upon
17 request, with public notice of such avail-
18 ability provided.

19 “(3) PROHIBITION.—Nothing in this subsection
20 shall be construed to authorize the Secretary or any
21 other officer or employee of the Federal Government
22 to mandate, direct, control, or exercise any direction
23 or supervision over the principles of effectiveness de-
24 veloped by local educational agencies under para-
25 graph (1).

1 **“SEC. 2104. REPORTING.**

2 “(a) STATE REPORT.—Each State educational agen-
3 cy receiving funds under this part shall submit to the Sec-
4 retary a report that provides—

5 “(1) the number of teachers, principals, and
6 other school leaders in the State who are licensed or
7 certified;

8 “(2) the number of teachers in the State who
9 are licensed or certified to teach in their field of
10 study;

11 “(3) the number of teachers, principals, and
12 other school leaders in the State who have received
13 emergency licensure;

14 “(4) the first-time passage rate of teachers and
15 principals in the State on teacher and principal li-
16 censure examinations; and

17 “(5) if applicable, results of teacher, principal,
18 and other school leader evaluation systems.

19 “(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each
20 local educational agency receiving funds under this part
21 shall submit to the State educational agency such informa-
22 tion that the State requires, which shall include the infor-
23 mation described in subsection (a) for the local edu-
24 cational agency.

1 “(c) AVAILABILITY.—The reports and information
2 provided under subsections (a) and (b) shall be made read-
3 ily available to the public.

4 “(d) LIMITATION.—The reports and information pro-
5 vided under subsections (a) and (b) shall not reveal per-
6 sonally identifiable information about any individual.

7 **“SEC. 2105. NATIONAL ACTIVITIES OF DEMONSTRATED EF-**
8 **FFECTIVENESS.**

9 “(a) PURPOSE.—The purpose of this section is to
10 promote innovative instruction and learning strategies by
11 nationally-recognized organizations with a proven track
12 record of effectiveness in providing preparation and pro-
13 fessional development activities and programs for teach-
14 ers, principals, and other school leaders, particularly in
15 underserved areas.

16 “(b) TECHNICAL ASSISTANCE AND NATIONAL EVAL-
17 UATION.—From the funds reserved by the Secretary
18 under section 2003(b) to carry out this section, the Sec-
19 retary may reserve not more than 20 percent to carry
20 out—

21 “(1) technical assistance to States and local
22 educational agencies carrying out activities under
23 this part, which may be carried out directly or
24 through grants and contracts; and

1 “(2) evaluations of activities carried out by
2 States and local educational agencies under this
3 part, which shall be conducted by a third party or
4 by the Institute of Education Sciences.

5 “(c) PROGRAMS OF NATIONAL SIGNIFICANCE.—
6 From the funds reserved by the Secretary under section
7 2003(b) that are not reserved under subsection (b), the
8 Secretary shall award grants, on a competitive basis, to
9 eligible entities for the purposes of—

10 “(1) providing teachers, principals, and other
11 school leaders from non-traditional preparation and
12 certification routes to serve in traditionally under-
13 served local educational agencies;

14 “(2) providing professional development activi-
15 ties that addresses literacy, numeracy, remedial, or
16 other needs of local educational agencies and the
17 students the agencies serve;

18 “(3) making freely available services and learn-
19 ing opportunities to local educational agencies,
20 through partnerships and cooperative agreements or
21 by making the services or opportunities publicly ac-
22 cessible through electronic means; or

23 “(4) providing teacher, principals, and other
24 school leaders with professional enhancement activi-

1 ties, which may include activities that lead to an ad-
2 vanced credential.

3 “(d) PROGRAM PERIODS AND DIVERSITY OF
4 PROJECTS.—

5 “(1) IN GENERAL.—A grant awarded by the
6 Secretary to an eligible entity under subsection (c)
7 shall be for a period of not more than 3 years.

8 “(2) RENEWAL.—The Secretary may renew a
9 grant awarded under this section for one additional
10 2-year period.

11 “(3) DIVERSITY OF PROJECTS.—In awarding
12 grants under subsection (c), the Secretary shall en-
13 sure that grants are distributed among eligible enti-
14 ties that will serve geographically diverse areas, in-
15 cluding urban, suburban, and rural areas.

16 “(4) LIMITATION.—The Secretary shall not
17 award more than one grant under subsection (c) to
18 an eligible entity during a grant competition.

19 “(e) COST-SHARING.—

20 “(1) IN GENERAL.—An eligible entity that re-
21 ceives a grant under subsection (c) shall provide,
22 from non-Federal sources, not less than 25 percent
23 of the funds for the total cost for each year of activi-
24 ties carried out under this section.

1 “(2) ACCEPTABLE CONTRIBUTIONS.—An eligi-
2 ble entity that receives a grant under subsection (c)
3 may meet the requirement of paragraph (1) by pro-
4 viding contributions in cash or in kind, fairly evalu-
5 ated, including plant, equipment, and services.

6 “(3) WAIVERS.—The Secretary may waive or
7 modify the requirement of paragraph (1) in cases of
8 demonstrated financial hardship.

9 “(f) APPLICATIONS.—In order to receive a grant
10 under this section, an eligible entity shall submit an appli-
11 cation to the Secretary in such time and in such manner
12 that the Secretary may require. Such application shall in-
13 clude, at a minimum, a certification that the services pro-
14 vided by an eligible entity under the grant to a local edu-
15 cational agency or to a school served by the local edu-
16 cational agency will not result in direct fees for partici-
17 pating students or parents.

18 “(g) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
19 tion, the term ‘eligible entity’ means—

20 “(1) an institution of higher education that pro-
21 vides course materials or resources that are re-
22 search-proven to increase academic achievement; or

23 “(2) a national nonprofit or for-profit entity
24 with a demonstrated track record of raising student

1 academic achievement, graduation rates, and rates
2 of higher education attendance or matriculation.

3 **“SEC. 2106. SUPPLEMENT, NOT SUPPLANT.**

4 “In accordance with the method of determination de-
5 scribed under section 1117, funds made available under
6 this part shall be used to supplement, and not supplant,
7 non-Federal funds that would otherwise be used for activi-
8 ties authorized under this part.

9 **“PART B—TEACHER INCENTIVE FUND**

10 **“SEC. 2201. PURPOSES; DEFINITIONS.**

11 “(a) PURPOSES.—The purposes of this part are—

12 “(1) to assist States, local educational agencies,
13 and nonprofit organizations to develop, implement,
14 improve, or expand comprehensive performance-
15 based compensation systems for teachers, principals,
16 and other school leaders (especially for teachers,
17 principals, and other school leaders in high-need
18 schools) who raise student academic achievement
19 and close the achievement gap between high- and
20 low-performing students; and

21 “(2) to study and review performance-based
22 compensation systems for teachers, principals, and
23 other school leaders to evaluate the effectiveness,
24 fairness, quality, consistency, and reliability of the
25 systems.

1 “(b) DEFINITIONS.—In this part:

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

4 “(A) a local educational agency including a
5 charter school that is a local educational agency
6 or a consortium of local educational agencies;

7 “(B) a State educational agency or other
8 State agency designated by the chief executive
9 of a State to participate under this part; or

10 “(C) a partnership consisting of—

11 “(i) one or more agencies described in
12 subparagraph (A) or (B); and

13 “(ii) at least 1 nonprofit or for-profit
14 entity.

15 “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
16 CY.—The term ‘high-need local educational agency’
17 means a local educational agency—

18 “(A)(i) that serves not fewer than 10,000
19 children from families with incomes below the
20 poverty line; or

21 “(ii) for which not less than 20 percent of
22 the children served by the agency are from fam-
23 ilies with incomes below the poverty line; and

24 “(B)(i) for which there is a high percent-
25 age of teachers not teaching in the academic

1 subjects or grade levels that the teachers were
2 trained to teach, as determined by the State or
3 local educational agency; or

4 “(ii) for which there is a high percentage
5 of teachers with emergency, provisional, or tem-
6 porary certification or licensing.

7 “(3) HIGH-NEED SCHOOL.—The term ‘high-
8 need school’ means a public elementary school or
9 secondary school that—

10 “(A) is located in an area in which the per-
11 centage of students from families with incomes
12 below the poverty line is 30 percent or more; or

13 “(B)(i) has a high percentage of out-of-
14 field teachers, as described in paragraph
15 (2)(B);

16 “(ii) is within the top quartile of elemen-
17 tary schools and secondary schools statewide, as
18 ranked by the number of unfilled, available
19 teaching positions at the schools;

20 “(iii) has a high teacher turnover rate; or

21 “(iv) has a high percentage of teachers
22 who are not certified or licensed or who have
23 emergency, provisional, or temporary certifi-
24 cation or licensing.

1 **“SEC. 2202. TEACHER INCENTIVE FUND GRANTS.**

2 “(a) GRANTS AUTHORIZED.—From the amounts ap-
3 propriated to carry out this part and not reserved under
4 section 2203(c)(1), the Secretary shall award grants, on
5 a competitive basis, to eligible entities to enable the eligi-
6 ble entities to develop, implement, improve, or expand per-
7 formance-based compensation systems in schools served by
8 the eligible entity.

9 “(b) DURATION OF GRANTS.—

10 “(1) IN GENERAL.—A grant awarded under
11 this part shall be for a period of not more than 5
12 years.

13 “(2) LIMITATION.—A local educational agency
14 may receive (whether individually or as part of a
15 consortium or partnership) a grant under this part
16 only once.

17 “(c) APPLICATIONS.—An eligible entity desiring a
18 grant under this part shall submit an application to the
19 Secretary, at such time and in such manner as the Sec-
20 retary may reasonably require. The application shall in-
21 clude—

22 “(1) a description of the performance-based
23 compensation system that the eligible entity pro-
24 poses to develop, implement, improve, or expand
25 through the grant;

1 “(2) a description and evidence of the support
2 and commitment from teachers, principals, and
3 other school leaders in the school, the community,
4 and the local educational agency to the activities
5 proposed under the grant, including a demonstration
6 of consultation with teachers, principals, and other
7 school leaders on the development, implementation,
8 improvement, or expansion of the performance-based
9 compensation system;

10 “(3) a description of how the eligible entity will
11 develop and implement a fair, rigorous, and objective
12 process to evaluate teacher, principal, school leader,
13 and student performance under the project, includ-
14 ing the baseline performance against which evalua-
15 tions of improved performance will be made;

16 “(4) a description of the local educational agen-
17 cy or school to be served by the project, including
18 such student academic achievement, demographic,
19 and socioeconomic information as the Secretary may
20 request;

21 “(5) a description of the quality of teachers,
22 principals, and other school leaders in the local edu-
23 cational agency and the schools to be served by the
24 project and the extent to which the project will in-

1 crease the quality of teachers, principals, and other
2 school leaders in a high-need school;

3 “(6) a description of how the eligible entity will
4 use grant funds under this part in each year of the
5 grant;

6 “(7) in the case of an eligible entity proposing
7 a performance-based compensation system described
8 in section 2201(b)(4)(B)(i), a description of how the
9 eligible entity will determine effectiveness through
10 the use of measurable indicators that are based in
11 part on measures of student academic achievement;

12 “(8) a description of how the eligible entity will
13 continue the performance-based compensation sys-
14 tem assisted under the grant after the grant ends;
15 and

16 “(9) a description of the State, local, or other
17 public or private funds that will be used to supple-
18 ment the grant and sustain the activities assisted
19 under the grant at the end of the grant period.

20 “(d) AWARD BASIS.—

21 “(1) PRIORITY.—In awarding a grant under
22 this part, the Secretary shall give priority to an eli-
23 gible entity that concentrates the activities proposed
24 to be assisted under the grant on teachers, prin-

1 principals, and other school leaders serving in high-need
2 schools.

3 “(2) EQUITABLE DISTRIBUTION.—To the ex-
4 tent practicable, the Secretary shall ensure an equi-
5 table geographic distribution of grants under this
6 part.

7 “(e) USE OF FUNDS.—

8 “(1) IN GENERAL.—An eligible entity that re-
9 ceives a grant under this part shall use the grant
10 funds to develop, implement, improve, or expand, in
11 collaboration with teachers, principals, other school
12 leaders, and members of the public, a performance-
13 based compensation system consistent with this part.

14 “(2) AUTHORIZED ACTIVITIES.—Grant funds
15 under this part may be used for the following:

16 “(A) Developing an evaluation system that
17 reflects clear and fair measures of teacher,
18 principal, and other school leader performance,
19 based on demonstrated improvement in student
20 academic achievement.

21 “(B) Conducting outreach within a local
22 educational agency or a State to gain input on
23 how to construct an evaluation system described
24 in subparagraph (A) and to develop support for
25 the evaluation system.

1 “(C) Paying, as part of a comprehensive
2 performance-based compensation system, bo-
3 nuses and increased salaries to—

4 “(i) teachers who—

5 “(I)(aa) teach in high-need
6 schools; or

7 “(bb) teach in high-need subjects;

8 and

9 “(II) raise student academic
10 achievement; or

11 “(ii) principals and other school lead-
12 ers who serve in high-need schools and
13 raise student academic achievement in the
14 schools.

15 “(f) MATCHING REQUIREMENT.—Each eligible entity
16 that receives a grant under this part shall provide, from
17 non-Federal sources, an amount equal to 50 percent of
18 the amount of the grant (which may be provided in cash
19 or in-kind) to carry out the activities supported by the
20 grant.

21 “(g) SUPPLEMENT, NOT SUPPLANT.—In accordance
22 with the method of determination described under section
23 1117, grant funds provided under this part shall be used
24 to supplement, not supplant, other Federal or State funds
25 available to carry out activities described in this part.

1 **“SEC. 2203. REPORTS.**

2 “(a) **ACTIVITIES SUMMARY.**—Each eligible entity re-
3 ceiving a grant under this part shall provide to the Sec-
4 retary a summary of the activities assisted under the
5 grant.

6 “(b) **REPORT.**—The Secretary shall provide to Con-
7 gress an annual report on the implementation of the pro-
8 gram carried out under this part, including—

9 “(1) information on eligible entities that re-
10 ceived grant funds under this part, including—

11 “(A) information provided by eligible enti-
12 ties to the Secretary in the applications sub-
13 mitted under section 2202(c);

14 “(B) the summaries received under sub-
15 section (a); and

16 “(C) grant award amounts; and

17 “(2) student academic achievement data from
18 the schools participating in the projects supported
19 under the grant.

20 “(c) **EVALUATION AND TECHNICAL ASSISTANCE.**—

21 “(1) **RESERVATION OF FUNDS.**—Of the total
22 amount reserved under section 2003(c) for this part
23 for a fiscal year, the Secretary may reserve for such
24 fiscal year not more than 1 percent for the cost of
25 the evaluation under paragraph (2) and for technical
26 assistance in carrying out this part.

1 “(2) EVALUATION.—From amounts reserved
2 under paragraph (1), the Secretary, acting through
3 the Director of the Institute of Education Sciences,
4 shall carry out an independent evaluation to meas-
5 ure the effectiveness of the program assisted under
6 this part.

7 “(3) CONTENTS.—The evaluation under para-
8 graph (1) shall measure—

9 “(A) the effectiveness of the program in
10 improving student academic achievement;

11 “(B) the satisfaction of the participating
12 teachers, principals, and other school leaders;
13 and

14 “(C) the extent to which the program as-
15 sisted the eligible entities in recruiting and re-
16 taining high-quality teachers, principals, and
17 other school leaders, especially in high-need
18 subject areas.

19 **“PART C—GENERAL PROVISIONS**

20 **“SEC. 2301. PROHIBITION AGAINST FEDERAL MANDATES,**
21 **DIRECTION, OR CONTROL.**

22 “Nothing in this title shall be construed to authorize
23 the Secretary or any other officer or employee of the Fed-
24 eral Government to mandate, direct, control, or exercise

1 any direction or supervision over a State, local educational
2 agency, or school's—

3 “(1) instructional content or materials, cur-
4 riculum, program of instruction, academic stand-
5 ards, or academic assessments;

6 “(2) teacher, principal, or other school leader
7 evaluation system; or

8 “(3) definitions of teacher, principal, or school
9 leader effectiveness.”.

10 **TITLE III—LANGUAGE INSTRU-**
11 **CTION FOR ENGLISH LEARN-**
12 **ERS AND IMMIGRANT STU-**
13 **DENTS**

14 **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 3001 (20 U.S.C. 6801) is amended to read
16 as follows:

17 **“SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to carry out
19 this title \$737,400,000 for each of fiscal years 2016
20 through 2021.”.

1 **PART A—ENGLISH LANGUAGE ACQUISITION,**
2 **LANGUAGE ENHANCEMENT, AND ACADEMIC**
3 **ACHIEVEMENT ACT**

4 **SEC. 3101. PURPOSES.**

5 Section 3102 (20 U.S.C. 6812) is amended by strik-
6 ing paragraphs (1) through (9) and inserting the fol-
7 lowing:

8 “(1) to help ensure that English learners, in-
9 cluding immigrant children and youth, attain
10 English proficiency and develop high levels of aca-
11 demic attainment in English;

12 “(2) to assist all English learners, including im-
13 migrant children and youth, to achieve at high levels
14 in academic subjects so that children who are
15 English learners can meet the same challenging
16 State academic standards that all children are ex-
17 pected to meet, consistent with section 1111(b)(1);

18 “(3) to assist State educational agencies and
19 local educational agencies in establishing, imple-
20 menting, and sustaining high-quality, evidence-based
21 language instruction educational programs designed
22 to assist in teaching English learners, including im-
23 migrant children and youth;

24 “(4) to assist State educational agencies and
25 local educational agencies to develop and enhance
26 their capacity to provide high-quality, evidence-based

1 instruction programs designed to prepare English
2 learners, including immigrant children and youth, to
3 enter all English instruction settings; and

4 “(5) to promote parental and community par-
5 ticipation in language instruction educational pro-
6 grams for the parents and communities of English
7 learners.”.

8 **Subpart 1—Grants and Subgrants for English**

9 **Language Acquisition and Language Enhancement**

10 **SEC. 3111. FORMULA GRANTS TO STATES.**

11 Section 3111 (20 U.S.C. 6821) is amended—

12 (1) in subsection (b)(2)—

13 (A) by striking subparagraph (A) and in-
14 serting the following:

15 “(A) Professional development activities,
16 and other activities related to the education of
17 English learners, which may include assisting
18 personnel in—

19 “(i) meeting State and local certifi-
20 cation and licensing requirements for
21 teaching English learners; and

22 “(ii) improving teaching skills in
23 meeting the diverse needs of English learn-
24 ers, including how to implement evidence-

1 based programs and curricula on teaching
2 English learners.”;

3 (B) in subparagraph (C)—

4 (i) by striking clauses (i) and (ii) and
5 inserting the following:

6 “(i) identifying and implementing evi-
7 dence-based language instruction edu-
8 cational programs and curricula for teach-
9 ing English learners;

10 “(ii) helping English learners meet
11 the same State academic standards that all
12 children are expected to meet;” and

13 (ii) by striking clause (iv) and insert-
14 ing the following:

15 “(iv) strengthening and increasing
16 parent, family, and community engagement
17 in programs that serve English learners.”;
18 and

19 (C) by striking subparagraph (D) and in-
20 sserting the following:

21 “(D) Providing recognition, which may in-
22 clude providing financial awards, to recipients
23 of subgrants under section 3115 that have sig-
24 nificantly improved the achievement and
25 progress of English learners in—

1 “(i) reaching English language pro-
2 ficiency, based on the State’s English lan-
3 guage proficiency assessment under section
4 1111(b)(2)(H); and

5 “(ii) meeting the challenging State
6 academic standards described in section
7 1111(b)(1).”; and

8 (2) in subsection (c)—

9 (A) in paragraph (1)—

10 (i) in the matter preceding subpara-
11 graph (A), by striking “appropriated under
12 section 3001(a)” and inserting “appro-
13 priated under section 3001”;

14 (ii) in subparagraph (B), by inserting
15 “and” after the semicolon; and

16 (iii) in subparagraph (C)—

17 (I) by striking “not more than
18 0.5 percent of such amount shall be
19 reserved for evaluation activities con-
20 ducted by the Secretary and”; and

21 (II) by striking “; and” and in-
22 serting a period; and

23 (iv) by striking subparagraph (D);

24 (B) by striking paragraph (2);

1 (C) by redesignating paragraphs (3) and
2 (4) as paragraphs (2) and (3), respectively;

3 (D) in paragraph (2)(A), as redesignated
4 by subparagraph (C)—

5 (i) in the matter preceding clause (i),
6 by striking “3001(a)” and inserting
7 “3001”;

8 (ii) in clause (i)—

9 (I) by striking “limited English
10 proficient children” and inserting
11 “English learners”;

12 (II) by striking “such children”
13 and inserting “English learners”; and

14 (III) by inserting “, as deter-
15 mined by the Secretary under para-
16 graph (3)” before the semicolon at the
17 end; and

18 (iii) in clause (ii), by inserting “, as
19 determined by the Secretary under para-
20 graph (3)” before the period at the end;
21 and

22 (E) by striking paragraph (3), as redesi-
23 gnated by subparagraph (C), and inserting the
24 following:

1 “(3) USE OF DATA FOR DETERMINATIONS.—In
2 making State allotments under paragraph (2)(A)(i)
3 for each fiscal year, the Secretary shall—

4 “(A) determine the number of English
5 learners in a State and in all States, using the
6 most accurate, up-to-date data, which shall
7 be—

8 “(i) data available from the American
9 Community Survey conducted by the De-
10 partment of Commerce, which may be
11 multiyear estimates;

12 “(ii) the number of students being as-
13 sessed for English language proficiency,
14 based on the States English language pro-
15 ficiency assessment under section
16 1111(b)(2)(H), which may be multiyear es-
17 timates; or

18 “(iii) a combination of data available
19 under clauses (i) and (ii); and

20 “(B) determine the number of immigrant
21 children and youth in the State and in all
22 States based only on data available from the
23 American Community Survey conducted by the
24 Department of Commerce, which may be
25 multiyear estimates.”.

1 **SEC. 3112. STATE AND SPECIALLY QUALIFIED AGENCY**
2 **PLANS.**

3 Section 3113 (20 U.S.C. 6823) is amended—

4 (1) in subsection (a), by striking “, in such
5 manner, and containing such information” and in-
6 serting “and in such manner”;

7 (2) in subsection (b)—

8 (A) in paragraph (1), by striking “mak-
9 ing” and inserting “awarding”;

10 (B) by striking paragraphs (2) and (6);

11 (C) by redesignating paragraphs (3)
12 through (5) as paragraphs (2) through (4), re-
13 spectively;

14 (D) in paragraph (2), as redesignated by
15 subparagraph (C)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “contain” and in-
18 sert “provide”;

19 (ii) by striking subparagraphs (A) and
20 (B);

21 (iii) by redesignating subparagraphs
22 (C) through (G) as subparagraphs (A)
23 through (E), respectively;

24 (iv) in subparagraph (A), as redesi-
25 gnated by clause (iii)—

1 (I) by striking “section
2 1111(b)(7)” and inserting “section
3 1111(b)(2)(B)【(v)/(vii)】”; and

4 (II) by striking “in English chil-
5 dren” and inserting “English learn-
6 ers”;

7 (v) in subparagraph (B), as redesign-
8 nated by clause (iii)—

9 (I) by striking “limited English
10 proficient children” and inserting
11 “English learners”; and

12 (II) by striking “section
13 1111(b)(7)” and inserting “section
14 1111(b)(2)(H)”;

15 (vi) in subparagraph (D), as redesign-
16 nated by clause (iii)—

17 (I) by inserting “, evidence-
18 based” after “high-quality”; and

19 (II) by striking “limited English
20 proficient children; and” and inserting
21 “English learners;”;

22 (vii) in subparagraph (E), as redesign-
23 nated by clause (iii)—

24 (I) by inserting “, evidence-
25 based” after “high-quality”;

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

4 (III) by striking “challenging
5 State” and all that follows through
6 the semicolon and inserting “chal-
7 lenging State academic standards de-
8 scribed in section 1111(b)(1);”; and

9 (viii) by adding at the end the fol-
10 lowing:

11 “(F) the agency will monitor each eligible
12 entity receiving a subgrant under this subpart
13 for compliance with applicable Federal fiscal re-
14 quirements; and

15 “(G) the plan has been developed in con-
16 sultation with local educational agencies, teach-
17 ers, administrators of programs implemented
18 under this subpart, parents, and other relevant
19 stakeholders.”;

20 (E) in paragraph (3), as redesignated by
21 subparagraph (C), by striking “its other” and
22 inserting “other”;

23 (F) by striking paragraph (4), as redesign-
24 ated by subparagraph (C), and inserting the
25 following:

1 “(4) describe how each eligible entity will be
2 given the flexibility to teach English learners—

3 “(A) using a high-quality, evidence-based
4 language instruction curriculum for teaching
5 English learners, which may be a scientifically
6 valid curriculum; and

7 “(B) in the manner the eligible entity de-
8 termines to be the most effective; and

9 “(5) describe how the agency will assist eligible
10 entities in increasing the number of English learners
11 who acquire English proficiency.”;

12 (3) in subsection (d)(2)(B), by striking “part”
13 and inserting “subpart”; and

14 (4) in subsection (f), by striking “, objectives,”.

15 **SEC. 3113. WITHIN-STATE ALLOCATIONS.**

16 Section 3114 (20 U.S.C. 6824) is amended—

17 (1) by striking “section 3111(c)(3)” each place
18 the term appears and inserting “section
19 3111(c)(2)”; and

20 (2) in subsection (a), by striking “limited
21 English proficient children” each place the term ap-
22 pears and inserting “English learners”.

23 **SEC. 3114. SUBGRANTS TO ELIGIBLE ENTITIES.**

24 Section 3115 (20 U.S.C. 6825) is amended—

25 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “to improve the education” through
3 “purposes:” and inserting the following: “to im-
4 prove the education of English learners by as-
5 sisting the children to learn English and meet
6 the challenging State academic standards de-
7 scribed in section 1111(b)(1). In carrying out
8 activities with such funds, the eligible entity
9 shall use evidence-based approaches and meth-
10 odologies for teaching English learners and im-
11 migrant children and youth for the following
12 purposes:”;

13 (B) in paragraph (1), by striking “such
14 children, and such children and youth,” and in-
15 sserting “English learners and immigrant chil-
16 dren and youth,”;

17 (C) in paragraph (2)—

18 (i) by inserting “, evidence-based”
19 after “locally designed”; and

20 (ii) by striking “such children, and
21 such children and youth” and inserting
22 “English learners and immigrant children
23 and youth”;

24 (D) in each of paragraphs (3) and (4), by
25 striking “such children, and such children and

1 youth” and inserting “English learners and im-
2 migrant children and youth”;

3 (2) in subsection (b), by striking “may use not”
4 and inserting “shall not use”;

5 (3) in subsection (c)—

6 (A) by striking paragraph (1) and insert-
7 ing the following:

8 “(1) to increase the English language pro-
9 ficiency of English learners by providing high-qual-
10 ity, evidence-based language instruction educational
11 programs that meet the needs of English learners
12 and have demonstrated success in increasing—

13 “(A) English language proficiency; and

14 “(B) student academic achievement;”;

15 (B) in paragraph (2)—

16 (i) in the matter preceding subpara-
17 graph (A)—

18 (I) by inserting “, evidence-
19 based” after high-quality; and

20 (II) by inserting “other school
21 leaders,” after “principals,”;

22 (ii) in subparagraph (A), by striking
23 “limited English proficient children” and
24 inserting “English learners”;

1 (iii) by striking subparagraphs (B)
2 and (C) and inserting the following:

3 “(B) designed to enhance the ability of
4 such teachers, principals, and other school lead-
5 ers to understand and implement curricula, as-
6 sessment practices, and instruction strategies
7 for English learners;

8 “(C) evidence-based (which may include
9 scientifically valid professional development) in
10 increasing children’s English language pro-
11 ficiency or substantially increasing the subject
12 matter knowledge, teaching knowledge, and
13 teaching skills of such teachers; and”;

14 (iv) in subparagraph (D), by striking
15 the period at the end and inserting “, as
16 appropriate; and”;

17 (C) by adding at the end the following:

18 “(3) to provide and implement other evidence-
19 based activities and strategies that enhance or sup-
20 plement language instruction educational programs
21 for English learners, including parental and commu-
22 nity engagement activities and strategies that serve
23 to coordinate and align related programs.”;

24 (4) in subsection (d)—

1 (A) in paragraph (2), by striking “limited
2 English proficient children” and inserting
3 “English learners”; and

4 (B) in paragraph (3)—

5 (i) in the matter preceding subpara-
6 graph (A), by inserting “to English learn-
7 ers” after “Providing”;

8 (ii) in subparagraph (A), by striking
9 “vocational education for limited English
10 proficient children” and inserting “career
11 education for English learners”;

12 (C) in paragraph (5)—

13 (i) by inserting “language” before
14 “proficiency”; and

15 (ii) by striking “limited English pro-
16 ficient children” and inserting “English
17 learners”;

18 (D) in paragraph (6), by striking “limited
19 English proficient children” each place the term
20 appears and inserting “English learners”; and

21 (E) in paragraph (7), by striking “limited
22 English proficient children” and inserting
23 “English learners”;

24 (5) in subsection (e)(1)—

1 (A) in subparagraph (B), by striking
2 “teacher aides” and inserting “paraprofes-
3 sionals”;

4 (B) in subparagraph (D), by striking “the
5 funds” and inserting “such funds”; and

6 (C) in subparagraph (E), by striking
7 “school district” and inserting “local edu-
8 cational agency”;

9 (6) in subsection (f)(1)—

10 (A) by striking “limited English proficient
11 children” and inserting “English learners”;

12 (B) by striking “English proficiency” and
13 all that follows through the period at the end
14 and inserting “English language proficiency
15 and meet challenging State academic standards
16 described in section 1111(b)(1).”;

17 (7) in subsection (g)—

18 (A) by inserting “In accordance with the
19 method of determination described under sec-
20 tion 1117,” before “Federal funds”; and

21 (B) by striking “limited English proficient
22 children” and inserting “English learners”.

23 **SEC. 3115. LOCAL PLANS.**

24 Section 3116 (20 U.S.C. 6826) is amended—

25 (1) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) by inserting “evidence-based” be-
3 fore “programs”; and

4 (ii) by inserting “that will help
5 English learners increase their English
6 language proficiency and meet the chal-
7 lenging State academic standards de-
8 scribed in section 1111(b)(1)” before the
9 semicolon at the end;

10 (B) by striking paragraph (2);

11 (C) by redesignating paragraphs (3)
12 through (6) as paragraphs (2) through (5), re-
13 spectively;

14 (D) in paragraph (2), as redesignated by
15 subparagraph (C), by striking “for—” and all
16 that follows through “section 1111(b)(1)” and
17 inserting “for annually assessing the English
18 language proficiency of all children partici-
19 pating under this subpart, consistent with sec-
20 tion 1111(b)(2)(H);”;

21 (E) in paragraph (3), as redesignated by
22 subparagraph (C), by striking “participation in
23 programs for limited English proficient chil-
24 dren” and inserting “engagement in the edu-
25 cation of English learners”;

1 (F) in paragraph (4), as redesignated by
2 subparagraph (C), by striking “and parents,”
3 and all that follows through the semicolon at
4 the end and inserting “parents, community
5 members, public or private entities, institutions
6 of higher education, in developing and imple-
7 menting such plan;”;

8 (G) in paragraph (5), as redesignated by
9 subparagraph (C)—

10 (i) by striking “limited English pro-
11 ficient children” and inserting “English
12 learners”; and

13 (ii) by striking “proficiency.” and in-
14 serting “proficiency;”; and

15 (H) by adding at the end the following:

16 “(6) contain assurances that—

17 “(A) each local educational agency that is
18 included in the eligible entity is complying with
19 section 1112(d)(2) prior to, and throughout,
20 each school year as of the date of application,
21 and will continue to comply with such section
22 throughout each school year for which the grant
23 is received; and

24 “(B) the eligible entity is not in violation
25 of any State law, including State constitutional

1 law, regarding the education of English learn-
2 ers, consistent with sections 3125 and 3126.”;
3 and

4 (2) in subsection (c)—

5 (A) by striking “limited English proficient
6 children” and inserting “English learners”; and

7 (B) by striking “part” and inserting “sub-
8 part”;

9 (3) by striking subsection (d).

10 **Subpart 2—Accountability and Administration**

11 **SEC. 3121. REPORTING.**

12 Section 3121(20 U.S.C. 6841) is amended—

13 (1) in the section heading, by striking “**EVAL-**
14 **UATIONS**” and inserting “**REPORTING**”;

15 (2) in subsection (a)—

16 (A) in the matter preceding paragraph (1),
17 by striking “, in a form prescribed by the agen-
18 cy,” and inserting “report, in a form prescribed
19 by the agency, on the activities conducted and
20 children served under this subpart”;

21 (B) in paragraph (2)—

22 (i) by striking “children” and insert-
23 ing “English learners”; and

24 (ii) by striking “challenging State aca-
25 demic content and student academic

1 achievement standards” and inserting
2 “challenging State academic standards de-
3 scribed in section 1111(b)(1)”;

4 (C) by striking paragraph (3) and insert-
5 ing the following:

6 “(3) the number and percentage of English
7 learners in the programs and activities attaining
8 English language proficiency based on State English
9 language proficiency standards established under
10 section 1111(b)(1)(F) by the end of each school
11 year, as determined by the State’s English language
12 proficiency assessment under section
13 1111(b)(2)(H);”;

14 (D) by redesignating paragraph (4) as
15 paragraph (5);

16 (E) by inserting after paragraph (3) the
17 following:

18 “(4) the number of English learners who exit
19 the language instruction educational programs based
20 on their attainment of English language proficiency
21 and transition into classrooms not tailored for
22 English learners;”;

23 (F) in paragraph (5), as redesignated by
24 subparagraph (D)—

1 (i) by striking “children in meeting
2 challenging State academic content and
3 student academic achievement standards”
4 and inserting “children who are English
5 language learners in meeting challenging
6 State academic standards described in sec-
7 tion 1111(b)(1)”; and

8 (ii) by striking “this part.” and in-
9 serting “subpart 1;”; and

10 (G) by adding at the end the following:

11 “(6) the number and percentage of English
12 learners who have not attained English language
13 proficiency within 5 years of initial classification as
14 an English learner and first enrollment in the local
15 educational agency; and

16 “(7) any other information as the State edu-
17 cational agency may require.”;

18 (3) in subsection (b)—

19 (A) in the subsection heading, by striking
20 “EVALUATION” and inserting “REPORT”;

21 (B) in the matter preceding paragraph (1),
22 by striking “An evaluation” and inserting “A
23 report”; and

24 (C) by striking paragraphs (1) through (3)
25 and inserting the following:

1 “(1) to determine the effectiveness of programs
2 and activities in assisting English learners—

3 “(A) to attain English proficiency; and

4 “(B) to make progress in meeting chal-
5 lenging State academic standards described in
6 section 1111(b)(1); and

7 “(2) upon determining the effectiveness of pro-
8 grams and activities based on the criteria described
9 in paragraph (1), to decide how to improve pro-
10 grams.”;

11 (4) by striking subsections (c) and (d); and

12 (5) by redesignating subsection (e) as sub-
13 section (c).

14 **SEC. 3122. REPEAL OF CERTAIN ACHIEVEMENT OBJEC-**
15 **TIVES; ANNUAL REPORT.**

16 (a) REPEAL.—Subpart 2 of part A of title III (20
17 U.S.C. 6841 et seq.) is amended—

18 (1) by striking section 3122; and

19 (2) by redesignating sections 3123 through
20 3129 as sections 3122 through 3128, respectively.

21 (b) ANNUAL REPORT.—Section 3122 (20 U.S.C.
22 6842), as redesignated by subsection (a)(2), is amended—

23 (1) in subsection (a)—

24 (A) by striking “evaluations” and inserting
25 “reports”;

1 (B) by striking “this part” each place the
2 term appears and inserting “subpart 1”; and

3 (C) by striking “children who are limited
4 English proficient” and inserting “English
5 learners”;

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) by striking “limited English pro-
9 ficient children” and inserting “English
10 learners”;

11 (ii) by inserting “English” before
12 “proficiency”;

13 (iii) by striking “children who are lim-
14 ited English proficient” and inserting
15 “English learners”;

16 (B) in each of paragraphs (2) and (5), by
17 striking “limited English proficient children”
18 and inserting “English learners”;

19 (C) by striking paragraph (6);

20 (D) by redesignating paragraphs (7)
21 through (9) as paragraphs (6) through (8), re-
22 spectively;

23 (E) in paragraph (7), as redesignated by
24 subparagraph (D)—

1 (i) by striking “limited English pro-
2 ficient children” each place the term ap-
3 pears and inserting “English learners”;

4 (ii) by striking “this part” each place
5 the term appears and inserting “subpart
6 1”; and

7 (F) in paragraph (8), as redesignated by
8 subparagraph (D) by striking “this title” and
9 inserting “this subpart”.

10 **SEC. 3123. COORDINATION WITH RELATED PROGRAMS.**

11 Section 3123 (20 U.S.C. 6844), as redesignated by
12 section 3122(a)(2), is amended—

13 (1) by striking “children of limited English pro-
14 ficiency” and inserting “English learners”; and

15 (2) by striking “limited English proficient chil-
16 dren” and inserting “English learners”.

17 **SEC. 3124. RULES OF CONSTRUCTION.**

18 Section 3124 (20 U.S.C. 6845), as redesignated by
19 section 3122(a)(2), is amended by striking “limited
20 English proficient children” each place the term appears
21 and inserting “English learners”.

22 **SEC. 3125. PROGRAMS FOR NATIVE AMERICANS AND PUER-**
23 **TO RICO.**

24 Section 3127 (20 U.S.C. 6848), as redesignated by
25 section 3122(a)(2), is amended by striking “authorized

1 under this part” and inserting “authorized under subpart
2 1”.

3 **SEC. 3126. PROHIBITION.**

4 Section 3128 (20 U.S.C. 6849), as redesignated by
5 section 3122(a)(2), is amended by striking “limited
6 English proficient children” and inserting “English learn-
7 ers”.

8 **Subpart 3—National Activities**

9 **SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT**
10 **PROJECT.**

11 Section 3131 (20 U.S.C. 6861) is amended—

12 (1) in the matter preceding paragraph (1)—

13 (A) by striking “(in consortia” and insert-
14 ing “or public or private entities with relevant
15 experience and capacity, in consortia”;

16 (B) by striking “agencies)” and inserting
17 “agencies,”;

18 (C) by striking “limited English proficient
19 children” each place the term appears and in-
20 serting “English learners”;

21 (2) in paragraph (1), by inserting “, evidence-
22 based,” after “pre-service”;

23 (3) in paragraph (2)—

24 (A) by inserting “or other instructional
25 strategies” after “curricula”;

1 (B) by striking “and” after the semicolon
2 at the end; and

3 (4) by striking paragraph (3) and inserting the
4 following:

5 “(3) to support strategies that strengthen and
6 increase parent and community member engagement
7 in the education of English learners; and

8 “(4) to share and disseminate evidence-based
9 practices in the instruction of English learners and
10 in increasing the student academic achievement of
11 English learners.”.

12 **Subpart 4—Definitions**

13 **SEC. 3141. ELIGIBLE ENTITY.**

14 Section 3141(2) (20 U.S.C. 6871(2)) is amended by
15 striking “, in collaboration with” and inserting “, in a con-
16 sortia, or in collaboration, with”.

17 **PART B—REPEAL OF THE IMPROVING LANGUAGE**
18 **INSTRUCTION EDUCATIONAL PROGRAMS**
19 **FOR ACADEMIC ACHIEVEMENT ACT; GEN-**
20 **ERAL PROVISIONS**

21 **SEC. 3201. REPEALS AND REORGANIZATION.**

22 Title III (20 U.S.C. 6811 et seq.) is amended—

23 (1) by repealing part B;

24 (2) by striking sections 3302 and 3304;

25 (3) by redesignating part C as part B; and

1 (4) by redesignating sections 3301 and 3303 as
2 sections 3201 and 3202, respectively.

3 **SEC. 3202. DEFINITIONS.**

4 Section 3201, as redesignated by section 3201(4), is
5 amended—

6 (1) in paragraph (5)—

7 (A) in subparagraph (A)—

8 (i) in clause (i), by striking “limited
9 English proficient” and inserting “English
10 learner”; and

11 (ii) in clause (ii), by inserting “and”
12 after the semicolon;

13 (B) by striking subparagraph (B); and

14 (C) by redesignating subparagraph (C) as
15 subparagraph (B);

16 (2) by striking paragraph (13); and

17 (3) by redesignating paragraphs (14) and (15)
18 as paragraphs (13) and (14), respectively.

19 **SEC. 3203. NATIONAL CLEARINGHOUSE.**

20 Section 3202 (20 U.S.C. 7013), as redesignated by
21 section 3201(4), is amended by striking “limited English
22 proficient children” each place the term appears and in-
23 serting “English learners”.

1 **TITLE IV—SAFE AND HEALTHY**
2 **STUDENTS**

3 **SEC. 4101. GENERAL PROVISIONS.**

4 Title IV (20 U.S.C. 7101 et seq.) is amended—

5 (1) by redesignating subpart 3 of part A as
6 subpart 5 of part F of title IX, as redesignated by
7 section 9106(1), and moving that subpart to follow
8 subpart 4 of part F of title IX, as redesignated by
9 sections 2001 and 9106(1);

10 (2) by redesignating section 4141 as section
11 9561;

12 (3) by redesignating section 4155 as section
13 9537 and moving that section so as to follow section
14 9536;

15 (4) by redesignating part C as subpart 6 of
16 part F of title IX, as redesignated by section
17 9106(1), and moving that subpart to follow subpart
18 5 of part F of title IX, as redesignated by section
19 9106(1) and paragraph (1); and

20 (5) by redesignating sections 4301, 4302, 4303,
21 and 4304, as sections 9571, 9572, 9573, and 9574,
22 respectively; and

23 (6) by striking title IV and inserting the fol-
24 lowing:

1 **“TITLE IV—SAFE AND HEALTHY**
2 **STUDENTS**

3 **“SEC. 4101. PURPOSE.**

4 “The purpose of this title is to improve students’
5 safety, health, well-being, and academic achievement dur-
6 ing and after the school day by—

7 “(1) increasing the capacity of local educational
8 agencies, schools, and local communities to create
9 safe, healthy, supportive, and drug-free environ-
10 ments;

11 “(2) carrying out programs designed to improve
12 school safety and promote students’ physical and
13 mental health and well-being;

14 “(3) preventing and reducing substance abuse,
15 school violence, and bullying; and

16 “(4) strengthening parent and community en-
17 gagement to ensure a healthy, safe, and supportive
18 school environment.

19 **“SEC. 4102. DEFINITIONS.**

20 “In this title:

21 “(1) CONTROLLED SUBSTANCE.—The term
22 ‘controlled substance’ means a drug or other sub-
23 stance identified under Schedule I, II, III, IV, or V
24 in section 202(c) of the Controlled Substances Act
25 (21 U.S.C. 812(c)).

1 “(2) DRUG.—The term ‘drug’ includes con-
2 trolled substances, the illegal use of alcohol or to-
3 bacco, and the harmful, abusive, or addictive use of
4 substances, including inhalants and anabolic
5 steroids.

6 “(3) DRUG AND VIOLENCE PREVENTION.—The
7 term ‘drug and violence prevention’ means—

8 “(A) with respect to drugs, prevention,
9 early intervention, rehabilitation referral, or
10 education related to the illegal use of drugs;
11 and

12 “(B) with respect to violence, the pro-
13 motion of school safety, such that students and
14 school personnel are free from violent and dis-
15 ruptive acts, including sexual harassment and
16 abuse, and victimization associated with preju-
17 dice and intolerance, on school premises, going
18 to and from school, and at school-sponsored ac-
19 tivities, through the creation and maintenance
20 of a school environment that is free of weapons
21 and fosters individual responsibility and respect
22 for the rights of others.

23 “(4) SCHOOL-BASED MENTAL HEALTH SERV-
24 ICES PROVIDER.—The term ‘school-based mental
25 health services provider’ includes a State licensed or

1 State certified school counselor, school psychologist,
2 school social worker, or other State licensed or cer-
3 tified mental health professional qualified under
4 State law to provide such mental health services to
5 children and adolescents.

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

9 **“SEC. 4103. FORMULA GRANTS TO STATES.**

10 “(a) RESERVATIONS.—From the total amount appro-
11 priated under section 4108 for a fiscal year, the Secretary
12 shall reserve—

13 “(1) not more than 1 percent for national ac-
14 tivities, which the Secretary may carry out directly
15 or through grants and contracts, such as providing
16 technical assistance to States and local educational
17 agencies carrying out activities under this title or
18 conducting a national evaluation;

19 “(2) ½ of 1 percent for allotments for the
20 United States Virgin Islands, Guam, American
21 Samoa, and the Commonwealth of the Northern
22 Mariana Islands, to be distributed among those out-
23 lying areas on the basis of their relative need, as de-
24 termined by the Secretary, in accordance with the
25 purpose of this title; and

1 “(3) 1/2 of 1 percent for the Secretary of the In-
2 terior for programs under this title in schools oper-
3 ated or funded by the Bureau of Indian Education.

4 “(b) STATE ALLOTMENTS.—

5 “(1) ALLOTMENT.—

6 “(A) IN GENERAL.—In accordance with
7 subparagraph (B), the Secretary shall allot
8 among each of the States the total amount
9 made available to carry out this title for any
10 fiscal year and not reserved under subsection
11 (a).

12 “(B) DETERMINATION OF STATE ALLOT-
13 MENT AMOUNTS.—Subject to paragraph (2),
14 the Secretary shall allot the amount made avail-
15 able under subparagraph (A) for a fiscal year
16 among the States in proportion to the number
17 of individuals, aged 5 to 17, who reside within
18 the State and are from families with incomes
19 below the poverty line for the most recent fiscal
20 year for which satisfactory data are available,
21 compared to the number of such individuals
22 who reside in all such States for that fiscal
23 year.

24 “(2) SMALL STATE MINIMUM.—No State receiv-
25 ing an allotment under paragraph (1) shall receive

1 less than $\frac{1}{2}$ of 1 percent of the total amount allot-
2 ted under such paragraph.

3 “(3) REALLOTMENT.—If a State does not re-
4 ceive an allotment under this title for a fiscal year,
5 the Secretary shall reallocate the amount of the State’s
6 allotment to the remaining States in accordance with
7 this section.

8 “(c) STATE USE OF FUNDS.—

9 “(1) IN GENERAL.—Each State that receives an
10 allotment under this section shall reserve not less
11 than 98 percent of the amount allotted to such State
12 under subsection (b), for each fiscal year, for sub-
13 grants to local educational agencies under section
14 4104.

15 “(2) STATE ADMINISTRATION.—A State edu-
16 cational agency shall use not more than 1 percent of
17 the amount made available to the State under sub-
18 section (b) for the administrative costs of carrying
19 out its responsibilities under this title.

20 “(3) STATE ACTIVITIES.—A State educational
21 agency shall use the amount made available to the
22 State under subsection (b) and not reserved under
23 paragraph (1) for 1 or more of the following activi-
24 ties:

1 of the Adam Walsh Child Protection
2 and Safety Act of 2006 (42 U.S.C.
3 16919);

4 “(ii) establishing, implementing, or
5 improving policies and procedures that pro-
6 hibit employing as a school employee an in-
7 dividual who—

8 “(I) refuses to consent to a back-
9 ground check;

10 “(II) makes false statements in
11 connection with a background check;
12 or

13 “(III) has been convicted of a fel-
14 ony or any other crimes, as deter-
15 mined by the State;

16 “(iii) establishing, implementing, or
17 improving policies and procedures for
18 States, local educational agencies, or
19 schools to provide the results of back-
20 ground checks to—

21 “(I) individuals subject to the
22 background checks in a statement
23 that indicates whether the individual
24 is ineligible for such employment due
25 to the background check and includes

1 information related to each disquali-
2 fying crime;

3 “(II) the employer in a statement
4 that indicates whether a school em-
5 ployee is eligible or ineligible for em-
6 ployment, without revealing any dis-
7 qualifying crime or other related in-
8 formation regarding the individual;

9 “(III) another employer in the
10 same State or another State, as per-
11 mitted under State law, without re-
12 vealing any disqualifying crime or
13 other related information regarding
14 the individual;

15 “(IV) another local educational
16 agency in the same State or another
17 State that is considering such school
18 employee for employment, as per-
19 mitted under State law, without re-
20 vealing any disqualifying crime or
21 other related information regarding
22 the individual;

23 “(iv) establishing, implementing, or
24 improving procedures that include periodic
25 background checks for school employees in

1 accordance with State policies or the poli-
2 cies of local educational agencies served by
3 the State educational agency;

4 “(v) establishing, implementing, or
5 improving a process by which a school em-
6 ployee may appeal the results of a back-
7 ground check, which process gives each
8 school employee notice of an opportunity to
9 appeal, instructions on how to complete the
10 appeals process, and is completed in a
11 timely manner;

12 “(vi) establishing, implementing, or
13 improving a review process through which
14 the State or local educational agency may
15 determine that a school employee disquali-
16 fied due to a crime is eligible for employ-
17 ment;

18 “(vii) providing school employees with
19 training and professional development on
20 how to recognize, respond to, and prevent
21 child abuse;

22 “(viii) developing, implementing, or
23 improving mechanisms to assist local edu-
24 cational agencies and schools in effectively

1 recognizing and quickly responding to inci-
2 dents of child abuse by school employees;

3 “(ix) developing and disseminating in-
4 formation on best practices and Federal,
5 State, and local resources available to as-
6 sist local educational agencies and schools
7 in preventing and responding to incidents
8 of child abuse by school employees;

9 “(x) developing professional standards
10 and codes of conduct for the appropriate
11 behavior of school employees;

12 “(xi) providing that policies and pro-
13 cedures are published on the website of the
14 State educational agency and the website
15 of each local educational agency served by
16 the State educational agency; and

17 “(xii) providing school employees with
18 training regarding the appropriate report-
19 ing of incidents of child abuse under sec-
20 tion 106(b)(2)(B)(i) of the Child Abuse
21 Prevention and Treatment Act (42 U.S.C.
22 5106a(b)(2)(B)(i)).

23 “(C) Supporting any other activities deter-
24 mined by the State to protect student safety or
25 improve the comprehensiveness, coordination,

1 and transparency of policies and procedures on
2 criminal background checks for school employ-
3 ees in the State.

4 “(D) Other activities identified by the
5 State that meet the purpose of this title.

6 “(d) STATE PLAN.—

7 “(1) IN GENERAL.—In order to receive an allot-
8 ment under this section for any fiscal year, a State
9 shall submit a plan to the Secretary, at such time
10 and in such manner as the Secretary may reason-
11 ably require.

12 “(2) CONTENTS.—Each plan submitted by a
13 State under this section shall include the following:

14 “(A) A description of how the State edu-
15 cational agency will use funds received under
16 this title for State-level activities.

17 “(B) An assurance that the State edu-
18 cational agency will monitor the implementation
19 of activities under this title and provide tech-
20 nical assistance to local educational agencies in
21 carrying out such activities.

22 “(C) A description of laws, regulations, or
23 policies and procedures in effect in the State for
24 conducting background checks for school em-
25 ployees designed to—

1 “(i) terminate individuals in violation
2 of State background check requirements;

3 “(ii) increase the reporting of viola-
4 tions of the background check require-
5 ments in the State;

6 “(iii) reduce the instance of school
7 employee transfers following a substan-
8 tiated violation of the State background
9 check requirements;

10 “(iv) provide for a timely process by
11 which a school employee may appeal the
12 results of a criminal background check;

13 “(v) provide each school employee,
14 upon request, with a copy of the results of
15 the criminal background check, including a
16 description of the disqualifying item or
17 items, if applicable;

18 “(vi) provide the results of the crimi-
19 nal background check to the employer in a
20 statement that indicates whether a school
21 employee is eligible or ineligible for em-
22 ployment, without revealing any disquali-
23 fying crime or other related information re-
24 garding the individual; and

1 “(vii) provide for the public avail-
2 ability of the policies and procedures for
3 conducting background checks.

4 **“SEC. 4104. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**
5 **CIES.**

6 “(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-
7 CIES.—

8 “(1) IN GENERAL.—A State that receives an al-
9 lotment under this title for a fiscal year shall provide
10 the amount made available under section 4103(c)(1)
11 for subgrants to local educational agencies in accord-
12 ance with this section.

13 “(2) FUNDS TO LOCAL EDUCATIONAL AGEN-
14 CIES.—From the funds reserved by a State under
15 section 4103(c)(1), the State shall allocate to each
16 local educational agency in the State an amount that
17 bears the same relationship to such funds as the
18 number of individuals aged 5 to 17 from families
19 with incomes below the poverty line in the geo-
20 graphic area served by the agency, as determined by
21 the Secretary on the basis of the most recent satis-
22 factory data, bears to the number of such individuals
23 in the geographic areas served by all the local edu-
24 cational agencies in the State, as so determined.

1 “(3) ADMINISTRATIVE COSTS.—Of the amount
2 received under paragraph (2), a local educational
3 agency may use not more than 2 percent for the di-
4 rect administrative costs of carrying out its respon-
5 sibilities under this title.

6 “(b) LOCAL APPLICATIONS.—

7 “(1) IN GENERAL.—To be eligible to receive a
8 subgrant under this section, a local educational
9 agency shall submit an application to the State edu-
10 cational agency at such time, in such manner, and
11 containing such information as the State educational
12 agency may reasonably require.

13 “(2) CONSULTATION.—

14 “(A) IN GENERAL.—A local educational
15 agency shall conduct a needs assessment de-
16 scribed in paragraph (3), and develop its appli-
17 cation, through consultation with parents,
18 teachers, principals, school leaders, specialized
19 instructional support personnel, students, com-
20 munity-based organizations, local government
21 representatives, and others with relevant and
22 demonstrated expertise in programs and activi-
23 ties designed to meet the purpose of this title.

24 “(B) CONTINUED CONSULTATION.—On an
25 ongoing basis, the local educational agency shall

1 consult with the individuals and organizations
2 described in subparagraph (A) in order to seek
3 advice regarding how best—

4 “(i) to improve the local educational
5 agency’s activities in order to meet the
6 purpose of this title; and

7 “(ii) to coordinate such agency’s ac-
8 tivities under this title with other related
9 strategies, programs, and activities being
10 conducted in the community.

11 “(3) NEEDS ASSESSMENT.—

12 “(A) IN GENERAL.—To be eligible to re-
13 ceive a subgrant under this section, a local edu-
14 cational agency shall conduct a comprehensive
15 needs assessment of the local educational agen-
16 cy and of all schools within the jurisdiction of
17 the local educational agency.

18 “(B) REQUIREMENTS.—In conducting the
19 needs assessment required under subparagraph
20 (A), the local educational agency shall take into
21 account risk factors in the community, school,
22 family, or peer-individual domains that are
23 known, through prospective, longitudinal re-
24 search efforts, to be predictive of drug use, vio-
25 lent behavior, and having an effect on the phys-

1 ical and mental health and well-being of youth
2 in the school and community.

3 “(4) CONTENTS.—Each application submitted
4 under this subsection shall be based on the needs as-
5 sessment described in paragraph (3) and shall in-
6 clude the following:

7 “(A) The results of the needs assessment
8 described in paragraph (3) and an identification
9 of each school that will be served by a subgrant
10 under this section.

11 “(B) A description of the activities that
12 the local educational agency will carry out
13 under this title and how these activities are
14 aligned with the results of the needs assessment
15 conducted under paragraph (3).

16 “(C) A description of the performance in-
17 dicators that the local educational agency will
18 use to evaluate the effectiveness of the activities
19 carried out under this section.

20 “(D) An assurance that such activities will
21 comply with the principles of effectiveness de-
22 scribed in section 4105(b), and foster a healthy,
23 safe, and supportive school environment that
24 improves students’ safety, health, and well-
25 being during and after the school day.

1 “(E) An assurance that the local edu-
2 cational agency will prioritize the distribution of
3 funds to schools served by the local educational
4 agency that—

5 “(i) are among the schools with the
6 greatest needs as identified through the
7 needs assessment conducted under para-
8 graph (3);

9 “(ii) have the highest percentages or
10 numbers of children counted under section
11 1124(c);

12 “(iii) are identified under section
13 1114(a)(1)(B); or

14 “(iv) are identified as a persistently
15 dangerous public elementary school or sec-
16 ondary school under section 9532.

17 “(F) An assurance that the local edu-
18 cational agency will comply with section 9501
19 (regarding equitable participation by private
20 school children and teachers).

21 **“SEC. 4105. LOCAL EDUCATIONAL AGENCY AUTHORIZED**
22 **ACTIVITIES.**

23 “(a) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—A
24 local educational agency that receives a subgrant under
25 section 4104 shall use the subgrant funds to develop, im-

1 plement, and evaluate comprehensive programs and activi-
2 ties, which are coordinated with other schools and commu-
3 nity-based services and programs, that are in accordance
4 with the purpose of this title and—

5 “(1) foster safe, healthy, supportive, and drug-
6 free environments that support student academic
7 achievement;

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

10 “(3) promote the involvement of parents in the
11 activity or program; and

12 “(4) may include, among other programs and
13 activities—

14 “(A) drug and violence prevention activi-
15 ties and programs, including professional devel-
16 opment and training for school and specialized
17 instructional support personnel and interested
18 community members in prevention, education,
19 early identification, and intervention mentoring,
20 and, where appropriate, rehabilitation referral,
21 as related to drug and violence prevention;

22 “(B) before and after school programs and
23 activities, including during summer recess peri-
24 ods;

1 “(C) school-based mental health services,
2 including early identification of drug use and vi-
3 olence, and direct individual or group coun-
4 seling services provided by qualified school-
5 based mental health services providers;

6 “(D) emergency intervention services fol-
7 lowing traumatic crisis events;

8 “(E) programs that train school personnel
9 to identify warning signs of youth suicide;

10 “(F) mentoring programs and activities for
11 children who are at risk of academic failure,
12 dropping out of school, or involvement in crimi-
13 nal or delinquent activities, or who lack strong
14 positive role models;

15 “(G) elementary school and secondary
16 school counseling programs;

17 “(H) programs or activities that support a
18 healthy, active lifestyle, including nutritional
19 education and regular, structured physical edu-
20 cation programs for elementary school and sec-
21 ondary school students;

22 “(I) implementation of schoolwide positive
23 behavioral interventions and supports, including
24 through coordination with similar activities car-

1 ried out under the Individuals with Disabilities
2 Education Act; and

3 “(J) other activities and programs identi-
4 fied as necessary by the local educational agen-
5 cy through the needs assessment conducted
6 under section 4104(b)(3) that will increase stu-
7 dent achievement and otherwise meet the pur-
8 pose of this title.

9 “(b) PRINCIPLES OF EFFECTIVENESS.—

10 “(1) IN GENERAL.—For a program or activity
11 developed or carried out under this title to meet the
12 principles of effectiveness, such program or activity
13 shall—

14 “(A) be based upon an assessment of ob-
15 jective data regarding the need for programs
16 and activities in the elementary school, sec-
17 ondary school, or community to be served to—

18 “(i) improve school safety and pro-
19 mote students’ physical and mental health
20 and well-being, healthy eating and nutri-
21 tion, and physical fitness; and

22 “(ii) strengthen parent and commu-
23 nity engagement to ensure a healthy, safe,
24 and supportive school environment;

1 “(B) be based upon established locally-de-
2 termined criteria aimed at ensuring a healthy,
3 safe, and supportive school environment for stu-
4 dents in the elementary school, secondary
5 school, or community that will be served by the
6 program;

7 “(C) reflect, to the extent practicable, sci-
8 entifically valid research, or in the absence of a
9 strong research base, reflect best practices in
10 the field, that provides evidence that the pro-
11 gram or activity will provide students a healthy,
12 safe, and supportive school environment; and

13 “(D) include meaningful and ongoing con-
14 sultation with and input from teachers, prin-
15 cipals, school leaders, and parents in the devel-
16 opment of the application and administration of
17 the program or activity.

18 “(2) PERIODIC EVALUATION.—

19 “(A) IN GENERAL.—The program or activ-
20 ity shall undergo a periodic independent, third
21 party evaluation to assess the extent to which
22 the program or activity has helped the local
23 educational agency or school provide students
24 with a healthy, safe, and supportive school envi-
25 ronment that promotes school safety and stu-

1 dents’ physical and mental health and well-
2 being.

3 “(B) USE OF RESULTS.—The local edu-
4 cational agency shall ensure that the results of
5 the periodic evaluations described under sub-
6 paragraph (A) are—

7 “(i) used to refine, improve, and
8 strengthen the program or activity, and to
9 refine locally determined criteria described
10 under paragraph (1)(B); and

11 “(ii) made available to the public upon
12 request, and ensure that the public has no-
13 tice that the information is available.

14 “(3) PROHIBITION.—Nothing in this subsection
15 shall be construed to authorize the Secretary or any
16 other officer or employee of the Federal Government
17 to mandate, direct, control, or exercise any direction
18 or supervision over the principles of effectiveness de-
19 veloped or utilized by a local educational agency
20 under this subsection.

21 **“SEC. 4106. SUPPLEMENT, NOT SUPPLANT.**

22 “‘In accordance with the method of determination de-
23 scribed under section 1117(a), funds made available under
24 this title shall be used to supplement, and not supplant,

1 non-Federal funds that would otherwise be used for activi-
2 ties authorized under this title.

3 **“SEC. 4107. PROHIBITION; RULES OF CONSTRUCTION.**

4 “(a) PROHIBITED USE OF FUNDS.—No funds under
5 this title may be used for—

6 “(1) construction; or

7 “(2) medical services or drug treatment or re-
8 habilitation, except for pupil services or referral to
9 treatment for students who are victims of, or wit-
10 nesses to, crime or who illegally use drugs.

11 “(b) RULES OF CONSTRUCTION REGARDING BACK-
12 GROUND CHECKS.—

13 “(1) NO FEDERAL CONTROL.—Nothing in this
14 title shall be construed to authorize an officer or em-
15 ployee of the Federal Government to—

16 “(A) mandate, direct, or control the back-
17 ground check policies or procedures that a
18 State or local educational agency develops or
19 implements under this title;

20 “(B) establish any criterion that specifies,
21 defines, or prescribes the background check
22 policies or procedures that a State or local edu-
23 cational agency develops or implements under
24 this title; or

1 “(C) require a State or local educational
2 agency to submit such background check poli-
3 cies or procedures for approval.

4 “(2) PROHIBITION ON REGULATION.—Nothing
5 in this title shall be construed to permit the Sec-
6 retary to establish any criterion that—

7 “(A) prescribes, or specifies requirements
8 regarding, background checks for school em-
9 ployees; or

10 “(B) defines the term ‘background checks’,
11 as such term is used in this Act.

12 “(3) NO PRIVATE RIGHT OF ACTION.—Nothing
13 in this title shall be construed to create a private
14 right of action if a State, local educational agency,
15 or school is in compliance with State regulations and
16 requirements concerning background checks.

17 “(4) BACKGROUND CHECK FEES.—Nothing in
18 this title shall be construed as prohibiting States or
19 local educational agencies from charging school em-
20 ployees for the costs of processing applications and
21 administering a background check as required by
22 State law, provided that the fees charged to school
23 employees do not exceed the actual costs to the
24 State or local educational agency for the processing
25 and administration of the background check.

1 **“SEC. 4108. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this title \$1,616,160,000 for each of fiscal years 2016
4 through 2021.”.

5 **TITLE V—EMPOWERING PAR-**
6 **ENTS AND EXPANDING OP-**
7 **PORTUNITY THROUGH QUAL-**
8 **ITY CHARTER SCHOOLS AND**
9 **MAGNET SCHOOLS**

10 **SEC. 5001. EMPOWERING PARENTS AND EXPANDING OP-**
11 **PORTUNITY THROUGH QUALITY CHARTER**
12 **SCHOOLS AND MAGNET SCHOOLS.**

13 Title V (20 U.S.C. 7201 et seq.) is amended—

14 (1) by striking part A;

15 (2) by striking subparts 2 and 3 of part B;

16 (3) by striking part D;

17 (4) by redesignating parts B and C as parts A
18 and B, respectively;

19 (5) in part A, as redesignated by paragraph
20 (4), by striking “**Subpart 1—Charter School**
21 **Programs**”; and

22 (6) by redesignating sections 5201 through
23 5211 as sections 5101 through 5111, respectively.

1 **PART A—PUBLIC CHARTER SCHOOLS**

2 **SEC. 5101. PURPOSE.**

3 Section 5101 (20 U.S.C. 7221), as redesignated by
4 section 5001(6), is amended to read as follows:

5 **“SEC. 5101. PURPOSE.**

6 “It is the purpose of this part to—

7 “(1) provide financial assistance for the plan-
8 ning, program design, and initial implementation of
9 charter schools;

10 “(2) increase the number of high-quality char-
11 ter schools available to students across the Nation;

12 “(3) evaluate the impact of such schools on stu-
13 dent achievement, families, and communities, and
14 share best practices among charter schools and other
15 public schools;

16 “(4) encourage States to provide support to
17 charter schools for facilities financing in an amount
18 more nearly commensurate to the amount the States
19 have typically provided for traditional public schools;

20 “(5) expand opportunities for children with dis-
21 abilities, students who are English learners, and
22 other traditionally underserved students to attend
23 charter schools and meet the challenging State aca-
24 demic standards under section 1111(b)(1); and

25 “(6) support efforts to strengthen the charter
26 school authorizing process to improve performance

1 management, including transparency, monitoring,
2 and evaluation of such schools.”.

3 **SEC. 5102. PROGRAM AUTHORIZED.**

4 Section 5102 (20 U.S.C. 7221a), as redesignated by
5 section 5001(6), is amended to read as follows:

6 **“SEC. 5102. PROGRAM AUTHORIZED.**

7 “(a) IN GENERAL.—The Secretary is authorized to
8 carry out a charter school program that supports charter
9 schools that serve elementary school and secondary school
10 students by—

11 “(1) supporting the startup of charter schools,
12 the replication of high-quality charter schools, and
13 the expansion of high-quality charter schools;

14 “(2) assisting charter schools in accessing cred-
15 it to acquire and renovate facilities for school use;
16 and

17 “(3) carrying out national activities to sup-
18 port—

19 “(A) the startup of charter schools, the
20 replication of high-quality charter schools, and
21 the expansion of high-quality charter schools;

22 “(B) the dissemination of best practices of
23 charter schools for all schools; and

1 **“SEC. 5103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
2 **SCHOOLS.**

3 “(a) STATE ENTITY DEFINED.—For purposes of this
4 section, the term ‘State entity’ means—

5 “(1) a State educational agency;

6 “(2) a State charter school board;

7 “(3) a Governor of a State; or

8 “(4) a charter school support organization.

9 “(b) PROGRAM AUTHORIZED.—From the amount
10 available under section 5102(b)(3), the Secretary shall
11 award, on a competitive basis, grants to State entities hav-
12 ing applications approved under subsection (f) to enable
13 such entities to—

14 “(1) award subgrants to eligible applicants to
15 enable such eligible applicants to—

16 “(A) open new charter schools;

17 “(B) replicate high-quality charter school
18 models; or

19 “(C) expand high-quality charter schools;

20 and

21 “(2) provide technical assistance to eligible ap-
22 plicants and authorized public chartering agencies in
23 carrying out the activities described in paragraph
24 (1), and work with authorized public chartering
25 agencies in the State to improve authorizing quality.

26 “(c) STATE ENTITY USES OF FUNDS.—

1 “(1) IN GENERAL.—A State entity receiving a
2 grant under this section shall—

3 “(A) use not less than 90 percent of the
4 grant funds to award subgrants to eligible ap-
5 plicants, in accordance with the quality charter
6 school program described in the State entity’s
7 application pursuant to subsection (f), for the
8 purposes described in subparagraphs (A)
9 through (C) of subsection (b)(1);

10 “(B) reserve not less than 7 percent of
11 such funds to carry out the activities described
12 in subsection (b)(2); and

13 “(C) reserve not more than 3 percent of
14 such funds for administrative costs, which may
15 include the administrative costs of providing
16 technical assistance.

17 “(2) CONTRACTS AND GRANTS.—A State entity
18 may use a grant received under this section to carry
19 out the activities described in paragraph (1)(A) di-
20 rectly or through grants, contracts, or cooperative
21 agreements.

22 “(3) RULE OF CONSTRUCTION.—Nothing in
23 this Act shall prohibit the Secretary from awarding
24 grants to State entities, or State entities from
25 awarding subgrants to eligible applicants, that use a

1 weighted lottery, or an equivalent lottery mechanism,
2 to give better chances for school admission to all or
3 a subset of educationally disadvantaged students
4 if—

5 “(A) the use of a weighted lottery in favor
6 of such students is not prohibited by State law,
7 and such State law is consistent with the laws
8 described in section 5110(2)(G); and

9 “(B) such weighted lottery is not used for
10 the purpose of creating schools exclusively to
11 serve a particular subset of students.

12 “(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBUTION OF SUBGRANTS; WAIVERS.—

13 “(1) PROGRAM PERIODS.—

14 “(A) GRANTS.—A grant awarded by the
15 Secretary to a State entity under this section
16 shall be for a period of not more than 3 years,
17 and may be renewed by the Secretary for 1 ad-
18 ditional 2-year period.

19 “(B) SUBGRANTS.—A subgrant awarded
20 by a State entity under this section—

21 “(i) shall be for a period of not more
22 than 3 years, of which an eligible applicant
23 may use not more than 18 months for
24 planning and program design; and
25

1 “(ii) may be renewed by the State en-
2 tity for 1 additional 2-year period.

3 “(2) PEER REVIEW.—The Secretary, and each
4 State entity awarding subgrants under this section,
5 shall use a peer review process to review applications
6 for assistance under this section.

7 “(3) DISTRIBUTION OF SUBGRANTS.—Each
8 State entity awarding subgrants under this section
9 shall award subgrants in a manner that, to the ex-
10 tent practicable and applicable, ensures that such
11 subgrants—

12 “(A) prioritize eligible applicants that plan
13 to serve a significant number of students from
14 low-income families;

15 “(B) are distributed throughout different
16 areas, including urban, suburban, and rural
17 areas; and

18 “(C) will assist charter schools rep-
19 resenting a variety of educational approaches.

20 “(4) WAIVERS.—The Secretary may waive any
21 statutory or regulatory requirement over which the
22 Secretary exercises administrative authority under
23 this Act with respect to charter schools supported
24 under this part, except any such requirement relat-

1 ing to the elements of a charter school described in
2 section 5110(2), if—

3 “(A) the waiver is requested in an ap-
4 proved application under this section; and

5 “(B) the Secretary determines that grant-
6 ing such waiver will promote the purposes of
7 this part.

8 “(e) LIMITATIONS.—

9 “(1) GRANTS.—A State entity may not receive
10 more than 1 grant under this section at a time.

11 “(2) SUBGRANTS.—An eligible applicant may
12 not receive more than 1 subgrant under this section
13 for each individual charter school for each grant pe-
14 riod or renewal period, unless the eligible applicant
15 demonstrates to the State entity that such individual
16 charter school has demonstrated a strong track
17 record of positive results over the course of the
18 grant period regarding the elements described in
19 subparagraphs (A) and (D) of section 5110(8).

20 “(f) APPLICATIONS.—A State entity desiring to re-
21 ceive a grant under this section shall submit an application
22 to the Secretary at such time and in such manner as the
23 Secretary may require. The application shall include the
24 following:

1 “(1) DESCRIPTION OF PROGRAM.—A descrip-
2 tion of the State entity’s objectives in running a
3 quality charter school program under this section
4 and how the objectives of the program will be car-
5 ried out, including—

6 “(A) a description of how the State entity
7 will—

8 “(i) support the opening of new char-
9 ter schools and, if applicable, the replica-
10 tion of high-quality charter schools and the
11 expansion of high-quality charter schools,
12 and the proposed number of charter
13 schools to be opened, replicated, or ex-
14 panded under the State entity’s program;

15 “(ii) inform eligible charter schools,
16 developers, and authorized public char-
17 tering agencies of the availability of funds
18 under the program;

19 “(iii) work with eligible applicants to
20 ensure that the eligible applicants access
21 all Federal funds that such applicants are
22 eligible to receive, and help the charter
23 schools supported by the applicants and
24 the students attending those charter
25 schools—

1 “(I) participate in the Federal
2 programs in which the schools and
3 students are eligible to participate;
4 and

5 “(II) receive the commensurate
6 share of Federal funds the schools
7 and students are eligible to receive
8 under such programs;

9 “(iv) in the case of a State entity that
10 is not a State educational agency—

11 “(I) work with the State edu-
12 cational agency and the charter
13 schools in the State to maximize char-
14 ter school participation in Federal and
15 State programs for charter schools;
16 and

17 “(II) work with the State edu-
18 cational agency to operate the State
19 entity’s program under this section, if
20 applicable;

21 “(v) ensure each eligible applicant
22 that receives a subgrant under the State
23 entity’s program—

24 “(I) is opening or expanding
25 schools that meet the definition of a

1 charter school under section 5110;
2 and

3 “(II) is prepared to continue to
4 operate such charter schools once the
5 subgrant funds under this section are
6 no longer available;

7 “(vi) support charter schools in local
8 educational agencies with large numbers of
9 schools that have been identified by the
10 State under section 1114(a)(1)(B);

11 “(vii) work with charter schools to
12 promote inclusion of all students and sup-
13 port all students upon enrollment in order
14 to promote retention of students in the
15 school;

16 “(viii) work with charter schools on
17 recruitment practices, including efforts to
18 engage groups that may otherwise have
19 limited opportunities to attend charter
20 schools;

21 “(ix) share best and promising prac-
22 tices among charter schools and other pub-
23 lic schools;

24 “(x) ensure that charter schools re-
25 ceiving funds under the State entity’s pro-

1 gram meet the educational needs of their
2 students, including students with disabil-
3 ities and students who are English learn-
4 ers; and

5 “(xi) support efforts to increase char-
6 ter school quality initiatives, including
7 meeting the quality authorizing elements
8 described in paragraph (2)(D);

9 “(B) a description of how the State will ac-
10 tively monitor and hold authorized public char-
11 tering agencies accountable to ensure high-qual-
12 ity authorizing activity, including by estab-
13 lishing authorizing standards and by approving,
14 re-approving, and revoking the authority of an
15 authorized public chartering agency based on
16 the performance of the charter schools author-
17 ized by such agency in the areas of student
18 achievement, student safety, financial manage-
19 ment, and compliance with all applicable stat-
20 utes;

21 “(C) a description of the extent to which
22 the State entity—

23 “(i) is able to meet and carry out the
24 priorities described in subsection (g)(2);
25 and

1 “(ii) is working to develop or
2 strengthen a cohesive statewide system to
3 support the opening of new charter schools
4 and, if applicable, the replication of high-
5 quality charter schools, and the expansion
6 of high-quality charter schools;

7 “(D) a description of how the State entity
8 will award subgrants, on a competitive basis, in-
9 cluding —

10 “(i) a description of the application
11 each eligible applicant desiring to receive a
12 subgrant will be required to submit, which
13 application shall include—

14 “(I) a description of the roles
15 and responsibilities of eligible appli-
16 cants, and of any charter management
17 organizations or other organizations
18 with which the eligible applicant will
19 partner to open charter schools, in-
20 cluding the administrative and con-
21 tractual roles and responsibilities of
22 such partners; and

23 “(II) a description of the quality
24 controls agreed to between the eligible
25 applicant and the authorized public

1 chartering agency involved, such as a
2 contract or performance agreement,
3 and how a school's performance on
4 the State's accountability system and
5 impact on student achievement (which
6 may include student academic growth)
7 will be a primary factor for renewal or
8 revocation of the school's charter;

9 “(III) a description of how the
10 autonomy and flexibility granted to a
11 charter school is consistent with the
12 definition of a charter school in sec-
13 tion 5110; and

14 “(IV) a description of the eligible
15 applicant's planned activities and ex-
16 penditures of subgrant funds for pur-
17 poses of opening a new charter school,
18 replicating a high-quality charter
19 school, or expanding a high-quality
20 charter school, and how the eligible
21 applicant will maintain fiscal sustain-
22 ability after the end of the subgrant
23 period; and

1 “(ii) a description of how the State
2 entity will review applications from eligible
3 applicants;

4 “(E) in the case of a State entity that
5 partners with an outside organization to carry
6 out the entity’s quality charter school program,
7 in whole or in part, a description of the roles
8 and responsibilities of the partner;

9 “(F) a description of how the State entity
10 will help the charter schools receiving funds
11 under the State entity’s program address the
12 transportation needs of the schools’ students.

13 “(2) ASSURANCES.—Assurances that—

14 “(A) each charter school receiving funds
15 through the State entity’s program will have a
16 high degree of autonomy over budget and oper-
17 ations, including autonomy over personnel deci-
18 sions;

19 “(B) the State entity will support charter
20 schools in meeting the educational needs of
21 their students, as described in paragraph
22 (1)(A)(x);

23 “(C) the State entity will ensure that the
24 authorized public chartering agency of any

1 charter school that receives funds under the en-
2 tity's program—

3 “(i) ensures that the charter school
4 under the authority of such agency is
5 meeting the requirements of this Act, part
6 B of the Individuals with Disabilities Edu-
7 cation Act, title VI of the Civil Rights Act
8 of 1964, and section 504 of the Rehabilita-
9 tion Act of 1973; and

10 “(ii) adequately monitors and provides
11 adequate technical assistance to each char-
12 ter school under the authority of such
13 agency in recruiting, enrolling, and meet-
14 ing the needs of all students, including stu-
15 dents with disabilities and students who
16 are English learners;

17 “(D) the State entity will promote quality
18 authorizing, such as through providing technical
19 assistance to support each authorized public
20 chartering agency in the State to improve such
21 agency's ability to monitor the charter schools
22 authorized by the agency, including by—

23 “(i) using annual performance data,
24 which may include graduation rates and
25 student academic growth data, as appro-

1 appropriate, to measure a school's progress to-
2 ward becoming a high-quality charter
3 school;

4 “(ii) reviewing the schools’ inde-
5 pendent, annual audits of financial state-
6 ments conducted in accordance with gen-
7 erally accepted accounting principles, and
8 ensuring any such audits are publically re-
9 ported; and

10 “(iii) holding charter schools account-
11 able to the academic, financial, and oper-
12 ational quality controls agreed to between
13 the charter school and the authorized pub-
14 lic chartering agency involved, such as
15 through renewal, non-renewal, or revoca-
16 tion of the school’s charter; and

17 “(E) the State entity will ensure that each
18 charter school in the State makes publicly avail-
19 able, consistent with the dissemination require-
20 ments of the annual State report card, informa-
21 tion to help parents make informed decisions
22 about the education options available to their
23 children, including information on the edu-
24 cational program, student support services, and
25 annual performance and enrollment data for the

1 groups of students described in section
2 1111(b)(2)(B) [(vii)/(ix)].

3 “(3) REQUESTS FOR WAIVERS.—

4 “(A) FEDERAL STATUTE AND REGULA-
5 TION.—A request and justification for waivers
6 of any Federal statutory or regulatory provi-
7 sions that the State entity believes are nec-
8 essary for the successful operation of the char-
9 ter schools that will receive funds under the en-
10 tity’s program under this section.

11 “(B) STATE AND LOCAL RULES.—A de-
12 scription of any State or local rules, generally
13 applicable to public schools, that will be waived,
14 or otherwise not apply, to such schools or, in
15 the case of a State entity defined in subsection
16 (a)(4), a description of how the State entity will
17 work with the State to request necessary waiv-
18 ers, if applicable.

19 “(g) SELECTION CRITERIA; PRIORITY.—

20 “(1) SELECTION CRITERIA.—The Secretary
21 shall award grants to State entities under this sec-
22 tion on the basis of the quality of the applications
23 submitted under subsection (f), after taking into
24 consideration—

1 “(A) the degree of flexibility afforded by
2 the State’s public charter school law and how
3 the State entity will work to maximize the flexi-
4 bility provided to charter schools under such
5 law;

6 “(B) the proposed number of new charter
7 schools to be opened, and, if applicable, the
8 number of high-quality charter schools to be
9 replicated or expanded under the program, and
10 the number of new students to be served by
11 such schools;

12 “(C) the likelihood that the schools opened,
13 replicated, or expanded by eligible applicants re-
14 ceiving subgrant funds will increase the aca-
15 demic achievement of the school’s students and
16 progress toward becoming high-quality charter
17 schools; and

18 “(D) the quality of the State entity’s plan
19 to—

20 “(i) monitor the eligible applicants re-
21 ceiving subgrants under the State entity’s
22 program;

23 “(ii) provide technical assistance and
24 support for—

1 “(I) the eligible applicants receiv-
2 ing subgrants under the State entity’s
3 program; and

4 “(II) quality authorizing efforts
5 in the State.

6 “(2) PRIORITY.—In awarding grants under this
7 section, the Secretary shall give priority to a State
8 entity to the extent that the entity meets the fol-
9 lowing criteria:

10 “(A) The State entity is located in a State
11 that—

12 “(i) allows at least one entity that is
13 not the local educational agency to be an
14 authorized public chartering agency for
15 each developer seeking to open a charter
16 school in the State; or

17 “(ii) in the case of a State in which
18 local educational agencies are the only au-
19 thorized public chartering agencies, the
20 State has an appeals process for the denial
21 of an application for a charter school.

22 “(B) The State entity is located in a State
23 that ensures that charter schools receive equi-
24 table financing, as compared to traditional pub-
25 lic schools, in a prompt manner.

1 “(C) The State entity is located in a State
2 that provides charter schools one or more of the
3 following:

4 “(i) Funding for facilities.

5 “(ii) Assistance with facilities acqui-
6 sition.

7 “(iii) Access to public facilities.

8 “(iv) The ability to share in bonds or
9 mill levies.

10 “(v) The right of first refusal to pur-
11 chase public school buildings.

12 “(vi) Low- or no-cost leasing privi-
13 leges.

14 “(D) The State entity is located in a State
15 that uses best practices from charter schools to
16 help improve struggling schools and local edu-
17 cational agencies.

18 “(E) The State entity supports charter
19 schools that support at-risk students through
20 activities such as dropout prevention or dropout
21 recovery.

22 “(F) The State entity ensures that each
23 charter school has a high degree of autonomy
24 over the charter school’s budget and operations,
25 including autonomy over personnel decisions.

1 “(G) The State entity has taken steps to
2 ensure that all authorizing public chartering
3 agencies implement best practices for charter
4 school authorizing.

5 “(h) LOCAL USES OF FUNDS.—An eligible applicant
6 receiving a subgrant under this section shall use such
7 funds to carry out activities related to opening a new char-
8 ter school, replicating a high-quality charter school, or ex-
9 panding a high-quality charter school, which may in-
10 clude—

11 “(1) supporting the acquisition, expansion, or
12 preparation of a charter school building to meet in-
13 creasing enrollment needs, including financing the
14 development of a new building and ensuring that a
15 school building complies with applicable statutes and
16 regulations;

17 “(2) paying costs associated with hiring addi-
18 tional teachers to serve additional students;

19 “(3) providing transportation to students to
20 and from the charter school;

21 “(4) providing instructional materials, imple-
22 menting teacher and principal or other school leader
23 professional development programs, and hiring addi-
24 tional non-teaching staff; and

1 “(5) supporting any necessary activities that as-
2 sist the charter school in carrying out this section,
3 such as preparing individuals to serve as members of
4 the charter school’s board.

5 “(i) REPORTING REQUIREMENTS.—Each State entity
6 receiving a grant under this section shall submit to the
7 Secretary, at the end of the third year of the grant period
8 and at the end of any renewal period, a report that in-
9 cludes the following:

10 “(1) The number of students served by each
11 subgrant awarded under this section and, if applica-
12 ble, the number of new students served during each
13 year of the grant period.

14 “(2) The number and amount of subgrants
15 awarded under this section to carry out each of the
16 following:

17 “(A) The opening of new charter schools.

18 “(B) The replication of high-quality char-
19 ter schools.

20 “(C) The expansion of high-quality charter
21 schools.

22 “(3) The progress the State entity made toward
23 meeting the priorities described in subparagraphs
24 (E) through (G) of subsection (g)(2).

25 “(4) A description of—

1 “(A) how the State entity complied with,
2 and ensured that eligible applicants complied
3 with, the assurances described in the State enti-
4 ty’s application; and

5 “(B) how the State entity worked with au-
6 thorized public chartering agencies, and how
7 the agencies worked with the management com-
8 pany or leadership of the schools that receive
9 subgrant funds, if applicable.”.

10 **SEC. 5104. FACILITIES FINANCING ASSISTANCE.**

11 Section 5104 (20 U.S.C. 7221c), as redesignated by
12 section 5001(6), is amended to read as follows:

13 **“SEC. 5104. FACILITIES FINANCING ASSISTANCE.**

14 “(a) GRANTS TO ELIGIBLE ENTITIES.—

15 “(1) IN GENERAL.—From the amount reserved
16 under section 5102(b)(1), the Secretary shall use
17 not less than 50 percent to award not less than 3
18 grants, on a competitive basis, to eligible entities
19 that have the highest-quality applications approved
20 under subsection (d) to demonstrate innovative
21 methods of helping charter schools to address the
22 cost of acquiring, constructing, and renovating facili-
23 ties by enhancing the availability of loans or bond fi-
24 nancing.

1 “(2) ELIGIBLE ENTITY DEFINED.—For the
2 purposes 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.—An eligible entity desiring
20 to receive a grant under this section shall submit an
21 application to the Secretary 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 that the eligible entity proposes to carry out
3 with funds received under subsection (a), in-
4 cluding how the eligible entity will determine
5 which charter schools will receive assistance,
6 and how much and what types of assistance
7 charter schools will receive;

8 “(B) a description of the involvement of
9 charter schools in the application’s development
10 and the design of the proposed activities;

11 “(C) a description of the eligible entity’s
12 expertise in capital market financing;

13 “(D) a description of how the proposed ac-
14 tivities will leverage the maximum amount of
15 private-sector financing capital relative to the
16 amount of government funding used and other-
17 wise enhance credit available to charter schools,
18 including how the entity will offer a combina-
19 tion of rates and terms more favorable than the
20 rates and terms that a charter school could re-
21 ceive without assistance from the entity under
22 this section;

23 “(E) a description of how the eligible enti-
24 ty possesses sufficient expertise in education to
25 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
8 that charter schools need to have adequate fa-
9 cilities.

10 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
11 entity receiving a grant under this section shall use the
12 funds deposited in the reserve account established under
13 subsection (f) to assist one or more charter schools to ac-
14 cess private sector capital to accomplish one or more of
15 the following objectives:

16 “(1) The acquisition (by purchase, lease, dona-
17 tion, or otherwise) of an interest (including an inter-
18 est held by a third party for the benefit of a charter
19 school) in improved or unimproved real property
20 that is necessary to commence or continue the oper-
21 ation of a charter school.

22 “(2) The construction of new facilities, includ-
23 ing predevelopment costs, or the renovation, repair,
24 or alteration of existing facilities, necessary to com-
25 mence or continue the operation of 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 in accomplishing the objectives described in sub-
8 section (e), an eligible entity receiving a grant under
9 subsection (a) shall, in accordance with State and
10 local law, directly or indirectly, alone or in collabora-
11 tion with others, deposit the funds received under
12 subsection (a) (other than funds used for adminis-
13 trative costs in accordance with subsection (g)) in a
14 reserve account established and maintained by the
15 eligible entity for this purpose. Amounts deposited in
16 such account shall be used by the eligible entity for
17 one 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 such subsection.

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 this sub-
23 section.

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 the entity’s operations and
16 activities 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 carried
22 out by the eligible entity under this section
23 (excluding subsection (k)) during the re-
24 porting 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 such subsection.

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 shall apply to the recovery of funds under
20 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.

25 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

1 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
2 PROGRAM.—In this subsection, the term ‘per-pupil
3 facilities aid program’ means a program in which a
4 State makes payments, on a per-pupil basis, to char-
5 ter schools to provide the schools with financing—

6 “(A) that is dedicated solely for funding
7 charter school facilities; or

8 “(B) a portion of which is dedicated for
9 funding charter school facilities.

10 “(2) GRANTS.—

11 “(A) IN GENERAL.—From the amount re-
12 served under section 5102(b)(1) and remaining
13 after the Secretary makes grants under sub-
14 section (a), the Secretary shall make grants, on
15 a competitive basis, to States to pay for the
16 Federal share of the cost of establishing or en-
17 hancing, and administering, per-pupil facilities
18 aid programs.

19 “(B) PERIOD.—The Secretary shall award
20 grants under this subsection for periods of not
21 more than 5 years.

22 “(C) FEDERAL SHARE.—The Federal
23 share of the cost described in subparagraph (A)
24 for a per-pupil facilities aid program shall be
25 not more than—

1 “(i) 90 percent of the cost, for the
2 first fiscal year for which the program re-
3 ceives assistance under this subsection;

4 “(ii) 80 percent for the second such
5 year;

6 “(iii) 60 percent for the third such
7 year;

8 “(iv) 40 percent for the fourth such
9 year; and

10 “(v) 20 percent for the fifth such
11 year.

12 “(D) STATE SHARE.—A State receiving a
13 grant under this subsection may partner with 1
14 or more organizations, and such organizations
15 may provide not more than 50 percent of the
16 State share of the cost of establishing or en-
17 hancing, and administering, the per-pupil facili-
18 ties 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 grant
22 funds provided to charter schools increases with
23 each 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.—In
15 accordance with the method of determination
16 described in section 1117(a), funds made avail-
17 able under this subsection shall be used to sup-
18 plement, and not supplant, State and local pub-
19 lic funds expended to provide per-pupil facilities
20 aid programs, operations financing programs,
21 or other programs, for charter schools.

22 “(4) REQUIREMENTS.—

23 “(A) VOLUNTARY PARTICIPATION.—No
24 State may be required to participate in a pro-
25 gram carried out under this subsection.

1 “(B) STATE LAW.—

2 “(i) IN GENERAL.—To be eligible to
3 receive a grant under this subsection, a
4 State shall establish or enhance, and ad-
5 minister, a per-pupil facilities aid program
6 for charter 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.—A State that is
12 required under State law to provide its
13 charter schools with access to adequate fa-
14 cility space may be eligible to receive a
15 grant under this subsection if the State
16 agrees to use the funds to develop a per-
17 pupil facilities aid program consistent with
18 the requirements of this subsection.

19 “(5) APPLICATIONS.—To be eligible to receive a
20 grant under this subsection, a State shall submit an
21 application to the Secretary at such time, in such
22 manner, and containing such information as the Sec-
23 retary may require.”

1 **SEC. 5105. NATIONAL ACTIVITIES.**

2 Section 5105 (20 U.S.C. 7221d), as redesignated by
3 section 5001(6), is amended to read as follows:

4 **“SEC. 5105. NATIONAL ACTIVITIES.**

5 “(a) IN GENERAL.—From the amount reserved
6 under section 5102(b)(2), the Secretary shall—

7 “(1) use not less than 80 percent of such funds
8 to award grants in accordance with subsection (b);
9 and

10 “(2) use the remainder of such funds to—

11 “(A) disseminate technical assistance to
12 State entities in awarding subgrants under sec-
13 tion 5103(b)(1)(A);

14 “(B) disseminate best practices regarding
15 public charter schools;

16 “(C) evaluate the impact of the charter
17 school program carried out under this part, in-
18 cluding the impact on student achievement; and

19 “(D) award grants, on a competitive basis,
20 for the purpose of carrying out the activities de-
21 scribed in section 5103(h), to eligible applicants
22 that desire to open a charter school, replicate a
23 high-quality charter school, or expand a high-
24 quality charter school in—

25 “(i) a State that did not apply for a
26 grant under section 5103; or

1 “(ii) a State that did not receive a
2 grant under section 5103.

3 “(b) GRANTS FOR THE REPLICATION AND EXPAN-
4 SION OF HIGH-QUALITY CHARTER SCHOOLS.—The Sec-
5 retary shall make grants, on a competitive basis, to eligible
6 entities having applications approved under paragraph (2)
7 to enable such entities to replicate a high-quality charter
8 school or expand a high-quality charter school.

9 “(1) DEFINITION OF ELIGIBLE ENTITY.—For
10 purposes of this subsection, the term ‘eligible entity’
11 means—

12 “(A) a charter management organization
13 that, at the time of the application, operates or
14 manages one or more high-quality charter
15 schools; or

16 “(B) a nonprofit organization that oversees
17 and coordinates the activities of a group of such
18 charter management organizations.

19 “(2) APPLICATION REQUIREMENTS.—An eligi-
20 ble entity desiring to receive a grant under this sub-
21 section shall submit an application to the Secretary
22 at such time and in such manner as the Secretary
23 may require. The application shall include the fol-
24 lowing:

1 “(A) A description of the eligible entity’s
2 objectives for implementing a high-quality char-
3 ter school program with funding under this sub-
4 section, including a description of the proposed
5 number of high-quality charter schools to be
6 replicated or expanded with funding under this
7 subsection.

8 “(B) A description of the educational pro-
9 gram that the eligible entity will implement in
10 the charter schools that the eligible entity pro-
11 poses to replicate or expand, including informa-
12 tion on how the program will enable all stu-
13 dents to meet the challenging State academic
14 standards under section 1111(b)(1), the grade
15 levels or ages of students that will be served,
16 and the instructional practices that will be
17 used.

18 “(C) A multi-year financial and operating
19 model for the eligible entity, including a de-
20 scription of how the operation of the charter
21 schools to be replicated or expanded will be sus-
22 tained after the grant under this subsection has
23 ended.

24 “(D) A description of how the eligible enti-
25 ty will inform all students in the community, in-

1 including students with disabilities, students who
2 are English learners, and other educationally
3 disadvantaged students, about the charter
4 schools to be replicated or expanded with fund-
5 ing under this subsection.

6 “(E) For each charter school currently op-
7 erated or managed by the eligible entity—

8 “(i) student assessment results for all
9 students and for the subgroups of students
10 described in section 1111(b)(2)(B) [(vii)/
11 (ix)]; and

12 “(ii) attendance and student retention
13 rates for the most recently completed
14 school year and, if applicable, the most re-
15 cent available 4-year adjusted cohort and
16 extended-year adjusted cohort secondary
17 school graduation rates (as such rates were
18 calculated on the day before enactment of
19 the Every Child Ready for College or Ca-
20 reer Act of 2015).

21 “(F) Information on any significant com-
22 pliance issues encountered, within the last 3
23 years, by any school operated or managed by
24 the eligible entity, including in the areas of stu-
25 dent safety and financial management.

1 “(G) A request and justification for any
2 waivers of Federal statutory or regulatory re-
3 quirements that the eligible entity believes are
4 necessary for the successful operation of the
5 charter schools to be replicated or expanded
6 with funding under this subsection.

7 “(3) SELECTION CRITERIA.—The Secretary
8 shall select eligible entities to receive grants under
9 this subsection, on the basis of the quality of the ap-
10 plications submitted under paragraph (2), after tak-
11 ing into consideration such factors as—

12 “(A) the degree to which the eligible entity
13 has demonstrated success in increasing aca-
14 demic achievement and attainment for all stu-
15 dents attending the charter schools the eligible
16 entity operates or manages;

17 “(B) the degree to which the eligible entity
18 has demonstrated success in increasing aca-
19 demic achievement and attainment for the sub-
20 groups of students described in
21 1111(b)(2)(B) [(vii)/(ix)];

22 “(C) the quality of the eligible entity’s fi-
23 nancial and operating model as described under
24 paragraph (2)(C), including the quality of the
25 eligible entity’s plan for sustaining the oper-

1 ation of the charter schools to be replicated or
2 expanded after the grant under this subsection
3 has ended;

4 “(D) a determination that the eligible enti-
5 ty has not operated or managed a significant
6 proportion of charter schools that—

7 “(i) have been closed;

8 “(ii) have had a school charter re-
9 voked due to problems with statutory or
10 regulatory compliance; or

11 “(iii) have had the school’s affiliation
12 with the eligible entity revoked; and

13 “(E) a determination that the eligible enti-
14 ty has not experienced significant problems with
15 statutory or regulatory compliance that could
16 lead to the revocation of a school’s charter.

17 “(4) PRIORITY.—In awarding grants under this
18 section, the Secretary shall give priority to eligible
19 entities that operate or manage charter schools that,
20 in the aggregate, serve students at least 60 percent
21 of whom are eligible for a free or reduced price
22 lunch under the Richard B. Russell National School
23 Lunch Act.

24 “(5) TERMS AND CONDITIONS.—Except as oth-
25 erwise provided in this subsection, grants awarded

1 under subsection (a)(2)(D) and subsection (b) shall
2 have the same terms and conditions as grants
3 awarded to State entities under section 5103.”.

4 **SEC. 5106. RECORDS TRANSFER.**

5 Section 5108 (20 U.S.C. 7221g), as redesignated by
6 section 5001(6), is amended by inserting “as quickly as
7 possible and” before “to the extent practicable”.

8 **SEC. 5107. DEFINITIONS.**

9 Section 5110 (20 U.S.C. 7221i), as redesignated by
10 section 5001(6), is amended—

11 (1) by redesignating paragraphs (1), (2), and
12 (3) as paragraphs (2), (5), and (6), respectively;

13 (2) by redesignating paragraph (4) as para-
14 graph (1), and moving such paragraph so as to pre-
15 cede paragraph (2), as redesignated by paragraph
16 (1) of this section;

17 (3) in paragraph (2), as redesignated by para-
18 graph (1)—

19 (A) in subparagraph (G), by striking “,
20 and part B” and inserting “, the Americans
21 with Disabilities Act of 1990 (42 U.S.C. 12101
22 et seq.), section 444 of the General Education
23 Provisions Act (20 U.S.C. 1232) (commonly re-
24 ferred to as the ‘Family Educational Rights
25 and Privacy Act of 1974’), and part B”;

1 (B) by striking subparagraph (H) and in-
2 serting the following:

3 “(H) is a school to which parents choose to
4 send their children, and which—

5 “(i) admits students on the basis of a
6 lottery, if more students apply for admis-
7 sion than can be accommodated; or

8 “(ii) in the case of a school that has
9 an affiliated charter school (such as a
10 school that is part of the same network of
11 schools), automatically enrolls students
12 who are enrolled in the immediate prior
13 grade level of the affiliated charter school
14 and, for any additional student openings or
15 student openings created through regular
16 attrition in student enrollment in the affili-
17 ated charter school and the enrolling
18 school, admits students on the basis of a
19 lottery as described in clause (i);”;

20 (C) by striking subparagraph (I) and in-
21 serting the following:

22 “(I) agrees to comply with the
23 same Federal and State audit require-
24 ments as do other elementary schools
25 and secondary schools in the State,

1 unless such State audit requirements
2 are waived by the State;”;

3 (D) in subparagraph (K), by striking
4 “and” at the end;

5 (E) in subparagraph (L), by striking the
6 period at the end and inserting “; and”; and

7 (F) by adding at the end, the following:

8 “(M) may serve prekindergarten
9 or postsecondary students.”;

10 (4) by inserting after paragraph (2), as redesignig-
11 nated by paragraph (1), the following:

12 “(3) CHARTER MANAGEMENT ORGANIZATION.—
13 The term ‘charter management organization’ means
14 a nonprofit organization that operates or manages
15 multiple charter schools by centralizing or sharing
16 certain functions or resources.

17 “(4) CHARTER SCHOOL SUPPORT ORGANIZA-
18 TION.—The term ‘charter school support organiza-
19 tion’ means a nonprofit, non-governmental entity
20 that is not an authorized public chartering agency
21 and provides, on a statewide basis—

22 “(A) assistance to developers during the
23 planning, program design, and initial implemen-
24 tation of a charter school; and

1 “(B) technical assistance to operating
2 charter schools.”;

3 (5) in paragraph (6)(B), as redesignated by
4 paragraph (1), by striking “under section
5 5203(d)(3)”; and

6 (6) by adding at the end the following:

7 “(7) EXPANSION OF A HIGH-QUALITY CHARTER
8 SCHOOL.—The term ‘expansion of a high-quality
9 charter school’ means increasing the enrollment at a
10 high-quality charter school by not less than 50 per-
11 cent or adding 2 or more grades to a high-quality
12 charter school.

13 “(8) HIGH-QUALITY CHARTER SCHOOL.—The
14 term ‘high-quality charter school’ means a charter
15 school that—

16 “(A) shows evidence of strong academic re-
17 sults, which may include strong student aca-
18 demic growth, as determined by a State;

19 “(B) has no significant issues in the areas
20 of student safety, financial management, or
21 statutory or regulatory compliance;

22 “(C) has demonstrated success in signifi-
23 cantly increasing student academic achieve-
24 ment, including graduation rates where applica-

1 ble, for all students served by the charter
2 school; and

3 “(D) has demonstrated success in increas-
4 ing student academic achievement, including
5 graduation rates where applicable, for the sub-
6 groups of students described in
7 1111(b)(2)(B) [(vii)/(ix)], except that such
8 demonstration is not required in a case in
9 which the number of students in a group is in-
10 sufficient to yield statistically reliable informa-
11 tion or the results would reveal personally iden-
12 tifiable information about an individual student.

13 “(9) REPLICATION OF A HIGH-QUALITY CHAR-
14 TER SCHOOL.—The term ‘replication of a high-qual-
15 ity charter school’ means the opening of a charter
16 school—

17 “(A) under an existing charter or an addi-
18 tional charter, if permitted by State law;

19 “(B) based on the model of a high-quality
20 charter school; and

21 “(C) that will be operated or managed by
22 the same nonprofit organization that operates
23 or manages such high-quality charter school
24 under an existing charter.”.

1 **SEC. 5108. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 5111 (20 U.S.C. 7221j), as redesignated by
3 section 5001(6), is amended to read as follows:

4 **“SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out
6 this part \$300,000,000 for each of fiscal years 2016
7 through 2021.”.

8 **PART B—MAGNET SCHOOLS ASSISTANCE**

9 **SEC. 5201. MAGNET SCHOOLS ASSISTANCE.**

10 Part B of title V (20 U.S.C. 7231 et seq.), as redesignated by section 5001(4), is amended to read as follows:

12 **“PART B—MAGNET SCHOOLS ASSISTANCE**

13 **“SEC. 5201. PURPOSE.**

14 “The purpose of this part is to assist in the desegregation of schools served by local educational agencies by
15 providing financial assistance to eligible local educational
16 agencies for—
17 agencies for—

18 “(1) the elimination, reduction, or prevention of
19 minority group isolation in elementary schools and
20 secondary schools with substantial proportions of minority students, which shall include assisting in the
21 efforts of the United States to achieve voluntary desegregation in public schools;
22 desegregation in public schools;

24 “(2) the development and implementation of
25 magnet school programs that will assist local educational agencies in achieving systemic reforms and
26 educational agencies in achieving systemic reforms and

1 providing all students the opportunity to meet chal-
2 lenging State academic standards under section
3 1111(b)(1);

4 “(3) the development and design of innovative
5 educational methods and practices that promote di-
6 versity and increase choices in public elementary
7 schools and public secondary schools and public edu-
8 cational programs;

9 “(4) courses of instruction within magnet
10 schools that will substantially strengthen the knowl-
11 edge of academic subjects and the attainment of tan-
12 gible and marketable career, technological, and pro-
13 fessional skills of students attending such schools;

14 “(5) improving the capacity of local educational
15 agencies, including through professional develop-
16 ment, to continue operating magnet schools at a
17 high performance level after Federal funding for the
18 magnet schools is terminated; and

19 “(6) ensuring that all students enrolled in the
20 magnet school programs have equitable access to
21 high quality education that will enable the students
22 to succeed academically and continue with postsec-
23 ondary education or enter the workforce without the
24 need for remediation.

1 **“SEC. 5202. DEFINITION.**

2 “For the purpose of this part, the term ‘magnet
3 school’ means a public elementary school, public secondary
4 school, public elementary education center, or public sec-
5 ondary education center that offers a special curriculum
6 capable of attracting substantial numbers of students of
7 different racial backgrounds.

8 **“SEC. 5203. PROGRAM AUTHORIZED.**

9 “The Secretary, in accordance with this part, is au-
10 thorized to award grants to eligible local educational agen-
11 cies, and consortia of such agencies where appropriate, to
12 carry out the purpose of this part for magnet schools that
13 are—

14 “(1) part of an approved desegregation plan;
15 and

16 “(2) designed to bring students from different
17 social, economic, ethnic, and racial backgrounds to-
18 gether.

19 **“SEC. 5204. ELIGIBILITY.**

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

24 “(1) is implementing a plan undertaken pursu-
25 ant to a final order issued by a court of the United
26 States, or a court of any State, or any other State

1 agency or official of competent jurisdiction, that re-
2 quires the desegregation of minority-group-seg-
3 regated children or faculty in the elementary schools
4 and secondary schools of such agency; or

5 “(2) without having been required to do so, has
6 adopted and is implementing, or will, if a grant is
7 awarded to such local educational agency, or consor-
8 tium of such agencies, under this part, adopt and
9 implement a plan that has been approved by the
10 Secretary as adequate under title VI of the Civil
11 Rights Act of 1964 for the desegregation of minor-
12 ity-group-segregated children or faculty in such
13 schools.

14 **“SEC. 5205. APPLICATIONS AND REQUIREMENTS.**

15 “(a) APPLICATIONS.—An eligible local educational
16 agency, or consortium of such agencies, desiring to receive
17 a grant under this part shall submit an application to the
18 Secretary at such time, in such manner, and containing
19 such information and assurances as the Secretary may
20 reasonably require.

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

23 “(1) a description of—

24 “(A) how a grant awarded under this part
25 will be used to promote desegregation, including

1 how the proposed magnet school programs will
2 increase interaction among students of different
3 social, economic, ethnic, and racial back-
4 grounds;

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

9 “(C) how the applicant will continue the
10 magnet school program after assistance under
11 this part is no longer available, and, if applica-
12 ble, an explanation of why magnet schools es-
13 tablished or supported by the applicant with
14 grant funds under this part cannot be contin-
15 ued without the use of grant funds under this
16 part;

17 “(D) how grant funds under this part will
18 be used—

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

22 “(ii) to implement services and activi-
23 ties that are consistent with other pro-
24 grams under this Act, and other Acts, as
25 appropriate; and

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

4 “(2) assurances that the applicant will—

5 “(A) use grant funds under this part for
6 the purposes specified in section 5201;

7 “(B) employ effective teachers, as deter-
8 mined by the State or local educational agency,
9 in the courses of instruction assisted under this
10 part;

11 “(C) not engage in discrimination based on
12 race, religion, color, national origin, sex, or dis-
13 ability in—

14 “(i) the hiring, promotion, or assign-
15 ment of employees of the applicant or
16 other personnel for whom the applicant has
17 any administrative responsibility;

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

22 “(iii) designing or operating extra-
23 curricular activities for students;

1 “(D) carry out a high-quality education
2 program that will encourage greater parental
3 decisionmaking and involvement; and

4 “(E) give students residing in the local at-
5 tendance area of the proposed magnet school
6 program equitable consideration for placement
7 in the program, consistent with desegregation
8 guidelines and the capacity of the applicant to
9 accommodate the students.

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

14 **“SEC. 5206. PRIORITY.**

15 “‘In awarding grants under this part, the Secretary
16 shall give priority to applicants that—

17 “(1) demonstrate the greatest need for assist-
18 ance, based on the expense or difficulty of effectively
19 carrying out approved desegregation plans and the
20 magnet school program for which the grant is
21 sought;

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

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

4 **“SEC. 5207. USE OF FUNDS.**

5 “(a) IN GENERAL.—Grant funds made available
6 under this part may be used by an eligible local edu-
7 cational agency, or consortium of such agencies—

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

12 “(2) for the acquisition of books, materials, and
13 equipment, including computers and the mainte-
14 nance and operation of materials, equipment, and
15 computers, necessary to conduct programs in mag-
16 net schools;

17 “(3) for the compensation, or subsidization of
18 the compensation, of elementary school and sec-
19 ondary school teachers, and instructional staff where
20 applicable, who are necessary to conduct programs
21 in magnet schools;

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

1 “(A) are designed to make available the
2 special curriculum that is offered by the magnet
3 school program to students who are enrolled in
4 the school but who are not enrolled in the mag-
5 net school program; and

6 “(B) further the purpose of this part;

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

11 “(6) to enable the local educational agency, or
12 consortium of such agencies, to have more flexibility
13 in the administration of a magnet school program in
14 order to serve students attending a school who are
15 not enrolled in a magnet school program; and

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

19 “(b) SPECIAL RULE.—Grant funds under this part
20 may be used for activities described in paragraphs (2) and
21 (3) of subsection (a) only if the activities are directly re-
22 lated to improving student academic achievement based on
23 the challenging State academic standards under section
24 1111(b)(1) or directly related to improving student aca-
25 demic, career, technological, and professional skills.

1 **“SEC. 5208. LIMITATIONS.**

2 “(a) DURATION OF AWARDS.—A grant under this
3 part shall be awarded for a period that shall not exceed
4 3 fiscal years.

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

13 “(c) AMOUNT.—No local educational agency, or con-
14 sortium of such agencies, awarded a grant under this part
15 shall receive more than \$4,000,000 under this part for any
16 1 fiscal year.

17 “(d) TIMING.—To the extent practicable, the Sec-
18 retary shall award grants for any fiscal year under this
19 part not later than July 1 of the applicable fiscal year.

20 **“SEC. 5209. AUTHORIZATION OF APPROPRIATIONS; RES-**
21 **ERVATION.**

22 “(a) AUTHORIZATION.—For the purpose of carrying
23 out this part, there are authorized to be appropriated
24 \$91,647,000 for each of fiscal years 2016 through 2021..

25 “(b) RESERVATION FOR TECHNICAL ASSISTANCE.—
26 The Secretary may reserve not more than 1 percent of

1 the funds appropriated under subsection (a) for any fiscal
2 year to provide technical assistance, and carry out dis-
3 semination projects with respect to magnet school pro-
4 grams assisted under this part.

5 “(c) AVAILABILITY OF FUNDS FOR GRANTS TO
6 AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal
7 year for which the amount appropriated pursuant to sub-
8 section (a) exceeds \$75,000,000, the Secretary shall give
9 priority in using such amounts in excess of \$75,000,000
10 to awarding grants to local educational agencies or con-
11 sortia of such agencies that did not receive a grant under
12 this part in the preceding fiscal year.”.

13 **TITLE VI—STATE INNOVATION** 14 **AND FLEXIBILITY**

15 **SEC. 6001. STATE INNOVATION AND FLEXIBILITY.**

16 Title VI is amended by inserting before subpart 1 of
17 part A, the following:

18 **“SEC. 6001. PURPOSES.**

19 “The purposes of this title are—

20 “(1) to support State, local, and tribal leader-
21 ship and innovation in preparing all students to
22 meet challenging State academic standards under
23 section 1111(b)(1);

1 “(2) to provide States and local educational
2 agencies with maximum flexibility in using Federal
3 funds provided under this Act; and

4 “(3) to support education in rural areas.”.

5 **PART A—IMPROVING ACADEMIC ACHIEVEMENT**

6 **SEC. 6101. REORGANIZATION.**

7 Part A of title VI (20 U.S.C. 7301 et seq.) is amend-
8 ed—

9 (1) by striking subparts 1, 3, and 4;

10 (2) by striking the subpart heading for subpart
11 2;

12 (3) by redesignating sections 6121 through
13 6123 as sections 6111 through 6113, respectively;

14 (4) in section 6111, as redesignated by para-
15 graph (3), by striking “subpart” and inserting
16 “part”; and

17 (5) in the matter preceding paragraph (1) of
18 section 6112, as redesignated by paragraph (3), by
19 striking “subpart” and inserting “part”.

20 **SEC. 6102. TRANSFERABILITY OF FUNDS.**

21 Section 6113 (20 U.S.C. 7305b), as redesignated by
22 section 6101(3), is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A)—

3 (I) by striking “subpart” and in-
4 sserting “part”; and

5 (II) by striking “not more than
6 50 percent of the nonadministrative
7 State funds” and inserting “all, or
8 any lesser amount, of State funds”;
9 and

10 (ii) by striking subparagraphs (A)
11 through (D) and inserting the following:

12 “(A) Any provision of title II.

13 “(B) Any provision of title IV.”; and

14 (B) in paragraph (2), by striking “this
15 subpart and subject to the 50 percent limitation
16 described in paragraph (1)” and inserting “this
17 part”;

18 (2) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A)—

21 (I) by striking “subpart” and in-
22 sserting “part”; and

23 (II) by striking “(except” and all
24 that follows through “subparagraph
25 (C))” and inserting “may transfer all,

1 or any lesser amount, of the funds al-
2 located to it”;

3 (ii) by striking subparagraph (B);

4 (iii) by redesignating subparagraph
5 (C) as subparagraph (B); and

6 (iv) in subparagraph (B), as redesign-
7 nated by clause (iii), by striking “this sub-
8 part and subject to the percentage limita-
9 tion described in subparagraph (A) or (B),
10 as applicable” and inserting “this part”;

11 and

12 (B) in paragraph (2)—

13 (i) by striking “subparagraph (A),
14 (B), or (C)” and inserting “subparagraph
15 (A) or (B)”; and

16 (ii) by striking subparagraphs (A)
17 through (D) and inserting the following:
18 “(A) Any provision of title II.
19 “(B) Any provision of title IV.”; and

20 (3) in subsection (e), by striking “subpart” and
21 inserting “part”; and

22 (4) in subsection (e)(1), by striking “subpart”
23 and inserting “part”.

1 **PART B—RURAL EDUCATION INITIATIVE**

2 **SEC. 6201. RURAL EDUCATION INITIATIVE.**

3 Part B of title VI (20 U.S.C. 7341) is amended to
4 read as follows:

5 **“PART B—RURAL EDUCATION INITIATIVE**

6 **“SEC. 6201. SHORT TITLE.**

7 “‘This part may be cited as the ‘Rural Education
8 Achievement Program’.”.

9 **“SEC. 6202. PURPOSE.**

10 “‘It is the purpose of this part to address the unique
11 needs of rural school districts that frequently—

12 “(1) lack the personnel and resources needed to
13 compete effectively for Federal competitive grants;
14 and

15 “(2) receive formula grant allocations in
16 amounts too small to be effective in meeting their in-
17 tended purposes.

18 **“Subpart 1—Small, Rural School Achievement**

19 **Program**

20 **“SEC. 6211. USE OF APPLICABLE FUNDING.**

21 “(a) ALTERNATIVE USES.—

22 “(1) IN GENERAL.—Notwithstanding any other
23 provision of law, an eligible local educational agency
24 may use the applicable funding that the agency is el-
25 ible to receive from the State educational agency

1 for a fiscal year to carry out local activities author-
2 ized under any of the following provisions:

3 “(A) Part A of title I.

4 “(B) Title II.

5 “(C) Title III.

6 “(D) Title IV.

7 “(2) NOTIFICATION.—An eligible local edu-
8 cational agency shall notify the State educational
9 agency of the local educational agency’s intention to
10 use the applicable funding in accordance with para-
11 graph (1), by a date that is established by the State
12 educational agency for the notification.

13 “(b) ELIGIBILITY.—

14 “(1) IN GENERAL.—A local educational agency
15 shall be eligible to use the applicable funding in ac-
16 cordance with subsection (a) if—

17 “(A)(i)(I) the total number of students in
18 average daily attendance at all of the schools
19 served by the local educational agency is fewer
20 than 600; or

21 “(II) each county in which a school served
22 by the local educational agency is located has a
23 total population density of fewer than 10 per-
24 sons per square mile; and

1 “(ii) all of the schools served by the local edu-
2 cational agency are designated with a school locale
3 code of 41, 42, or 43, as determined by the Sec-
4 retary; or

5 “(B) the agency meets the criteria established in sub-
6 paragraph (A)(i) and the Secretary, in accordance with
7 paragraph (2), grants the local educational agency’s re-
8 quest to waive the criteria described in subparagraph
9 (A)(ii).

10 “(2) CERTIFICATION.—The Secretary shall de-
11 termine whether to waive the criteria described in
12 paragraph (1)(A)(ii) based on a demonstration by
13 the local educational agency, and concurrence by the
14 State educational agency, that the local educational
15 agency is located in an area defined as rural by a
16 governmental agency of the State.

17 “(c) APPLICABLE FUNDING DEFINED.—In this sec-
18 tion, the term ‘applicable funding’ means funds provided
19 under any of the following provisions:

20 “(1) Title II.

21 “(2) Title IV.

22 “(d) DISBURSEMENT.—Each State educational agen-
23 cy that receives applicable funding for a fiscal year shall
24 disburse the applicable funding to local educational agen-
25 cies for alternative uses under this section for the fiscal

1 year at the same time as the State educational agency dis-
2 burses the applicable funding to local educational agencies
3 that do not intend to use the applicable funding for such
4 alternative uses for the fiscal year.

5 “(e) APPLICABLE RULES.—Applicable funding under
6 this section shall be available to carry out local activities
7 authorized under subsection (a).

8 **“SEC. 6212. GRANT PROGRAM AUTHORIZED.**

9 “(a) IN GENERAL.—The Secretary is authorized to
10 award grants to eligible local educational agencies to en-
11 able the local educational agencies to carry out activities
12 authorized under any of the following provisions:

13 “(1) Part A of title I.

14 “(2) Title II.

15 “(3) Title III.

16 “(4) Title IV.

17 “(b) ALLOCATION.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (3), the Secretary shall award a grant under
20 subsection (a) to a local educational agency eligible
21 under section 6211(b) for a fiscal year in an amount
22 equal to the initial amount determined under para-
23 graph (2) for the fiscal year minus the total amount
24 received by the agency under the provisions of law

1 described in section 6211(c) for the preceding fiscal
2 year.

3 “(2) DETERMINATION OF INITIAL AMOUNT.—

4 The initial amount referred to in paragraph (1) is
5 equal to \$100 multiplied by the total number of stu-
6 dents in excess of 50 students, in average daily at-
7 tendance at the schools served by the local edu-
8 cational agency, plus \$20,000, except that the initial
9 amount may not exceed \$60,000.

10 “(3) RATABLE ADJUSTMENT.—

11 “(A) IN GENERAL.—If the amount made
12 available to carry out this section for any fiscal
13 year is not sufficient to pay in full the amounts
14 that local educational agencies are eligible to re-
15 ceive under paragraph (1) for such year, the
16 Secretary shall ratably reduce such amounts for
17 such year.

18 “(B) ADDITIONAL AMOUNTS.—If addi-
19 tional funds become available for making pay-
20 ments under paragraph (1) for such fiscal year,
21 payments that were reduced under subpara-
22 graph (A) shall be increased on the same basis
23 as such payments were reduced.

24 “(4) HOLD HARMLESS.—For a local edu-
25 cational agency that is not eligible under this sub-

1 part but met the eligibility requirements under this
2 section 6211(b) as it was in effect prior to the date
3 of enactment of the Every Child Ready for College
4 or Career Act of 2015, the agency shall receive—

5 “(A) for fiscal year 2016, 75 percent of
6 the amount such agency received for fiscal year
7 2015;

8 “(B) or fiscal year 2017, 50 percent of the
9 amount such agency received for fiscal year
10 2015; and

11 “(C) for fiscal year 2018, 25 percent of
12 the amount such agency received for fiscal year
13 2015.

14 “(c) DISBURSEMENT.—The Secretary shall disburse
15 the funds awarded to a local educational agency under this
16 section for a fiscal year not later than July 1 of that fiscal
17 year.

18 “(d) SPECIAL ELIGIBILITY RULE.—A local edu-
19 cational agency that is eligible to receive a grant under
20 this subpart for a fiscal year is not eligible to receive funds
21 for such fiscal year under subpart 2.

22 **“Subpart 2—Rural and Low-income School Program**

23 **“SEC. 6221. PROGRAM AUTHORIZED.**

24 “(a) GRANTS TO STATES.—

1 “(1) IN GENERAL.—From amounts appro-
2 priated under section 6234 for this subpart for a fis-
3 cal year that are not reserved under subsection (c),
4 the Secretary shall award grants (from allotments
5 made under paragraph (2)) for the fiscal year to
6 State educational agencies that have applications
7 submitted under section 6223 approved to enable the
8 State educational agencies to award grants to eligi-
9 ble local educational agencies for local authorized ac-
10 tivities described in section 6222(a).

11 “(2) ALLOTMENT.—From amounts described in
12 paragraph (1) for a fiscal year, the Secretary shall
13 allot to each State educational agency for that fiscal
14 year an amount that bears the same ratio to those
15 amounts as the number of students in average daily
16 attendance served by eligible local educational agen-
17 cies in the State for that fiscal year bears to the
18 number of all such students served by eligible local
19 educational agencies in all States for that fiscal
20 year.

21 “(3) SPECIALLY QUALIFIED AGENCIES.—

22 “(A) ELIGIBILITY AND APPLICATION.—If a
23 State educational agency elects not to partici-
24 pate in the program under this subpart or does
25 not have an application submitted under section

1 6223 approved, a specially qualified agency in
2 such State desiring a grant under this subpart
3 may submit an application under such section
4 directly to the Secretary to receive an award
5 under this subpart.

6 “(B) DIRECT AWARDS.—The Secretary
7 may award, on a competitive basis or by for-
8 mula, the amount the State educational agency
9 is eligible to receive under paragraph (2) di-
10 rectly to a specially qualified agency in the
11 State that has submitted an application in ac-
12 cordance with subparagraph (A) and obtained
13 approval of the application.

14 “(C) SPECIALLY QUALIFIED AGENCY DE-
15 FINED.—In this subpart, the term ‘specially
16 qualified agency’ means an eligible local edu-
17 cational agency served by a State educational
18 agency that does not participate in a program
19 under this subpart in a fiscal year, that may
20 apply directly to the Secretary for a grant in
21 such year under this subsection.

22 “(b) LOCAL AWARDS.—

23 “(1) ELIGIBILITY.—A local educational agency
24 shall be eligible to receive a grant under this subpart
25 if—

1 “(A) 20 percent or more of the children
2 aged 5 through 17 served by the local edu-
3 cational agency are from families with incomes
4 below the poverty line; and

5 “(B) all of the schools served by the agen-
6 cy are designated with a school locale code of
7 32, 33, 41, 42, or 43, as determined by the
8 Secretary.

9 “(2) AWARD BASIS.—A State educational agen-
10 cy shall award grants to eligible local educational
11 agencies—

12 “(A) on a competitive basis;

13 “(B) according to a formula based on the
14 number of students in average daily attendance
15 served by the eligible local educational agencies
16 or schools in the State; or

17 “(C) according to an alternative formula,
18 if, prior to awarding the grants, the State edu-
19 cational agency demonstrates, to the satisfac-
20 tion of the Secretary, that the alternative for-
21 mula enables the State educational agency to
22 allot the grant funds in a manner that serves
23 equal or greater concentrations of children from
24 families with incomes below the poverty line,
25 relative to the concentrations that would be

1 served if the State educational agency used the
2 formula described in subparagraph (B).

3 “(c) RESERVATIONS.—From amounts appropriated
4 under section 6234 for this subpart for a fiscal year, the
5 Secretary shall reserve—

6 “(1) one-half of 1 percent to make awards to el-
7 ementary schools or secondary schools operated or
8 supported by the Bureau of Indian Education, to
9 carry out the activities authorized under this sub-
10 part; and

11 “(2) one-half of 1 percent to make awards to
12 the outlying areas in accordance with their respec-
13 tive needs, to carry out the activities authorized
14 under this subpart.

15 **“SEC. 6222. USES OF FUNDS.**

16 “(a) LOCAL AWARDS.—Grant funds awarded to local
17 educational agencies under this subpart shall be used for
18 any of the following:

19 “(1) Activities authorized under part A of title
20 I.

21 “(2) Activities authorized under title II.

22 “(3) Activities authorized under title III.

23 “(4) Activities authorized under title IV.

24 “(5) Parental involvement activities.

1 “(b) ADMINISTRATIVE COSTS.—A State educational
2 agency receiving a grant under this subpart may not use
3 more than 5 percent of the amount of the grant for State
4 administrative costs and to provide technical assistance to
5 eligible local educational agencies.

6 **“SEC. 6223. APPLICATIONS.**

7 “(a) IN GENERAL.—Each State educational agency
8 or specially qualified agency desiring to receive a grant
9 under this subpart shall submit an application to the Sec-
10 retary at such time and in such manner as the Secretary
11 may require.

12 “(b) CONTENTS.—Each application submitted under
13 subsection (a) shall include information on—

14 “(1) how the State educational agency or spe-
15 cially qualified agency will use funds to increase stu-
16 dent academic achievement or other measures to
17 meet the challenging State academic standards
18 under section 1111(b)(1);

19 “(2) if the State educational agency or specially
20 qualified agency will competitively award grants to
21 eligible local educational agencies, as described in
22 section 6221(b)(2)(A), the application under the sec-
23 tion shall include—

24 “(A) the methods and criteria the State
25 educational agency or specially qualified agency

1 will use for reviewing applications and awarding
2 funds to local educational agencies on a com-
3 petitive basis; and

4 “(B) how the State educational agency or
5 specially qualified agency will notify eligible
6 local educational agencies of the grant competi-
7 tion; and

8 “(3) a description of how the State educational
9 agency or specially qualified agency will provide
10 technical assistance to eligible local educational
11 agencies to help such agencies implement the activi-
12 ties described in section 6222.

13 **“SEC. 6224. ACCOUNTABILITY.**

14 “(a) STATE REPORT.—Each State educational agen-
15 cy or specially qualified agency that receives a grant under
16 this subpart shall prepare and submit an annual report
17 to the Secretary. The report shall describe—

18 “(1) if the report is submitted by a State edu-
19 cational agency, the method the State educational
20 agency used to award grants to eligible local edu-
21 cational agencies, and to provide assistance to
22 schools, under this subpart;

23 “(2) how local educational agencies and schools
24 used funds provided under this subpart; and

1 “(3) the degree to which progress has been
2 made toward having all students in the State or the
3 area served by the specially qualified agency, as ap-
4 plicable, meet the challenging State academic stand-
5 ards under section 1111(b)(1).

6 “(b) REPORT TO CONGRESS.—The Secretary shall
7 prepare a summary of the reports under subsection (a)
8 and submit a biennial report to the Committee on Health,
9 Education, Labor, and Pensions of the Senate and the
10 Committee on Education and the Workforce of the House
11 of Representatives.

12 **“SEC. 6225. CHOICE OF PARTICIPATION.**

13 “(a) IN GENERAL.—If a local educational agency is
14 eligible for funding under both subparts 1 and 2 of this
15 part, such local educational agency may receive funds
16 under either subparts 1 or subpart 2 for a fiscal year, but
17 may not receive funds under both subparts.

18 “(b) NOTIFICATION.—A local educational agency eli-
19 gible for both subparts 1 and 2 of this part shall notify
20 the Secretary and the State educational agency under
21 which of such subparts the local educational agency in-
22 tends to receive funds for a fiscal year by a date that is
23 established by the Secretary for the notification.

1 **“Subpart 3—General Provisions**

2 **“SEC. 6231. ANNUAL AVERAGE DAILY ATTENDANCE DETER-**
3 **MINATION.**

4 “(a) CENSUS DETERMINATION.—Each local edu-
5 cational agency desiring a grant under section 6212 and
6 each local educational agency or specially qualified agency
7 desiring a grant under subpart 2 shall—

8 “(1) not later than December 1 of each year,
9 conduct a census to determine the number of stu-
10 dents in average daily attendance in kindergarten
11 through grade 12 at the schools served by the agen-
12 cy; and

13 “(2) not later than March 1 of each year, sub-
14 mit the number described in paragraph (1) to the
15 Secretary (and to the State educational agency, in
16 the case of a local educational agency seeking a
17 grant under subpart (2)).

18 “(b) PENALTY.—If the Secretary determines that a
19 local educational agency or specially qualified agency has
20 knowingly submitted false information under subsection
21 (a) for the purpose of gaining additional funds under sec-
22 tion 6212 or subpart 2, then the agency shall be fined
23 an amount equal to twice the difference between the
24 amount the agency received under this section and the cor-
25 rect amount the agency would have received under section

1 6212 or subpart 2 if the agency had submitted accurate
2 information under subsection (a).

3 **“SEC. 6232. SUPPLEMENT, NOT SUPPLANT.**

4 “In accordance with the determination described in
5 section 1117(a), funds made available under subpart 1 or
6 subpart 2 shall be used to supplement, and not supplant,
7 any other Federal, State, or local education funds.

8 **“SEC. 6233. RULE OF CONSTRUCTION.**

9 “Nothing in this part shall be construed to prohibit
10 a local educational agency that enters into cooperative ar-
11 rangements with other local educational agencies for the
12 provision of special, compensatory, or other education
13 services, pursuant to State law or a written agreement,
14 from entering into similar arrangements for the use, or
15 the coordination of the use, of the funds made available
16 under this part.

17 **“SEC. 6234. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to carry out
19 this part \$169,840,000 for each of fiscal years 2016
20 through 2021 to be distributed equally between subparts
21 1 and 2.”.

22 **PART C—GENERAL PROVISIONS**

23 **SEC. 6301. GENERAL PROVISIONS.**

24 Part C of title VI (20 U.S.C. 7371) is amended to
25 read as follows:

1 **“PART C—GENERAL PROVISIONS**

2 **“SEC. 6301. PROHIBITION AGAINST FEDERAL MANDATES,**
3 **DIRECTION, OR CONTROL.**

4 “Nothing in this title shall be construed to authorize
5 an officer or employee of the Federal Government to man-
6 date, direct, or control a State, local educational agency,
7 or school’s specific instructional content, academic stand-
8 ards and assessments, curriculum, or program of instruc-
9 tion, as a condition of eligibility to receive funds under
10 this Act.

11 **“SEC. 6302. RULE OF CONSTRUCTION ON EQUALIZED**
12 **SPENDING.**

13 “Nothing in this title shall be construed to mandate
14 equalized spending per pupil for a State, local educational
15 agency, or school.”.

16 **TITLE VII—INDIAN, NATIVE HA-**
17 **WAIAN, AND ALASKA NATIVE**
18 **EDUCATION**

19 **PART A—INDIAN EDUCATION**

20 **SEC. 7101. INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE**
21 **EDUCATION.**

22 Subpart 3 of part A of title VII is amended—

23 (1) by striking sections 7131, 7132, 7133,
24 7134, and 7136; and

25 (2) by redesignating section 7135 as section
26 7131.

1 **SEC. 7102. AUTHORIZED SERVICES AND ACTIVITIES.**

2 Section 7115 (20 U.S.C. 7425) is amended in sub-
3 paragraph (b)(5) by striking “, including programs for
4 tech-prep education, mentoring, and apprenticeship”.

5 **SEC. 7103. INTEGRATION OF SERVICES AUTHORIZED.**

6 Section 7116 (20 U.S.C. 7426) is amended—

7 (1) in subsection (g), by striking “No Child
8 Left Behind Act of 2001” and inserting “Every
9 Child Ready for College or Career Act of 2015”;

10 (2) by striking subsection (o) and inserting the
11 following:

12 “(o) REPORT ON STATUTORY OBSTACLES TO PRO-
13 GRAM INTEGRATION.—

14 “(1) IN GENERAL.—The Secretary of Education
15 shall annually submit a report to the Committee on
16 Health, Education, Labor, and Pensions of the Sen-
17 ate, the Committee on Indian Affairs of the Senate,
18 the Committee on Education and the Workforce of
19 the House of Representatives, and the Committee on
20 Natural Resources of the House of Representatives
21 on the status of the implementation of the dem-
22 onstration projects authorized under this section.

23 “(2) CONTENTS.—Such report shall identify—

24 “(A) statutory barriers to the ability of
25 participants to more effectively integrate their
26 education and related services to Indian stu-

1 dents in a manner consistent with the objectives
2 of this section; and

3 “(B) the effective practices for program in-
4 tegration that result in increased student
5 achievement and other relevant outcomes for
6 Indian students.”.

7 **SEC. 7104. PAYMENTS.**

8 Section 7118 (20 U.S.C. 7428) is amended by strik-
9 ing subsections (c) and (d).

10 **SEC. 7105. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 7152 (20 U.S.C. 7492) is amended—

12 (1) in subsection (a), by striking “\$96,400,000
13 for fiscal year 2002 and such sums as may be nec-
14 essary for each of the 5 succeeding fiscal years” and
15 inserting “\$100,381,000 for each of fiscal years
16 2016 through 2021”; and

17 (2) in subsection (b), by striking “\$24,000,000
18 for fiscal year 2002 and such sums as may be nec-
19 essary for each of the 5 succeeding fiscal years” and
20 inserting “\$23,558,000 for each of fiscal years 2016
21 through 2021”.

22 **PART B—NATIVE HAWAIIAN EDUCATION**

23 **SEC. 7201. FINDINGS.**

24 Section 7202 (20 U.S.C. 7512) is amended by strik-
25 ing paragraphs (14) through (21).

1 **SEC. 7202. NATIVE HAWAIIAN EDUCATION COUNCIL AND IS-**
2 **LAND COUNCILS.**

3 Section 7204 (20 U.S.C. 7514) is amended to read
4 as follows:

5 “(a) GRANT AUTHORIZED.—In order to better effec-
6 tuate the purposes of this part through the coordination
7 of educational and related services and programs available
8 to Native Hawaiians, including those programs that re-
9 ceive funding under this part, the Secretary shall award
10 a grant to an education council, as described under sub-
11 section (b).

12 “(b) EDUCATION COUNCIL.—

13 “(1) ELIGIBILITY.—To be eligible to receive the
14 grant under subsection (a), the council shall be an
15 education council (referred to in this section as the
16 ‘Education Council’) that meets the requirements of
17 this subsection.

18 “(2) COMPOSITION.—The Education Council
19 shall consist of 15 members, of whom—

20 “(A) 1 shall be the President of the Uni-
21 versity of Hawaii (or a designee);

22 “(B) 1 shall be the Governor of the State
23 of Hawaii (or a designee);

24 “(C) 1 shall be the Superintendent of the
25 State of Hawaii Department of Education (or a
26 designee);

1 “(D) 1 shall be the chairperson of the Of-
2 fice of Hawaiian Affairs (or a designee);

3 “(E) 1 shall be the executive director of
4 Hawaii’s Charter School Network (or a des-
5 ignee);

6 “(F) 1 shall be the chief executive officer
7 of the Kamehameha Schools (or a designee);

8 “(G) 1 shall be the Chief Executive Officer
9 of the Queen Liliuokalani Trust (or a designee);

10 “(H) 1 shall be a member, selected by the
11 other members of the Education Council, who
12 represents a private grant-making entity;

13 “(I) 1 shall be the Mayor of the County of
14 Hawaii (or a designee);

15 “(J) 1 shall be the Mayor of Maui County
16 (or a designee from the Island of Maui);

17 “(K) 1 shall be the Mayor of the County
18 of Kauai (or a designee);

19 “(L) 1 shall be appointed by the Mayor of
20 Maui County from the Island of Molokai or the
21 Island of Lanai;

22 “(M) 1 shall be the Mayor of the City and
23 County of Honolulu (or a designee);

24 “(N) 1 shall be the chairperson of the Ha-
25 waiian Homes Commission (or a designee); and

1 “(O) 1 shall be the chairperson of the Ha-
2 waii Workforce Development Council (or a des-
3 ignee representing the private sector).

4 “(3) REQUIREMENTS.—Any designee serving on
5 the Education Council shall demonstrate, as deter-
6 mined by the individual who appointed such designee
7 with input from the Native Hawaiian community,
8 not less than 5 years of experience as a consumer
9 or provider of Native Hawaiian education or cultural
10 activities, with traditional cultural experience given
11 due consideration.

12 “(4) LIMITATION.—A member (including a des-
13 ignee), while serving on the Education Council, shall
14 not be a recipient of grant funds that are awarded
15 under this part.

16 “(5) TERM OF MEMBERS.—A member who is a
17 designee shall serve for a term of not more than 4
18 years.

19 “(6) CHAIR, VICE CHAIR.—

20 “(A) SELECTION.—The Education Council
21 shall select a Chairperson and a Vice-Chair-
22 person from among the members of the Edu-
23 cation Council.

1 “(B) TERM LIMITS.—The Chairperson and
2 Vice-Chairperson shall each serve for a 2-year
3 term.

4 “(7) ADMINISTRATIVE PROVISIONS RELATING
5 TO EDUCATION COUNCIL.—The Education Council
6 shall meet at the call of the Chairperson of the
7 Council, or upon request by a majority of the mem-
8 bers of the Education Council, but in any event not
9 less often than every 120 days.

10 “(8) NO COMPENSATION.—None of the funds
11 made available through the grant may be used to
12 provide compensation to any member of the Edu-
13 cation Council or member of a working group estab-
14 lished by the Education Council, for functions de-
15 scribed in this section.

16 “(c) USE OF FUNDS FOR COORDINATION ACTIVI-
17 TIES.—The Education Council shall use funds made avail-
18 able through a grant under subsection (a) to carry out
19 each of the following activities:

20 “(1) Providing advice about the coordination,
21 and serving as a clearinghouse for, the educational
22 and related services and programs available to Na-
23 tive Hawaiians, including the programs assisted
24 under this part.

1 “(2) Assessing the extent to which such services
2 and programs meet the needs of Native Hawaiians,
3 and collecting data on the status of Native Hawaiian
4 education.

5 “(3) Providing direction and guidance, through
6 the issuance of reports and recommendations, to ap-
7 propriate Federal, State, and local agencies in order
8 to focus and improve the use of resources, including
9 resources made available under this part, relating to
10 Native Hawaiian education, and serving, where ap-
11 propriate, in an advisory capacity.

12 “(4) Awarding grants, if such grants enable the
13 Education Council to carry out the activities de-
14 scribed in paragraphs (1) through (3).

15 “(5) Hiring an executive director who shall as-
16 sist in executing the duties and powers of the Edu-
17 cation Council, as described in subsection (d).

18 “(d) USE OF FUNDS FOR TECHNICAL ASSIST-
19 ANCE.—The Education Council shall use funds made
20 available through a grant under subsection (a) to—

21 “(1) provide technical assistance to Native Ha-
22 waiian organizations that are grantees or potential
23 grantees under this part;

1 “(2) obtain from such grantees information and
2 data regarding grants awarded under this part, in-
3 cluding information and data about—

4 “(A) the effectiveness of such grantees in
5 meeting the educational priorities established by
6 the Education Council, as described in para-
7 graph (6)(D), using metrics related to these
8 priorities; and

9 “(B) the effectiveness of such grantees in
10 carrying out any of the activities described in
11 paragraphs (2) and (3) of section 7205(a) that
12 are related to the specific goals and purposes of
13 each grantee’s grant project, using metrics re-
14 lated to these priorities;

15 “(3) assess and define the educational needs of
16 Native Hawaiians;

17 “(4) assess the programs and services available
18 to address the educational needs of Native Hawai-
19 ians;

20 “(5) assess and evaluate the individual and ag-
21 gregate impact achieved by grantees under this part
22 in improving Native Hawaiian educational perform-
23 ance and meeting the goals of this part, using
24 metrics related to these goals; and

1 “(6) prepare and submit to the Secretary, at
2 the end of each calendar year, an annual report that
3 contains—

4 “(A) a description of the activities of the
5 Education Council during the calendar year;

6 “(B) a description of significant barriers to
7 achieving the goals of this part;

8 “(C) a summary of each community con-
9 sultation session described in subsection (e);
10 and

11 “(D) recommendations to establish prior-
12 ities for funding under this part, based on an
13 assessment of—

14 “(i) the educational needs of Native
15 Hawaiians;

16 “(ii) programs and services available
17 to address such needs;

18 “(iii) the effectiveness of programs in
19 improving the educational performance of
20 Native Hawaiian students to help such stu-
21 dents meet challenging State academic
22 standards under section 1111(b)(1); and

23 “(iv) priorities for funding in specific
24 geographic communities.

1 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
2 TIONS.—The Education Council shall use funds made
3 available through the grant under subsection (a) to hold
4 not less than 1 community consultation each year on each
5 of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and
6 Kauai, at which—

7 “(1) not less than 3 members of the Education
8 Council shall be in attendance;

9 “(2) the Education Council shall gather com-
10 munity input regarding—

11 “(A) current grantees under this part, as
12 of the date of the consultation;

13 “(B) priorities and needs of Native Hawai-
14 ians; and

15 “(C) other Native Hawaiian education
16 issues; and

17 “(3) the Education Council shall report to the
18 community on the outcomes of the activities sup-
19 ported by grants awarded under this part.

20 “(f) FUNDING.—For each fiscal year, the Secretary
21 shall use the amount described in section 7205(c)(2), to
22 make a payment under the grant. Funds made available
23 through the grant shall remain available until expended.”.

24 **SEC. 7203. PROGRAM AUTHORIZED.**

25 Section 7205(c) (20 U.S.C. 7515(c)) is amended—

1 (1) in paragraph (1), by striking “such sums as
2 may be necessary for fiscal year 2002 and each of
3 the 5 succeeding fiscal years” and inserting
4 “\$32,397,000 for each of fiscal years 2016 through
5 2021”; and

6 (2) in paragraph (2), by striking “for fiscal
7 year 2002 and each of the 5 succeeding fiscal years”
8 and inserting “for each of fiscal years 2016 through
9 2021”.

10 **PART C—ALASKA NATIVE EDUCATION**

11 **SEC. 7301. FINDINGS.**

12 Section 7302 (20 U.S.C. 7542) is amended to read
13 as follows:

14 **“SEC. 7302. FINDINGS.**

15 “(1) The preservation of culture and language
16 is critical to the attainment of educational success,
17 the betterment of conditions, and the long term well-
18 being of Alaska Natives. Alaska Native students
19 must be afforded a culturally relevant education.

20 “(2) It is the policy of the Federal Government
21 to maximize the leadership and participation of Alas-
22 ka Natives in the planning and the management of
23 Alaska Native education programs, and to support
24 efforts developed by, and undertaken within, the

1 Alaska Native community to improve educational op-
2 portunity for all students.

3 “(3) Many Alaska Native children enter and
4 exit school with serious educational disadvantages.

5 “(4) Overcoming the magnitude of the geo-
6 graphic challenges, historical inequities, and other
7 barriers to successfully improving educational out-
8 comes for Alaska Native students in rural, village,
9 and urban settings is challenging. Significant dis-
10 parities between academic achievement of Alaska
11 Native students and non-Native students constitutes,
12 including lower graduation rates, increased school
13 dropout rates, and lower achievement scores on
14 standardized tests.

15 “(5) The preservation of Alaska Native cultures
16 and languages and the integration of Alaska Native
17 cultures and languages into education, positive iden-
18 tity development for Alaska Native students, and
19 local, place-based and culture-based programming
20 are critical to the attainment of educational success
21 and the long term well-being of Alaska Native stu-
22 dents.

23 “(6) Improving educational outcomes for Alaska
24 Native students increases access to employment op-
25 portunities.

1 “(7) The programs and activities authorized
2 under this part give priority to Alaska Native orga-
3 nizations as a means of increasing Alaska Native
4 parent and community involvement in the promotion
5 of academic success of Alaska Native students.”.

6 **SEC. 7302. PURPOSES.**

7 Section 7303 (20 U.S.C. 7543) is amended—

8 (1) in paragraph (1), by inserting “and ad-
9 dress” after “To recognize”;

10 (2) by striking paragraph (3);

11 (3) by redesignating paragraph (2) as para-
12 graph (4) and paragraph (4) as paragraph (5);

13 (4) by inserting after paragraph (1) the fol-
14 lowing:

15 “(2) To recognize the role of Alaska Native lan-
16 guages and cultures in the educational success and
17 long term well-being of Alaska Native students.

18 “(3) To integrate Alaska Native cultures and
19 languages into education, develop Alaska Native stu-
20 dents’ positive identity, and support local place-
21 based and culture-based curriculum and program-
22 ming.”;

23 (5) in paragraph (4), as redesignated by para-
24 graph (3), by striking “of supplemental” and insert-
25 ing “, management, and expansion of effective”; and

1 (6) by adding at the end the following:

2 “(6) To ensure the maximum participation by
3 Alaska Native educators and leaders in the planning,
4 development, management, and evaluation of pro-
5 grams designed to serve Alaska Native students, and
6 to ensure Alaska Native organizations play a mean-
7 ingful role in supplemental educational services pro-
8 vided to Alaska Native students.”.

9 **SEC. 7303. PROGRAM AUTHORIZED.**

10 Section 7304 (20 U.S.C. 7544) is amended to read
11 as follows:

12 **“SEC. 7304. PROGRAM AUTHORIZED.**

13 “(a) GENERAL AUTHORITY.—

14 “(1) GRANTS AND CONTRACTS.—Subject to
15 paragraph (2), the Secretary is authorized to make
16 grants to, or enter into contracts with, any of the
17 following entities to carry out programs that meet
18 the purposes of this part:

19 “(A) Alaska Native organizations.

20 “(B) State educational agencies.

21 “(C) Local educational agencies.

22 “(D) Educational entities with experience
23 in developing or operating Alaska Native edu-
24 cational programs or programs of instruction
25 conducted with Alaska Native languages.

1 “(E) Cultural and community-based orga-
2 nizations with experience in developing or oper-
3 ating programs to meet the educational needs
4 of Alaska Native students.

5 “(F) Consortia of organizations and enti-
6 ties described in this paragraph.

7 “(2) ADDITIONAL REQUIREMENT.—An entity
8 described in subparagraph (B) through (F) of para-
9 graph (1) is eligible for an award under this part
10 only as part of a partnership involving an Alaska
11 Native organization.

12 “(3) MANDATORY ACTIVITIES.—Activities pro-
13 vided through the programs carried out under this
14 part shall include the following:

15 “(A) The development and implementation
16 of plans, methods, and strategies to improve the
17 education of Alaska Native students.

18 “(B) The collection of data to assist in the
19 evaluation of the programs carried out under
20 this part.

21 “(4) PERMISSIBLE ACTIVITIES.—Activities pro-
22 vided through programs carried out under this part
23 may include the following:

1 “(A) The development of curricula and
2 programs that address the educational needs of
3 Alaska Native students, including the following:

4 “(i) Curriculum materials that reflect
5 the cultural diversity, languages, history,
6 or the contributions of Alaska Natives.

7 “(ii) Instructional programs that
8 make use of Alaska Native languages and
9 cultures.

10 “(iii) Networks that develop, test, and
11 disseminate best practices and introduce
12 successful programs, materials, and tech-
13 niques to meet the educational needs of
14 Alaska Native students in urban and rural
15 schools.

16 “(B) Training and professional develop-
17 ment activities for educators, including the fol-
18 lowing:

19 “(i) Pre-service and in-service training
20 and professional development programs to
21 prepare teachers to develop appreciation
22 for and understanding of Alaska Native
23 cultures, values, and ways of knowing and
24 learning in order to effectively address the

1 cultural diversity and unique needs of
2 Alaska Native students.

3 “(ii) Recruitment and preparation of
4 teachers who are Alaska Native.

5 “(iii) Programs that will lead to the
6 certification and licensing of Alaska Native
7 teachers, principals, other school leaders,
8 and superintendents.

9 “(C) Early childhood education activities,
10 including—

11 “(i) the development and operation of
12 home instruction programs for Alaska Na-
13 tive early childhood and preschool children,
14 to ensure the active involvement of parents
15 in their children’s education from the ear-
16 liest ages;

17 “(ii) activities carried out through
18 Head Start programs carried out under
19 the Head Start Act, including the training
20 of teachers for programs described in this
21 subparagraph; and

22 “(iii) other early learning and pre-
23 school programs.

24 “(D) Family literacy services.

1 “(E) The development and operation of
2 student enrichment programs, including those
3 in science, technology, engineering, and mathe-
4 matics that—

5 “(i) are designed to prepare Alaska
6 Native students to excel in such subjects;

7 “(ii) provide appropriate support serv-
8 ices to the families of such students that
9 are needed to enable such students to ben-
10 efit from the programs; and

11 “(iii) include activities that recognize
12 and support the unique cultural and edu-
13 cational needs of Alaska Native students,
14 and incorporate appropriately qualified
15 Alaska Native elders and other tradition
16 bearers.

17 “(F) Research and data collection activi-
18 ties to determine the educational status and
19 needs of Alaska Native students and adults.

20 “(G) Other research and evaluation activi-
21 ties related to programs carried out under this
22 part.

23 “(H) Remedial and enrichment programs
24 to assist Alaska Native students to be ready for
25 postsecondary education or career without the

1 need for remediation upon graduation from sec-
2 ondary school.

3 “(I) Parenting education for parents and
4 caregivers of Alaska Native children to improve
5 parenting and caregiving skills (including skills
6 relating to discipline and cognitive develop-
7 ment), including parenting education provided
8 through in-home visitation of new mothers.

9 “(J) Culturally based education programs
10 designed and provided by an entity with dem-
11 onstrated experience in—

12 “(i) providing programs of study, both
13 on site and in local schools, to share the
14 rich and diverse cultures of Alaska Native
15 peoples among youth, elders, teachers, and
16 the larger community;

17 “(ii) instructing Alaska Native youth
18 in leadership, communications, and Native
19 culture, arts, and languages;

20 “(iii) increasing the secondary school
21 graduation rate of Alaska Native students
22 who are served by the program;

23 “(iv) providing instruction in Alaska
24 Native history and ways of living to stu-

1 dents and teachers in the local school dis-
2 trict;

3 “(v) providing intergenerational learn-
4 ing and internship opportunities to Alaska
5 Native youth and young adults; and

6 “(vi) providing cultural immersion ac-
7 tivities aimed at Alaska Native cultural
8 preservation.

9 “(K) A statewide on-site exchange program
10 that is—

11 “(i) for both students and teachers;

12 “(ii) involving schools and culture
13 camps that demonstrate effectiveness in fa-
14 cilitating cultural relationships between
15 urban and rural Alaskans to build mutual
16 respect and understanding, and foster a
17 statewide sense of common identity
18 through host family, school, and commu-
19 nity cross-cultural immersion; and

20 “(iii) awarded by the Secretary on a
21 competitive basis.

22 “(L) Education programs for at-risk urban
23 Alaska Native students in kindergarten through
24 grade 12 operated by tribes or tribal organiza-
25 tions that have demonstrated experience in in-

1 creasing graduation rates among such students
2 that—

3 “(i) include culturally-informed cur-
4 riculum intended to preserve and promote
5 Alaska Native culture;

6 “(ii) partner effectively with the local
7 educational agencies by providing a school-
8 within-a-school program model;

9 “(iii) provide high-quality academic
10 instruction and social-emotional support
11 for students from elementary school
12 through secondary school, including resi-
13 dential support;

14 “(iv) work with parents to increase
15 parental involvement in their students’
16 education;

17 “(v) have a proven track record of im-
18 proving academic proficiency and increas-
19 ing graduation rates;

20 “(vi) provide college preparation and
21 career planning; and

22 “(vii) incorporate a strong data collec-
23 tion and continuous evaluation component
24 at all levels of the program.

1 “(M) A statewide program that has dem-
2 onstrated effectiveness in providing technical
3 assistance and support to schools and commu-
4 nities to engage adults in promoting the aca-
5 demic progress and overall well-being of Alaska
6 Native people through strengths-based ap-
7 proaches to child and youth development, posi-
8 tive youth-adult relationships, improved condi-
9 tions for learning (such as school climate and
10 student connection to school and community),
11 and increased connections between schools and
12 families.

13 “(N) Career preparation activities to en-
14 able Alaska Native children and adults to pre-
15 pare for meaningful employment, including pro-
16 grams providing tech-prep, mentoring, training,
17 and apprenticeship activities.

18 “(O) Provision of operational support and
19 purchasing of equipment, to develop regional
20 career and technical education schools in rural
21 areas of Alaska, including boarding schools, for
22 Alaska Native students in grades 9 through 12,
23 or at higher levels of education, to provide the
24 students with necessary resources to prepare for
25 skilled employment opportunities.

1 “(P) Regional leadership academies that
2 demonstrate effectiveness in building respect
3 and understanding, and fostering a sense of
4 Alaska Native identity to promote Alaska Na-
5 tive students’ pursuit of, and success in, com-
6 pleting higher education or career training.

7 “(Q) Other activities, consistent with the
8 purposes of this part, to meet the educational
9 needs of Alaska Native students and adults.

10 “(5) HOME INSTRUCTION PROGRAMS.—Home
11 instruction programs for Alaska Native early child-
12 hood and preschool children carried out under para-
13 graph (4)(C)(i) may include the following:

14 “(A) Programs for parents and their in-
15 fants, from the prenatal period of the infant
16 through age 3.

17 “(B) Preschool programs.

18 “(C) Training, education, and support for
19 parents in such areas as reading readiness, ob-
20 servation, story telling, and critical thinking.

21 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
22 more than 5 percent of funds provided to an award recipi-
23 ent under this part for any fiscal year may be used for
24 administrative purposes.

1 “(c) PRIORITIES.—In selecting applications to receive
2 grants or contracts to carry out activities described in this
3 part, the Secretary shall review applications using a point
4 system that gives not less than 15 percent of the total
5 available points to any application from an Alaska Native
6 organization.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated to carry out this section \$31,453,000
10 for each of fiscal years 2016 through 2021.

11 “(2) AVAILABILITY OF FUNDS.—Of the funds
12 appropriated and made available under this section
13 for a fiscal year, the Secretary shall make avail-
14 able—

15 “(A) not less than \$1,000,000 to support
16 activities described in subsection (a)(2)(K);

17 “(B) not less than \$1,000,000 to support
18 activities described in subsection (a)(2)(L);

19 “(C) not less than \$1,000,000 to support
20 activities described in subsection (a)(2)(M);

21 “(D) not less than \$2,000,000 to support
22 activities described in subsection (a)(2)(P); and

23 “(E) not less than \$2,000,000 to support
24 activities described in subsection (a)(2)(Q).”.

1 **SEC. 7304. ADMINISTRATIVE PROVISIONS.**

2 Section 7305 (20 U.S.C. 7545) is amended to read
3 as follows:

4 **“SEC. 7305. ADMINISTRATIVE PROVISIONS.**

5 “(a) APPLICATION REQUIRED.—

6 “(1) IN GENERAL.—The Secretary shall not
7 award a grant or enter into a contract under this
8 part unless the entity described in section
9 7304(a)(1) that is seeking a grant (either alone, in
10 the case of an Alaska Native organization, or as part
11 of a partnership described in section 7304(a)(2))
12 submits an application to the Secretary in such
13 form, in such manner, and containing such informa-
14 tion as the Secretary may determine necessary to
15 carry out the provisions of this part.

16 “(2) REQUIREMENTS OF CERTAIN APPLI-
17 CANTS.—An applicant that is a partnership de-
18 scribed in section 7304(a)(2) shall, in the applica-
19 tion submitted under this subsection—

20 “(A) demonstrate that an Alaska Native
21 organization was directly involved in the devel-
22 opment of the program for which the applicant
23 seeks funds and explicitly delineate the mean-
24 ingful role that the Alaska Native organization
25 will play in the implantation and evaluation of
26 the program for which funding is sought; and

1 “(B) provide a copy of the Alaska Native
2 organization’s governing document.

3 “(b) CONSULTATION REQUIRED.—Each applicant for
4 an award under this part shall provide for ongoing advice
5 from and consultation with representatives of the Alaska
6 Native community.

7 “(c) LOCAL EDUCATIONAL AGENCY COORDINA-
8 TION.—Each applicant for a grant or contract under this
9 part shall inform each local educational agency serving
10 students who may participate in the program to be carried
11 out under the grant or contract about the application de-
12 scribed in subsection (a).

13 “(d) CONTINUATION AWARDS.—An applicant that is
14 a partnership described in section 7304(a)(2) that receives
15 funding under this part shall periodically demonstrate to
16 the Secretary, during the term of the award, that the ap-
17 plicant is continuing to meet the requirements of such sub-
18 section.”.

19 **SEC. 7305. DEFINITIONS.**

20 Section 7306(1) (20 U.S.C. 7546(1)) is amended by
21 inserting “(43 U.S.C. 1602(b)) and includes the descend-
22 ants of individuals so defined” after “Settlement Act”.

1 **TITLE VIII—IMPACT AID**

2 **SEC. 8001. PURPOSE.**

3 Section 8001 (20 U.S.C. 7701) is amended in the
4 matter preceding paragraph (1), by striking “challenging
5 State standards” and inserting “the challenging State
6 academic standards”.

7 **SEC. 8002. AMENDMENT TO IMPACT AID IMPROVEMENT**
8 **ACT OF 2012.**

9 Section 563(c) of the National Defense Authorization
10 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
11 1748; 20 U.S.C. 6301 note) is amended—

12 (1) by striking paragraphs (1) and (4); and

13 (2) by redesignating paragraphs (2) and (3) as
14 paragraphs (1) and (2), respectively.

15 **SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISI-**
16 **TION OF REAL PROPERTY.**

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

18 (1) in subsection (b)(3)(B), by striking “sub-
19 paragraph (A)” and all that follows through the pe-
20 riod at the end and inserting “subparagraph (A).

21 Each such local educational agency may only use the
22 Federal property within the boundary of their indi-
23 vidual local educational agency to determine the
24 value of their Federal property under subparagraph
25 (A).”;

1 (2) by striking subsections (f) and (k); and
2 (3) by redesignating subsections (g), (h), (i),
3 (l), (m), and (n), as subsections (f), (g), (h), (i), (j),
4 and (k), respectively.

5 **SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
6 **NECTED CHILDREN.**

7 Section 8003 (20 U.S.C. 7703) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (2)—

10 (i) by striking subparagraph (C); and

11 (ii) by redesignating subparagraphs

12 (D), (E), and (F), as subparagraphs (C),

13 (D), and (E), respectively; and

14 (B) in paragraph (5)(A), by striking “to be

15 children” and all that follows through the pe-

16 riod at the end and inserting “or under lease of

17 off-base property under subchapter IV of chap-

18 ter 169 of title 10, United States Code, to be

19 children described under paragraph (1)(B) if

20 the property described is within the fenced se-

21 curity perimeter of the military facility or at-

22 tached to and under any type of force protec-

23 tion agreement with the military installation

24 upon which such housing is situated.”;

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) by striking subparagraph (E); and

3 (ii) by redesignating subparagraphs

4 (F) and (G) as subparagraphs (E) and

5 (F), respectively;

6 (B) in paragraph (2), by striking subpara-

7 graphs (B) through (H) and inserting the fol-

8 lowing:

9 “(B) ELIGIBILITY FOR HEAVILY IMPACTED
10 LOCAL EDUCATIONAL AGENCIES.—

11 “(i) IN GENERAL.—A heavily im-
12 pacted local educational agency is eligible
13 to receive a basic support payment under
14 subparagraph (A) with respect to a num-
15 ber of children determined under sub-
16 section (a)(1) if the agency—

17 “(I) is a local educational agen-
18 cy—

19 “(aa) whose boundaries are
20 the same as a Federal military
21 installation or an island property
22 designated by the Secretary of
23 the Interior to be property that is
24 held in trust by the Federal Gov-
25 ernment; and

1 “(bb) that has no taxing au-
2 thority;

3 “(II) is a local educational agen-
4 cy that—

5 “(aa) has an enrollment of
6 children described in subsection
7 (a)(1) that constitutes a percent-
8 age of the total student enroll-
9 ment of the agency that is not
10 less than 45 percent;

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

13 “(AA) for an agency
14 that has a total student en-
15 rollment of 500 or more stu-
16 dents, 125 percent of the av-
17 erage per-pupil expenditure
18 of the State in which the
19 agency is located; or

20 “(BB) for any agency
21 that has a total student en-
22 rollment less than 500, 150
23 percent of the average per-
24 pupil expenditure of the
25 State in which the agency is

1 located or the average per-
2 pupil expenditure of 3 or
3 more comparable local edu-
4 cational agencies in the
5 State in which the agency is
6 located; and

7 “(cc) is an agency that—

8 “(AA) has a tax rate
9 for general fund purposes
10 that is not less than 95 per-
11 cent of the average tax rate
12 for general fund purposes of
13 comparable local educational
14 agencies in the State; or

15 “(BB) was eligible to
16 receive a payment under this
17 subsection for fiscal year
18 2013 and is located in a
19 State that by State law has
20 eliminated ad valorem tax as
21 a revenue for local edu-
22 cational agencies;

23 “(III) is a local educational agen-
24 cy that—

1 “(aa) has an enrollment of
2 children described in subsection
3 (a)(1) that constitutes a percent-
4 age of the total student enroll-
5 ment of the agency that is not
6 less than 20 percent;

7 “(bb) for the 3 fiscal years
8 preceding the fiscal year for
9 which the determination is made,
10 the average enrollment of chil-
11 dren who are not described in
12 subsection (a)(1) and who are eli-
13 gible for a free or reduced price
14 lunch under the Richard B. Rus-
15 sell National School Lunch Act
16 constitutes a percentage of the
17 total student enrollment of the
18 agency that is not less than 65
19 percent; and

20 “(cc) has a tax rate for gen-
21 eral fund purposes which is not
22 less than 125 percent of the aver-
23 age tax rate for general fund
24 purposes for comparable local
25 educational agencies in the State;

1 “(IV) is a local educational agen-
2 cy that has a total student enrollment
3 of not less than 25,000 students, of
4 which—

5 “(aa) not less than 50 per-
6 cent are children described in
7 subsection (a)(1); and

8 “(bb) not less than 5,500 of
9 such children are children de-
10 scribed in subparagraphs (A) and
11 (B) of subsection (a)(1); or

12 “(V) is a local educational agency
13 that—

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

23 “(bb) was eligible to receive
24 assistance under subparagraph
25 (A) for fiscal year 2001.

1 “(ii) LOSS OF ELIGIBILITY.—

2 “(I) IN GENERAL.—Subject to
3 subclause (II), a heavily impacted
4 local educational agency that met the
5 requirements of clause (i) for a fiscal
6 year shall be ineligible to receive a
7 basic support payment under subpara-
8 graph (A) if the agency fails to meet
9 the requirements of clause (i) for a
10 subsequent fiscal year, except that
11 such agency shall continue to receive
12 a basic support payment under this
13 paragraph for the fiscal year for
14 which the ineligibility determination is
15 made.

16 “(II) LOSS OF ELIGIBILITY DUE
17 TO FALLING BELOW 95 PERCENT OF
18 THE AVERAGE TAX RATE FOR GEN-
19 ERAL FUND PURPOSES.—In a case of
20 a heavily impacted local educational
21 agency that is eligible to receive a
22 basic support payment under subpara-
23 graph (A), but that has had, for 2
24 consecutive fiscal years, a tax rate for
25 general fund purposes that falls below

1 95 percent of the average tax rate for
2 general fund purposes of comparable
3 local educational agencies in the
4 State, such agency shall be deter-
5 mined to be ineligible under clause (i)
6 and ineligible to receive a basic sup-
7 port payment under subparagraph (A)
8 for each fiscal year succeeding such 2
9 consecutive fiscal years for which the
10 agency has such a tax rate for general
11 fund purposes, and until the fiscal
12 year for which the agency resumes
13 such eligibility in accordance with
14 clause (iii).

15 “(iii) RESUMPTION OF ELIGIBILITY.—

16 A heavily impacted local educational agen-
17 cy described in clause (i) that becomes in-
18 eligible under such clause for 1 or more
19 fiscal years may resume eligibility for a
20 basic support payment under this para-
21 graph for a subsequent fiscal year only if
22 the agency meets the requirements of
23 clause (i) for that subsequent fiscal year,
24 except that such agency shall not receive a
25 basic support payment under this para-

1 graph until the fiscal year succeeding the
2 fiscal year for which the eligibility deter-
3 mination is made.

4 “(C) MAXIMUM AMOUNT FOR HEAVILY IM-
5 PACTED LOCAL EDUCATIONAL AGENCIES.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in subparagraph (D), the maximum
8 amount that a heavily impacted local edu-
9 cational agency is eligible to receive under
10 this paragraph for any fiscal year is the
11 sum of the total weighted student units, as
12 computed under subsection (a)(2) and sub-
13 ject to clause (ii), multiplied by the greater
14 of—

15 “(I) four-fifths of the average
16 per-pupil expenditure of the State in
17 which the local educational agency is
18 located for the third fiscal year pre-
19 ceding the fiscal year for which the
20 determination is made; or

21 “(II) four-fifths of the average
22 per-pupil expenditure of all of the
23 States for the third fiscal year pre-
24 ceding the fiscal year for which the
25 determination is made.

1 “(ii) CALCULATION OF WEIGHTED
2 STUDENT UNITS.—

3 “(I) IN GENERAL.—

4 “(aa) IN GENERAL.—For a
5 local educational agency with re-
6 spect to which 35 percent or
7 more of the total student enroll-
8 ment of the schools of the agency
9 are children described in sub-
10 paragraph (D) or (E) (or a com-
11 bination thereof) of subsection
12 (a)(1), and that has an enroll-
13 ment of children described in
14 subparagraph (A), (B), or (C) of
15 such subsection equal to at least
16 10 percent of the agency’s total
17 enrollment, the Secretary shall
18 calculate the weighted student
19 units of those children described
20 in subparagraph (D) or (E) of
21 such subsection by multiplying
22 the number of such children by a
23 factor of 0.55.

24 “(bb) EXCEPTION.—Not-
25 withstanding item (aa), a local

1 educational agency that received
2 a payment under this paragraph
3 for fiscal year 2013 shall not be
4 required to have an enrollment of
5 children described in subpara-
6 graph (A), (B), or (C) of sub-
7 section (a)(1) equal to at least 10
8 percent of the agency's total en-
9 rollment.

10 “(II) ENROLLMENT OF 100 OR
11 FEWER CHILDREN.—For a local edu-
12 cational agency that has an enroll-
13 ment of 100 or fewer children de-
14 scribed in subsection (a)(1), the Sec-
15 retary shall calculate the total number
16 of weighted student units for purposes
17 of subsection (a)(2) by multiplying the
18 number of such children by a factor of
19 1.75.

20 “(III) ENROLLMENT OF MORE
21 THAN 100 CHILDREN BUT LESS THAN
22 1000.—For a local educational agency
23 that is not described under subpara-
24 graph (B)(i)(I) and has an enrollment
25 of more than 100 but not more than

1 1,000 children described in subsection
2 (a)(1), the Secretary shall calculate
3 the total number of weighted student
4 units for purposes of subsection (a)(2)
5 by multiplying the number of such
6 children by a factor of 1.25.

7 “(D) MAXIMUM AMOUNT FOR LARGE
8 HEAVILY IMPACTED LOCAL EDUCATIONAL
9 AGENCIES.—

10 “(i) IN GENERAL.—

11 “(I) IN GENERAL.—Subject to
12 clause (ii), the maximum amount that
13 a heavily impacted local educational
14 agency described in subclause (II) is
15 eligible to receive under this para-
16 graph for any fiscal year shall be de-
17 termined in accordance with the for-
18 mula described in paragraph (1)(C).

19 “(II) HEAVILY IMPACTED LOCAL
20 EDUCATIONAL AGENCY.—A heavily
21 impacted local educational agency de-
22 scribed in this subclause is a local
23 educational agency that has a total
24 student enrollment of not less than
25 25,000 students, of which not less

1 than 50 percent are children described
2 in subsection (a)(1) and not less than
3 6,000 of such children are children
4 described in subparagraphs (A) and
5 (B) of subsection (a)(1).

6 “(ii) FACTOR.—For purposes of calcu-
7 lating the maximum amount described in
8 clause (i), the factor used in determining
9 the weighted student units under sub-
10 section (a)(2) with respect to children de-
11 scribed in subparagraphs (A) and (B) of
12 subsection (a)(1) shall be 1.35.

13 “(E) DATA.—For purposes of providing
14 assistance under this paragraph the Secretary
15 shall use student, revenue, expenditure, and tax
16 data from the third fiscal year preceding the
17 fiscal year for which the local educational agen-
18 cy is applying for assistance under this para-
19 graph.

20 “(F) DETERMINATION OF AVERAGE TAX
21 RATES FOR GENERAL FUND PURPOSES.—For
22 the purpose of determining average tax rates
23 for general fund purposes for local educational
24 agencies in a State under this paragraph, the
25 Secretary shall use either—

1 be, for the period during which the housing
2 units are undergoing such conversion or
3 during such time as activities associated
4 with base closure and realignment,
5 modularization, force structure change, or
6 force relocation are ongoing.

7 “(ii) AMOUNT OF PAYMENT.—The
8 amount of a payment to a heavily impacted
9 local educational agency for a fiscal year
10 by reason of the application of clause (i),
11 and calculated in accordance with subpara-
12 graph (C) or (D), as the case may be, shall
13 be based on the number of children in av-
14 erage daily attendance in the schools of
15 such agency for the fiscal year and under
16 the same provisions of subparagraph (C)
17 or (D) under which the agency was paid
18 during the prior fiscal year.

19 “(iii) CONVERSION OF MILITARY
20 HOUSING UNITS TO PRIVATE HOUSING DE-
21 SCRIBED.—For purposes of clause (i),
22 ‘conversion of military housing units to
23 private housing’ means the conversion of
24 military housing units to private housing
25 units pursuant to subchapter IV of chapter

1 amount computed under paragraph (1) or
2 (2) (as the case may be) for all local edu-
3 cational agencies and the amount of the
4 threshold payment (as calculated under
5 subparagraphs (B) and (C)) of all local
6 educational agencies, and the numerator of
7 which is the aggregate of the excess sums,
8 by

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

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

23 “(F) INCREASES.—If the sums appro-
24 priated are sufficient to increase the threshold
25 payment above the 100 percent threshold pay-

1 ment described in subparagraph (D), then the
2 Secretary shall increase payments on the same
3 basis as such payments were reduced, except no
4 local educational agency may receive a payment
5 amount greater than 100 percent of the max-
6 imum payment calculated under this subsection.

7 “(G) PROVISION OF TAX RATE AND RE-
8 SULTING PERCENTAGE.—The Secretary shall
9 provide the local educational agency’s tax rate
10 and the resulting percentage to each eligible
11 local educational agency immediately following
12 the payments of funds under paragraph (2).”;

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

14 (E) by redesignating paragraph (5) as
15 paragraph (4);

16 (3) in subsection (c), by striking paragraph (2)
17 and inserting the following:

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

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

24 “(B) was eligible to receive a payment
25 under this section for the previous fiscal year

1 and has had an overall increase in enrollment
2 (as determined by the Secretary in consultation
3 with the Secretary of Defense, the Secretary of
4 Interior, or the heads of other Federal agen-
5 cies)—

6 “(i) of not less than 10 percent, or
7 100 students, of children described in—

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

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

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

1 of the Interior or the head of another Fed-
2 eral agency; or

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

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

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

14 (4) in subsection (d)—

15 (A) in the subsection heading, by striking
16 “CHILDREN” and inserting “STUDENTS”;

17 (B) in paragraph (1), by striking “chil-
18 dren” both places the term appears and insert-
19 ing “students”; and

20 (C) in paragraph (2), by striking “chil-
21 dren” and inserting “students”;

22 (5) in subsection (e), by striking paragraphs (1)
23 and (2) and inserting the following:

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

4 “(A) for fiscal year 2014, shall not be less
5 than 90 percent of the total amount that the
6 local educational agency received under sub-
7 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
8 year 2013;

9 “(B) for fiscal year 2015, shall not be less
10 than 85 percent of the total amount that the
11 local educational agency received under sub-
12 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
13 year 2013; and

14 “(C) for fiscal year 2016, shall not be less
15 than 80 percent of the total amount that the
16 local educational agency received under sub-
17 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
18 year 2013.

19 “(2) MAXIMUM AMOUNT.—The total amount
20 provided to a local educational agency under sub-
21 paragraph (A), (B), or (C) of paragraph (1) for a
22 fiscal year shall not exceed the maximum basic sup-
23 port payment amount for such agency determined
24 under paragraph (1) or (2) of subsection (b), as the
25 case may be, for such fiscal year.”; and

1 (6) by striking subsection (g).

2 **SEC. 8005. POLICIES AND PROCEDURES RELATING TO**
3 **CHILDREN RESIDING ON INDIAN LANDS.**

4 Section 8004(e)(9) (20 U.S.C. 7704(e)(9)) is amend-
5 ed by striking “Affairs” both places the term appears and
6 inserting “Education”.

7 **SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS**
8 **8002 AND 8003.**

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

12 **SEC. 8007. CONSTRUCTION.**

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

14 (1) in paragraph (3)(C)(i)(I), by adding at the
15 end the following:

16 “(cc) At least 10 percent of the
17 property in the agency is exempt from
18 State and local taxation under Fed-
19 eral law.”; and

20 (2) in paragraph (6), by striking subparagraph
21 (F).

22 **SEC. 8008. STATE CONSIDERATION OF PAYMENTS IN PRO-**
23 **VIDING STATE AID.**

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

1 **SEC. 8009. DEFINITIONS.**

2 Section 8013(5)(A)(iii) (20 U.S.C. 7713(5)(A)(iii)) is
3 amended—

4 (1) in subclause (II), by striking “Stewart B.
5 McKinney Homeless Assistance Act” and inserting
6 “McKinney-Vento Homeless Assistance Act (42
7 U.S.C. 11411)”; and

8 (2) by striking subclause (III) and inserting the
9 following:

10 “(III) used for affordable housing as-
11 sisted under the Native American Housing
12 Assistance and Self-Determination Act of
13 1996 (25 U.S.C. 4101 et seq.); or”.

14 **SEC. 8010. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 8014 (20 U.S.C. 7714) is amended—

16 (1) in subsection (a), by striking “\$32,000,000
17 for fiscal year 2000 and such sums as may be nec-
18 essary for each of the seven succeeding fiscal years”
19 and inserting “\$66,813,000 for each of fiscal years
20 2016 through 2021”;

21 (2) in subsection (b), by striking
22 “\$809,400,000 for fiscal year 2000 and such sums
23 as may be necessary for each of the seven succeeding
24 fiscal years” and inserting “\$1,151,233,000 for each
25 of fiscal years 2016 through 2021”;

1 (3) in subsection (c), by striking “\$50,000,000
2 for fiscal year 2000 and such sums as may be nec-
3 essary for each of the seven succeeding fiscal years”
4 and inserting “\$48,316,000 for each of fiscal years
5 2016 through 2021”;

6 (4) by redesignating subsections (e) and (f) as
7 subsections (d) and (e), respectively;

8 (5) in subsection (d), as redesignated by para-
9 graph (4), by striking “\$10,052,000 for fiscal year
10 2000 and such sums as may be necessary for fiscal
11 year 2001, \$150,000,000 for fiscal year 2002, and
12 such sums as may be necessary for each of the five
13 succeeding fiscal years” and inserting “\$17,406,000
14 for each of fiscal years 2016 through 2021”; and

15 (6) in subsection (e), as redesignated by para-
16 graph (4), by striking “\$5,000,000 for fiscal year
17 2000 and such sums as may be necessary for each
18 of the seven succeeding fiscal years” and inserting
19 “\$4,835,000 for each of fiscal years 2016 through
20 2021”.

21 **TITLE IX—GENERAL** 22 **PROVISIONS**

23 **SEC. 9101. DEFINITIONS.**

24 Section 9101 (20 U.S.C. 7801) is amended—

1 (1) by striking paragraphs (3), (11), (19), (23),
2 (35), (36), (37), and (42);

3 (2) by redesignating paragraphs (4), (5), (6),
4 (7), (8), (9), (10), (12), (13), (14), (15), (16), (17),
5 (18), (20), (21), (22), (24), (25), (26), (27), (28),
6 (29), (30), (31), (32), (33), (34), (38), (39), (41),
7 and (43), as paragraphs (3), (4), (5), (6), (7), (8),
8 (9), (10), (11), (12), (13), (14), (15), (16), (18),
9 (19), (20), (21), (17), (22), (23), (24), (25), (26),
10 (27), (28), (29), (30), (33), (34), (37), and (38), re-
11 spectively;

12 (3) in paragraph (11), as redesignated by para-
13 graph (2)—

14 (A) by striking subparagraphs (B), (E),
15 (G), (I), (J), and (K);

16 (B) by redesignating subparagraphs (C),
17 (D), (F), (H), and (L) as subparagraphs (B),
18 (C), (D), (E), and (F), respectively; and

19 (C) in subparagraph (E), as redesignated
20 by subparagraph (B), by inserting “and” after
21 the semicolon;

22 (4) in paragraph (17), as redesignated by para-
23 graph (2)—

1 (A) in the paragraph heading, by striking
2 “LIMITED ENGLISH PROFICIENT” and inserting
3 “ENGLISH LEARNER”;

4 (B) in the matter preceding subparagraph
5 (A), by striking “limited English proficient”
6 and inserting “English learner”; and

7 (C) in subparagraph (D)(i), by striking
8 “State’s proficient level of achievement on State
9 assessments described in section 1111(b)(3)”
10 and inserting “challenging State academic
11 standards described in section 1111(b)(1)”;

12 (5) in paragraph (22), as redesignated by para-
13 graph (2), in subparagraph (C)—

14 (A) in the subparagraph heading, by strik-
15 ing “BIA” and inserting “BIE”; and

16 (B) by striking “Affairs” both places the
17 term appears and inserting “Education”;

18 (6) in paragraph (25), as redesignated by para-
19 graph (2), by striking “pupil services” and inserting
20 “specialized instructional support”;

21 (7) in paragraph (26), as redesignated by para-
22 graph (2), by striking “until an agreement for the
23 extension of United States education assistance
24 under the Compact of Free Association for each of
25 the freely associated states becomes effective after

1 the date of enactment of the No Child Left Behind
2 Act of 2001” and inserting “except during any pe-
3 riod for which Secretary of Education determines
4 that a Compact of Free Association is in effect and
5 contains provisions for education assistance prohib-
6 iting the assistance provided under this Act”;

7 (8) in paragraph (28), as redesignated by para-
8 graph (2), in subparagraph (C), by inserting “and”
9 after the semicolon;

10 (9) by striking paragraph (30), as redesignated
11 by paragraph (2), and inserting the following:

12 “(30) PROFESSIONAL DEVELOPMENT.—The
13 term ‘professional development’ may include activi-
14 ties that—

15 “(A) improve and increase teachers’ knowl-
16 edge of the academic subjects the teachers
17 teach;

18 “(B) are an integral part of broad
19 schoolwide and districtwide educational im-
20 provement plans;

21 “(C) give teachers, principals, other school
22 leaders, and administrators the knowledge and
23 skills to provide students with the opportunity
24 to meet challenging State academic standards;

1 “(D) improve classroom management
2 skills;

3 “(E)(i) are high quality, sustained, inten-
4 sive, and classroom-focused in order to have a
5 positive and lasting impact on classroom in-
6 struction and the teacher’s performance in the
7 classroom; and

8 “(ii) are not 1-day or short-term work-
9 shops or conferences;

10 “(F) support the recruiting, hiring, and
11 training of effective teachers, including teachers
12 who became certified through State and local
13 alternative routes to certification;

14 “(G) advance teacher understanding of ef-
15 fective instructional strategies that are—

16 “(i) based on scientifically valid re-
17 search; and

18 “(ii) strategies for improving student
19 academic achievement or substantially in-
20 creasing the knowledge and teaching skills
21 of teachers; and

22 “(H) are aligned with and directly related
23 to—

24 “(i) challenging State academic stand-
25 ards and assessments; and

1 “(ii) the curricula and programs tied
2 to the standards described in clause (i);

3 “(I) are developed with extensive participa-
4 tion of teachers, principals, other school leaders,
5 parents, and administrators of schools to be
6 served under this Act;

7 “(J) are designed to give teachers of chil-
8 dren who are English learners, and other teach-
9 ers and instructional staff, the knowledge and
10 skills to provide instruction and appropriate
11 language and academic support services to
12 those children, including the appropriate use of
13 curricula and assessments;

14 “(K) to the extent appropriate, provide
15 training for teachers, principals, and other
16 school leaders in the use of technology so that
17 technology and technology applications are ef-
18 fectively used in the classroom to improve
19 teaching and learning in the curricula and aca-
20 demic subjects in which the teachers teach;

21 “(L) as a whole, are regularly evaluated
22 for their impact on increased teacher effective-
23 ness and improved student academic achieve-
24 ment, with the findings of the evaluations used

1 to improve the quality of professional develop-
2 ment;

3 “(M) provide instruction in methods of
4 teaching children with special needs;

5 “(N) include instruction in the use of data
6 and assessments to inform and instruct class-
7 room practice;

8 “(O) include instruction in ways that
9 teachers, principals, other school leaders, spe-
10 cialized instructional support personnel, and
11 school administrators may work more effectively
12 with parents;

13 “(P) involve the forming of partnerships
14 with institutions of higher education to estab-
15 lish school-based teacher, principal, and school
16 leader training programs that provide prospec-
17 tive teachers, novice teachers, principals, and
18 other school leaders with an opportunity to
19 work under the guidance of experienced teach-
20 ers, principals, and other school leaders, and
21 college faculty;

22 “(Q) create programs to enable paraprofes-
23 sionals (assisting teachers employed by a local
24 educational agency receiving assistance under
25 part A of title I) to obtain the education nec-

1 essary for those paraprofessionals to become
2 certified and licensed teachers; and

3 “(R) provide follow-up training to teachers
4 who have participated in activities described in
5 this paragraph that are designed to ensure that
6 the knowledge and skills learned by the teachers
7 are implemented in the classroom.”;

8 (10) by inserting after paragraph (30), as re-
9 designated by paragraph (2), the following:

10 “(31) SCHOOL LEADER.—The term ‘school
11 leader’ means a principal, assistant principal, or
12 other individual who is—

13 “(A) an employee or officer of an elemen-
14 tary school or secondary school, local edu-
15 cational agency, or other entity operating the
16 elementary school or secondary school; and

17 “(B) responsible for the daily instructional
18 leadership and managerial operations of the ele-
19 mentary school or secondary school.

20 “(32) SCIENTIFICALLY VALID RESEARCH.—The
21 term ‘scientifically valid research’ includes applied
22 research, basic research, and field-initiated research
23 in which the rationale, design, and interpretation are
24 soundly developed in accordance with the principles

1 of scientific research (as defined in section 637 of
2 the Head Start Act).”;

3 (11) by inserting after paragraph (34), as re-
4 designated by paragraph (2), the following:

5 “(35) SPECIALIZED INSTRUCTIONAL SUPPORT
6 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
7 SERVICES.—

8 “(A) SPECIALIZED INSTRUCTIONAL SUP-
9 PORT PERSONNEL.—The term ‘specialized in-
10 structional support personnel’ means school
11 counselors, school social workers, school psy-
12 chologists, and other qualified professional per-
13 sonnel involved in providing assessment, diag-
14 nosis, counseling, educational, therapeutic, and
15 other necessary services (including related serv-
16 ices as that term is defined in section 602 of
17 the Individuals with Disabilities Education Act)
18 as part of a comprehensive program to meet
19 student needs.

20 “(B) SPECIALIZED INSTRUCTIONAL SUP-
21 PORT SERVICES.—The term ‘specialized instruc-
22 tional support services’ means the services pro-
23 vided by specialized instructional support per-
24 sonnel.”; and

1 (12) by striking the undesignated paragraph be-
2 tween paragraphs (35) and (37), as redesignated by
3 paragraph (2), and inserting the following:

4 “(36) STATE.—The term ‘State’ means each of
5 the 50 States, the District of Columbia, the Com-
6 monwealth of Puerto Rico, and each of the outlying
7 areas.”.

8 **SEC. 9102. APPLICABILITY TO BUREAU OF INDIAN EDU-**
9 **CATION OPERATED SCHOOLS.**

10 Section 9103 (20 U.S.C. 7803) is amended—

11 (1) in the section heading, by striking “**BU-**
12 **REAU OF INDIAN AFFAIRS**” and inserting “**BU-**
13 **REAU OF INDIAN EDUCATION**”; and

14 (2) by striking “Bureau of Indian Affairs” each
15 place it appears and inserting “Bureau of Indian
16 Education”.

17 **SEC. 9103. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**
18 **ISTRATION.**

19 Section 9203(b) (20 U.S.C. 7823(b)) is amended by
20 striking “Within 1 year after the date of enactment of the
21 No Child Left Behind Act of 2001, a State” and inserting
22 “A State”.

1 **SEC. 9104. GENERAL APPLICABILITY OF STATE EDU-**
2 **CATIONAL AGENCY ASSURANCES.**

3 Section 9304(a)(2) (20 U.S.C. 7844(a)(2)) is amend-
4 ed—

5 (1) in subparagraph (A), by striking “a non-
6 profit private agency” and inserting “a private enti-
7 ty”; and

8 (2) in subparagraph (B), by striking “nonprofit
9 agency” and inserting “private entity”.

10 **SEC. 9105. WAIVERS OF STATUTORY AND REGULATORY RE-**
11 **QUIREMENTS.**

12 Section 9401 (20 U.S.C. 7861) is amended—

13 (1) by striking subsection (a) and inserting the
14 following:

15 “(a) IN GENERAL.—

16 “(1) REQUEST FOR WAIVER BY STATE OR IN-
17 DIAN TRIBE.—A State educational agency or Indian
18 tribe that receives funds under a program authorized
19 under this Act may submit a request to the Sec-
20 retary to waive any statutory or regulatory require-
21 ment of this Act.

22 “(2) LOCAL EDUCATIONAL AGENCY AND
23 SCHOOL REQUESTS SUBMITTED THROUGH THE
24 STATE.—

25 “(A) REQUEST FOR WAIVER BY LOCAL
26 EDUCATIONAL AGENCY.—A local educational

1 agency that receives funds under a program au-
2 thorized under this Act and wishes to request
3 a wavier of any statutory or regulatory require-
4 ment of this Act shall submit a request con-
5 taining the information described in subsection
6 (b)(1) to the appropriate State educational
7 agency. The State educational agency may then
8 submit the request to the Secretary if the State
9 educational agency determines the waiver ap-
10 propriate.

11 “(B) REQUEST FOR WAIVER BY SCHOOL.—
12 An elementary school or secondary school that
13 desires a waiver of any statutory or regulatory
14 requirements of this Act shall submit a request
15 containing the information described in sub-
16 section (b)(1) to the local educational agency
17 serving the school. The local educational agency
18 may then submit the request to the State edu-
19 cational agency in accordance with subpara-
20 graph (A) if the local educational agency deter-
21 mines the waiver appropriate.

22 “(3) RECEIPT OF WAIVER.—Except as provided
23 in subsection (b)(4) or (e), the Secretary shall waive
24 any statutory or regulatory requirement of this Act

1 for which a waiver request is submitted to the Sec-
2 retary pursuant to this subsection.”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) in the matter preceding subpara-
6 graph (A)—

7 (I) by striking “, local edu-
8 cational agency,” and inserting “, act-
9 ing on its own behalf or on behalf of
10 a local educational agency in accord-
11 ance with subsection (a)(2),”; and

12 (II) by inserting “, which shall
13 include a plan” after “to the Sec-
14 retary”;

15 (ii) in subparagraph (B), by striking
16 “and how” and all that follows through “of
17 students”;

18 (iii) by redesignating subparagraph
19 (E) as subparagraph (F); and

20 (iv) by striking subparagraphs (C)
21 and (D) and inserting the following:

22 “(C) describes the methods the State edu-
23 cational agency, local educational agency, or In-
24 dian tribe will use to monitor and regularly

1 evaluate the effectiveness of the implementation
2 of the plan;

3 “(D) includes only information directly re-
4 lated to the waiver request on how the State
5 educational agency, local educational agency, or
6 Indian tribe will maintain and improve trans-
7 parency in reporting to parents and the public
8 on student achievement and school perform-
9 ance, including the achievement of students ac-
10 cording to the student subgroups described in
11 subclauses (I) through (IV) of section
12 1111(b)(2)(B) ~~[(vii)/(ix)]~~; and”;

13 (B) in paragraph (2)(B)(i)(II), by striking
14 “(on behalf of, and based on the requests of,
15 local educational agencies)” and inserting “(on
16 behalf of those agencies or on behalf of, and
17 based on the requests of, local educational
18 agencies in the State)”;

19 (C) in paragraph (3)—

20 (i) in subparagraph (A)—

21 (I) in the matter preceding clause
22 (i), by inserting “or on behalf of local
23 educational agencies in the State
24 under subsection (a)(2),” after “act-
25 ing on its own behalf,”; and

1 (II) in clause (i)—

2 (aa) by striking “all inter-
3 ested local educational agencies”
4 and inserting “any interested
5 local educational agency”; and

6 (bb) by inserting “, to the
7 extent that the request impacts
8 the local educational agency” be-
9 fore the semicolon at the end;
10 and

11 (ii) in subparagraph (B), by striking
12 “reviewed by the State educational agen-
13 cy” and inserting “reviewed and approved
14 by the State educational agency before
15 being submitted to the Secretary”; and

16 (D) by adding at the end the following:

17 “(4) WAIVER DETERMINATION, DEMONSTRA-
18 TION, AND REVISION.—

19 “(A) IN GENERAL.—The Secretary shall
20 approve a waiver request not more than 60
21 days after the date on which such request is
22 submitted, unless the Secretary determines and
23 demonstrates that—

24 “(i) the waiver request does not meet
25 the requirements of this section; and

1 “(ii) the waiver is not permitted under
2 subsection (c).

3 “(B) WAIVER DETERMINATION AND REVI-
4 SION.—If the Secretary determines and dem-
5 onstrates that the waiver request does not meet
6 the requirements of this section, the Secretary
7 shall—

8 “(i) immediately—

9 “(I) notify the State educational
10 agency, local educational agency, or
11 Indian tribe of such determination;
12 and

13 “(II) provide detailed reasons for
14 such determination in writing and in
15 a public manner, such as posting to
16 the Department’s website in a clear
17 and easily accessible manner;

18 “(ii) offer the State educational agen-
19 cy, local educational agency (through the
20 State educational agency), or Indian tribe
21 an opportunity to revise and resubmit the
22 waiver request not more than 60 days after
23 the date of such determination; and

24 “(iii) if the Secretary determines that
25 the resubmission does not meet the re-

1 requirements of this section, at the request
2 of the State educational agency, local edu-
3 cational agency, or Indian tribe, conduct a
4 public hearing not more than 30 days after
5 the date of such resubmission.

6 “(C) WAIVER DISAPPROVAL.—The Sec-
7 retary may disapprove a waiver request if—

8 “(i) the State educational agency,
9 local educational agency, or Indian tribe
10 has been notified and offered an oppor-
11 tunity to revise and resubmit the waiver
12 request, as described under clauses (i) and
13 (ii) of subparagraph (B); and

14 “(ii) the State educational agency,
15 local educational agency, or Indian tribe—

16 “(I) does not revise and resubmit
17 the waiver request; or

18 “(II) revises and resubmits the
19 waiver request, and the Secretary de-
20 termines that such waiver request
21 does not meet the requirements of this
22 section after a hearing conducted
23 under subparagraph (B)(iii).

24 “(D) EXTERNAL CONDITIONS.—The Sec-
25 retary shall not disapprove a waiver request

1 under this section based on conditions outside
2 the scope of the waiver request.”;

3 (3) in subsection (c)—

4 (A) by striking paragraph (2); and

5 (B) by redesignating paragraphs (3)
6 through (10) as paragraphs (2) through (9), re-
7 spectively;

8 (4) in subsection (d)—

9 (A) in the subsection heading, by adding “;
10 LIMITATIONS” after “WAIVER”; and

11 (B) by adding at the end the following:

12 “(3) SPECIFIC LIMITATIONS.—The Secretary
13 shall not place any requirements on a State edu-
14 cational agency, local educational agency, or Indian
15 tribe as a condition, criterion, or priority for the ap-
16 proval of a waiver request.”;

17 (5) by striking subsection (e) and inserting the
18 following:

19 “(e) REPORTS.—A State educational agency, local
20 educational agency, or Indian tribe receiving a waiver
21 under this section shall describe, as part of, and pursuant
22 to, the required annual reporting under section 1111(d),
23 the progress of schools covered under the provisions of
24 such waiver toward increasing academic achievement.”;

25 and

1 (6) in subsection (f), by striking “the perform-
2 ance of the State or other recipient affected by the
3 waiver has been inadequate to justify a continuation
4 of the waiver or if”.

5 **SEC. 9106. PLAN APPROVAL PROCESS.**

6 Title IX (20 U.S.C. 7801 et seq.) is amended—

7 (1) by redesignating parts E and F as parts F
8 and G, respectively;

9 (2) by inserting after section 9401 the fol-
10 lowing:

11 **“PART E—APPROVAL AND DISAPPROVAL OF**
12 **STATE PLANS AND LOCAL APPLICATIONS**

13 **“SEC. 9451. APPROVAL AND DISAPPROVAL OF STATE**
14 **PLANS.**

15 “(a) DEEMED APPROVAL.—A plan submitted by a
16 State pursuant to section 2101(d), 4103(d), or 9302 shall
17 be deemed to be approved by the Secretary unless—

18 “(1) the Secretary makes a written determina-
19 tion, prior to the expiration of the 90-day period be-
20 ginning on the date on which the Secretary received
21 the plan, that the plan is not in compliance with sec-
22 tion 2101(d) or 4103(d) or part C, respectively; or

23 “(2) the Secretary presents a body of substan-
24 tial, high-quality education research that clearly
25 demonstrates that the State’s plan does not meet the

1 requirements of this section and is likely to be inef-
2 fective or is inappropriate for its intended purposes.

3 “(b) DISAPPROVAL PROCESS.—

4 “(1) IN GENERAL.—The Secretary shall not fi-
5 nally disapprove a plan submitted under section
6 2101(d), 4103(d), or 9302, except after giving the
7 State educational agency notice and an opportunity
8 for a hearing.

9 “(2) NOTIFICATION.—If the Secretary finds
10 that the plan is not in compliance, in whole or in
11 part, with section 2101(d) or 4103(d) or part C, as
12 applicable, the Secretary shall—

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

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

18 “(i) cite the specific provisions in the
19 plan that are not in compliance or the sub-
20 stantial, high-quality education research
21 that clearly demonstrates that the State’s
22 plan is not in compliance in accordance
23 with subsection (a)(2); and

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

4 “(3) RESPONSE.—If the State educational
5 agency responds to the Secretary’s notification de-
6 scribed in paragraph (2)(B) during the 45-day pe-
7 riod beginning on the date on which the State edu-
8 cational agency received the notification, and resub-
9 mits the plan with the requested information de-
10 scribed in paragraph (2)(B)(ii), the Secretary shall
11 approve or disapprove such plan prior to the later
12 of—

13 “(A) the expiration of the 45-day period
14 beginning on the date on which the plan is re-
15 submitted; or

16 “(B) the expiration of the 90-day period
17 described in subsection (a).

18 “(4) FAILURE TO RESPOND.—If the State edu-
19 cational agency does not respond to the Secretary’s
20 notification described in paragraph (2)(B) during
21 the 45-day period beginning on the date on which
22 the State educational agency received the notifica-
23 tion, such plan shall be deemed to be disapproved.

1 **“SEC. 9452. APPROVAL AND DISAPPROVAL OF LOCAL EDU-**
2 **CATIONAL AGENCY APPLICATIONS.**

3 “(a) DEEMED APPROVAL.—An application submitted
4 by a local educational agency pursuant to section 2102(b),
5 4104(b), or 9305 shall be deemed to be approved by the
6 State educational agency unless—

7 “(1) the State educational agency makes a writ-
8 ten determination, prior to the expiration of the 90-
9 day period beginning on the date on which the State
10 educational agency received the application, that the
11 application is not in compliance with section 2102(b)
12 or 4104(b), or part C, respectively; or

13 “(2) the State presents a body of substantial,
14 high-quality education research that clearly dem-
15 onstrates that the local educational agency’s applica-
16 tion does not meet the requirements of this section
17 and is likely to be ineffective or is inappropriate for
18 its intended purposes.

19 “(b) DISAPPROVAL PROCESS.—

20 “(1) IN GENERAL.—The State educational
21 agency shall not finally disapprove an application
22 submitted under section 2102(b), 4104(b), or 9305
23 except after giving the local educational agency no-
24 tice and opportunity for a hearing.

25 “(2) NOTIFICATION.—If the State educational
26 agency finds that the application submitted under

1 section 2102(b), 4104(b), or 9305 is not in compli-
2 ance, in whole or in part, with section 2102(b) or
3 4104(b), or part C, respectively, the State edu-
4 cational agency shall—

5 “(A) give the local educational agency no-
6 tice and an opportunity for a hearing; and

7 “(B) notify the local educational agency of
8 the finding of noncompliance, and in such noti-
9 fication, shall—

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

12 “(ii) request additional information,
13 only as to the noncompliant provisions,
14 needed to make the application compliant.

15 “(3) RESPONSE.—If the local educational agen-
16 cy responds to the State educational agency’s notifi-
17 cation described in paragraph (2)(B) during the 45-
18 day period beginning on the date on which the local
19 educational agency received the notification, and re-
20 submits the application with the requested informa-
21 tion described in paragraph (2)(B)(ii), the State
22 educational agency shall approve or disapprove such
23 application prior to the later of—

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

4 “(B) the expiration of the 90-day period
5 described in subsection (a).

6 “(4) FAILURE TO RESPOND.—If the local edu-
7 cational agency does not respond to the State edu-
8 cational agency’s notification described in paragraph
9 (2)(B) during the 45-day period beginning on the
10 date on which the local educational agency received
11 the notification, such application shall be deemed to
12 be disapproved.”.

13 **SEC. 9107. PARTICIPATION BY PRIVATE SCHOOL CHILDREN**
14 **AND TEACHERS.**

15 Section 9501 (20 U.S.C. 7881) is amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1), by striking subpara-
18 graphs (A) through (H) and inserting the fol-
19 lowing:

20 “(A) part C of title I;

21 “(B) part A of title II;

22 “(C) part A of title III; and

23 “(D) title IV.”; and

24 (B) by striking paragraph (3); and

25 (2) in subsection (c)(1)—

1 (A) in subparagraph (E)—

2 (i) by striking “and the amount” and
3 inserting “, the amount”; and

4 (ii) by striking “services; and” and in-
5 serting “services, and how that amount is
6 determined; and”;

7 (B) in subparagraph (F), by striking the
8 period at the end and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(G) whether the agency, consortium, or
11 entity shall provide services directly or assign
12 responsibility for the provision of services to a
13 separate government agency, consortium, or en-
14 tity, or to a third-party contractor.”.

15 **SEC. 9108. MAINTENANCE OF EFFORT.**

16 Section 9521 (20 U.S.C. 7901) is repealed.

17 **SEC. 9109. SCHOOL PRAYER.**

18 Section 9524(a) (20 U.S.C. 7904(a)) is amended by
19 striking “on the Internet” and inserting “by electronic
20 means, including by posting the guidance on the Depart-
21 ment’s website in a clear and easily accessible manner”.

22 **SEC. 9110. PROHIBITIONS ON FEDERAL GOVERNMENT AND
23 USE OF FEDERAL FUNDS.**

24 Section 9527 (20 U.S.C. 7907) is amended—

25 (1) in subsection (a)—

1 (A) by inserting “coerce,” after “direct,”;

2 and

3 (B) by inserting “, academic standards or
4 assessments,” after “program of instruction”;

5 (2) in subsection (b), by striking “an elemen-
6 tary school or secondary school” and inserting “an
7 early childhood education program, elementary
8 school, secondary school, or institution of higher
9 education”; and

10 (3) in subsection (c)(1), by striking “student”.

11 **SEC. 9111. ARMED FORCES RECRUITER ACCESS TO STU-**
12 **DENTS AND STUDENT RECRUITING INFORMA-**
13 **TION.**

14 Section 9528 (20 U.S.C. 7908) is amended by strik-
15 ing subsection (d).

16 **SEC. 9112. PROHIBITION ON FEDERALLY SPONSORED TEST-**
17 **ING.**

18 Section 9529(a) (20 U.S.C. 7909(a)) is amended by
19 inserting “incentivize,” after “develop,”.

20 **SEC. 9113. LIMITATIONS ON NATIONAL TESTING OR CER-**
21 **TIFICATION FOR TEACHERS.**

22 Section 9530 (20 U.S.C. 7910) is amended—

23 (1) in subsection (a)—

24 (A) by inserting “, principals,” after
25 “teachers”; and

1 (B) by inserting “, or incentive regarding,”
2 after “administration of”.

3 **SEC. 9114. EVALUATIONS.**

4 Section 9601 (20 U.S.C. 7941) is amended to read
5 as follows:

6 **“SEC. 9601. EVALUATIONS.**

7 “(a) RESERVATION OF FUNDS.—Except as provided
8 in subsection (b), the Secretary may reserve not more than
9 0.5 percent of the amount appropriated to carry out activi-
10 ties under this section for each categorical program au-
11 thorized under this Act. If the Secretary elects to make
12 a reservation under this subsection, the reserved
13 amounts—

14 “(1) shall first be used by the Secretary, acting
15 through the Director of the Institute of Education
16 Sciences to—

17 “(A) conduct comprehensive, high-quality
18 evaluations of the program that—

19 “(i) are consistent with the evaluation
20 plan under subsection (d); and

21 “(ii) primarily include impact evalua-
22 tions that use experimental or quasi-experi-
23 mental designs, where practicable and ap-
24 propriate, and other rigorous methodolo-

1 gies that permit the strongest possible
2 causal inferences;

3 “(B) conduct studies of the effectiveness of
4 the program and the administrative impact of
5 the program on schools and local educational
6 agencies; and

7 “(C) widely disseminate evaluation findings
8 under this section related to programs author-
9 ized under this Act—

10 “(i) in a timely fashion;

11 “(ii) in forms that are understand-
12 able, easily accessible, and usable, or
13 adaptable for use in, the improvement of
14 educational practice;

15 “(iii) through electronic transfer, and
16 other means, such as posting, as available,
17 to the websites of State educational agen-
18 cies, local educational agencies, the Insti-
19 tute of Education Sciences, the Depart-
20 ment, or in another relevant place; and

21 “(iv) in a manner that promotes the
22 utilization of such findings; and

23 “(2) may be used by the Secretary, acting
24 through the Director of the Institute of Education
25 Sciences—

1 “(A) to evaluate the aggregate short- and
2 long-term effects and cost efficiencies across
3 Federal programs assisted or authorized under
4 this Act and related Federal early childhood
5 education, preschool, elementary school, and
6 secondary school programs under any other
7 Federal law; and

8 “(B) assist grantees of such programs in
9 collecting and analyzing data related to con-
10 ducting high-quality evaluations under para-
11 graph (1).

12 “(b) TITLE I.—The Secretary, acting through the Di-
13 rector of the Institute of Education Sciences, shall use
14 funds authorized under section 1002(e) to carry out eval-
15 uation activities under this section related to title I.

16 “(c) CONSOLIDATION.—Notwithstanding any other
17 provision of this section or section 1002(e), the Secretary,
18 in consultation with the Director of the Institute of Edu-
19 cation Sciences—

20 “(1) may consolidate the funds reserved under
21 subsections (a) or (b) for purposes of carrying out
22 the activities under subsection (a)(1); and

23 “(2) shall not be required to evaluate under
24 subsection (a)(1) each program authorized under
25 this Act each year.

1 “(d) EVALUATION PLAN.—The Director of the Insti-
2 tute of Education Sciences, shall, on a biennial basis, de-
3 velop, submit to Congress, and make publicly available an
4 evaluation plan, that—

5 “(1) describes the specific activities that will be
6 carried out under subsection (a) for the 2-year pe-
7 riod applicable to the plan, and the timelines of such
8 activities;

9 “(2) contains the results of the activities car-
10 ried out under subsection (a) for the most recent 2-
11 year period; and

12 “(3) describes how programs authorized under
13 this Act will be regularly evaluated.

14 “(e) EVALUATION ACTIVITIES AUTHORIZED ELSE-
15 WHERE.—If, under any other provision of this Act, funds
16 are authorized to be reserved or used for evaluation activi-
17 ties with respect to a program, the Secretary may not re-
18 serve additional funds under this section for the evaluation
19 of that program.”.

20 **TITLE X—EDUCATION OF HOME-** 21 **LESS CHILDREN AND YOUTHS**

22 **SEC. 10001. STATEMENT OF POLICY.**

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

1 (1) in paragraph (2), by striking “In any
2 State” and all that follows through “will review”
3 and inserting “In any State where compulsory resi-
4 dency requirements or other requirements, laws, reg-
5 ulations, practices, or polices may act as a barrier
6 to the identification, enrollment, attendance, or suc-
7 cess in school of homeless children and youths, the
8 State educational agency and local educational agen-
9 cies will review”; and

10 (2) in paragraph (4), by striking “challenging
11 State student academic achievement standards” and
12 inserting “challenging State academic standards”.

13 **SEC. 10002. GRANTS FOR STATE AND LOCAL ACTIVITIES.**

14 Section 722 of the McKinney-Vento Homeless Assist-
15 ance Act (42 U.S.C. 11432) is amended—

16 (1) by striking subsection (b);

17 (2) by redesignating paragraph (2) of sub-
18 section (c) as subsection (b), aligning the margins of
19 that subsection with the margins of subsection (a),
20 and moving that subsection (b) so as to follow sub-
21 section (a);

22 (3) in subsection (b), as so redesignated—

23 (A) by striking the following:

24 “(b) RESERVATIONS.—(A)” and inserting the fol-
25 lowing:

1 “(b) RESERVATIONS.—

2 “(1) STUDENTS IN TERRITORIES.—”;

3 (B) by striking “(B)(i) The Secretary shall
4 transfer” and inserting the following:

5 “(2) INDIAN STUDENTS.—

6 “(A) TRANSFER.—The Secretary shall
7 transfer”;

8 (C) by striking “(ii) The Secretary and”
9 and inserting the following:

10 “(B) AGREEMENT.—The Secretary and”;

11 and

12 (D) in paragraph (2)(B) (as redesignated
13 in this paragraph), by striking “described in
14 clause (i)” and inserting “described in subpara-
15 graph (A)”;

16 (4) in subsection (c)—

17 (A) in paragraph (1), by striking “para-
18 graph (2)” and inserting “subsection (b)”;

19 (B) by redesignating paragraph (3) as
20 paragraph (2);

21 (5) in subsection (d)—

22 (A) in paragraph (2), by striking “activi-
23 ties for, and services to, homeless children” and
24 inserting “services and activities to improve the
25 identification of homeless children”; and

1 (B) in paragraph (3)—

2 (i) by inserting “in the State edu-
3 cational agency” after “designate”; and

4 (ii) by striking “Youths in the State
5 educational agency” and inserting “Youths
6 that can sufficiently carry out the duties
7 described in this subtitle,”;

8 (6) in subsection (e)(3)(F)(iii), by striking “Not
9 later” and all that follows through “the Secretary”
10 and inserting “The Secretary”;

11 (7) in subsection (f), in paragraph (3), by strik-
12 ing “such information” and all that follows through
13 “necessary” and inserting “information necessary”;

14 (8) in subsection (g)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (A), by striking
17 “challenging State academic achievement
18 standards” and inserting “challenging
19 State academic standards”;

20 (ii) in subparagraph (B), by striking
21 “special”;

22 (iii) in subparagraph (D), by striking
23 “(including” and all that follows through
24 “personnel)” and inserting “(including liai-
25 sons described in subparagraph (J)(ii),

1 principals and school leaders, attendance
2 officers, teachers, enrollment personnel,
3 and specialized instructional support per-
4 sonnel)”;

5 (iv) in subparagraph (E), by striking
6 “food programs” and inserting “nutrition
7 programs”;

8 (v) in subparagraph (F)—

9 (I) in clause (i), by striking “the
10 same”;

11 (II) in clause (i), by striking
12 “State agency, as” and inserting
13 “State educational agency,”; and

14 (III) in clause (iii), by striking
15 “local before- and after-school care
16 programs” and inserting “local edu-
17 cation programs”;

18 (vi) in subparagraph (H)(i), by strik-
19 ing “medical records” and inserting “other
20 health records”;

21 (vii) in subparagraph (I), by striking
22 “enrollment and retention” and inserting
23 “identification, enrollment, and retention”;
24 and

1 (viii) in subparagraph (J)(iii), by
2 striking “homeless” each place it appears;
3 (B) in paragraph (3)—

4 (i) in subparagraph (C)—

5 (I) by striking clause (i) and in-
6 serting the following:

7 “(i) IMMEDIATE ENROLLMENT.—The
8 school selected in accordance with this
9 paragraph shall immediately enroll the
10 homeless child or youth, even if the child
11 or youth—

12 “(I) is unable to produce records
13 normally required for enrollment, such
14 as previous academic records, records
15 of immunization and other health
16 records, proof of residency, or other
17 documentation; or

18 “(II) has missed application or
19 enrollment deadlines during any pe-
20 riod of homelessness.”;

21 (II) in clause (ii), by striking
22 “(ii)” and all that follows through
23 “The enrolling” and inserting the fol-
24 lowing:

1 “(ii) RELEVANT ACADEMIC
2 RECORDS.—The enrolling”;

3 (III) in clause (iii), by striking
4 (iii) and all that follows through “If”
5 and inserting the following:

6 “(iii) RELEVANT HEALTH RECORDS.—
7 If”;

8 (IV) in clause (iii), by striking
9 “obtain immunizations,” and all that
10 follows through “records, the” and in-
11 serting “obtain immunizations, or
12 health records, the”; and

13 (V) in clause (iii), by striking
14 “necessary immunizations” and all
15 that follows through “records, in” and
16 inserting “necessary immunizations or
17 screenings, or health records, in”;

18 (ii) in subparagraph (D)—

19 (I) in the matter preceding clause
20 (i), by striking “medical records” and
21 inserting “health records”; and

22 (II) in clause (i), by inserting
23 “involved” after “records”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(I) PRIVACY.—Information about the
2 homeless status of a homeless child or youth
3 shall be treated as a student education record
4 under section 444 of the General Education
5 Provisions Act (20 U.S.C. 1232g) and shall not
6 be released to housing providers, employers, law
7 enforcement personnel, or other persons or
8 agencies not authorized to have such informa-
9 tion under section 99.31 of title 34, Code of
10 Federal Regulations (or any corresponding
11 similar regulation or ruling).”;

12 (C) in paragraph (4)—

13 (i) in subparagraph (B), by striking
14 “students with limited English proficiency”
15 and inserting “students who are English
16 learners”; and

17 (ii) in subparagraph (C), by striking
18 “vocational” and inserting “career”;

19 (D) in paragraph (5)(A)(i), by striking
20 “programs” each place it appears and inserting
21 “entities”;

22 (E) in paragraph (7)—

23 (i) in subparagraph (A), by inserting
24 “identification or” before “enrollment”;
25 and

1 programs, and elementary and secondary
2 schools,”;

3 (ii) in subparagraph (A), by inserting
4 “identification,” before “enrollment,”;

5 (iii) in subparagraph (B), by striking
6 “which the application” and all that fol-
7 lows and inserting “which the application
8 reflects coordination by the applicant with
9 other State and local agencies that serve
10 homeless children and youth.”;

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

14 (v) in subparagraph (D), by striking
15 “within” and inserting “into”; and

16 (vi) in subparagraph (G)—

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

20 (II) by striking “provide” and all
21 that follows and inserting “provide
22 services to youths.”; and

23 (4) in subsection (d)—

24 (A) in paragraph (1), by striking “same
25 challenging State” and all that follows through

1 “the State establishes” and inserting “same
2 challenging State academic standards as the
3 State establishes”;

4 (B) in paragraph (2)—

5 (i) by striking “students with limited
6 English proficiency” and inserting “stu-
7 dents who are English learners”; and

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

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

13 (D) in paragraph (7), by striking “and un-
14 accompanied youths,” and inserting “particu-
15 larly homeless children and youths who are not
16 enrolled in school,”;

17 (E) in paragraph (9), by striking “medical
18 records” and inserting “other health records”;

19 (F) in paragraph (10)—

20 (i) by inserting “and guardians” after
21 “parents”; and

22 (ii) by striking the period and insert-
23 ing “, and the provision of other activities
24 designed to increase the meaningful in-
25 volvement of parents and guardians of

1 homeless children or youths in the edu-
2 cation of their children.”;

3 (G) in paragraph (12), by striking “pupil
4 services” and inserting “specialized instruc-
5 tional support services”; and

6 (H) in paragraph (13), by striking the pe-
7 riod and inserting “or from parental mental
8 health or substance abuse problems.”.

9 **SEC. 10004. SECRETARIAL RESPONSIBILITIES.**

10 Section 724 of the McKinney-Vento Homeless Assist-
11 ance Act (42 U.S.C. 11434) is amended—

12 (1) by striking subsection (c) and inserting the
13 following:

14 “(c) NOTICE.—

15 “(1) IN GENERAL.—The Secretary shall, before
16 the first day of the first school year that begins after
17 the date of enactment of the Every Child Ready for
18 College or Career Act of 2015, update and dissemi-
19 nate nationwide the public notice described in this
20 subsection (as in effect on the day before such date)
21 of the educational rights of homeless children and
22 youths.

23 “(2) DISSEMINATION.—The Secretary shall dis-
24 seminate the notice nationwide to all Federal agen-
25 cies, and recipients of Federal grants, who are serv-

1 ing homeless children and youth, and homeless fami-
2 lies.”;

3 (2) in subsection (d), by striking “evaluation
4 and dissemination” and inserting “evaluation, dis-
5 semination, and technical assistance”;

6 (3) in subsection (g)—

7 (A) in the matter preceding paragraph (1),
8 by striking “the McKinney-Vento Homeless
9 Education Assistance Improvements Act of
10 2001” and inserting “the Every Child Ready
11 for College or Career Act of 2015”; and

12 (B) in paragraph (2), by striking “and
13 medical or school records” and inserting “,
14 other health, or school records”; and

15 (4) in subsection (i), by striking “the McKin-
16 ney-Vento Homeless Education Assistance Improve-
17 ments Act of 2001” and inserting “the Every Child
18 Ready for College or Career Act of 2015”.

19 **SEC. 10005. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 726 of the McKinney-Vento Homeless Assist-
21 ance Act (42 U.S.C. 11436) is amended by striking “au-
22 thorized” and all that follows and inserting “authorized
23 to be appropriated \$65,042,000 for each of fiscal years
24 2016 through 2021.”.