

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Every Student Suc-
3 ceeds Act”.

4 SEC. 2. TABLE OF CONTENTS.

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Transition.
- Sec. 5. Effective dates.
- Sec. 6. Table of contents of the Elementary and Secondary Education Act of 1965.

TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE
AND LOCAL EDUCATIONAL AGENCIES

PART A—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL
EDUCATIONAL AGENCIES

- Sec. 1000. Redesignations.
- Sec. 1001. Statement of purpose.
- Sec. 1002. Authorization of appropriations.
- Sec. 1003. School improvement.
- Sec. 1004. Direct student services.
- Sec. 1005. State plans.
- Sec. 1006. Local educational agency plans.
- Sec. 1007. Eligible school attendance areas.
- Sec. 1008. Schoolwide programs.
- Sec. 1009. Targeted assistance schools.
- Sec. 1010. Parent and family engagement.
- Sec. 1011. Participation of children enrolled in private schools.
- Sec. 1012. Supplement, not supplant.
- Sec. 1013. Coordination requirements.
- Sec. 1014. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 1015. Allocations to States.
- Sec. 1016. Adequacy of funding rule.
- Sec. 1017. Education finance incentive grant program.

PART B—STATE ASSESSMENT GRANTS

- Sec. 1201. State assessment grants.

PART C—EDUCATION OF MIGRATORY CHILDREN

- Sec. 1301. Education of migratory children.

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

Sec. 1401. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.

PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

Sec. 1501. Flexibility for equitable per-pupil funding.

PART F—GENERAL PROVISIONS

Sec. 1601. General provisions.

TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

Sec. 2001. General provisions.

Sec. 2002. Preparing, training, and recruiting high-quality teachers, principals, or other school leaders.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

Sec. 3001. Resignation of certain provisions.

Sec. 3002. Authorization of appropriations.

Sec. 3003. English language acquisition, language enhancement, and academic achievement.

Sec. 3004. General provisions.

TITLE IV—21ST CENTURY SCHOOLS

Sec. 4001. Resignations and transfers.

Sec. 4002. General provisions.

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

Sec. 4101. Student support and academic enrichment grants.

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

Sec. 4201. 21st century community learning centers.

PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

Sec. 4301. Charter schools.

PART D—MAGNET SCHOOLS ASSISTANCE

Sec. 4401. Magnet schools assistance.

PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

Sec. 4501. Family Engagement in Education Programs.

PART F—NATIONAL ACTIVITIES

Sec. 4601. National activities.

TITLE V—STATE INNOVATION AND LOCAL FLEXIBILITY

- Sec. 5001. General provisions.
- Sec. 5002. Funding Transferability for State and Local Educational Agencies.
- Sec. 5003. Rural education initiative.
- Sec. 5004. General provisions.
- Sec. 5005. Review relating to rural local educational agencies.

TITLE VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

- Sec. 6001. Conforming amendments.
- Sec. 6002. Indian education.
- Sec. 6003. Native Hawaiian education.
- Sec. 6004. Alaska Native education.
- Sec. 6005. Report on Native American language medium education.
- Sec. 6006. Report on responses to Indian student suicides.

TITLE VII—IMPACT AID

- Sec. 7001. General provisions.
- Sec. 7002. Purpose.
- Sec. 7003. Payments relating to federal acquisition of real property.
- Sec. 7004. Payments for eligible federally connected children.
- Sec. 7005. Policies and procedures relating to children residing on Indian lands.
- Sec. 7006. Application for payments under sections 7002 and 7003.
- Sec. 7007. Construction.
- Sec. 7008. Facilities.
- Sec. 7009. State consideration of payments in providing state aid.
- Sec. 7010. Federal administration.
- Sec. 7011. Administrative hearings and judicial review.
- Sec. 7012. Definitions.
- Sec. 7013. Authorization of appropriations.

TITLE VIII—GENERAL PROVISIONS

- Sec. 8001. General provisions.
- Sec. 8002. Definitions.
- Sec. 8003. Applicability of title.
- Sec. 8004. Applicability to Bureau of Indian Education operated schools.
- Sec. 8005. Consolidation of State administrative funds for elementary and secondary education programs.
- Sec. 8006. Consolidation of funds for local administration.
- Sec. 8007. Consolidated set-aside for Department of the Interior funds.
- Sec. 8008. Department staff.
- Sec. 8009. Optional consolidated State plans or applications.
- Sec. 8010. General applicability of State educational agency assurances.
- Sec. 8011. Rural consolidated plan.
- Sec. 8012. Other general assurances.
- Sec. 8013. Waivers of statutory and regulatory requirements.
- Sec. 8014. Approval and disapproval of State plans and local applications.
- Sec. 8015. Participation by private school children and teachers.
- Sec. 8016. Standards for by-pass.
- Sec. 8017. Complaint process for participation of private school children.
- Sec. 8018. By-pass determination process.
- Sec. 8019. Maintenance of effort.
- Sec. 8020. Prohibition regarding state aid.

- Sec. 8021. School prayer.
- Sec. 8022. Prohibited uses of funds.
- Sec. 8023. Prohibitions.
- Sec. 8024. Prohibitions on Federal Government and use of Federal funds.
- Sec. 8025. Armed forces recruiter access to students and student recruiting information.
- Sec. 8026. Prohibition on federally sponsored testing.
- Sec. 8027. Limitations on national testing or certification for teachers, principals, or other school leaders.
- Sec. 8028. Prohibition on requiring State participation.
- Sec. 8029. Civil rights.
- Sec. 8030. Consultation with Indian tribes and tribal organizations.
- Sec. 8031. Outreach and technical assistance for rural local educational agencies.
- Sec. 8032. Consultation with the Governor.
- Sec. 8033. Local governance.
- Sec. 8034. Rule of construction regarding travel to and from school.
- Sec. 8035. Limitations on school-based health centers.
- Sec. 8036. State control over standards.
- Sec. 8037. Sense of Congress on protecting student privacy.
- Sec. 8038. Prohibition on aiding and abetting sexual abuse .
- Sec. 8039. Sense of Congress on restoration of state sovereignty over public education.
- Sec. 8040. Privacy.
- Sec. 8041. Analysis and periodic review; sense of Congress; technical assistance.
- Sec. 8042. Evaluations.

TITLE IX—EDUCATION FOR THE HOMELESS AND OTHER LAWS

PART A—HOMELESS CHILDREN AND YOUTHS

- Sec. 9101. Statement of policy.
- Sec. 9102. Grants for State and local activities.
- Sec. 9103. Local educational agency subgrants.
- Sec. 9104. Secretarial responsibilities.
- Sec. 9105. Definitions.
- Sec. 9106. Authorization of appropriations.
- Sec. 9107. Effective date.

PART B—MISCELLANEOUS; OTHER LAWS

- Sec. 9201. Findings and sense of Congress on sexual misconduct.
- Sec. 9202. Sense of Congress on First Amendment rights.
- Sec. 9203. Preventing improper use of taxpayer funds.
- Sec. 9204. Accountability to taxpayers through monitoring and oversight.
- Sec. 9205. Report on Department actions to address Office of Inspector General reports.
- Sec. 9206. Posthumous pardon.
- Sec. 9207. Education Flexibility Partnership Act of 1999 reauthorization.
- Sec. 9208. Report on the reduction of the number and percentage of students who drop out of school.
- Sec. 9209. Report on subgroup sample size.
- Sec. 9210. Report on student home access to digital learning resources.
- Sec. 9211. Study on the title I formula.
- Sec. 9212. Preschool development grants.

Sec. 9213. Use of the term “highly qualified” in other laws.

Sec. 9214. Additional conforming amendments to other laws.

1 **SEC. 3. REFERENCES.**

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

8 **SEC. 4. TRANSITION.**

9 (a) FUNDING AUTHORITY.—

10 (1) MULTI-YEAR AWARDS.—

11 (A) PROGRAMS NO LONGER AUTHOR-
12 IZED.—Except as otherwise provided in this Act
13 or the amendments made by this Act, the re-
14 cipient of a multiyear award under the Elemen-
15 tary and Secondary Education Act of 1965 (20
16 U.S.C. 6301 et seq.), as in effect on the day be-
17 fore the date of enactment of this Act, under a
18 program that is not authorized under the Ele-
19 mentary and Secondary Education Act of 1965
20 (20 U.S.C. 6301 et seq.), as amended by this
21 Act, and—

22 (i) that is not substantively similar to
23 a program authorized under the Elemen-
24 tary and Secondary Education Act of 1965

1 (20 U.S.C. 6301 et seq.), as amended by
2 this Act, shall continue to receive funds in
3 accordance with the terms of such prior
4 award, except that no additional funds for
5 such program may be awarded after Sep-
6 tember 30, 2016; and

7 (ii) that is substantively similar to a
8 program authorized under the Elementary
9 and Secondary Education Act of 1965 (20
10 U.S.C. 6301 et seq.), as amended by this
11 Act, shall continue to receive funds in ac-
12 cordance with the terms of such prior
13 award.

14 (B) AUTHORIZED PROGRAMS.—Except as
15 otherwise provided in this Act, or the amend-
16 ments made by this Act, the recipient of a
17 multiyear award under a program that was au-
18 thorized under the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 6301 et
20 seq.), as in effect on the day before the date of
21 enactment of this Act, and that is authorized
22 under such Act (20 U.S.C. 6301 et seq.), as
23 amended by this Act, shall continue to receive
24 funds in accordance with the terms of such
25 prior award.

1 (2) PLANNING AND TRANSITION.—Notwith-
2 standing any other provision of law, a recipient of
3 funds under a program described in paragraph
4 (1)(A)(ii) or (1)(B) may use funds awarded to the
5 recipient under such program, to carry out necessary
6 and reasonable planning and transition activities in
7 order to ensure the recipient’s compliance with the
8 amendments to such program made by this Act.

9 (b) ORDERLY TRANSITION.—Subject to subsection
10 (a)(1)(A)(i), the Secretary shall take such steps as are
11 necessary to provide for the orderly transition to, and im-
12 plementation of, programs authorized under the Elemen-
13 tary and Secondary Education Act of 1965 (20 U.S.C.
14 6301 et. seq.), as amended by this Act, from programs
15 authorized under the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 6301 et seq.), as in effect
17 on the day before the date of enactment of this Act.

18 (c) TERMINATION OF CERTAIN WAIVERS.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision of this Act, and subject to section 5(e)(2),
21 a waiver described in paragraph (2) shall be null
22 and void and have no legal effect on or after August
23 1, 2016.

24 (2) WAIVERS.—A waiver shall be subject to
25 paragraph (1) if the waiver was granted by the Sec-

1 retary of Education to a State or consortium of local
2 educational agencies under the program first intro-
3 duced in a letter to chief State school officers dated
4 September 23, 2011, and authorized under section
5 9401 of the Elementary and Secondary Education
6 Act of 1965 (20 U.S.C. 7861), as in effect on the
7 day before the date of enactment of this Act.

8 **SEC. 5. EFFECTIVE DATES.**

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

13 (b) NONCOMPETITIVE PROGRAMS.—With respect to
14 noncompetitive programs under the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C. 6301 et seq)
16 and the McKinney-Vento Homeless Assistance Act (42
17 U.S.C. 11301 et seq.) under which any funds are allotted
18 by the Secretary of Education to recipients on the basis
19 of a formula, the amendments made by this Act shall be
20 effective beginning on July 1, 2016, except as otherwise
21 provided in such amendments.

22 (c) COMPETITIVE PROGRAMS.—With respect to pro-
23 grams that are conducted by the Secretary of Education
24 on a competitive basis (and are not programs described
25 in subsection (b)) under the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 6301 et seq.), the
2 amendments made by this Act with respect to appropria-
3 tions for use under such programs shall be effective begin-
4 ning on October 1, 2016, except as otherwise provided in
5 such amendments.

6 (d) IMPACT AID.—With respect to title VII of the EL-
7 ementary and Secondary Education Act of 1965, as
8 amended by this Act, the amendments made by this Act
9 shall take effect with respect to appropriations for use
10 under such title beginning fiscal year 2017, except as oth-
11 erwise provided in such amendments.

12 (e) TITLE I OF THE ELEMENTARY AND SECONDARY
13 EDUCATION ACT OF 1965.—

14 (1) EFFECTIVE DATES FOR SECTION 1111 OF
15 THE ELEMENTARY AND SECONDARY EDUCATION ACT
16 OF 1965.—Notwithstanding any other provision of
17 this Act, or the amendments made by this Act, and
18 subject to paragraph (2) of this subsection—

19 (A) section 1111(b)(2) of the Elementary
20 and Secondary Education Act of 1965 (20
21 U.S.C. 6311(b)(2)), as in effect on the day be-
22 fore the date of enactment of this Act, shall be
23 effective through the close of August 1, 2016;

24 (B) subsections (c) and (d) of section 1111
25 of the Elementary and Secondary Education

1 Act of 1965 (20 U.S.C. 6311), as amended by
2 this Act, shall take effect beginning with school
3 year 2017–2018; and

4 (C) section 1111(b)(2) of the Elementary
5 and Secondary Education Act of 1965 (20
6 U.S.C. 6311(b)(2)), as amended by this Act,
7 and any other provision of section 1111 of such
8 Act (20 U.S.C. 6311), as amended by this Act,
9 which is not described in subparagraph (B) of
10 this paragraph, shall take effect in a manner
11 consistent with subsection (a).

12 (2) SPECIAL RULE.—

13 (A) IN GENERAL.—Notwithstanding any
14 other provision of this Act (including subsection
15 (b) and paragraph (1)), any school or local edu-
16 cational agency described in subparagraph (B)
17 shall continue to implement interventions appli-
18 cable to such school or local educational agency
19 under clause (i) or (ii) of subparagraph (B)
20 until—

21 (i) the State plan for the State in
22 which the school or agency is located under
23 section 1111 of the Elementary and Sec-
24 ondary Education Act of 1965 (20 U.S.C.

1 6311), as amended by this Act, is approved
2 under such section (20 U.S.C. 6311); or

3 (ii) subsections (c) and (d) of section
4 1111 of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6311),
6 as amended by this Act, take effect in ac-
7 cordance with paragraph (1)(B),

8 whichever occurs first.

9 (B) CERTAIN SCHOOLS AND LOCAL EDU-
10 CATIONAL AGENCIES.—A school or local edu-
11 cational agency shall be subject to the require-
12 ments of subparagraph (A), if such school or
13 local educational agency has been identified by
14 the State in which the school or local edu-
15 cational agency is located—

16 (i) as in need of improvement, correc-
17 tive action, or restructuring under part A
18 of title I of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 6311 et
20 seq.), as in effect on the day before the
21 date of enactment of this Act; or

22 (ii) as a priority or focus school under
23 a waiver granted by the Secretary of Edu-
24 cation under section 9401 of the Elemen-
25 tary and Secondary Education Act of 1965

1 (20 U.S.C. 7861), as in effect on the day
2 before the date of enactment of this Act.

3 **SEC. 6. TABLE OF CONTENTS OF THE ELEMENTARY AND**
4 **SECONDARY EDUCATION ACT OF 1965.**

5 Section 2 is amended to read as follows:

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

“Sec. 1001. Statement of purpose.

“Sec. 1002. Authorization of appropriations.

“Sec. 1003. School improvement.

“Sec. 1003A. Direct student services.

“Sec. 1004. State administration.

“PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL
AGENCIES

“SUBPART 1—BASIC PROGRAM REQUIREMENTS

“Sec. 1111. State plans.

“Sec. 1112. Local educational agency plans.

“Sec. 1113. Eligible school attendance areas.

“Sec. 1114. Schoolwide programs.

“Sec. 1115. Targeted assistance schools.

“Sec. 1116. Parent and family engagement.

“Sec. 1117. Participation of children enrolled in private schools.

“Sec. 1118. Fiscal requirements.

“Sec. 1119. Coordination requirements.

“SUBPART 2—ALLOCATIONS

“Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.

“Sec. 1122. Allocations to States.

“Sec. 1124. Basic grants to local educational agencies.

“Sec. 1124A. Concentration grants to local educational agencies.

“Sec. 1125. Targeted grants to local educational agencies.

“Sec. 1125AA. Adequacy of funding to local educational agencies in fiscal years
after fiscal year 2001.

“Sec. 1125A. Education finance incentive grant program.

“Sec. 1126. Special allocation procedures.

“Sec. 1127. Carryover and waiver.

“PART B—STATE ASSESSMENT GRANTS

“Sec. 1201. Grants for State assessments and related activities.

“Sec. 1202. State option to conduct assessment system audit.

“Sec. 1203. Allotment of appropriated funds.

“Sec. 1204. Innovative assessment and accountability demonstration authority.

“PART C—EDUCATION OF MIGRATORY CHILDREN

- “Sec. 1301. Program purposes.
- “Sec. 1302. Program authorized.
- “Sec. 1303. State allocations.
- “Sec. 1304. State applications; services.
- “Sec. 1305. Secretarial approval; peer review.
- “Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
- “Sec. 1307. Bypass.
- “Sec. 1308. Coordination of migrant education activities.
- “Sec. 1309. Definitions.

“PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

- “Sec. 1401. Purpose and program authorization.
- “Sec. 1402. Payments for programs under this part.

“SUBPART 1—STATE AGENCY PROGRAMS

- “Sec. 1411. Eligibility.
- “Sec. 1412. Allocation of funds.
- “Sec. 1413. State reallocation of funds.
- “Sec. 1414. State plan and State agency applications.
- “Sec. 1415. Use of funds.
- “Sec. 1416. Institution-wide projects.
- “Sec. 1417. Three-year programs or projects.
- “Sec. 1418. Transition services.
- “Sec. 1419. Technical assistance.

“SUBPART 2—LOCAL AGENCY PROGRAMS

- “Sec. 1421. Purpose.
- “Sec. 1422. Programs operated by local educational agencies.
- “Sec. 1423. Local educational agency applications.
- “Sec. 1424. Uses of funds.
- “Sec. 1425. Program requirements for correctional facilities receiving funds under this section.
- “Sec. 1426. Accountability.

“SUBPART 3—GENERAL PROVISIONS

- “Sec. 1431. Program evaluations.
- “Sec. 1432. Definitions.

“PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

- “Sec. 1501. Flexibility for equitable per-pupil funding.

“PART F—GENERAL PROVISIONS

- “Sec. 1601. Federal regulations.
- “Sec. 1602. Agreements and records.
- “Sec. 1603. State administration.
- “Sec. 1604. Prohibition against Federal mandates, direction, or control.
- “Sec. 1605. Rule of construction on equalized spending.

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

- “Sec. 2001. Purpose.
- “Sec. 2002. Definitions.
- “Sec. 2003. Authorization of appropriations.

“PART A—SUPPORTING EFFECTIVE INSTRUCTION

- “Sec. 2101. Formula grants to States.
- “Sec. 2102. Subgrants to local educational agencies.
- “Sec. 2103. Local uses of funds.
- “Sec. 2104. Reporting.

“PART B—NATIONAL ACTIVITIES

- “Sec. 2201. Reservations.

“SUBPART 1—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

- “Sec. 2211. Purposes; definitions.
- “Sec. 2212. Teacher and school leader incentive fund grants.
- “Sec. 2213. Reports.

“SUBPART 2—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

- “Sec. 2221. Purposes; definitions.
- “Sec. 2222. Comprehensive literacy State development grants.
- “Sec. 2223. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
- “Sec. 2224. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
- “Sec. 2225. National evaluation and information dissemination.
- “Sec. 2226. Innovative approaches to literacy.

“SUBPART 3—AMERICAN HISTORY AND CIVICS EDUCATION

- “Sec. 2231. Program authorized.
- “Sec. 2232. Presidential and congressional academies for American history and civics.
- “Sec. 2233. National activities.

“SUBPART 4—PROGRAMS OF NATIONAL SIGNIFICANCE

- “Sec. 2241. Funding allotment.
- “Sec. 2242. Supporting effective educator development.
- “Sec. 2243. School leader recruitment and support.
- “Sec. 2244. Technical assistance and national evaluation.
- “Sec. 2245. STEM master teacher corps.

“PART C—GENERAL PROVISIONS

- “Sec. 2301. Supplement, not supplant.
- “Sec. 2302. Rules of construction.

“TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

- “Sec. 3001. Authorization of appropriations.

“PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT,
AND ACADEMIC ACHIEVEMENT ACT

“Sec. 3101. Short title.

“Sec. 3102. Purposes.

“SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION
AND LANGUAGE ENHANCEMENT

“Sec. 3111. Formula grants to States.

“Sec. 3112. Native American and Alaska Native children in school.

“Sec. 3113. State and specially qualified agency plans.

“Sec. 3114. Within-State allocations.

“Sec. 3115. Subgrants to eligible entities.

“Sec. 3116. Local plans.

“SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

“Sec. 3121. Reporting.

“Sec. 3122. Biennial reports.

“Sec. 3123. Coordination with related programs.

“Sec. 3124. Rules of construction.

“Sec. 3125. Legal authority under State law.

“Sec. 3126. Civil rights.

“Sec. 3127. Programs for Native Americans and Puerto Rico.

“Sec. 3128. Prohibition.

“SUBPART 3—NATIONAL ACTIVITIES

“Sec. 3131. National professional development project.

“PART B—GENERAL PROVISIONS

“Sec. 3201. Definitions.

“Sec. 3202. National clearinghouse.

“Sec. 3203. Regulations.

“TITLE IV—21ST CENTURY SCHOOLS

“Sec. 4001. General provisions.

“PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

“SUBPART 1—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

“Sec. 4101. Purpose.

“Sec. 4102. Definitions.

“Sec. 4103. Formula grants to States.

“Sec. 4104. State use of funds.

“Sec. 4105. Allocations to local educational agencies.

“Sec. 4106. Local educational agency applications.

“Sec. 4107. Activities to support well-rounded educational opportunities.

“Sec. 4108. Activities to support safe and healthy students.

“Sec. 4109. Activities to support the effective use of technology.

“Sec. 4110. Supplement, not supplant.

“Sec. 4111. Rule of construction.

“Sec. 4112. Authorization of appropriations.

“SUBPART 2—INTERNET SAFETY

“4121. Internet safety.

“PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

- “Sec. 4201. Purpose; definitions.
- “Sec. 4202. Allotments to States.
- “Sec. 4203. State application.
- “Sec. 4204. Local competitive subgrant program.
- “Sec. 4205. Local activities.
- “Sec. 4206. Authorization of appropriations.

“PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

- “Sec. 4301. Purpose.
- “Sec. 4302. Program authorized.
- “Sec. 4303. Grants to support high-quality charter schools.
- “Sec. 4304. Facilities financing assistance.
- “Sec. 4305. National activities.
- “Sec. 4306. Federal formula allocation during first year and for successive enrollment expansions.
- “Sec. 4307. Solicitation of input from charter school operators.
- “Sec. 4308. Records transfer.
- “Sec. 4309. Paperwork reduction.
- “Sec. 4310. Definitions.
- “Sec. 4311. Authorization of appropriations.

“PART D—MAGNET SCHOOLS ASSISTANCE

- “Sec. 4401. Findings and purpose.
- “Sec. 4402. Definition.
- “Sec. 4403. Program authorized.
- “Sec. 4404. Eligibility.
- “Sec. 4405. Applications and requirements.
- “Sec. 4406. Priority.
- “Sec. 4407. Use of funds.
- “Sec. 4408. Limitations.
- “Sec. 4409. Authorization of appropriations; reservation.

“PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

- “Sec. 4501. Purposes.
- “Sec. 4502. Grants authorized.
- “Sec. 4503. Applications.
- “Sec. 4504. Uses of funds.
- “Sec. 4505. Family engagement in Indian schools.
- “Sec. 4506. Authorization of appropriations.

“PART F—NATIONAL ACTIVITIES

- “Sec. 4601. Authorization of appropriations; reservations.

“SUBPART 1—EDUCATION INNOVATION AND RESEARCH

- “Sec. 4611. Grants for education innovation and research.

“SUBPART 2—COMMUNITY SUPPORT FOR SCHOOL SUCCESS

- “Sec. 4621. Purposes.
- “Sec. 4622. Definitions.
- “Sec. 4623. Program authorized.
- “Sec. 4624. Promise neighborhoods.
- “Sec. 4625. Full-service community schools.

“SUBPART 3—NATIONAL ACTIVITIES FOR SCHOOL SAFETY

- “Sec. 4631. National activities for school safety.

“SUBPART 4—ACADEMIC ENRICHMENT

- “Sec. 4641. Awards for academic enrichment.
- “Sec. 4642. Assistance for arts education.
- “Sec. 4643. Ready to learn programming.
- “Sec. 4644. Supporting high-ability learners and learning.

“TITLE V—FLEXIBILITY AND ACCOUNTABILITY

“PART A—FUNDING TRANSFERABILITY FOR STATE AND LOCAL
EDUCATIONAL AGENCIES

- “Sec. 5101. Short title.
- “Sec. 5102. Purpose.
- “Sec. 5103. Transferability of funds.

“PART B—RURAL EDUCATION INITIATIVE

- “Sec. 5201. Short title.
- “Sec. 5202. Purpose.

“SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

- “Sec. 5211. Use of applicable funding.
- “Sec. 5212. Grant program authorized.

“SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

- “Sec. 5221. Program authorized.
- “Sec. 5222. Use of funds.
- “Sec. 5223. Applications.
- “Sec. 5224. Report.
- “Sec. 5225. Choice of participation.

“PART C—GENERAL PROVISIONS

- “Sec. 5301. Prohibition against Federal mandates, direction, or control.
- “Sec. 5302. Rule of construction on equalized spending.

“TITLE VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE
EDUCATION

“PART A—INDIAN EDUCATION

- “Sec. 6101. Statement of policy.
- “Sec. 6102. Purpose.

“SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

- “Sec. 6111. Purpose.

- “See. 6112. Grants to local educational agencies and tribes.
- “See. 6113. Amount of grants.
- “See. 6114. Applications.
- “See. 6115. Authorized services and activities.
- “See. 6116. Integration of services authorized.
- “See. 6117. Student eligibility forms.
- “See. 6118. Payments.
- “See. 6119. State educational agency review.

“SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

- “See. 6121. Improvement of educational opportunities for Indian children and youth.
- “See. 6122. Professional development for teachers and education professionals.

“SUBPART 3—NATIONAL ACTIVITIES

- “See. 6131. National research activities.
- “See. 6132. Grants to tribes for education administrative planning, development, and coordination.
- “See. 6133. Native American and Alaska Native language immersion schools and programs.

“SUBPART 4—FEDERAL ADMINISTRATION

- “See. 6141. National Advisory Council on Indian Education.
- “See. 6142. Peer review.
- “See. 6143. Preference for Indian applicants.
- “See. 6144. Minimum grant criteria.

“SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

- “See. 6151. Definitions.
- “See. 6152. Authorizations of appropriations.

“PART B—NATIVE HAWAIIAN EDUCATION

- “See. 6201. Short title.
- “See. 6202. Findings.
- “See. 6203. Purposes.
- “See. 6204. Native Hawaiian Education Council.
- “See. 6205. Program authorized.
- “See. 6206. Administrative provisions.
- “See. 6207. Definitions.

“PART C—ALASKA NATIVE EDUCATION

- “See. 6301. Short title.
- “See. 6302. Findings.
- “See. 6303. Purposes.
- “See. 6304. Program authorized.
- “See. 6305. Administrative provisions.
- “See. 6306. Definitions.

“TITLE VII—IMPACT AID

- “See. 7001. Purpose.

- “Sec. 7002. Payments relating to Federal acquisition of real property.
- “Sec. 7003. Payments for eligible federally connected children.
- “Sec. 7004. Policies and procedures relating to children residing on Indian lands.
- “Sec. 7005. Application for payments under sections 7002 and 7003.
- “Sec. 7007. Construction.
- “Sec. 7008. Facilities.
- “Sec. 7009. State consideration of payments in providing State aid.
- “Sec. 7010. Federal administration.
- “Sec. 7011. Administrative hearings and judicial review.
- “Sec. 7012. Forgiveness of overpayments.
- “Sec. 7013. Definitions.
- “Sec. 7014. Authorization of appropriations.

“TITLE VIII—GENERAL PROVISIONS

“PART A—DEFINITIONS

- “Sec. 8101. Definitions.
- “Sec. 8102. Applicability of title.
- “Sec. 8103. Applicability to Bureau of Indian Education operated schools.

“PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

- “Sec. 8201. Consolidation of State administrative funds for elementary and secondary education programs.
- “Sec. 8202. Single local educational agency States.
- “Sec. 8203. Consolidation of funds for local administration.
- “Sec. 8204. Consolidated set-aside for Department of the Interior funds.
- “Sec. 8205. Department staff.

“PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

- “Sec. 8301. Purposes.
- “Sec. 8302. Optional consolidated State plans or applications.
- “Sec. 8303. Consolidated reporting.
- “Sec. 8304. General applicability of State educational agency assurances.
- “Sec. 8305. Consolidated local plans or applications.
- “Sec. 8306. Other general assurances.

“PART D—WAIVERS

- “Sec. 8401. Waivers of statutory and regulatory requirements.

“PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

- “Sec. 8451. Approval and disapproval of State plans.
- “Sec. 8452. Approval and disapproval of local educational agency applications.

“PART F—UNIFORM PROVISIONS

“SUBPART 1—PRIVATE SCHOOLS

- “Sec. 8501. Participation by private school children and teachers.
- “Sec. 8502. Standards for by-pass.

- “See. 8503. Complaint process for participation of private school children.
- “See. 8504. By-pass determination process.
- “See. 8505. Prohibition against funds for religious worship or instruction.
- “See. 8506. Private, religious, and home schools.

“SUBPART 2—OTHER PROVISIONS

- “See. 8521. Maintenance of effort.
- “See. 8522. Prohibition regarding State aid.
- “See. 8523. Privacy of assessment results.
- “See. 8524. School prayer.
- “See. 8525. Equal access to public school facilities.
- “See. 8526. Prohibited uses of funds
- “See. 8526A. Prohibition against Federal mandates, direction, or control.
- “See. 8527. Prohibitions on Federal Government and use of Federal funds.
- “See. 8528. Armed Forces recruiter access to students and student recruiting information.
- “See. 8529. Prohibition on federally sponsored testing.
- “See. 8530. Limitations on national testing or certification for teachers, principals, or other school leaders.
- “See. 8530A. Prohibition on requiring State participation.
- “See. 8531. Prohibition on nationwide database.
- “See. 8532. Unsafe school choice option.
- “See. 8533. Prohibition on discrimination.
- “See. 8534. Civil rights.
- “See. 8535. Rulemaking.
- “See. 8536. Severability.
- “See. 8537. Transfer of school disciplinary records.
- “See. 8538. Consultation with Indian tribes and tribal organizations.
- “See. 8539. Outreach and technical assistance for rural local educational agencies.
- “See. 8540. Consultation with the Governor.
- “See. 8541. Local governance.
- “See. 8542. Rule of construction regarding travel to and from school.
- “See. 8543. Limitations on school-based health centers.
- “See. 8544. State control over standards.
- “See. 8545. Sense of Congress on protecting student privacy.
- “See. 8546. Prohibition on aiding and abetting sexual abuse.
- “See. 8547. Sense of Congress on restoration of State sovereignty over public education.
- “See. 8548. Privacy.
- “See. 8549. Analysis and periodic review of departmental guidance.
- “See. 8549A. Sense of Congress.
- “See. 8549B. Sense of Congress on early learning and child care.
- “See. 8549C. Technical assistance.

“SUBPART 3—TEACHER LIABILITY PROTECTION

- “See. 8551. Short title.
- “See. 8552. Purpose.
- “See. 8553. Definitions.
- “See. 8554. Applicability.
- “See. 8555. Preemption and election of State nonapplicability.
- “See. 8556. Limitation on liability for teachers.
- “See. 8557. Allocation of responsibility for noneconomic loss.
- “See. 8558. Effective date.

“SUBPART 4—GUN POSSESSION

“Sec. 8561. Gun-free requirements.

“SUBPART 5—ENVIRONMENTAL TOBACCO SMOKE

“Sec. 8571. Short title.

“Sec. 8572. Definitions.

“Sec. 8573. Nonsmoking policy for children’s services.

“Sec. 8574. Preemption.

“PART G—EVALUATIONS

“Sec. 8601. Evaluations.”.

1 **TITLE I—IMPROVING BASIC PRO-**
2 **GRAMS OPERATED BY STATE**
3 **AND LOCAL EDUCATIONAL**
4 **AGENCIES**

5 **PART A—IMPROVING BASIC PROGRAMS OPER-**
6 **ATED BY STATE AND LOCAL EDUCATIONAL**
7 **AGENCIES**

8 **SEC. 1000. REDESIGNATIONS.**

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

11 (1) by striking sections 1116, 1117, and 1119;

12 (2) by redesignating section 1118 as section
13 1116;

14 (3) by redesignating section 1120 as section
15 1117;

16 (4) by redesignating section 1120A as section
17 1118; and

18 (5) by redesignating section 1120B as section
19 1119.

1 **SEC. 1001. STATEMENT OF PURPOSE.**

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

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

5 “The purpose of this title is to provide all children
6 significant opportunity to receive a fair, equitable, and
7 high-quality education, and to close educational achieve-
8 ment gaps.”.

9 **SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

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

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

13 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—There
14 are authorized to be appropriated to carry out the activi-
15 ties described in part A—

16 “(1) \$15,012,317,605 for fiscal year 2017;

17 “(2) \$15,457,459,042 for fiscal year 2018;

18 “(3) \$15,897,371,442 for fiscal year 2019; and

19 “(4) \$16,182,344,591 for fiscal year 2020.

20 “(b) STATE ASSESSMENTS.—There are authorized to
21 be appropriated to carry out the activities described in
22 part B, \$378,000,000 for each of fiscal years 2017
23 through 2020.

24 “(c) EDUCATION OF MIGRATORY CHILDREN.—There
25 are authorized to be appropriated to carry out the activi-

1 ties described in part C, \$374,751,000 for each of fiscal
2 years 2017 through 2020.

3 “(d) PREVENTION AND INTERVENTION PROGRAMS
4 FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DE-
5 LINQUENT, OR AT-RISK.—There are authorized to be ap-
6 propriated to carry out the activities described in part D,
7 \$47,614,000 for each of fiscal years 2017 through 2020.

8 “(e) FEDERAL ACTIVITIES.—For the purpose of car-
9 rying out evaluation activities related to title I under sec-
10 tion 8601, there are authorized to be appropriated
11 \$710,000 for each of fiscal years 2017 through 2020.

12 “(f) SENSE OF CONGRESS REGARDING ADJUST-
13 MENTS TO AUTHORIZATIONS OF APPROPRIATIONS PRO-
14 VIDED IN THIS ACT FOR FUTURE BUDGET AGREE-
15 MENTS.—It is the sense of Congress that if legislation is
16 enacted that revises the limits on discretionary spending
17 established under section 251(c) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985 (2 U.S.C.
19 901(c)), the levels of appropriations authorized through-
20 out this Act should be adjusted in a manner that is con-
21 sistent with the adjustments in nonsecurity category fund-
22 ing provided for under the revised limits on discretionary
23 spending.”.

1 **SEC. 1003. SCHOOL IMPROVEMENT.**

2 Section 1003 (20 U.S.C. 6303) is amended to read
3 as follows:

4 **“SEC. 1003. SCHOOL IMPROVEMENT.**

5 “(a) STATE RESERVATIONS.—To carry out sub-
6 section (b) and the State educational agency’s statewide
7 system of technical assistance and support for local edu-
8 cational agencies, each State shall reserve the greater of—

9 “(1) 7 percent of the amount the State receives
10 under subpart 2 of part A; or

11 “(2) the sum of the amount the State—

12 “(A) reserved for fiscal year 2016 under
13 this subsection, as in effect on the day before
14 the date of enactment of the Every Student
15 Succeeds Act; and

16 “(B) received for fiscal year 2016 under
17 subsection (g), as in effect on the day before
18 the date of enactment of the Every Student
19 Succeeds Act.

20 “(b) USES.—Of the amount reserved under sub-
21 section (a) for any fiscal year, the State educational agen-
22 cy—

23 “(1)(A) shall allocate not less than 95 percent
24 of that amount to make grants to local educational
25 agencies on a formula or competitive basis, to serve
26 schools implementing comprehensive support and im-

1 provement activities or targeted support and im-
2 provement activities under section 1111(d); or

3 “(B) may, with the approval of the local edu-
4 cational agency, directly provide for these activities
5 or arrange for their provision through other entities
6 such as school support teams, educational service
7 agencies, or nonprofit or for-profit external providers
8 with expertise in using evidence-based strategies to
9 improve student achievement, instruction, and
10 schools; and

11 “(2) shall use the funds not allocated to local
12 educational agencies under paragraph (1) to carry
13 out this section, which shall include—

14 “(A) establishing the method, consistent
15 with paragraph (1)(A), the State will use to al-
16 locate funds to local educational agencies under
17 such paragraph, including ensuring—

18 “(i) the local educational agencies re-
19 ceiving an allotment under such paragraph
20 represent the geographic diversity of the
21 State; and

22 “(ii) that allotments are of sufficient
23 size to enable a local educational agency to
24 effectively implement selected strategies;

1 “(B) monitoring and evaluating the use of
2 funds by local educational agencies receiving an
3 allotment under such paragraph; and

4 “(C) as appropriate, reducing barriers and
5 providing operational flexibility for schools in
6 the implementation of comprehensive support
7 and improvement activities or targeted support
8 and improvement activities under section
9 1111(d).

10 “(c) DURATION.—The State educational agency shall
11 award each subgrant under subsection (b) for a period of
12 not more than 4 years, which may include a planning year.

13 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed as prohibiting a State from allo-
15 cating subgrants under this section to a statewide school
16 district, consortium of local educational agencies, or an
17 educational service agency that serves schools imple-
18 menting comprehensive support and improvement activi-
19 ties or targeted support and improvement activities, if
20 such entities are legally constituted or recognized as local
21 educational agencies in the State.

22 “(e) APPLICATION.—To receive an allotment under
23 subsection (b)(1), a local educational agency shall submit
24 an application to the State educational agency at such
25 time, in such form, and including such information as the

1 State educational agency may require. Each application
2 shall include, at a minimum—

3 “(1) a description of how the local educational
4 agency will carry out its responsibilities under sec-
5 tion 1111(d) for schools receiving funds under this
6 section, including how the local educational agency
7 will—

8 “(A) develop comprehensive support and
9 improvement plans under section 1111(d)(1)
10 for schools receiving funds under this section;

11 “(B) support schools developing or imple-
12 menting targeted support and improvement
13 plans under section 1111(d)(2), if funds re-
14 ceived under this section are used for such pur-
15 pose;

16 “(C) monitor schools receiving funds under
17 this section, including how the local educational
18 agency will carry out its responsibilities under
19 clauses (iv) and (v) of section 1111(d)(2)(B) if
20 funds received under this section are used to
21 support schools implementing targeted support
22 and improvement plans;

23 “(D) use a rigorous review process to re-
24 cruit, screen, select, and evaluate any external

1 partners with whom the local educational agen-
2 cy will partner;

3 “(E) align other Federal, State, and local
4 resources to carry out the activities supported
5 with funds received under subsection (b)(1);
6 and

7 “(F) as appropriate, modify practices and
8 policies to provide operational flexibility that
9 enables full and effective implementation of the
10 plans described in paragraphs (1) and (2) of
11 section 1111(d); and

12 “(2) an assurance that each school the local
13 educational agency proposes to serve will receive all
14 of the State and local funds it would have received
15 in the absence of funds received under this section.

16 “(f) PRIORITY.—The State educational agency, in al-
17 locating funds to local educational agencies under this sec-
18 tion, shall give priority to local educational agencies
19 that—

20 “(1) serve high numbers, or a high percentage
21 of, elementary schools and secondary schools imple-
22 menting plans under paragraphs (1) and (2) of sec-
23 tion 1111(d);

24 “(2) demonstrate the greatest need for such
25 funds, as determined by the State; and

1 “(3) demonstrate the strongest commitment to
2 using funds under this section to enable the lowest-
3 performing schools to improve student achievement
4 and student outcomes.

5 “(g) UNUSED FUNDS.—If, after consultation with
6 local educational agencies in the State, the State edu-
7 cational agency determines that the amount of funds re-
8 served to carry out subsection (b) is greater than the
9 amount needed to provide the assistance described in that
10 subsection, the State educational agency shall allocate the
11 excess amount to local educational agencies in accordance
12 with—

13 “(1) the relative allocations the State edu-
14 cational agency made to those agencies for that fis-
15 cal year under subpart 2 of part A; or

16 “(2) section 1126(c).

17 “(h) SPECIAL RULE.—Notwithstanding any other
18 provision of this section, the amount of funds reserved by
19 the State educational agency under subsection (a) for fis-
20 cal year 2018 and each subsequent fiscal year shall not
21 decrease the amount of funds each local educational agen-
22 cy receives under subpart 2 of part A below the amount
23 received by such local educational agency under such sub-
24 part for the preceding fiscal year.

1 “(i) REPORTING.—The State shall include in the re-
2 port described in section 1111(h)(1) a list of all the local
3 educational agencies and schools that received funds under
4 this section, including the amount of funds each school
5 received and the types of strategies implemented in each
6 school with such funds.”.

7 **SEC. 1004. DIRECT STUDENT SERVICES.**

8 The Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 6301 et seq.) is amended by inserting
10 after section 1003 (20 U.S.C. 6303) the following:

11 **“SEC. 1003A. DIRECT STUDENT SERVICES.**

12 “(a) STATE RESERVATION.—

13 “(1) IN GENERAL.—

14 “(A) STATES.—Each State educational
15 agency, after meaningful consultation with geo-
16 graphically diverse local educational agencies
17 described in subparagraph (B), may reserve not
18 more than 3 percent of the amount the State
19 educational agency receives under subpart 2 of
20 part A for each fiscal year to carry out this sec-
21 tion.

22 “(B) CONSULTATION.—A State edu-
23 cational agency shall consult under subpara-
24 graph (A) with local educational agencies that
25 include—

1 “(i) suburban, rural, and urban local
2 educational agencies;

3 “(ii) local educational agencies serving
4 a high percentage of schools identified by
5 the State for comprehensive support and
6 improvement under section
7 1111(c)(4)(D)(i); and

8 “(iii) local educational agencies serv-
9 ing a high percentage of schools imple-
10 menting targeted support and improvement
11 plans under section 1111(d)(2).

12 “(2) PROGRAM ADMINISTRATION.—Of the
13 funds reserved under paragraph (1)(A), the State
14 educational agency may use not more than 1 percent
15 to administer the program described in this section.

16 “(b) AWARDS.—

17 “(1) IN GENERAL.—From the amount reserved
18 under subsection (a) by a State educational agency,
19 the State educational agency shall award grants to
20 geographically diverse local educational agencies de-
21 scribed in subsection (a)(1)(B)(i).

22 “(2) PRIORITY.—In making such awards, the
23 State educational agency shall prioritize awards to
24 local educational agencies serving the highest per-

1 centage of schools, as compared to other local edu-
2 cational agencies in the State—

3 “(A) identified by the State for com-
4 prehensive support and improvement under sec-
5 tion 1111(c)(4)(D)(i); or

6 “(B) implementing targeted support and
7 improvement plans under section 1111(d)(2).

8 “(c) LOCAL USE OF FUNDS.—A local educational
9 agency receiving an award under this section—

10 “(1) may use not more than 1 percent of its
11 award for outreach and communication to parents
12 about available direct student services described in
13 paragraph (3) in the local educational agency and
14 State;

15 “(2) may use not more than 2 percent of its
16 award for administrative costs related to such direct
17 student services;

18 “(3) shall use the remainder of the award to
19 pay the costs associated with one or more of the fol-
20 lowing direct student services—

21 “(A) enrollment and participation in aca-
22 demic courses not otherwise available at a stu-
23 dent’s school, including—

24 “(i) advanced courses; and

1 “(ii) career and technical education
2 coursework that—

3 “(I) is aligned with the chal-
4 lenging State academic standards; and

5 “(II) leads to industry-recognized
6 credentials that meet the quality cri-
7 teria established by the State under
8 section 123(a) of the Workforce Inno-
9 vation and Opportunity Act (29
10 U.S.C. 3102);

11 “(B) credit recovery and academic accel-
12 eration courses that lead to a regular high
13 school diploma;

14 “(C) activities that assist students in suc-
15 cessfully completing postsecondary level instruc-
16 tion and examinations that are accepted for
17 credit at institutions of higher education (in-
18 cluding Advanced Placement and International
19 Baccalaureate courses), which may include re-
20 imbursing low-income students to cover part or
21 all of the costs of fees for such examinations;

22 “(D) components of a personalized learn-
23 ing approach, which may include high-quality
24 academic tutoring; and

1 “(E) in the case of a local educational
2 agency that does not reserve funds under sec-
3 tion 1111(d)(1)(D)(v), transportation to allow a
4 student enrolled in a school identified for com-
5 prehensive support and improvement under sec-
6 tion 1111(c)(4)(D)(i) to transfer to another
7 public school (which may include a charter
8 school) that has not been identified by the State
9 under such section; and

10 “(4) in paying the costs associated with the di-
11 rect student services described in paragraph (3),
12 shall—

13 “(A) first, pay such costs for students who
14 are enrolled in schools identified by the State
15 for comprehensive support and improvement
16 under section 1111(c)(4)(D)(i);

17 “(B) second, pay such costs for low-achiev-
18 ing students who are enrolled in schools imple-
19 menting targeted support and improvement
20 plans under section 1111(d)(2); and

21 “(C) with any remaining funds, pay such
22 costs for other low-achieving students served by
23 the local educational agency.

24 “(d) APPLICATION.—A local educational agency de-
25 siring to receive an award under subsection (b) shall sub-

1 mit an application to the State educational agency at such
2 time and in such manner as the State educational agency
3 shall require. At a minimum, each application shall de-
4 scribe how the local educational agency will—

5 “(1) provide adequate outreach to ensure par-
6 ents can exercise a meaningful choice of direct stu-
7 dent services for their child’s education;

8 “(2) ensure parents have adequate time and in-
9 formation to make a meaningful choice prior to en-
10 rolling their child in a direct student service;

11 “(3) in the case of a local educational agency
12 offering public school choice under this section, en-
13 sure sufficient availability of seats in the public
14 schools the local educational agency will make avail-
15 able for public school choice options;

16 “(4) prioritize services to students who are low-
17 est-achieving;

18 “(5) select providers of direct student services,
19 which may include one or more of—

20 “(A) the local educational agency or other
21 local educational agencies;

22 “(B) community colleges or other institu-
23 tions of higher education;

24 “(C) non-public entities;

25 “(D) community-based organizations; or

1 “(E) in the case of high-quality academic
2 tutoring, a variety of providers of such tutoring
3 that are selected and approved by the State and
4 appear on the State’s list of such providers re-
5 quired under subsection (e)(2);

6 “(6) monitor the provision of direct student
7 services; and

8 “(7) publicly report the results of direct student
9 service providers in improving relevant student out-
10 comes in a manner that is accessible to parents.

11 “(e) PROVIDERS AND SCHOOLS.—A State edu-
12 cational agency that reserves an amount under subsection
13 (a) shall—

14 “(1) ensure that each local educational agency
15 that receives an award under this section and in-
16 tends to provide public school choice under sub-
17 section (c)(3)(E) can provide a sufficient number of
18 options to provide a meaningful choice for parents;

19 “(2) compile and maintain an updated list of
20 State-approved high-quality academic tutoring pro-
21 viders that—

22 “(A) is developed using a fair negotiation
23 and rigorous selection and approval process;

24 “(B) provides parents with meaningful
25 choices;

1 “(C) offers a range of tutoring models, in-
2 cluding online and on campus; and

3 “(D) includes only providers that—

4 “(i) have a demonstrated record of
5 success in increasing students’ academic
6 achievement;

7 “(ii) comply with all applicable Fed-
8 eral, State, and local health, safety, and
9 civil rights laws; and

10 “(iii) provide instruction and content
11 that is secular, neutral, and non-ideolog-
12 ical;

13 “(3) ensure that each local educational agency
14 receiving an award is able to provide an adequate
15 number of high-quality academic tutoring options to
16 ensure parents have a meaningful choice of services;

17 “(4) develop and implement procedures for
18 monitoring the quality of services provided by direct
19 student service providers; and

20 “(5) establish and implement clear criteria de-
21 scribing the course of action for direct student serv-
22 ice providers that are not successful in improving
23 student academic outcomes, which, for a high-quality
24 academic tutoring provider, may include a process to
25 remove State approval under paragraph (2).”.

1 **SEC. 1005. STATE PLANS.**

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

4 **“SEC. 1111. STATE PLANS.**

5 “(a) **FILING FOR GRANTS.**—

6 “(1) **IN GENERAL.**—For any State desiring to
7 receive a grant under this part, the State edu-
8 cational agency shall file with the Secretary a plan
9 that is—

10 “(A) developed by the State educational
11 agency with timely and meaningful consultation
12 with the Governor, members of the State legis-
13 lature and State board of education (if the
14 State has a State board of education), local
15 educational agencies (including those located in
16 rural areas), representatives of Indian tribes lo-
17 cated in the State, teachers, principals, other
18 school leaders, charter school leaders (if the
19 State has charter schools), specialized instruc-
20 tional support personnel, paraprofessionals, ad-
21 ministrators, other staff, and parents; and

22 “(B) is coordinated with other programs
23 under this Act, the Individuals with Disabilities
24 Education Act (20 U.S.C. 1400 et seq.), the
25 Rehabilitation Act of 1973 (20 U.S.C. 701 et
26 seq.), the Carl D. Perkins Career and Technical

1 Education Act of 2006 (20 U.S.C. 2301 et
2 seq.), the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3101 et seq.), the Head
4 Start Act (42 U.S.C. 9831 et seq.), the Child
5 Care and Development Block Grant Act of
6 1990 (42 U.S.C. 9858 et seq.), the Education
7 Sciences Reform Act of 2002 (20 U.S.C. 9501
8 et seq.), the Education Technical Assistance
9 Act of 2002 (20 U.S.C. 9601 et. seq.), the Na-
10 tional Assessment of Educational Progress Au-
11 thorization Act (20 U.S.C. 9621 et seq.), the
12 McKinney-Vento Homeless Assistance Act (42
13 U.S.C. 11301 et seq.), and the Adult Education
14 and Family Literacy Act (29 U.S.C. 3271 et
15 seq.).

16 “(2) LIMITATION.—Consultation required under
17 paragraph (1)(A) shall not interfere with the timely
18 submission of the plan required under this section.

19 “(3) CONSOLIDATED PLAN.—A State plan sub-
20 mitted under paragraph (1) may be submitted as
21 part of a consolidated plan under section 8302.

22 “(4) PEER REVIEW AND SECRETARIAL AP-
23 PROVAL.—

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

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

3 “(ii) establish multidisciplinary peer-
4 review teams and appoint members of such
5 teams—

6 “(I) who are representative of—

7 “(aa) parents, teachers,
8 principals, other school leaders,
9 specialized instructional support
10 personnel, State educational
11 agencies, local educational agen-
12 cies, and the community (includ-
13 ing the business community); and

14 “(bb) researchers who are
15 familiar with—

16 “(AA) the implementa-
17 tion of academic standards,
18 assessments, or account-
19 ability systems; and

20 “(BB) how to meet the
21 needs of disadvantaged stu-
22 dents, children with disabil-
23 ities, and English learners,
24 the needs of low-performing

1 schools, and other edu-
2 cational needs of students;

3 “(II) that include, to the extent
4 practicable, majority representation of
5 individuals who, in the most recent 2
6 years, have had practical experience in
7 the classroom, school administration,
8 or State or local government (such as
9 direct employees of a school, local
10 educational agency, or State edu-
11 cational agency); and

12 “(III) who represent a regionally
13 diverse cross-section of States;

14 “(iii) make available to the public, in-
15 cluding by such means as posting to the
16 Department’s website, the list of peer re-
17 viewers who have reviewed State plans
18 under this section;

19 “(iv) ensure that the peer-review
20 teams consist of varied individuals so that
21 the same peer reviewers are not reviewing
22 all of the State plans;

23 “(v) approve a State plan not later
24 than 120 days after its submission, unless

1 the Secretary meets the requirements of
2 clause (vi);

3 “(vi) have the authority to disapprove
4 a State plan only if—

5 “(I) the Secretary—

6 “(aa) determines how the
7 State plan fails to meet the re-
8 quirements of this section;

9 “(bb) immediately provides
10 to the State, in writing, notice of
11 such determination, and the sup-
12 porting information and rationale
13 to substantiate such determina-
14 tion;

15 “(cc) offers the State an op-
16 portunity to revise and resubmit
17 its State plan, and provides the
18 State—

19 “(AA) technical assist-
20 ance to assist the State in
21 meeting the requirements of
22 this section;

23 “(BB) in writing, all
24 peer-review comments, sug-
25 gestions, recommendations,

1 or concerns relating to its
2 State plan; and

3 “(CC) a hearing, unless
4 the State declines the oppor-
5 tunity for such hearing; and

6 “(II) the State—

7 “(aa) does not revise and re-
8 submit its State plan; or

9 “(bb) in a case in which a
10 State revises and resubmits its
11 State plan after a hearing is con-
12 ducted under subclause
13 (I)(cc)(CC), or after the State
14 has declined the opportunity for
15 such a hearing, the Secretary de-
16 termines that such revised State
17 plan does not meet the require-
18 ments of this section.

19 “(B) PURPOSE OF PEER REVIEW.—The
20 peer-review process shall be designed to—

21 “(i) maximize collaboration with each
22 State;

23 “(ii) promote effective implementation
24 of the challenging State academic stand-

1 ards through State and local innovation;
2 and

3 “(iii) provide transparent, timely, and
4 objective feedback to States designed to
5 strengthen the technical and overall quality
6 of the State plans.

7 “(C) STANDARD AND NATURE OF RE-
8 VIEW.—Peer reviewers shall conduct an objec-
9 tive review of State plans in their totality and
10 out of respect for State and local judgments,
11 with the goal of supporting State- and local-led
12 innovation and providing objective feedback on
13 the technical and overall quality of a State plan.

14 “(D) PROHIBITION.—Neither the Sec-
15 retary nor the political appointees of the De-
16 partment, may attempt to participate in, or in-
17 fluence, the peer-review process.

18 “(5) PUBLIC REVIEW.—All written communica-
19 tions, feedback, and notifications under this sub-
20 section shall be conducted in a manner that is trans-
21 parent and immediately made available to the public
22 on the Department’s website, including—

23 “(A) plans submitted or resubmitted by a
24 State;

1 “(B) peer-review guidance, notes, and com-
2 ments and the names of the peer reviewers
3 (once the peer reviewers have completed their
4 work);

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

7 “(D) notices and transcripts of hearings
8 under this section.

9 “(6) DURATION OF THE PLAN.—

10 “(A) IN GENERAL.—Each State plan
11 shall—

12 “(i) remain in effect for the duration
13 of the State’s participation under this part;
14 and

15 “(ii) be periodically reviewed and re-
16 vised as necessary by the State educational
17 agency to reflect changes in the State’s
18 strategies and programs under this part.

19 “(B) ADDITIONAL INFORMATION.—

20 “(i) IN GENERAL.—If a State makes
21 significant changes to its plan at any time,
22 such as the adoption of new challenging
23 State academic standards or new academic
24 assessments under subsection (b), or
25 changes to its accountability system under

1 subsection (c), such information shall be
2 submitted to the Secretary in the form of
3 revisions or amendments to the State plan.

4 “(ii) REVIEW OF REVISED PLANS.—
5 The Secretary shall review the information
6 submitted under clause (i) and approve
7 changes to the State plan, or disapprove
8 such changes in accordance with para-
9 graph (4)(A)(vi), within 90 days, without
10 undertaking the peer-review process under
11 such paragraph.

12 “(iii) SPECIAL RULE FOR STAND-
13 ARDS.—If a State makes changes to its
14 challenging State academic standards, the
15 requirements of subsection (b)(1), includ-
16 ing the requirement that such standards
17 need not be submitted to the Secretary
18 pursuant to subsection (b)(1)(A), shall still
19 apply.

20 “(7) FAILURE TO MEET REQUIREMENTS.—If a
21 State fails to meet any of the requirements of this
22 section, the Secretary may withhold funds for State
23 administration under this part until the Secretary
24 determines that the State has fulfilled those require-
25 ments.

1 “(8) PUBLIC COMMENT.—Each State shall
2 make the State plan publicly available for public
3 comment for a period of not less than 30 days, by
4 electronic means and in an easily accessible format,
5 prior to submission to the Secretary for approval
6 under this subsection. The State, in the plan it files
7 under this subsection, shall provide an assurance
8 that public comments were taken into account in the
9 development of the State plan.

10 “(b) CHALLENGING ACADEMIC STANDARDS AND
11 ACADEMIC ASSESSMENTS.—

12 “(1) CHALLENGING STATE ACADEMIC STAND-
13 ARDS.—

14 “(A) IN GENERAL.—Each State, in the
15 plan it files under subsection (a), shall provide
16 an assurance that the State has adopted chal-
17 lenging academic content standards and aligned
18 academic achievement standards (referred to in
19 this Act as ‘challenging State academic stand-
20 ards’), which achievement standards shall in-
21 clude not less than 3 levels of achievement, that
22 will be used by the State, its local educational
23 agencies, and its schools to carry out this part.
24 A State shall not be required to submit such

1 challenging State academic standards to the
2 Secretary.

3 “(B) SAME STANDARDS.—Except as pro-
4 vided in subparagraph (E), the standards re-
5 quired by subparagraph (A) shall—

6 “(i) apply to all public schools and
7 public school students in the State; and

8 “(ii) with respect to academic achieve-
9 ment standards, include the same knowl-
10 edge, skills, and levels of achievement ex-
11 pected of all public school students in the
12 State.

13 “(C) SUBJECTS.—The State shall have
14 such academic standards for mathematics, read-
15 ing or language arts, and science, and may have
16 such standards for any other subject deter-
17 mined by the State.

18 “(D) ALIGNMENT.—

19 “(i) IN GENERAL.—Each State shall
20 demonstrate that the challenging State
21 academic standards are aligned with en-
22 trance requirements for credit-bearing
23 coursework in the system of public higher
24 education in the State and relevant State
25 career and technical education standards.

1 “(ii) RULE OF CONSTRUCTION.—
2 Nothing in this Act shall be construed to
3 authorize public institutions of higher edu-
4 cation to determine the specific challenging
5 State academic standards required under
6 this paragraph.

7 “(E) ALTERNATE ACADEMIC ACHIEVE-
8 MENT STANDARDS FOR STUDENTS WITH THE
9 MOST SIGNIFICANT COGNITIVE DISABILITIES.—

10 “(i) IN GENERAL.—The State may,
11 through a documented and validated
12 standards-setting process, adopt alternate
13 academic achievement standards for stu-
14 dents with the most significant cognitive
15 disabilities, provided those standards—

16 “(I) are aligned with the chal-
17 lenging State academic content stand-
18 ards under subparagraph (A);

19 “(II) promote access to the gen-
20 eral education curriculum, consistent
21 with the Individuals with Disabilities
22 Education Act (20 U.S.C. 1400 et
23 seq.);

1 “(III) reflect professional judgment
2 as to the highest possible standards
3 achievable by such students;

4 “(IV) are designated in the individualized
5 education program developed under section 614(d)(3) of the
6 Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(3)) for
7 each such student as the academic achievement standards that will be
8 used for the student; and
9 used for the student; and
10 used for the student; and
11 used for the student; and

12 “(V) are aligned to ensure that a student who meets the alternate
13 academic achievement standards is on track to pursue postsecondary
14 education or employment, consistent with the purposes of Public Law 93–112,
15 as in effect on July 22, 2014.

16 “(ii) PROHIBITION ON ANY OTHER ALTERNATE OR MODIFIED ACADEMIC
17 ACHIEVEMENT STANDARDS.—A State shall not develop, or implement for use under
18 this part, any alternate academic achievement standards for children with disabilities
19 that are not alternate academic
20 that are not alternate academic
21 that are not alternate academic
22 that are not alternate academic
23 that are not alternate academic
24 that are not alternate academic
25 that are not alternate academic

1 achievement standards that meet the re-
2 quirements of clause (i).

3 “(F) ENGLISH LANGUAGE PROFICIENCY
4 STANDARDS.—Each State plan shall dem-
5 onstrate that the State has adopted English
6 language proficiency standards that—

7 “(i) are derived from the 4 recognized
8 domains of speaking, listening, reading,
9 and writing;

10 “(ii) address the different proficiency
11 levels of English learners; and

12 “(iii) are aligned with the challenging
13 State academic standards.

14 “(G) PROHIBITIONS.—

15 “(i) STANDARDS REVIEW OR AP-
16 PROVAL.—A State shall not be required to
17 submit any standards developed under this
18 subsection to the Secretary for review or
19 approval.

20 “(ii) FEDERAL CONTROL.—The Sec-
21 retary shall not have the authority to man-
22 date, direct, control, coerce, or exercise any
23 direction or supervision over any of the
24 challenging State academic standards
25 adopted or implemented by a State.

1 “(H) EXISTING STANDARDS.—Nothing in
2 this part shall prohibit a State from revising,
3 consistent with this section, any standards
4 adopted under this part before or after the date
5 of enactment of the Every Student Succeeds
6 Act.

7 “(2) ACADEMIC ASSESSMENTS.—

8 “(A) IN GENERAL.—Each State plan shall
9 demonstrate that the State educational agency,
10 in consultation with local educational agencies,
11 has implemented a set of high-quality student
12 academic assessments in mathematics, reading
13 or language arts, and science. The State retains
14 the right to implement such assessments in any
15 other subject chosen by the State.

16 “(B) REQUIREMENTS.—The assessments
17 under subparagraph (A) shall—

18 “(i) except as provided in subpara-
19 graph (D), be—

20 “(I) the same academic assess-
21 ments used to measure the achieve-
22 ment of all public elementary school
23 and secondary school students in the
24 State; and

1 “(II) administered to all public
2 elementary school and secondary
3 school students in the State;

4 “(ii) be aligned with the challenging
5 State academic standards, and provide co-
6 herent and timely information about stu-
7 dent attainment of such standards and
8 whether the student is performing at the
9 student’s grade level;

10 “(iii) be used for purposes for which
11 such assessments are valid and reliable,
12 consistent with relevant, nationally recog-
13 nized professional and technical testing
14 standards, objectively measure academic
15 achievement, knowledge, and skills, and be
16 tests that do not evaluate or assess per-
17 sonal or family beliefs and attitudes, or
18 publicly disclose personally identifiable in-
19 formation;

20 “(iv) be of adequate technical quality
21 for each purpose required under this Act
22 and consistent with the requirements of
23 this section, the evidence of which shall be
24 made public, including on the website of
25 the State educational agency;

1 “(v)(I) in the case of mathematics
2 and reading or language arts, be adminis-
3 tered—

4 “(aa) in each of grades 3
5 through 8; and

6 “(bb) at least once in grades 9
7 through 12;

8 “(II) in the case of science, be admin-
9 istered not less than one time during—

10 “(aa) grades 3 through 5;

11 “(bb) grades 6 through 9; and

12 “(cc) grades 10 through 12; and

13 “(III) in the case of any other subject
14 chosen by the State, be administered at the
15 discretion of the State;

16 “(vi) involve multiple up-to-date meas-
17 ures of student academic achievement, in-
18 cluding measures that assess higher-order
19 thinking skills and understanding, which
20 may include measures of student academic
21 growth and may be partially delivered in
22 the form of portfolios, projects, or ex-
23 tended performance tasks;

24 “(vii) provide for—

1 “(I) the participation in such as-
2 sessments of all students;

3 “(II) the appropriate accom-
4 modations, such as interoperability
5 with, and ability to use, assistive tech-
6 nology, for children with disabilities
7 (as defined in section 602(3) of the
8 Individuals with Disabilities Edu-
9 cation Act (20 U.S.C. 1401(3))), in-
10 cluding students with the most signifi-
11 cant cognitive disabilities, and stu-
12 dents with a disability who are pro-
13 vided accommodations under an Act
14 other than the Individuals with Dis-
15 abilities Education Act (20 U.S.C.
16 1400 et seq.), necessary to measure
17 the academic achievement of such
18 children relative to the challenging
19 State academic standards or alternate
20 academic achievement standards de-
21 scribed in paragraph (1)(E); and

22 “(III) the inclusion of English
23 learners, who shall be assessed in a
24 valid and reliable manner and pro-
25 vided appropriate accommodations on

1 assessments administered to such stu-
2 dents under this paragraph, including,
3 to the extent practicable, assessments
4 in the language and form most likely
5 to yield accurate data on what such
6 students know and can do in academic
7 content areas, until such students
8 have achieved English language pro-
9 ficiency, as determined under sub-
10 paragraph (G);

11 “(viii) at the State’s discretion—

12 “(I) be administered through a
13 single summative assessment; or

14 “(II) be administered through
15 multiple statewide interim assess-
16 ments during the course of the aca-
17 demic year that result in a single
18 summative score that provides valid,
19 reliable, and transparent information
20 on student achievement or growth;

21 “(ix) notwithstanding clause (vii)(III),
22 provide for assessments (using tests in
23 English) of reading or language arts of
24 any student who has attended school in the
25 United States (not including the Common-

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

19 “(x) produce individual student inter-
20 pretive, descriptive, and diagnostic reports,
21 consistent with clause (iii), regarding
22 achievement on such assessments that
23 allow parents, teachers, principals, and
24 other school leaders to understand and ad-
25 dress the specific academic needs of stu-

1 dents, and that are provided to parents,
2 teachers, and school leaders, as soon as is
3 practicable after the assessment is given,
4 in an understandable and uniform format,
5 and to the extent practicable, in a lan-
6 guage that parents can understand;

7 “(xi) enable results to be
8 disaggregated within each State, local edu-
9 cational agency, and school by—

10 “(I) each major racial and ethnic
11 group;

12 “(II) economically disadvantaged
13 students as compared to students who
14 are not economically disadvantaged;

15 “(III) children with disabilities as
16 compared to children without disabil-
17 ities;

18 “(IV) English proficiency status;

19 “(V) gender; and

20 “(VI) migrant status,

21 except that such disaggregation shall not
22 be required in the case of a State, local
23 educational agency, or a school in which
24 the number of students in a subgroup is
25 insufficient to yield statistically reliable in-

1 formation or the results would reveal per-
2 sonally identifiable information about an
3 individual student;

4 “(xii) enable itemized score analyses
5 to be produced and reported, consistent
6 with clause (iii), to local educational agen-
7 cies and schools, so that parents, teachers,
8 principals, other school leaders, and ad-
9 ministrators can interpret and address the
10 specific academic needs of students as indi-
11 cated by the students’ achievement on as-
12 sessment items; and

13 “(xiii) be developed, to the extent
14 practicable, using the principles of uni-
15 versal design for learning.

16 “(C) EXCEPTION FOR ADVANCED MATHE-
17 MATICS IN MIDDLE SCHOOL.—A State may ex-
18 empt any 8th grade student from the assess-
19 ment in mathematics described in subparagraph
20 (B)(v)(I)(aa) if—

21 “(i) such student takes the end-of-
22 course assessment the State typically ad-
23 ministers to meet the requirements of sub-
24 paragraph (B)(v)(I)(bb) in mathematics;

1 “(ii) such student’s achievement on
2 such end-of-course assessment is used for
3 purposes of subsection (c)(4)(B)(i), in lieu
4 of such student’s achievement on the
5 mathematics assessment required under
6 subparagraph (B)(v)(I)(aa), and such stu-
7 dent is counted as participating in the as-
8 sessment for purposes of subsection
9 (c)(4)(B)(vi); and

10 “(iii) in high school, such student
11 takes a mathematics assessment pursuant
12 to subparagraph (B)(v)(I)(bb) that—

13 “(I) is any end-of-course assess-
14 ment or other assessment that is more
15 advanced than the assessment taken
16 by such student under clause (i) of
17 this subparagraph; and

18 “(II) shall be used to measure
19 such student’s academic achievement
20 for purposes of subsection
21 (c)(4)(B)(i).

22 “(D) ALTERNATE ASSESSMENTS FOR STU-
23 DENTS WITH THE MOST SIGNIFICANT COG-
24 NITIVE DISABILITIES.—

1 “(i) ALTERNATE ASSESSMENTS
2 ALIGNED WITH ALTERNATE ACADEMIC
3 ACHIEVEMENT STANDARDS.—A State may
4 provide for alternate assessments aligned
5 with the challenging State academic stand-
6 ards and alternate academic achievement
7 standards described in paragraph (1)(E)
8 for students with the most significant cog-
9 nitive disabilities, if the State—

10 “(I) consistent with clause (ii),
11 ensures that, for each subject, the
12 total number of students assessed in
13 such subject using the alternate as-
14 sessments does not exceed 1 percent
15 of the total number of all students in
16 the State who are assessed in such
17 subject;

18 “(II) ensures that the parents of
19 such students are clearly informed, as
20 part of the process for developing the
21 individualized education program (as
22 defined in section 614(d)(1)(A) of the
23 Individuals with Disabilities Edu-
24 cation Act (20 U.S.C.
25 1414(d)(1)(A)))—

1 “(aa) that their child’s aca-
2 demic achievement will be meas-
3 ured based on such alternate
4 standards; and

5 “(bb) how participation in
6 such assessments may delay or
7 otherwise affect the student from
8 completing the requirements for
9 a regular high school diploma;

10 “(III) promotes, consistent with
11 the Individuals with Disabilities Edu-
12 cation Act (20 U.S.C. 1400 et seq.),
13 the involvement and progress of stu-
14 dents with the most significant cog-
15 nitive disabilities in the general edu-
16 cation curriculum;

17 “(IV) describes in the State plan
18 the steps the State has taken to incor-
19 porate universal design for learning,
20 to the extent feasible, in alternate as-
21 sessments;

22 “(V) describes in the State plan
23 that general and special education
24 teachers, and other appropriate
25 staff—

1 “(aa) know how to admin-
2 ister the alternate assessments;
3 and

4 “(bb) make appropriate use
5 of accommodations for students
6 with disabilities on all assess-
7 ments required under this para-
8 graph;

9 “(VI) develops, disseminates in-
10 formation on, and promotes the use of
11 appropriate accommodations to in-
12 crease the number of students with
13 significant cognitive disabilities—

14 “(aa) participating in aca-
15 demic instruction and assess-
16 ments for the grade level in
17 which the student is enrolled; and

18 “(bb) who are tested based
19 on challenging State academic
20 standards for the grade level in
21 which the student is enrolled; and

22 “(VII) does not preclude a stu-
23 dent with the most significant cog-
24 nitive disabilities who takes an alter-
25 nate assessment based on alternate

1 academic achievement standards from
2 attempting to complete the require-
3 ments for a regular high school di-
4 ploma.

5 “(ii) SPECIAL RULES.—

6 “(I) RESPONSIBILITY UNDER
7 IDEA.—Subject to the authority and
8 requirements for the individualized
9 education program team for a child
10 with a disability under section
11 614(d)(1)(A)(i)(VI)(bb) of the Indi-
12 viduals with Disabilities Education
13 Act (20 U.S.C.
14 1414(d)(1)(A)(i)(VI)(bb)), such team,
15 consistent with the guidelines estab-
16 lished by the State and required
17 under section 612(a)(16)(C) of such
18 Act (20 U.S.C. 1412(c)(16)(C)) and
19 clause (i)(II) of this subparagraph,
20 shall determine when a child with a
21 significant cognitive disability shall
22 participate in an alternate assessment
23 aligned with the alternate academic
24 achievement standards.

1 “(II) PROHIBITION ON LOCAL
2 CAP.—Nothing in this subparagraph
3 shall be construed to permit the Sec-
4 retary or a State educational agency
5 to impose on any local educational
6 agency a cap on the percentage of stu-
7 dents administered an alternate as-
8 sessment under this subparagraph, ex-
9 cept that a local educational agency
10 exceeding the cap applied to the State
11 under clause (i)(I) shall submit infor-
12 mation to the State educational agen-
13 cy justifying the need to exceed such
14 cap.

15 “(III) STATE SUPPORT.—A State
16 shall provide appropriate oversight, as
17 determined by the State, of any local
18 educational agency that is required to
19 submit information to the State under
20 subclause (II).

21 “(IV) WAIVER AUTHORITY.—
22 This subparagraph shall be subject to
23 the waiver authority under section
24 8401.

1 “(E) STATE AUTHORITY.—If a State edu-
2 cational agency provides evidence, which is sat-
3 isfactory to the Secretary, that neither the
4 State educational agency nor any other State
5 government official, agency, or entity has suffi-
6 cient authority, under State law, to adopt chal-
7 lenging State academic standards, and aca-
8 demic assessments aligned with such standards,
9 which will be applicable to all students enrolled
10 in the State’s public elementary schools and
11 secondary schools, then the State educational
12 agency may meet the requirements of this sub-
13 section by—

14 “(i) adopting academic standards and
15 academic assessments that meet the re-
16 quirements of this subsection, on a state-
17 wide basis, and limiting their applicability
18 to students served under this part; or

19 “(ii) adopting and implementing poli-
20 cies that ensure that each local educational
21 agency in the State that receives grants
22 under this part will adopt academic con-
23 tent and student academic achievement
24 standards, and academic assessments
25 aligned with such standards, which—

1 “(I) meet all of the criteria in
2 this subsection and any regulations
3 regarding such standards and assess-
4 ments that the Secretary may publish;
5 and

6 “(II) are applicable to all stu-
7 dents served by each such local edu-
8 cational agency.

9 “(F) LANGUAGE ASSESSMENTS.—

10 “(i) IN GENERAL.—Each State plan
11 shall identify the languages other than
12 English that are present to a significant
13 extent in the participating student popu-
14 lation of the State and indicate the lan-
15 guages for which annual student academic
16 assessments are not available and are
17 needed.

18 “(ii) SECRETARIAL ASSISTANCE.—The
19 State shall make every effort to develop
20 such assessments and may request assist-
21 ance from the Secretary if linguistically ac-
22 cessible academic assessment measures are
23 needed. Upon request, the Secretary shall
24 assist with the identification of appropriate
25 academic assessment measures in the need-

1 ed languages, but shall not mandate a spe-
2 cific academic assessment or mode of in-
3 struction.

4 “(G) ASSESSMENTS OF ENGLISH LAN-
5 GUAGE PROFICIENCY.—

6 “(i) IN GENERAL.—Each State plan
7 shall demonstrate that local educational
8 agencies in the State will provide for an
9 annual assessment of English proficiency
10 of all English learners in the schools
11 served by the State educational agency.

12 “(ii) ALIGNMENT.—The assessments
13 described in clause (i) shall be aligned with
14 the State’s English language proficiency
15 standards described in paragraph (1)(F).

16 “(H) LOCALLY-SELECTED ASSESSMENT.—

17 “(i) IN GENERAL.—Nothing in this
18 paragraph shall be construed to prohibit a
19 local educational agency from admin-
20 istering a locally-selected assessment in
21 lieu of the State-designed academic assess-
22 ment under subclause (I)(bb) and sub-
23 clause (II)(cc) of subparagraph (B)(v), if
24 the local educational agency selects a na-
25 tionally-recognized high school academic

1 assessment that has been approved for use
2 by the State as described in clause (iii) or
3 (iv) of this subparagraph.

4 “(ii) STATE TECHNICAL CRITERIA.—
5 To allow for State approval of nationally-
6 recognized high school academic assess-
7 ments that are available for local selection
8 under clause (i), a State educational agen-
9 cy shall establish technical criteria to de-
10 termine if any such assessment meets the
11 requirements of clause (v).

12 “(iii) STATE APPROVAL.—If a State
13 educational agency chooses to make a na-
14 tionally-recognized high school assessment
15 available for selection by a local edu-
16 cational agency under clause (i), which has
17 not already been approved under this
18 clause, such State educational agency
19 shall—

20 “(I) conduct a review of the as-
21 sessment to determine if such assess-
22 ment meets or exceeds the technical
23 criteria established by the State edu-
24 cational agency under clause (ii);

1 “(II) submit evidence in accord-
2 ance with subsection (a)(4) that dem-
3 onstrates such assessment meets the
4 requirements of clause (v); and

5 “(III) after fulfilling the require-
6 ments of subclauses (I) and (II), ap-
7 prove such assessment for selection
8 and use by any local educational agen-
9 cy that requests to use such assess-
10 ment under clause (i).

11 “(iv) LOCAL EDUCATIONAL AGENCY
12 OPTION.—

13 “(I) LOCAL EDUCATIONAL AGEN-
14 CY.—If a local educational agency
15 chooses to submit a nationally-recog-
16 nized high school academic assess-
17 ment to the State educational agency,
18 subject to the approval process de-
19 scribed in subclause (I) and subclause
20 (II) of clause (iii) to determine if such
21 assessment fulfills the requirements of
22 clause (v), the State educational agen-
23 cy may approve the use of such as-
24 sessment consistent with clause (i).

1 “(II) STATE EDUCATIONAL
2 AGENCY.—Upon such approval, the
3 State educational agency shall ap-
4 prove the use of such assessment in
5 any other local educational agency in
6 the State that subsequently requests
7 to use such assessment without re-
8 peating the process described in sub-
9 clauses (I) and (II) of clause (iii).

10 “(v) REQUIREMENTS.—To receive ap-
11 proval from the State educational agency
12 under clause (iii), a locally-selected assess-
13 ment shall—

14 “(I) be aligned to the State’s
15 academic content standards under
16 paragraph (1), address the depth and
17 breadth of such standards, and be
18 equivalent in its content coverage, dif-
19 ficulty, and quality to the State-de-
20 signed assessments under this para-
21 graph (and may be more rigorous in
22 its content coverage and difficulty
23 than such State-designed assess-
24 ments);

1 “(II) provide comparable, valid,
2 and reliable data on academic achieve-
3 ment, as compared to the State-de-
4 signed assessments, for all students
5 and for each subgroup of students de-
6 fined in subsection (c)(2), with results
7 expressed in terms consistent with the
8 State’s academic achievement stand-
9 ards under paragraph (1), among all
10 local educational agencies within the
11 State;

12 “(III) meet the requirements for
13 the assessments under subparagraph
14 (B) of this paragraph, including tech-
15 nical criteria, except the requirement
16 under clause (i) of such subpara-
17 graph; and

18 “(IV) provide unbiased, rational,
19 and consistent differentiation between
20 schools within the State to meet the
21 requirements of subsection (c).

22 “(vi) PARENTAL NOTIFICATION.—A
23 local educational agency shall notify the
24 parents of high school students served by
25 the local educational agency—

1 “(I) of its request to the State
2 educational agency for approval to ad-
3 minister a locally-selected assessment;
4 and

5 “(II) upon approval, and at the
6 beginning of each subsequent school
7 year during which the locally selected
8 assessment will be administered, that
9 the local educational agency will be
10 administering a different assessment
11 than the State-designed assessments
12 under subclause (I)(bb) and subclause
13 (II)(cc) of subparagraph (B)(v).

14 “(I) DEFERRAL.—A State may defer the
15 commencement, or suspend the administration,
16 but not cease the development, of the assess-
17 ments described in this paragraph, for 1 year
18 for each year for which the amount appro-
19 priated for grants under part B is less than
20 \$369,100,000.

21 “(J) ADAPTIVE ASSESSMENTS.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), a State retains the right to develop
24 and administer computer adaptive assess-
25 ments as the assessments described in this

1 paragraph, provided the computer adaptive
2 assessments meet the requirements of this
3 paragraph, except that—

4 “(I) subparagraph (B)(i) shall
5 not be interpreted to require that all
6 students taking the computer adaptive
7 assessment be administered the same
8 assessment items; and

9 “(II) such assessment—

10 “(aa) shall measure, at a
11 minimum, each student’s aca-
12 demic proficiency based on the
13 challenging State academic
14 standards for the student’s grade
15 level and growth toward such
16 standards; and

17 “(bb) may measure the stu-
18 dent’s level of academic pro-
19 ficiency and growth using items
20 above or below the student’s
21 grade level, including for use as
22 part of a State’s accountability
23 system under subsection (c).

24 “(ii) STUDENTS WITH THE MOST SIG-
25 NIFICANT COGNITIVE DISABILITIES AND

1 ENGLISH LEARNERS.—In developing and
2 administering computer adaptive assess-
3 ments—

4 “(I) as the assessments allowed
5 under subparagraph (D), a State shall
6 ensure that such computer adaptive
7 assessments—

8 “(aa) meet the requirements
9 of this paragraph, including sub-
10 subparagraph (D), except such as-
11 sessments shall not be required
12 to meet the requirements of
13 clause (i)(II); and

14 “(bb) assess the student’s
15 academic achievement to meas-
16 ure, in the subject being as-
17 sessed, whether the student is
18 performing at the student’s grade
19 level; and

20 “(II) as the assessments required
21 under subparagraph (G), a State shall
22 ensure that such computer adaptive
23 assessments—

24 “(aa) meet the requirements
25 of this paragraph, including sub-

1 paragraph (G), except such as-
2 sessment shall not be required to
3 meet the requirements of clause
4 (i)(II); and

5 “(bb) assess the student’s
6 language proficiency, which may
7 include growth towards such pro-
8 ficiency, in order to measure the
9 student’s acquisition of English.

10 “(K) RULE OF CONSTRUCTION ON PARENT
11 RIGHTS.—Nothing in this paragraph shall be
12 construed as preempting a State or local law re-
13 garding the decision of a parent to not have the
14 parent’s child participate in the academic as-
15 sessments under this paragraph.

16 “(L) LIMITATION ON ASSESSMENT TIME.—
17 Subject to Federal or State requirements re-
18 lated to assessments, evaluations, and accom-
19 modations, each State may, at the sole discre-
20 tion of such State, set a target limit on the ag-
21 gregate amount of time devoted to the adminis-
22 tration of assessments for each grade, expressed
23 as a percentage of annual instructional hours.

24 “(3) EXCEPTION FOR RECENTLY ARRIVED
25 ENGLISH LEARNERS.—

1 “(A) ASSESSMENTS.—With respect to re-
2 cently arrived English learners who have been
3 enrolled in a school in one of the 50 States in
4 the United States or the District of Columbia
5 for less than 12 months, a State may choose
6 to—

7 “(i) exclude—

8 “(I) such an English learner
9 from one administration of the read-
10 ing or language arts assessment re-
11 quired under paragraph (2); and

12 “(II) such an English learner’s
13 results on any of the assessments re-
14 quired under paragraph (2)(B)(v)(I)
15 or (2)(G) for the first year of the
16 English learner’s enrollment in such a
17 school for the purposes of the State-
18 determined accountability system
19 under subsection (c); or

20 “(ii)(I) assess, and report the per-
21 formance of, such an English learner on
22 the reading or language arts and mathe-
23 matics assessments required under para-
24 graph (2)(B)(v)(I) in each year of the stu-
25 dent’s enrollment in such a school; and

1 “(II) for the purposes of the State-de-
2 termined accountability system—

3 “(aa) for the first year of the
4 student’s enrollment in such a school,
5 exclude the results on the assessments
6 described in subclause (I);

7 “(bb) include a measure of stu-
8 dent growth on the assessments de-
9 scribed in subclause (I) in the second
10 year of the student’s enrollment in
11 such a school; and

12 “(cc) include proficiency on the
13 assessments described in subclause (I)
14 in the third year of the student’s en-
15 rollment in such a school, and each
16 succeeding year of such enrollment.

17 “(B) ENGLISH LEARNER SUBGROUP.—

18 With respect to a student previously identified
19 as an English learner and for not more than 4
20 years after the student ceases to be identified
21 as an English learner, a State may include the
22 results of the student’s assessments under para-
23 graph (2)(B)(v)(I) within the English learner
24 subgroup of the subgroups of students (as de-

1 fined in subsection (c)(2)(D)) for the purposes
2 of the State-determined accountability system.

3 “(c) STATEWIDE ACCOUNTABILITY SYSTEM.—

4 “(1) IN GENERAL.—Each State plan shall de-
5 scribe a statewide accountability system that com-
6 plies with the requirements of this subsection and
7 subsection (d).

8 “(2) SUBGROUP OF STUDENTS.—In this sub-
9 section and subsection (d), the term ‘subgroup of
10 students’ means—

11 “(A) economically disadvantaged students;

12 “(B) students from major racial and ethnic
13 groups;

14 “(C) children with disabilities; and

15 “(D) English learners.

16 “(3) MINIMUM NUMBER OF STUDENTS.—Each
17 State shall describe—

18 “(A) with respect to any provisions under
19 this part that require disaggregation of infor-
20 mation by each subgroup of students—

21 “(i) the minimum number of students
22 that the State determines are necessary to
23 be included to carry out such requirements
24 and how that number is statistically sound,
25 which shall be the same State-determined

1 number for all students and for each sub-
2 group of students in the State;

3 “(ii) how such minimum number of
4 students was determined by the State, in-
5 cluding how the State collaborated with
6 teachers, principals, other school leaders,
7 parents, and other stakeholders when de-
8 termining such minimum number; and

9 “(iii) how the State ensures that such
10 minimum number is sufficient to not reveal
11 any personally identifiable information.

12 “(4) DESCRIPTION OF SYSTEM.—The statewide
13 accountability system described in paragraph (1)
14 shall be based on the challenging State academic
15 standards for reading or language arts and mathe-
16 matics described in subsection (b)(1) to improve stu-
17 dent academic achievement and school success. In
18 designing such system to meet the requirements of
19 this part, the State shall carry out the following:

20 “(A) ESTABLISHMENT OF LONG-TERM
21 GOALS.—Establish ambitious State-designed
22 long-term goals, which shall include measure-
23 ments of interim progress toward meeting such
24 goals—

1 “(i) for all students and separately for
2 each subgroup of students in the State—

3 “(I) for, at a minimum, im-
4 proved—

5 “(aa) academic achievement,
6 as measured by proficiency on
7 the annual assessments required
8 under subsection (b)(2)(B)(v)(I);
9 and

10 “(bb) high school graduation
11 rates, including—

12 “(AA) the four-year ad-
13 justed cohort graduation
14 rate; and

15 “(BB) at the State’s
16 discretion, the extended-year
17 adjusted cohort graduation
18 rate, except that the State
19 shall set a more rigorous
20 long-term goal for such
21 graduation rate, as com-
22 pared to the long-term goal
23 set for the four-year ad-
24 justed cohort graduation
25 rate;

1 “(II) for which the term set by
2 the State for such goals is the same
3 multi-year length of time for all stu-
4 dents and for each subgroup of stu-
5 dents in the State; and

6 “(III) that, for subgroups of stu-
7 dents who are behind on the measures
8 described in items (aa) and (bb) of
9 subclause (I), take into account the
10 improvement necessary on such meas-
11 ures to make significant progress in
12 closing statewide proficiency and
13 graduation rate gaps; and

14 “(ii) for English learners, for in-
15 creases in the percentage of such students
16 making progress in achieving English lan-
17 guage proficiency, as defined by the State
18 and measured by the assessments de-
19 scribed in subsection (b)(2)(G), within a
20 State-determined timeline.

21 “(B) INDICATORS.—Except for the indi-
22 cator described in clause (iv), annually measure,
23 for all students and separately for each sub-
24 group of students, the following indicators:

1 “(i) For all public schools in the
2 State, based on the long-term goals estab-
3 lished under subparagraph (A), academic
4 achievement—

5 “(I) as measured by proficiency
6 on the annual assessments required
7 under subsection (b)(2)(B)(v)(I); and

8 “(II) at the State’s discretion, for
9 each public high school in the State,
10 student growth, as measured by such
11 annual assessments.

12 “(ii) For public elementary schools
13 and secondary schools that are not high
14 schools in the State—

15 “(I) a measure of student
16 growth, if determined appropriate by
17 the State; or

18 “(II) another valid and reliable
19 statewide academic indicator that al-
20 lows for meaningful differentiation in
21 school performance.

22 “(iii) For public high schools in the
23 State, and based on State-designed long
24 term goals established under subparagraph
25 (A)—

1 “(I) the four-year adjusted co-
2 hort graduation rate; and

3 “(II) at the State’s discretion,
4 the extended-year adjusted cohort
5 graduation rate.

6 “(iv) For public schools in the State,
7 progress in achieving English language
8 proficiency, as defined by the State and
9 measured by the assessments described in
10 subsection (b)(2)(G), within a State-deter-
11 mined timeline for all English learners—

12 “(I) in each of the grades 3
13 through 8; and

14 “(II) in the grade for which such
15 English learners are otherwise as-
16 sessed under subsection
17 (b)(2)(B)(v)(I) during the grade 9
18 through grade 12 period, with such
19 progress being measured against the
20 results of the assessments described in
21 subsection (b)(2)(G) taken in the pre-
22 vious grade.

23 “(v)(I) For all public schools in the
24 State, not less than one indicator of school
25 quality or student success that—

1 “(aa) allows for meaningful dif-
2 ferentiation in school performance;

3 “(bb) is valid, reliable, com-
4 parable, and statewide (with the same
5 indicator or indicators used for each
6 grade span, as such term is deter-
7 mined by the State); and

8 “(cc) may include one or more of
9 the measures described in subclause
10 (II).

11 “(II) For purposes of subclause (I),
12 the State may include measures of—

13 “(III) student engagement;

14 “(IV) educator engagement;

15 “(V) student access to and com-
16 pletion of advanced coursework;

17 “(VI) postsecondary readiness;

18 “(VII) school climate and safety;

19 and

20 “(VIII) any other indicator the
21 State chooses that meets the require-
22 ments of this clause.

23 “(C) ANNUAL MEANINGFUL DIFFERENTIA-
24 TION.—Establish a system of meaningfully dif-

1 ferentiating, on an annual basis, all public
2 schools in the State, which shall—

3 “(i) be based on all indicators in the
4 State’s accountability system under sub-
5 paragraph (B), for all students and for
6 each of subgroup of students, consistent
7 with the requirements of such subpara-
8 graph;

9 “(ii) with respect to the indicators de-
10 scribed in clauses (i) through (iv) of sub-
11 paragraph (B) afford—

12 “(I) substantial weight to each
13 such indicator; and

14 “(II) in the aggregate, much
15 greater weight than is afforded to the
16 indicator or indicators utilized by the
17 State and described in subparagraph
18 (B)(v), in the aggregate; and

19 “(iii) include differentiation of any
20 such school in which any subgroup of stu-
21 dents is consistently underperforming, as
22 determined by the State, based on all indi-
23 cators under subparagraph (B) and the
24 system established under this subpara-
25 graph.

1 “(D) IDENTIFICATION OF SCHOOLS.—

2 Based on the system of meaningful differentia-
3 tion described in subparagraph (C), establish a
4 State-determined methodology to identify—

5 “(i) beginning with school year 2017–
6 2018, and at least once every three school
7 years thereafter, one statewide category of
8 schools for comprehensive support and im-
9 provement, as described in subsection
10 (d)(1), which shall include—

11 “(I) not less than the lowest-per-
12 forming 5 percent of all schools re-
13 ceiving funds under this part in the
14 State;

15 “(II) all public high schools in
16 the State failing to graduate one third
17 or more of their students; and

18 “(III) public schools in the State
19 described under subsection
20 (d)(3)(A)(i)(II); and

21 “(ii) at the discretion of the State, ad-
22 ditional statewide categories of schools.

23 “(E) ANNUAL MEASUREMENT OF
24 ACHIEVEMENT.—(i) Annually measure the
25 achievement of not less than 95 percent of all

1 students, and 95 percent of all students in each
2 subgroup of students, who are enrolled in public
3 schools on the assessments described under sub-
4 section (b)(2)(v)(I).

5 “(ii) For the purpose of measuring, calcu-
6 lating, and reporting on the indicator described
7 in subparagraph (B)(i), include in the denomi-
8 nator the greater of—

9 “(I) 95 percent of all such students,
10 or 95 percent of all such students in the
11 subgroup, as the case may be; or

12 “(II) the number of students partici-
13 pating in the assessments.

14 “(iii) Provide a clear and understandable
15 explanation of how the State will factor the re-
16 quirement of clause (i) of this subparagraph
17 into the statewide accountability system.

18 “(F) PARTIAL ATTENDANCE.—(i) In the
19 case of a student who has not attended the
20 same school within a local educational agency
21 for at least half of a school year, the perform-
22 ance of such student on the indicators described
23 in clauses (i), (ii), (iv), and (v) of subparagraph
24 (B)—

1 “(I) may not be used in the system of
2 meaningful differentiation of all public
3 schools as described in subparagraph (C)
4 for such school year; and

5 “(II) shall be used for the purpose of
6 reporting on the State and local edu-
7 cational agency report cards under sub-
8 section (h) for such school year.

9 “(ii) In the case of a high school student
10 who has not attended the same school within a
11 local educational agency for at least half of a
12 school year and has exited high school without
13 a regular high school diploma and without
14 transferring to another high school that grants
15 a regular high school diploma during such
16 school year, the local educational agency shall,
17 in order to calculate the graduation rate pursu-
18 ant to subparagraph (B)(iii), assign such stu-
19 dent to the high school—

20 “(I) at which such student was en-
21 rolled for the greatest proportion of school
22 days while enrolled in grades 9 through 12;
23 or

24 “(II) in which the student was most
25 recently enrolled.

1 “(5) ACCOUNTABILITY FOR CHARTER
2 SCHOOLS.—The accountability provisions under this
3 Act shall be overseen for charter schools in accord-
4 ance with State charter school law.

5 “(d) SCHOOL SUPPORT AND IMPROVEMENT ACTIVI-
6 TIES.—

7 “(1) COMPREHENSIVE SUPPORT AND IMPROVE-
8 MENT.—

9 “(A) IN GENERAL.—Each State edu-
10 cational agency receiving funds under this part
11 shall notify each local educational agency in the
12 State of any school served by the local edu-
13 cational agency that is identified for com-
14 prehensive support and improvement under sub-
15 section (c)(4)(D)(i).

16 “(B) LOCAL EDUCATIONAL AGENCY AC-
17 TION.—Upon receiving such information from
18 the State, the local educational agency shall, for
19 each school identified by the State and in part-
20 nership with stakeholders (including principals
21 and other school leaders, teachers, and par-
22 ents), locally develop and implement a com-
23 prehensive support and improvement plan for
24 the school to improve student outcomes, that—

1 “(i) is informed by all indicators de-
2 scribed in subsection (c)(4)(B), including
3 student performance against State-deter-
4 mined long-term goals;

5 “(ii) includes evidence-based interven-
6 tions;

7 “(iii) is based on a school-level needs
8 assessment;

9 “(iv) identifies resource inequities,
10 which may include a review of local edu-
11 cational agency and school-level budgeting,
12 to be addressed through implementation of
13 such comprehensive support and improve-
14 ment plan;

15 “(v) is approved by the school, local
16 educational agency, and State educational
17 agency; and

18 “(vi) upon approval and implementa-
19 tion, is monitored and periodically reviewed
20 by the State educational agency.

21 “(C) STATE EDUCATIONAL AGENCY DIS-
22 CRETION.—With respect to any high school in
23 the State identified under subsection
24 (c)(4)(D)(i)(II), the State educational agency
25 may—

1 “(i) permit differentiated improve-
2 ment activities that utilize evidence-based
3 interventions in the case of such a school
4 that predominantly serves students—

5 “(I) returning to education after
6 having exited secondary school with-
7 out a regular high school diploma; or

8 “(II) who, based on their grade
9 or age, are significantly off track to
10 accumulate sufficient academic credits
11 to meet high school graduation re-
12 quirements, as established by the
13 State; and

14 “(ii) in the case of such a school that
15 has a total enrollment of less than 100 stu-
16 dents, permit the local educational agency
17 to forego implementation of improvement
18 activities required under this paragraph.

19 “(D) PUBLIC SCHOOL CHOICE.—

20 “(i) IN GENERAL.—A local edu-
21 cational agency may provide all students
22 enrolled in a school identified by the State
23 for comprehensive support and improve-
24 ment under subsection (c)(4)(D)(i) with
25 the option to transfer to another public

1 school served by the local educational agen-
2 cy, unless such an option is prohibited by
3 State law.

4 “(ii) PRIORITY.—In providing stu-
5 dents the option to transfer to another
6 public school, the local educational agency
7 shall give priority to the lowest-achieving
8 children from low-income families, as de-
9 termined by the local educational agency
10 for the purposes of allocating funds to
11 schools under section 1113(a)(3).

12 “(iii) TREATMENT.—A student who
13 uses the option to transfer to another pub-
14 lic school shall be enrolled in classes and
15 other activities in the public school to
16 which the student transfers in the same
17 manner as all other students at the public
18 school.

19 “(iv) SPECIAL RULE.—A local edu-
20 cational agency shall permit a student who
21 transfers to another public school under
22 this paragraph to remain in that school
23 until the student has completed the highest
24 grade in that school.

1 “(v) FUNDING FOR TRANSPOR-
2 TATION.—A local educational agency may
3 spend an amount equal to not more than
4 5 percent of its allocation under subpart 2
5 of this part to pay for the provision of
6 transportation for students who transfer
7 under this paragraph to the public schools
8 to which the students transfer.

9 “(2) TARGETED SUPPORT AND IMPROVE-
10 MENT.—

11 “(A) IN GENERAL.—Each State edu-
12 cational agency receiving funds under this part
13 shall, using the meaningful differentiation of
14 schools described in subsection (c)(4)(C)—

15 “(i) notify each local educational
16 agency in the State of any school served by
17 the local educational agency in which any
18 subgroup of students is consistently under-
19 performing, as described in subsection
20 (c)(4)(C)(iii); and

21 “(ii) ensure such local educational
22 agency provides notification to such school
23 with respect to which subgroup or sub-
24 groups of students in such school are con-

1 sistently underperforming as described in
2 subsection (c)(4)(C)(iii).

3 “(B) TARGETED SUPPORT AND IMPROVE-
4 MENT PLAN.—Each school receiving a notifica-
5 tion described in this paragraph, in partnership
6 with stakeholders (including principals and
7 other school leaders, teachers and parents),
8 shall develop and implement a school-level tar-
9 geted support and improvement plan to improve
10 student outcomes based on the indicators in the
11 statewide accountability system established
12 under subsection (c)(4), for each subgroup of
13 students that was the subject of notification
14 that—

15 “(i) is informed by all indicators de-
16 scribed in subsection (c)(4)(B), including
17 student performance against long-term
18 goals;

19 “(ii) includes evidence-based interven-
20 tions;

21 “(iii) is approved by the local edu-
22 cational agency prior to implementation of
23 such plan;

1 “(iv) is monitored, upon submission
2 and implementation, by the local edu-
3 cational agency; and

4 “(v) results in additional action fol-
5 lowing unsuccessful implementation of
6 such plan after a number of years deter-
7 mined by the local educational agency.

8 “(C) ADDITIONAL TARGETED SUPPORT.—
9 A plan described in subparagraph (B) that is
10 developed and implemented in any school receiv-
11 ing a notification under this paragraph from
12 the local educational agency in which any sub-
13 group of students, on its own, would lead to
14 identification under subsection (c)(4)(D)(i)(I)
15 using the State’s methodology under subsection
16 (c)(4)(D) shall also identify resource inequities
17 (which may include a review of local educational
18 agency and school level budgeting), to be ad-
19 dressed through implementation of such plan.

20 “(D) SPECIAL RULE.—The State edu-
21 cational agency, based on the State’s differen-
22 tiation of schools under subsection (c)(4)(C) for
23 school year 2017–2018, shall notify local edu-
24 cational agencies of any schools served by the
25 local educational agency in which any subgroup

1 of students, on its own, would lead to identifica-
2 tion under subsection (c)(4)(D)(i)(I) using the
3 State’s methodology under subsection (c)(4)(D),
4 after which notification of such schools under
5 this paragraph shall result from differentiation
6 of schools pursuant to subsection (c)(4)(C)(iii).

7 “(3) CONTINUED SUPPORT FOR SCHOOL AND
8 LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—To
9 ensure continued progress to improve student aca-
10 demic achievement and school success in the State,
11 the State educational agency—

12 “(A) shall—

13 “(i) establish statewide exit criteria
14 for—

15 “(I) schools identified by the
16 State for comprehensive support and
17 improvement under subsection
18 (c)(4)(D)(i), which, if not satisfied
19 within a State-determined number of
20 years (not to exceed four years), shall
21 result in more rigorous State-deter-
22 mined action, such as the implementa-
23 tion of interventions (which may in-
24 clude addressing school-level oper-
25 ations); and

1 “(II) schools described in para-
2 graph (2)(C), which, if not satisfied
3 within a State-determined number of
4 years, shall, in the case of such
5 schools receiving assistance under this
6 part, result in identification of the
7 school by the State for comprehensive
8 support and improvement under sub-
9 section (c)(4)(D)(i)(III);

10 “(ii) periodically review resource allo-
11 cation to support school improvement in
12 each local educational agency in the State
13 serving—

14 “(I) a significant number of
15 schools identified for comprehensive
16 support and improvement under sub-
17 section (c)(4)(D)(i); and

18 “(II) a significant number of
19 schools implementing targeted support
20 and improvement plans under para-
21 graph (2); and

22 “(iii) provide technical assistance to
23 each local educational agency in the State
24 serving a significant number of—

1 “(I) schools implementing com-
2 prehensive support and improvement
3 plans under paragraph (1); or

4 “(II) schools implementing tar-
5 geted support and improvement plans
6 under paragraph (2); and

7 “(B) may—

8 “(i) take action to initiate additional
9 improvement in any local educational agen-
10 cy with—

11 “(I) a significant number of
12 schools that are consistently identified
13 by the State for comprehensive sup-
14 port and improvement under sub-
15 section (c)(4)(D)(i) and not meeting
16 exit criteria established by the State
17 under subparagraph (A)(i)(I); or

18 “(II) a significant number of
19 schools implementing targeted support
20 and improvement plans under para-
21 graph (2); and

22 “(ii) consistent with State law, estab-
23 lish alternative evidence-based State deter-
24 mined strategies that can be used by local
25 educational agencies to assist a school

1 identified for comprehensive support and
2 improvement under subsection (c)(4)(D)(i).

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

13 “(e) PROHIBITION.—

14 “(1) IN GENERAL.—Nothing in this Act shall
15 be construed to authorize or permit the Secretary—

16 “(A) when promulgating any rule or regu-
17 lation, to promulgate any rule or regulation on
18 the development or implementation of the state-
19 wide accountability system established under
20 this section that would—

21 “(i) add new requirements that are in-
22 consistent with or outside the scope of this
23 part;

1 “(ii) add new criteria that are incon-
2 sistent with or outside the scope of this
3 part; or

4 “(iii) be in excess of statutory author-
5 ity granted to the Secretary;

6 “(B) as a condition of approval of the
7 State plan, or revisions or amendments to, the
8 State plan, or approval of a waiver request sub-
9 mitted under section 8401, to—

10 “(i) require a State to add any re-
11 quirements that are inconsistent with or
12 outside the scope of this part;

13 “(ii) require a State to add or delete
14 one or more specific elements of the chal-
15 lenging State academic standards; or

16 “(iii) prescribe—

17 “(I) numeric long-term goals or
18 measurements of interim progress
19 that States establish for all students,
20 for any subgroups of students, and for
21 English learners with respect to
22 English language proficiency, under
23 this part, including—

1 “(aa) the length of terms set
2 by States in designing such
3 goals; or

4 “(bb) the progress expected
5 from any subgroups of students
6 in meeting such goals;

7 “(II) specific academic assess-
8 ments or assessment items that States
9 or local educational agencies use to
10 meet the requirements of subsection
11 (b)(2) or otherwise use to measure
12 student academic achievement or stu-
13 dent growth under this part;

14 “(III) indicators that States use
15 within the State accountability system
16 under this section, including any re-
17 quirement to measure student growth,
18 or, if a State chooses to measure stu-
19 dent growth, the specific metrics used
20 to measure such growth under this
21 part;

22 “(IV) the weight of any measure
23 or indicator used to identify or mean-
24 ingfully differentiate schools, under
25 this part;

1 “(V) the specific methodology
2 used by States to meaningfully dif-
3 ferentiate or identify schools under
4 this part;

5 “(VI) any specific school support
6 and improvement strategies or activi-
7 ties that State or local educational
8 agencies establish and implement to
9 intervene in, support, and improve
10 schools and improve student outcomes
11 under this part;

12 “(VII) exit criteria established by
13 States under subsection (d)(3)(A)(i);

14 “(VIII) provided that the State
15 meets the requirements in subsection
16 (c)(3), a minimum number of stu-
17 dents established by a State under
18 such subsection;

19 “(IX) any aspect or parameter of
20 a teacher, principal, or other school
21 leader evaluation system within a
22 State or local educational agency;

23 “(X) indicators or specific meas-
24 ures of teacher, principal, or other

1 school leader effectiveness or quality;

2 or

3 “(XI) the way in which the State

4 factors the requirement under sub-

5 section (c)(4)(E)(i) into the statewide

6 accountability system under this sec-

7 tion; or

8 “(C) to issue new non-regulatory guidance

9 that—

10 “(i) in seeking to provide explanation

11 of requirements under this section for

12 State or local educational agencies, either

13 in response to requests for information or

14 in anticipation of such requests, provides a

15 strictly limited or exhaustive list to illus-

16 trate successful implementation of provi-

17 sions under this section; or

18 “(ii) purports to be legally binding; or

19 “(D) to require data collection under this

20 part beyond data derived from existing Federal,

21 State, and local reporting requirements.

22 “(2) DEFINING TERMS.—In carrying out this

23 part, the Secretary shall not, through regulation or

24 as a condition of approval of the State plan or revi-

25 sions or amendments to the State plan, promulgate

1 a definition of any term used in this part, or other-
2 wise prescribe any specification for any such term,
3 that is inconsistent with or outside the scope of this
4 part or is in violation of paragraph (1).

5 “(f) EXISTING STATE LAW.—Nothing in this section
6 shall be construed to alter any State law or regulation
7 granting parents authority over schools that repeatedly
8 failed to make adequate yearly progress under this part,
9 as in effect on the day before the date of the enactment
10 of the Every Student Succeeds Act.

11 “(g) OTHER PLAN PROVISIONS.—

12 “(1) DESCRIPTIONS.—Each State plan shall de-
13 scribe—

14 “(A) how the State will provide assistance
15 to local educational agencies and individual ele-
16 mentary schools choosing to use funds under
17 this part to support early childhood education
18 programs;

19 “(B) how low-income and minority children
20 enrolled in schools assisted under this part are
21 not served at disproportionate rates by ineffec-
22 tive, out-of-field, or inexperienced teachers, and
23 the measures the State educational agency will
24 use to evaluate and publicly report the progress
25 of the State educational agency with respect to

1 such description (except that nothing in this
2 subparagraph shall be construed as requiring a
3 State to develop or implement a teacher, prin-
4 cipal, or other school leader evaluation system);

5 “(C) how the State educational agency will
6 support local educational agencies receiving as-
7 sistance under this part to improve school con-
8 ditions for student learning, including through
9 reducing—

10 “(i) incidences of bullying and harass-
11 ment;

12 “(ii) the overuse of discipline practices
13 that remove students from the classroom;
14 and

15 “(iii) the use of aversive behavioral
16 interventions that compromise student
17 health and safety;

18 “(D) how the State will support local edu-
19 cational agencies receiving assistance under this
20 part in meeting the needs of students at all lev-
21 els of schooling (particularly students in the
22 middle grades and high school), including how
23 the State will work with such local educational
24 agencies to provide effective transitions of stu-

1 dents to middle grades and high school to de-
2 crease the risk of students dropping out;

3 “(E) the steps a State educational agency
4 will take to ensure collaboration with the State
5 agency responsible for administering the State
6 plans under parts B and E of title IV of the
7 Social Security Act (42 U.S.C. 621 et seq. and
8 670 et seq.) to ensure the educational stability
9 of children in foster care, including assurances
10 that—

11 “(i) any such child enrolls or remains
12 in such child’s school of origin, unless a
13 determination is made that it is not in
14 such child’s best interest to attend the
15 school of origin, which decision shall be
16 based on all factors relating to the child’s
17 best interest, including consideration of the
18 appropriateness of the current educational
19 setting and the proximity to the school in
20 which the child is enrolled at the time of
21 placement;

22 “(ii) when a determination is made
23 that it is not in such child’s best interest
24 to remain in the school of origin, the child
25 is immediately enrolled in a new school,

1 even if the child is unable to produce
2 records normally required for enrollment;

3 “(iii) the enrolling school shall imme-
4 diately contact the school last attended by
5 any such child to obtain relevant academic
6 and other records; and

7 “(iv) the State educational agency will
8 designate an employee to serve as a point
9 of contact for child welfare agencies and to
10 oversee implementation of the State agency
11 responsibilities required under this sub-
12 paragraph, and such point of contact shall
13 not be the State’s Coordinator for Edu-
14 cation of Homeless Children and Youths
15 under section 722(d)(3) of the McKinney-
16 Vento Homeless Assistance Act (42 U.S.C.
17 11432(d)(3));

18 “(F) how the State educational agency will
19 provide support to local educational agencies in
20 the identification, enrollment, attendance, and
21 school stability of homeless children and youths;
22 and

23 “(G) such other factors the State edu-
24 cational agency determines appropriate to pro-
25 vide students an opportunity to achieve the

1 knowledge and skills described in the chal-
2 lenging State academic standards.

3 “(2) ASSURANCES.—Each State plan shall con-
4 tain assurances that—

5 “(A) the State will make public any meth-
6 ods or criteria the State is using to measure
7 teacher, principal, or other school leader effec-
8 tiveness for the purpose of meeting the require-
9 ments described in paragraph (1)(B);

10 “(B) the State educational agency will no-
11 tify local educational agencies, Indian tribes
12 and tribal organizations, schools, teachers, par-
13 ents, and the public of the challenging State
14 academic standards, academic assessments, and
15 State accountability system, developed under
16 this section;

17 “(C) the State educational agency will as-
18 sist each local educational agency and school af-
19 fected by the State plan to meet the require-
20 ments of this part;

21 “(D) the State will participate in the bien-
22 nial State academic assessments in reading and
23 mathematics in grades 4 and 8 of the National
24 Assessment of Educational Progress carried out
25 under section 303(b)(3) of the National Assess-

1 ment of Educational Progress Authorization
2 Act (20 U.S.C. 9622(b)(3)) if the Secretary
3 pays the costs of administering such assess-
4 ments;

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

12 “(F) the State educational agency will sup-
13 port the collection and dissemination to local
14 educational agencies and schools of effective
15 parent and family engagement strategies, in-
16 cluding those included in the parent and family
17 engagement policy under section 1116;

18 “(G) the State educational agency will pro-
19 vide the least restrictive and burdensome regu-
20 lations for local educational agencies and indi-
21 vidual schools participating in a program as-
22 sisted under this part;

23 “(H) the State educational agency will en-
24 sure that local educational agencies, in devel-
25 oping and implementing programs under this

1 part, will, to the extent feasible, work in con-
2 sultation with outside intermediary organiza-
3 tions (such as educational service agencies), or
4 individuals, that have practical expertise in the
5 development or use of evidence-based strategies
6 and programs to improve teaching, learning,
7 and schools;

8 “(I) the State educational agency has ap-
9 propriate procedures and safeguards in place to
10 ensure the validity of the assessment process;

11 “(J) the State educational agency will en-
12 sure that all teachers and paraprofessionals
13 working in a program supported with funds
14 under this part meet applicable State certifi-
15 cation and licensure requirements, including
16 any requirements for certification obtained
17 through alternative routes to certification;

18 “(K) the State educational agency will co-
19 ordinate activities funded under this part with
20 other Federal activities as appropriate;

21 “(L) the State educational agency has in-
22 volved the committee of practitioners estab-
23 lished under section 1603(b) in developing the
24 plan and monitoring its implementation;

1 “(M) the State has professional standards
2 for paraprofessionals working in a program
3 supported with funds under this part, including
4 qualifications that were in place on the day be-
5 fore the date of enactment of the Every Student
6 Succeeds Act; and

7 “(N) the State educational agency will pro-
8 vide the information described in clauses (ii),
9 (iii), and (vii) of subsection (h)(1)(C) to the
10 public in an easily accessible and user-friendly
11 manner that can be cross-tabulated by, at a
12 minimum, each major racial and ethnic group,
13 gender, English proficiency status, and children
14 with or without disabilities, which—

15 “(i) may be accomplished by including
16 such information on the annual State re-
17 port card described subsection (h)(1)(C);
18 and

19 “(ii) shall be presented in a manner
20 that—

21 “(I) is first anonymized and does
22 not reveal personally identifiable infor-
23 mation about an individual student;

24 “(II) does not include a number
25 of students in any subgroup of stu-

1 dents that is insufficient to yield sta-
2 tistically reliable information or that
3 would reveal personally identifiable in-
4 formation about an individual student;
5 and

6 “(III) is consistent with the re-
7 quirements of section 444 of the Gen-
8 eral Education Provisions Act (20
9 U.S.C. 1232g, commonly known as
10 the ‘Family Educational Rights and
11 Privacy Act of 1974’).

12 “(3) RULES OF CONSTRUCTION.—Nothing in
13 paragraph (2)(N) shall be construed to—

14 “(A) require groups of students obtained
15 by any entity that cross-tabulates the informa-
16 tion provided under such paragraph to be con-
17 sidered subgroups of students, as defined in
18 subsection (c)(2), for the purposes of the State
19 accountability system under subsection (c); or

20 “(B) require or prohibit States or local
21 educational agencies from publicly reporting
22 data in a cross-tabulated manner, in order to
23 meet the requirements of paragraph (2)(N).

1 “(4) TECHNICAL ASSISTANCE.—Upon request
2 by a State educational agency, the Secretary shall
3 provide technical assistance to such agency to—

4 “(A) meet the requirements of paragraph
5 (2)(N); or

6 “(B) in the case of a State educational
7 agency choosing, at its sole discretion, to
8 disaggregate data described in clauses (ii) and
9 (iii)(II) of subsection (h)(1)(C) for Asian and
10 Native Hawaiian or Pacific Islander students
11 using the same race response categories as the
12 decennial census of the population, assist such
13 State educational agency in such disaggregation
14 and in using such data to improve academic
15 outcomes for such students.

16 “(h) REPORTS.—

17 “(1) ANNUAL STATE REPORT CARD.—

18 “(A) IN GENERAL.—A State that receives
19 assistance under this part shall prepare and
20 disseminate widely to the public an annual
21 State report card for the State as a whole that
22 meets the requirements of this paragraph.

23 “(B) IMPLEMENTATION.—The State report
24 card required under this paragraph shall be—

25 “(i) concise;

1 “(ii) presented in an understandable
2 and uniform format that is developed in
3 consultation with parents and, to the ex-
4 tent practicable, in a language that parents
5 can understand; and

6 “(iii) widely accessible to the public,
7 which shall include making available on a
8 single webpage of the State educational
9 agency’s website, the State report card, all
10 local educational agency report cards for
11 each local educational agency in the State
12 required under paragraph (2), and the an-
13 nual report to the Secretary under para-
14 graph (5).

15 “(C) MINIMUM REQUIREMENTS.—Each
16 State report card required under this subsection
17 shall include the following information:

18 “(i) A clear and concise description of
19 the State’s accountability system under
20 subsection (c), including—

21 “(I) the minimum number of stu-
22 dents that the State determines are
23 necessary to be included in each of the
24 subgroups of students, as defined in

1 subsection (c)(2), for use in the ac-
2 countability system;

3 “(II) the long-term goals and
4 measurements of interim progress for
5 all students and for each of the sub-
6 groups of students, as defined in sub-
7 section (c)(2);

8 “(III) the indicators described in
9 subsection (c)(4)(B) used to meaning-
10 fully differentiate all public schools in
11 the State;

12 “(IV) the State’s system for
13 meaningfully differentiating all public
14 schools in the State, including—

15 “(aa) the specific weight of
16 the indicators described in sub-
17 section (c)(4)(B) in such dif-
18 ferentiation;

19 “(bb) the methodology by
20 which the State differentiates all
21 such schools;

22 “(cc) the methodology by
23 which the State differentiates a
24 school as consistently underper-
25 forming for any subgroup of stu-

1 dents described in section
2 (c)(4)(C)(iii), including the time
3 period used by the State to deter-
4 mine consistent underperform-
5 ance; and

6 “(dd) the methodology by
7 which the State identifies a
8 school for comprehensive support
9 and improvement as required
10 under subsection (c)(4)(D)(i);

11 “(V) the number and names of
12 all public schools in the State identi-
13 fied by the State for comprehensive
14 support and improvement under sub-
15 section (c)(4)(D)(i) or implementing
16 targeted support and improvement
17 plans under subsection (d)(2); and

18 “(VI) the exit criteria established
19 by the State as required under clause
20 (i) of subsection (d)(3)(A), including
21 the length of years established under
22 clause (i)(II) of such subsection.

23 “(ii) For all students and
24 disaggregated by each subgroup of stu-
25 dents described in subsection (b)(2)(B)(xi),

1 homeless status, status as a child in foster
2 care, and status as a student with a parent
3 who is a member of the Armed Forces (as
4 defined in section 101(a)(4) of title 10,
5 United States Code) on active duty (as de-
6 fined in section 101(d)(5) of such title), in-
7 formation on student achievement on the
8 academic assessments described in sub-
9 section (b)(2) at each level of achievement,
10 as determined by the State under sub-
11 section (b)(1).

12 “(iii) For all students and
13 disaggregated by each of the subgroups of
14 students, as defined in subsection (c)(2),
15 and for purposes of subclause (II) of this
16 clause, homeless status and status as a
17 child in foster care—

18 “(I) information on the perform-
19 ance on the other academic indicator
20 under subsection (c)(4)(B)(ii) for pub-
21 lic elementary schools and secondary
22 schools that are not high schools, used
23 by the State in the State account-
24 ability system; and

1 “(II) high school graduation
2 rates, including four-year adjusted co-
3 hort graduation rates and, at the
4 State’s discretion, extended-year ad-
5 justed cohort graduation rates.

6 “(iv) Information on the number and
7 percentage of English learners achieving
8 English language proficiency.

9 “(v) For all students and
10 disaggregated by each of the subgroups of
11 students, as defined in subsection (c)(2),
12 information on the performance on the
13 other indicator or indicators of school qual-
14 ity or student success under subsection
15 (c)(4)(B)(v) used by the State in the State
16 accountability system.

17 “(vi) Information on the progress of
18 all students and each subgroup of stu-
19 dents, as defined in subsection (c)(2), to-
20 ward meeting the State-designed long term
21 goals under subsection (c)(4)(A), including
22 the progress of all students and each such
23 subgroup of students against the State
24 measurements of interim progress estab-
25 lished under such subsection.

1 “(vii) For all students and
2 disaggregated by each subgroup of stu-
3 dents described in subsection (b)(2)(B)(xi),
4 the percentage of students assessed and
5 not assessed.

6 “(viii) Information submitted by the
7 State educational agency and each local
8 educational agency in the State, in accord-
9 ance with data collection conducted pursu-
10 ant to section 203(c)(1) of the Department
11 of Education Organization Act (20 U.S.C.
12 3413(c)(1)), on—

13 “(I) measures of school quality,
14 climate, and safety, including rates of
15 in-school suspensions, out-of-school
16 suspensions, expulsions, school-related
17 arrests, referrals to law enforcement,
18 chronic absenteeism (including both
19 excused and unexcused absences),
20 incidences of violence, including bul-
21 lying and harassment; and

22 “(II) the number and percentage
23 of students enrolled in—

24 “(aa) preschool programs;
25 and

1 “(bb) accelerated
2 coursework to earn postsecondary
3 credit while still in high school,
4 such as Advanced Placement and
5 International Baccalaureate
6 courses and examinations, and
7 dual or concurrent enrollment
8 programs.

9 “(ix) The professional qualifications of
10 teachers in the State, including informa-
11 tion (that shall be presented in the aggre-
12 gate and disaggregated by high-poverty
13 compared to low-poverty schools) on the
14 number and percentage of—

15 “(I) inexperienced teachers, prin-
16 cipals, and other school leaders;

17 “(II) teachers teaching with
18 emergency or provisional credentials;
19 and

20 “(III) teachers who are not
21 teaching in the subject or field for
22 which the teacher is certified or li-
23 censed.

24 “(x) The per-pupil expenditures of
25 Federal, State, and local funds, including

1 actual personnel expenditures and actual
2 nonpersonnel expenditures of Federal,
3 State, and local funds, disaggregated by
4 source of funds, for each local educational
5 agency and each school in the State for the
6 preceding fiscal year.

7 “(xi) The number and percentages of
8 students with the most significant cog-
9 nitive disabilities who take an alternate as-
10 sessment under subsection (b)(2)(D), by
11 grade and subject.

12 “(xii) Results on the State academic
13 assessments in reading and mathematics in
14 grades 4 and 8 of the National Assessment
15 of Educational Progress carried out under
16 section 303(b)(3) of the National Assess-
17 ment of Educational Progress Authoriza-
18 tion Act (20 U.S.C. 9622(b)(3)), compared
19 to the national average of such results.

20 “(xiii) Where available, for each high
21 school in the State, and beginning with the
22 report card prepared under this paragraph
23 for 2017, the cohort rate (in the aggregate,
24 and disaggregated for each subgroup of
25 students defined in subsection (c)(2)), at

1 which students who graduate from the
2 high school enroll, for the first academic
3 year that begins after the students' grad-
4 uation—

5 “(I) in programs of public post-
6 secondary education in the State; and

7 “(II) if data are available and to
8 the extent practicable, in programs of
9 private postsecondary education in the
10 State or programs of postsecondary
11 education outside the State.

12 “(xiv) Any additional information that
13 the State believes will best provide parents,
14 students, and other members of the public
15 with information regarding the progress of
16 each of the State's public elementary
17 schools and secondary schools, which may
18 include the number and percentage of stu-
19 dents attaining career and technical pro-
20 ficiencies (as defined by section 113(b) of
21 the Carl D. Perkins Career and Technical
22 Education Act of 2006 (20 U.S.C.
23 2323(b)) and reported by States only in a
24 manner consistent with section 113(c) of
25 such Act (20 U.S.C. 2323(c)).

1 “(D) RULES OF CONSTRUCTION.—Nothing
2 in subparagraph (C)(viii) shall be construed as
3 requiring—

4 “(i) reporting of any data that are not
5 collected in accordance with section
6 203(c)(1) of the Department of Education
7 Organization Act (20 U.S.C. 3413(c)(1);
8 or

9 “(ii) disaggregation of any data other
10 than as required under subsection
11 (b)(2)(B)(xi).

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

14 “(A) PREPARATION AND DISSEMINA-
15 TION.—A local educational agency that receives
16 assistance under this part shall prepare and
17 disseminate an annual local educational agency
18 report card that includes information on such
19 agency as a whole and each school served by
20 the agency.

21 “(B) IMPLEMENTATION.—Each local edu-
22 cational agency report card shall be—

23 “(i) concise;

24 “(ii) presented in an understandable
25 and uniform format, and to the extent

1 practicable, in a language that parents can
2 understand; and

3 “(iii) accessible to the public, which
4 shall include—

5 “(I) placing such report card on
6 the website of the local educational
7 agency; and

8 “(II) in any case in which a local
9 educational agency does not operate a
10 website, providing the information to
11 the public in another manner deter-
12 mined by the local educational agency.

13 “(C) MINIMUM REQUIREMENTS.—The
14 State educational agency shall ensure that each
15 local educational agency collects appropriate
16 data and includes in the local educational agen-
17 cy’s annual report the information described in
18 paragraph (1)(C), disaggregated in the same
19 manner as required under such paragraph, ex-
20 cept for clause (xii) of such paragraph, as ap-
21 plied to the local educational agency and each
22 school served by the local educational agency,
23 including—

24 “(i) in the case of a local educational
25 agency, information that shows how stu-

1 dents served by the local educational agen-
2 cy achieved on the academic assessments
3 described in subsection (b)(2) compared to
4 students in the State as a whole;

5 “(ii) in the case of a school, informa-
6 tion that shows how the school’s students’
7 achievement on the academic assessments
8 described in subsection (b)(2) compared to
9 students served by the local educational
10 agency and the State as a whole; and

11 “(iii) any other information that the
12 local educational agency determines is ap-
13 propriate and will best provide parents,
14 students, and other members of the public
15 with information regarding the progress of
16 each public school served by the local edu-
17 cational agency, whether or not such infor-
18 mation is included in the annual State re-
19 port card.

20 “(D) ADDITIONAL INFORMATION.—In the
21 case of a local educational agency that issues a
22 report card for all students, the local edu-
23 cational agency may include the information
24 under this section as part of such report.

1 “(3) PREEXISTING REPORT CARDS.—A State
2 educational agency or local educational agency may
3 use public report cards on the performance of stu-
4 dents, schools, local educational agencies, or the
5 State, that were in effect prior to the date of enact-
6 ment of the Every Student Succeeds Act for the
7 purpose of this subsection, so long as any such re-
8 port card is modified, as may be needed, to contain
9 the information required by this subsection, and pro-
10 tects the privacy of individual students.

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

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

23 “(A) information on the achievement of
24 students on the academic assessments required
25 by subsection (b)(2), including the

1 disaggregated results for the subgroups of stu-
2 dents as defined in subsection (c)(2);

3 “(B) information on the acquisition of
4 English proficiency by English learners;

5 “(C) the number and names of each public
6 school in the State—

7 “(i) identified for comprehensive sup-
8 port and improvement under subsection
9 (c)(4)(D)(i); and

10 “(ii) implementing targeted support
11 and improvement plans under subsection
12 (d)(2); and

13 “(D) information on the professional quali-
14 fications of teachers in the State, including in-
15 formation on the number and the percentage of
16 the following teachers:

17 “(i) Inexperienced teachers.

18 “(ii) Teachers teaching with emer-
19 gency or provisional credentials.

20 “(iii) Teachers who are not teaching
21 in the subject or field for which the teacher
22 is certified or licensed.

23 “(6) REPORT TO CONGRESS.—The Secretary
24 shall transmit annually to the Committee on Edu-
25 cation and the Workforce of the House of Rep-

1 representatives and the Committee on Health, Edu-
2 cation, Labor, and Pensions of the Senate a report
3 that provides national and State-level data on the in-
4 formation collected under paragraph (5). Such re-
5 port shall be submitted through electronic means
6 only.

7 “(i) PRIVACY.—

8 “(1) IN GENERAL.—Information collected or
9 disseminated under this section (including any infor-
10 mation collected for or included in the reports de-
11 scribed in subsection (h)) shall be collected and dis-
12 seminated in a manner that protects the privacy of
13 individuals consistent with section 444 of the Gen-
14 eral Education Provisions Act (20 U.S.C. 1232g,
15 commonly known as the ‘Family Educational Rights
16 and Privacy Act of 1974’) and this Act.

17 “(2) SUFFICIENCY.—The reports described in
18 subsection (h) shall only include data that are suffi-
19 cient to yield statistically reliable information.

20 “(3) DISAGGREGATION.—Disaggregation under
21 this section shall not be required if such
22 disaggregation will reveal personally identifiable in-
23 formation about any student, teacher, principal, or
24 other school leader, or will provide data that are in-
25 sufficient to yield statistically reliable information.

1 “(j) VOLUNTARY PARTNERSHIPS.—A State retains
2 the right to enter into a voluntary partnership with an-
3 other State to develop and implement the challenging
4 State academic standards and assessments required under
5 this section, except that the Secretary shall not attempt
6 to influence, incentivize, or coerce State—

7 “(1) adoption of the Common Core State
8 Standards developed under the Common Core State
9 Standards Initiative or any other academic stand-
10 ards common to a significant number of States, or
11 assessments tied to such standards; or

12 “(2) participation in such partnerships.

13 “(k) SPECIAL RULE WITH RESPECT TO BUREAU-
14 FUNDED SCHOOLS.—In determining the assessments to
15 be used by each school operated or funded by the Bureau
16 of Indian Education receiving funds under this part, the
17 following shall apply until the requirements of section
18 8204(c) have been met:

19 “(1) Each such school that is accredited by the
20 State in which it is operating shall use the assess-
21 ments and other academic indicators the State has
22 developed and implemented to meet the require-
23 ments of this section, or such other appropriate as-
24 sessment and academic indicators as approved by
25 the Secretary of the Interior.

1 “(2) Each such school that is accredited by a
2 regional accrediting organization (in consultation
3 with and with the approval of the Secretary of the
4 Interior, and consistent with assessments and aca-
5 demic indicators adopted by other schools in the
6 same State or region) shall adopt an appropriate as-
7 sessment and other academic indicators that meet
8 the requirements of this section.

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

16 “(1) CONSTRUCTION.—Nothing in this part shall be
17 construed to prescribe the use of the academic assess-
18 ments described in this part for student promotion or
19 graduation purposes.”.

20 **SEC. 1006. LOCAL EDUCATIONAL AGENCY PLANS.**

21 Section 1112 (20 U.S.C. 6312) is amended to read
22 as follows:

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

24 “(a) PLANS REQUIRED.—

1 “(1) SUBGRANTS.—A local educational agency
2 may receive a subgrant under this part for any fiscal
3 year only if such agency has on file with the State
4 educational agency a plan, approved by the State
5 educational agency, that—

6 “(A) is developed with timely and mean-
7 ingful consultation with teachers, principals,
8 other school leaders, paraprofessionals, special-
9 ized instructional support personnel, charter
10 school leaders (in a local educational agency
11 that has charter schools), administrators (in-
12 cluding administrators of programs described in
13 other parts of this title), other appropriate
14 school personnel, and with parents of children
15 in schools served under this part; and

16 “(B) as appropriate, is coordinated with
17 other programs under this Act, the Individuals
18 with Disabilities Education Act (20 U.S.C.
19 1400 et seq.), the Rehabilitation Act of 1973
20 (20 U.S.C. 701 et seq.), the Carl D. Perkins
21 Career and Technical Education Act of 2006
22 (20 U.S.C. 2301 et seq.), the Workforce Inno-
23 vation and Opportunity Act (29 U.S.C. 3101 et
24 seq.), the Head Start Act (42 U.S.C. 9831 et
25 seq.), the McKinney-Vento Homeless Assistance

1 Act (42 U.S.C. 11301 et seq.), the Adult Edu-
2 cation and Family Literacy Act (29 U.S.C.
3 3271 et seq.), and other Acts as appropriate.

4 “(2) CONSOLIDATED APPLICATION.—The plan
5 may be submitted as part of a consolidated applica-
6 tion under section 8305.

7 “(3) STATE APPROVAL.—

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

11 “(B) APPROVAL.—The State educational
12 agency shall approve a local educational agen-
13 cy’s plan only if the State educational agency
14 determines that the local educational agency’s
15 plan—

16 “(i) provides that schools served
17 under this part substantially help children
18 served under this part meet the chal-
19 lenging State academic standards; and

20 “(ii) meets the requirements of this
21 section.

22 “(4) DURATION.—Each local educational agen-
23 cy plan shall be submitted for the first year for
24 which this part is in effect following the date of en-
25 actment of the Every Student Succeeds Act and

1 shall remain in effect for the duration of the agen-
2 cy's participation under this part.

3 “(5) REVIEW.—Each local educational agency
4 shall periodically review and, as necessary, revise its
5 plan.

6 “(6) RULE OF CONSTRUCTION.—Consultation
7 required under paragraph (1)(A) shall not interfere
8 with the timely submission of the plan required
9 under this section.

10 “(b) PLAN PROVISIONS.—To ensure that all children
11 receive a high-quality education, and to close the achieve-
12 ment gap between children meeting the challenging State
13 academic standards and those children who are not meet-
14 ing such standards, each local educational agency plan
15 shall describe—

16 “(1) how the local educational agency will mon-
17 itor students' progress in meeting the challenging
18 State academic standards by—

19 “(A) developing and implementing a well-
20 rounded program of instruction to meet the
21 academic needs of all students;

22 “(B) identifying students who may be at
23 risk for academic failure;

24 “(C) providing additional educational as-
25 sistance to individual students the local edu-

1 cational agency or school determines need help
2 in meeting the challenging State academic
3 standards; and

4 “(D) identifying and implementing instruc-
5 tional and other strategies intended to strength-
6 en academic programs and improve school con-
7 ditions for student learning;

8 “(2) how the local educational agency will iden-
9 tify and address, as required under State plans as
10 described in section 1111(g)(1)(B), any disparities
11 that result in low-income students and minority stu-
12 dents being taught at higher rates than other stu-
13 dents by ineffective, inexperienced, or out-of-field
14 teachers;

15 “(3) how the local educational agency will carry
16 out its responsibilities under paragraphs (1) and (2)
17 of section 1111(d);

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

20 “(5) in general, the nature of the programs to
21 be conducted by such agency’s schools under sec-
22 tions 1114 and 1115 and, where appropriate, edu-
23 cational services outside such schools for children
24 living in local institutions for neglected or delinquent

1 children, and for neglected and delinquent children
2 in community day school programs;

3 “(6) the services the local educational agency
4 will provide homeless children and youths, including
5 services provided with funds reserved under section
6 1113(c)(3)(A), to support the enrollment, attend-
7 ance, and success of homeless children and youths,
8 in coordination with the services the local edu-
9 cational agency is providing under the McKinney-
10 Vento Homeless Assistance Act (42 U.S.C. 11301 et
11 seq.);

12 “(7) the strategy the local educational agency
13 will use to implement effective parent and family en-
14 gagement under section 1116;

15 “(8) if applicable, how the local educational
16 agency will support, coordinate, and integrate serv-
17 ices provided under this part with early childhood
18 education programs at the local educational agency
19 or individual school level, including plans for the
20 transition of participants in such programs to local
21 elementary school programs;

22 “(9) how teachers and school leaders, in con-
23 sultation with parents, administrators, paraprofes-
24 sionals, and specialized instructional support per-
25 sonnel, in schools operating a targeted assistance

1 school program under section 1115, will identify the
2 eligible children most in need of services under this
3 part;

4 “(10) how the local educational agency will im-
5 plement strategies to facilitate effective transitions
6 for students from middle grades to high school and
7 from high school to postsecondary education includ-
8 ing, if applicable—

9 “(A) through coordination with institutions
10 of higher education, employers, and other local
11 partners; and

12 “(B) through increased student access to
13 early college high school or dual or concurrent
14 enrollment opportunities, or career counseling
15 to identify student interests and skills;

16 “(11) how the local educational agency will sup-
17 port efforts to reduce the overuse of discipline prac-
18 tices that remove students from the classroom,
19 which may include identifying and supporting
20 schools with high rates of discipline, disaggregated
21 by each of the subgroups of students, as defined in
22 section 1111(c)(2);

23 “(12) if determined appropriate by the local
24 educational agency, how such agency will support
25 programs that coordinate and integrate—

1 “(A) academic and career and technical
2 education content through coordinated instruc-
3 tional strategies, that may incorporate experien-
4 tial learning opportunities and promote skills
5 attainment important to in-demand occupations
6 or industries in the State; and

7 “(B) work-based learning opportunities
8 that provide students in-depth interaction with
9 industry professionals and, if appropriate, aca-
10 demic credit; and

11 “(13) any other information on how the local
12 educational agency proposes to use funds to meet
13 the purposes of this part, and that the local edu-
14 cational agency determines appropriate to provide,
15 which may include how the local educational agency
16 will—

17 “(A) assist schools in identifying and serv-
18 ing gifted and talented students; and

19 “(B) assist schools in developing effective
20 school library programs to provide students an
21 opportunity to develop digital literacy skills and
22 improve academic achievement.

23 “(c) ASSURANCES.—Each local educational agency
24 plan shall provide assurances that the local educational
25 agency will—

1 “(1) 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 “(2) provide services to eligible children attend-
7 ing private elementary schools and secondary schools
8 in accordance with section 1117, and timely and
9 meaningful consultation with private school officials
10 regarding such services;

11 “(3) participate, if selected, in the National As-
12 sessment of Educational Progress in reading and
13 mathematics in grades 4 and 8 carried out under
14 section 303(b)(3) of the National Assessment of
15 Educational Progress Authorization Act (20 U.S.C.
16 9622(b)(3));

17 “(4) coordinate and integrate services provided
18 under this part with other educational services at
19 the local educational agency or individual school
20 level, such as services for English learners, children
21 with disabilities, migratory children, American In-
22 dian, Alaska Native, and Native Hawaiian children,
23 and homeless children and youths, in order to in-
24 crease program effectiveness, eliminate duplication,

1 and reduce fragmentation of the instructional pro-
2 gram;

3 “(5) collaborate with the State or local child
4 welfare agency to—

5 “(A) designate a point of contact if the
6 corresponding child welfare agency notifies the
7 local educational agency, in writing, that the
8 agency has designated an employee to serve as
9 a point of contact for the local educational
10 agency; and

11 “(B) by not later than 1 year after the
12 date of enactment of the Every Student Suc-
13 ceeds Act, develop and implement clear written
14 procedures governing how transportation to
15 maintain children in foster care in their school
16 of origin when in their best interest will be pro-
17 vided, arranged, and funded for the duration of
18 the time in foster care, which procedures
19 shall—

20 “(i) ensure that children in foster care
21 needing transportation to the school of ori-
22 gin will promptly receive transportation in
23 a cost-effective manner and in accordance
24 with section 475(4)(A) of the Social Secu-
25 rity Act (42 U.S.C. 675(4)(A)); and

1 “(ii) ensure that, if there are addi-
2 tional costs incurred in providing transpor-
3 tation to maintain children in foster care
4 in their schools of origin, the local edu-
5 cational agency will provide transportation
6 to the school of origin if—

7 “(I) the local child welfare agen-
8 cy agrees to reimburse the local edu-
9 cational agency for the cost of such
10 transportation;

11 “(II) the local educational agency
12 agrees to pay for the cost of such
13 transportation; or

14 “(III) the local educational agen-
15 cy and the local child welfare agency
16 agree to share the cost of such trans-
17 portation; and

18 “(6) ensure that all teachers and paraprofes-
19 sionals working in a program supported with funds
20 under this part meet applicable State certification
21 and licensure requirements, including any require-
22 ments for certification obtained through alternative
23 routes to certification; and

24 “(7) in the case of a local educational agency
25 that chooses to use funds under this part to provide

1 early childhood education services to low-income chil-
2 dren below the age of compulsory school attendance,
3 ensure that such services comply with the perform-
4 ance standards established under section 641A(a) of
5 the Head Start Act (42 U.S.C. 9836a(a)).

6 “(d) SPECIAL RULE.—For local educational agencies
7 using funds under this part for the purposes described in
8 subsection (e)(7), the Secretary shall—

9 “(1) consult with the Secretary of Health and
10 Human Services and establish procedures (taking
11 into consideration existing State and local laws, and
12 local teacher contracts) to assist local educational
13 agencies to comply with such subsection; and

14 “(2) disseminate to local educational agencies
15 the education performance standards in effect under
16 section 641A(a) of the Head Start Act (42 U.S.C.
17 9836a(a)), and such agencies affected by such sub-
18 section (e)(7) shall plan to comply with such sub-
19 section (taking into consideration existing State and
20 local laws, and local teacher contracts), including by
21 pursuing the availability of other Federal, State, and
22 local funding sources to assist with such compliance.

23 “(e) PARENTS RIGHT-TO-KNOW.—

24 “(1) INFORMATION FOR PARENTS.—

1 “(A) IN GENERAL.—At the beginning of
2 each school year, a local educational agency
3 that receives funds under this part shall notify
4 the parents of each student attending any
5 school receiving funds under this part that the
6 parents may request, and the agency will pro-
7 vide the parents on request (and in a timely
8 manner), information regarding the professional
9 qualifications of the student’s classroom teach-
10 ers, including at a minimum, the following:

11 “(i) Whether the student’s teacher—
12 “(I) has met State qualification
13 and licensing criteria for the grade
14 levels and subject areas in which the
15 teacher provides instruction;
16 “(II) is teaching under emer-
17 gency or other provisional status
18 through which State qualification or
19 licensing criteria have been waived;
20 and
21 “(III) is teaching in the field of
22 discipline of the certification of the
23 teacher.

1 “(ii) Whether the child is provided
2 services by paraprofessionals and, if so,
3 their qualifications.

4 “(B) ADDITIONAL INFORMATION.—In ad-
5 dition to the information that parents may re-
6 quest under subparagraph (A), a school that re-
7 ceives funds under this part shall provide to
8 each individual parent of a child who is a stu-
9 dent in such school, with respect to such stu-
10 dent—

11 “(i) information on the level of
12 achievement and academic growth of the
13 student, if applicable and available, on
14 each of the State academic assessments re-
15 quired under this part; and

16 “(ii) timely notice that the student
17 has been assigned, or has been taught for
18 4 or more consecutive weeks by, a teacher
19 who does not meet applicable State certifi-
20 cation or licensure requirements at the
21 grade level and subject area in which the
22 teacher has been assigned.

23 “(2) TESTING TRANSPARENCY.—

24 “(A) IN GENERAL.—At the beginning of
25 each school year, a local educational agency

1 that receives funds under this part shall notify
2 the parents of each student attending any
3 school receiving funds under this part that the
4 parents may request, and the local educational
5 agency will provide the parents on request (and
6 in a timely manner), information regarding any
7 State or local educational agency policy regard-
8 ing student participation in any assessments
9 mandated by section 1111(b)(2) and by the
10 State or local educational agency, which shall
11 include a policy, procedure, or parental right to
12 opt the child out of such assessment, where ap-
13 plicable.

14 “(B) ADDITIONAL INFORMATION.—Subject
15 to subparagraph (C), each local educational
16 agency that receives funds under this part shall
17 make widely available through public means (in-
18 cluding by posting in a clear and easily acces-
19 sible manner on the local educational agency’s
20 website and, where practicable, on the website
21 of each school served by the local educational
22 agency) for each grade served by the local edu-
23 cational agency, information on each assess-
24 ment required by the State to comply with sec-
25 tion 1111, other assessments required by the

1 State, and where such information is available
2 and feasible to report, assessments required dis-
3 trictwide by the local educational agency, in-
4 cluding—

5 “(i) the subject matter assessed;

6 “(ii) the purpose for which the assess-
7 ment is designed and used;

8 “(iii) the source of the requirement
9 for the assessment; and

10 “(iv) where such information is avail-
11 able—

12 “(I) the amount of time students
13 will spend taking the assessment, and
14 the schedule for the assessment; and

15 “(II) the time and format for dis-
16 seminating results.

17 “(C) LOCAL EDUCATIONAL AGENCY THAT
18 DOES NOT OPERATE A WEBSITE.—In the case
19 of a local educational agency that does not op-
20 erate a website, such local educational agency
21 shall determine how to make the information
22 described in subparagraph (A) widely available,
23 such as through distribution of that information
24 to the media, through public agencies, or di-
25 rectly to parents.

1 “(3) LANGUAGE INSTRUCTION.—

2 “(A) NOTICE.—Each local educational
3 agency using funds under this part or title III
4 to provide a language instruction educational
5 program as determined under title III shall, not
6 later than 30 days after the beginning of the
7 school year, inform parents of an English learn-
8 er identified for participation or participating in
9 such a program, of—

10 “(i) the reasons for the identification
11 of their child as an English learner and in
12 need of placement in a language instruc-
13 tion educational program;

14 “(ii) the child’s level of English pro-
15 ficiency, how such level was assessed, and
16 the status of the child’s academic achieve-
17 ment;

18 “(iii) the methods of instruction used
19 in the program in which their child is, or
20 will be, participating and the methods of
21 instruction used in other available pro-
22 grams, including how such programs differ
23 in content, instructional goals, and the use
24 of English and a native language in in-
25 struction;

1 “(iv) how the program in which their
2 child is, or will be, participating will meet
3 the educational strengths and needs of
4 their child;

5 “(v) how such program will specifi-
6 cally help their child learn English and
7 meet age-appropriate academic achieve-
8 ment standards for grade promotion and
9 graduation;

10 “(vi) the specific exit requirements for
11 the program, including the expected rate of
12 transition from such program into class-
13 rooms that are not tailored for English
14 learners, and the expected rate of gradua-
15 tion from high school (including four-year
16 adjusted cohort graduation rates and ex-
17 tended-year adjusted cohort graduation
18 rates for such program) if funds under this
19 part are used for children in high schools;

20 “(vii) in the case of a child with a dis-
21 ability, how such program meets the objec-
22 tives of the individualized education pro-
23 gram of the child, as described in section
24 614(d) of the Individuals with Disabilities
25 Education Act (20 U.S.C. 1414(d)); and

1 “(viii) information pertaining to pa-
2 rental rights that includes written guid-
3 ance—

4 “(I) detailing the right that par-
5 ents have to have their child imme-
6 diately removed from such program
7 upon their request;

8 “(II) detailing the options that
9 parents have to decline to enroll their
10 child in such program or to choose an-
11 other program or method of instruc-
12 tion, if available; and

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

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

1 instruction educational program consistent with
2 subparagraph (A).

3 “(C) PARENTAL PARTICIPATION.—

4 “(i) IN GENERAL.—Each local edu-
5 cational agency receiving funds under this
6 part shall implement an effective means of
7 outreach to parents of English learners to
8 inform the parents regarding how the par-
9 ents can—

10 “(I) be involved in the education
11 of their children; and

12 “(II) be active participants in as-
13 sisting their children to—

14 “(aa) attain English pro-
15 ficiency;

16 “(bb) achieve at high levels
17 within a well-rounded education;
18 and

19 “(cc) meet the challenging
20 State academic standards ex-
21 pected of all students.

22 “(ii) REGULAR MEETINGS.—Imple-
23 menting an effective means of outreach to
24 parents under clause (i) shall include hold-
25 ing, and sending notice of opportunities

1 for, regular meetings for the purpose of
2 formulating and responding to rec-
3 ommendations from parents of students
4 assisted under this part or title III.

5 “(D) BASIS FOR ADMISSION OR EXCLU-
6 SION.—A student shall not be admitted to, or
7 excluded from, any federally assisted education
8 program on the basis of a surname or language-
9 minority status.

10 “(4) NOTICE AND FORMAT.—The notice and in-
11 formation provided to parents under this subsection
12 shall be in an understandable and uniform format
13 and, to the extent practicable, provided in a lan-
14 guage that the parents can understand.”.

15 **SEC. 1007. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

16 Section 1113 (20 U.S.C. 6313) is amended—

17 (1) in subsection (a)—

18 (A) by striking paragraph (3) and insert-
19 ing the following:

20 “(3) RANKING ORDER.—

21 “(A) RANKING.—Except as provided in
22 subparagraph (B), if funds allocated in accord-
23 ance with subsection (c) are insufficient to serve
24 all eligible school attendance areas, a local edu-
25 cational 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 “(B) EXCEPTION.—A local educational
11 agency may lower the threshold in subpara-
12 graph (A)(i) to 50 percent for high schools
13 served by such agency.”; and

14 (B) by striking paragraph (5) and insert-
15 ing the following:

16 “(5) MEASURES.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), a local educational agency
19 shall use the same measure of poverty, which
20 measure shall be the number of children aged
21 5 through 17 in poverty counted in the most re-
22 cent census data approved by the Secretary, the
23 number of children eligible for a free or reduced
24 price lunch under the Richard B. Russell Na-
25 tional School Lunch Act (42 U.S.C. 1751 et

1 seq.), the number of children in families receiv-
2 ing assistance under the State program funded
3 under part A of title IV of the Social Security
4 Act, or the number of children eligible to re-
5 ceive medical assistance under the Medicaid
6 Program, or a composite of such indicators,
7 with respect to all school attendance areas in
8 the local educational agency—

9 “(i) to identify eligible school attend-
10 ance areas;

11 “(ii) to determine the ranking of each
12 area; and

13 “(iii) to determine allocations under
14 subsection (c).

15 “(B) SECONDARY SCHOOLS.—For meas-
16 uring the number of students in low-income
17 families in secondary schools, the local edu-
18 cational agency shall use the same measure of
19 poverty, which shall be—

20 “(i) the measure described under sub-
21 paragraph (A); or

22 “(ii) subject to meeting the conditions
23 of subparagraph (C), an accurate estimate
24 of the number of students in low-income
25 families in a secondary school that is cal-

1 culated by applying the average percentage
2 of students in low-income families of the
3 elementary school attendance areas as cal-
4 culated under subparagraph (A) that feed
5 into the secondary school to the number of
6 students enrolled in such school.

7 “(C) MEASURE OF POVERTY.—The local
8 educational agency shall have the option to use
9 the measure of poverty described in subpara-
10 graph (B)(ii) after—

11 “(i) conducting outreach to secondary
12 schools within such agency to inform such
13 schools of the option to use such measure;
14 and

15 “(ii) a majority of such schools have
16 approved the use of such measure.”;

17 (2) in subsection (b)(1)(D)(i), by striking “sec-
18 tion 1120A(c)” and inserting “section 1118(c)”; and

19 (3) in subsection (c)—

20 (A) by striking paragraph (3) and insert-
21 ing the following:

22 “(3) RESERVATION OF FUNDS.—

23 “(A) IN GENERAL.—A local educational
24 agency shall reserve such funds as are nec-
25 essary under this part, determined in accord-

1 ance with subparagraphs (B) and (C), to pro-
2 vide services comparable to those provided to
3 children in schools funded under this part to
4 serve—

5 “(i) homeless children and youths, in-
6 cluding providing educationally related
7 support services to children in shelters and
8 other locations where children may live;

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

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

15 “(B) METHOD OF DETERMINATION.—The
16 share of funds determined under subparagraph
17 (A) shall be determined—

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

20 “(ii) prior to any allowable expendi-
21 tures or transfers by the local educational
22 agency.

23 “(C) HOMELESS CHILDREN AND
24 YOUTHS.—Funds reserved under subparagraph
25 (A)(i) may be—

1 “(i) determined based on a needs as-
2 sessment of homeless children and youths
3 in the local educational agency, taking into
4 consideration the number and needs of
5 homeless children and youths in the local
6 educational agency, and which needs as-
7 sessment may be the same needs assess-
8 ment as conducted under section 723(b)(1)
9 of the McKinney-Vento Homeless Assist-
10 ance Act (42 U.S.C. 11433(b)(1)); and

11 “(ii) used to provide homeless children
12 and youths with services not ordinarily
13 provided to other students under this part,
14 including providing—

15 “(I) funding for the liaison des-
16 ignated pursuant to section
17 722(g)(1)(J)(ii) of such Act (42
18 U.S.C. 11432(g)(1)(J)(ii)); and

19 “(II) transportation pursuant to
20 section 722(g)(1)(J)(iii) of such Act
21 (42 U.S.C. 11432(g)(1)(J)(iii)).”;

22 (B) in paragraph (4), by striking “school
23 improvement, corrective action, and restruc-
24 turing under section 1116(b)” and inserting
25 “comprehensive support and improvement ac-

1 activities or targeted support and improvement
2 activities under section 1111(d)”; and

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

4 “(5) EARLY CHILDHOOD EDUCATION.—A local
5 educational agency may reserve funds made avail-
6 able to carry out this section to provide early child-
7 hood education programs for eligible children.”.

8 **SEC. 1008. SCHOOLWIDE PROGRAMS.**

9 Section 1114 (20 U.S.C. 6314) is amended—

10 (1) by striking subsection (a) and inserting the
11 following:

12 “(a) IN GENERAL.—

13 “(1) USE OF FUNDS FOR SCHOOLWIDE PRO-
14 GRAMS.—

15 “(A) ELIGIBILITY.—A local educational
16 agency may consolidate and use funds under
17 this part, together with other Federal, State,
18 and local funds, in order to upgrade the entire
19 educational program of a school that serves an
20 eligible school attendance area in which not less
21 than 40 percent of the children are from low-
22 income families, or not less than 40 percent of
23 the children enrolled in the school are from
24 such families.

1 “(B) EXCEPTION.—A school that serves an
2 eligible school attendance area in which less
3 than 40 percent of the children are from low-
4 income families, or a school for which less than
5 40 percent of the children enrolled in the school
6 are from such families, may operate a
7 schoolwide program under this section if the
8 school receives a waiver from the State edu-
9 cational agency to do so, after taking into ac-
10 count how a schoolwide program will best serve
11 the needs of the students in the school served
12 under this part in improving academic achieve-
13 ment and other factors.

14 “(2) IDENTIFICATION OF STUDENTS NOT RE-
15 QUIRED.—

16 “(A) IN GENERAL.—No school partici-
17 pating in a schoolwide program shall be re-
18 quired to identify—

19 “(i) particular children under this
20 part as eligible to participate in a
21 schoolwide program; or

22 “(ii) individual services as supple-
23 mentary.

24 “(B) SUPPLEMENTAL FUNDS.—In accord-
25 ance with the method of determination de-

1 scribed in section 1118(b)(2), a school partici-
2 pating in a schoolwide program shall use funds
3 available to carry out this section only to sup-
4 plement the amount of funds that would, in the
5 absence of funds under this part, be made
6 available from non-Federal sources for the
7 school, including funds needed to provide serv-
8 ices that are required by law for children with
9 disabilities and English learners.

10 “(3) EXEMPTION FROM STATUTORY AND REGU-
11 LATORY REQUIREMENTS.—

12 “(A) EXEMPTION.—Except as provided in
13 paragraph (2), the Secretary may, through pub-
14 lication of a notice in the Federal Register, ex-
15 empt schoolwide programs under this section
16 from statutory or regulatory provisions of any
17 other noncompetitive formula grant program
18 administered by the Secretary (other than for-
19 mula or discretionary grant programs under the
20 Individuals with Disabilities Education Act (20
21 U.S.C. 1400 et seq.), except as provided in sec-
22 tion 613(a)(2)(D) of such Act (20 U.S.C.
23 1413(a)(2)(D))), or any discretionary grant
24 program administered by the Secretary, to sup-

1 port schoolwide programs if the intent and pur-
2 poses of such other programs are met.

3 “(B) REQUIREMENTS.—A school that
4 chooses to use funds from such other programs
5 shall not be relieved of the requirements relat-
6 ing to health, safety, civil rights, student and
7 parental participation and involvement, services
8 to private school children, comparability of serv-
9 ices, maintenance of effort, uses of Federal
10 funds to supplement, not supplant non-Federal
11 funds (in accordance with the method of deter-
12 mination described in section 1118(b)(2)), or
13 the distribution of funds to State educational
14 agencies or local educational agencies that
15 apply to the receipt of funds from such pro-
16 grams.

17 “(C) RECORDS.—A school that chooses to
18 consolidate and use funds from different Fed-
19 eral programs under this section shall not be
20 required to maintain separate fiscal accounting
21 records, by program, that identify the specific
22 activities supported by those particular funds as
23 long as the school maintains records that dem-
24 onstrate that the schoolwide program, consid-
25 ered as a whole, addresses the intent and pur-

1 poses of each of the Federal programs that
2 were consolidated to support the schoolwide
3 program.”;

4 (2) by striking subsection (b) and inserting the
5 following:

6 “(b) SCHOOLWIDE PROGRAM PLAN.—An eligible
7 school operating a schoolwide program shall develop a
8 comprehensive plan (or amend a plan for such a program
9 that was in existence on the day before the date of the
10 enactment of the Every Student Succeeds Act) that—

11 “(1) is developed during a 1-year period, un-
12 less—

13 “(A) the local educational agency deter-
14 mines, in consultation with the school, that less
15 time is needed to develop and implement the
16 schoolwide program; or

17 “(B) the school is operating a schoolwide
18 program on the day before the date of the en-
19 actment of the Every Student Succeeds Act, in
20 which case such school may continue to operate
21 such program, but shall develop amendments to
22 its existing plan during the first year of assist-
23 ance after that date to reflect the provisions of
24 this section;

1 “(2) is developed with the involvement of par-
2 ents and other members of the community to be
3 served and individuals who will carry out such plan,
4 including teachers, principals, other school leaders,
5 paraprofessionals present in the school, administra-
6 tors (including administrators of programs described
7 in other parts of this title), the local educational
8 agency, to the extent feasible, tribes and tribal orga-
9 nizations present in the community, and, if appro-
10 priate, specialized instructional support personnel,
11 technical assistance providers, school staff, if the
12 plan relates to a secondary school, students, and
13 other individuals determined by the school;

14 “(3) remains in effect for the duration of the
15 school’s participation under this part, except that
16 the plan and its implementation shall be regularly
17 monitored and revised as necessary based on student
18 needs to ensure that all students are provided oppor-
19 tunities to meet the challenging State academic
20 standards;

21 “(4) is available to the local educational agency,
22 parents, and the public, and the information con-
23 tained in such plan shall be in an understandable
24 and uniform format and, to the extent practicable,

1 provided in a language that the parents can under-
2 stand; and

3 “(5) if appropriate and applicable, is developed
4 in coordination and integration with other Federal,
5 State, and local services, resources, and programs,
6 such as programs supported under this Act, violence
7 prevention programs, nutrition programs, housing
8 programs, Head Start programs, adult education
9 programs, career and technical education programs,
10 and schools implementing comprehensive support
11 and improvement activities or targeted support and
12 improvement activities under section 1111(d);

13 “(6) is based on a comprehensive needs assess-
14 ment of the entire school that takes into account in-
15 formation on the academic achievement of children
16 in relation to the challenging State academic stand-
17 ards, particularly the needs of those children who
18 are failing, or are at-risk of failing, to meet the chal-
19 lenging State academic standards and any other fac-
20 tors as determined by the local educational agency;
21 and

22 “(7) includes a description of—

23 “(A) the strategies that the school will be
24 implementing to address school needs, including
25 a description of how such strategies will—

1 “(i) provide opportunities for all chil-
2 dren, including each of the subgroups of
3 students (as defined in section 1111(e)(2))
4 to meet the challenging State academic
5 standards;

6 “(ii) use methods and instructional
7 strategies that strengthen the academic
8 program in the school, increase the amount
9 and quality of learning time, and help pro-
10 vide an enriched and accelerated cur-
11 riculum, which may include programs, ac-
12 tivities, and courses necessary to provide a
13 well-rounded education; and

14 “(iii) address the needs of all children
15 in the school, but particularly the needs of
16 those at risk of not meeting the chal-
17 lenging State academic standards, through
18 activities which may include—

19 “(I) counseling, school-based
20 mental health programs, specialized
21 instructional support services, men-
22 toring services, and other strategies to
23 improve students’ skills outside the
24 academic subject areas;

1 “(II) preparation for and aware-
2 ness of opportunities for postsec-
3 ondary education and the workforce,
4 which may include career and tech-
5 nical education programs and broad-
6 ening secondary school students’ ac-
7 cess to coursework to earn postsec-
8 ondary credit while still in high school
9 (such as Advanced Placement, Inter-
10 national Baccalaureate, dual or con-
11 current enrollment, or early college
12 high schools);

13 “(III) implementation of a
14 schoolwide tiered model to prevent
15 and address problem behavior, and
16 early intervening services, coordinated
17 with similar activities and services
18 carried out under the Individuals with
19 Disabilities Education Act (20 U.S.C.
20 1400 et seq.);

21 “(IV) professional development
22 and other activities for teachers, para-
23 professionals, and other school per-
24 sonnel to improve instruction and use
25 of data from academic assessments,

1 and to recruit and retain effective
2 teachers, particularly in high-need
3 subjects; and

4 “(V) strategies for assisting pre-
5 school children in the transition from
6 early childhood education programs to
7 local elementary school programs; and

8 “(B) if programs are consolidated, the spe-
9 cific State educational agency and local edu-
10 cational agency programs and other Federal
11 programs that will be consolidated in the
12 schoolwide program.”;

13 (3) by striking subsection (c) and inserting the
14 following:

15 “(c) PRESCHOOL PROGRAMS.—A school that oper-
16 ates a schoolwide program under this section may use
17 funds available under this part to establish or enhance
18 preschool programs for children who are under 6 years
19 of age.

20 “(d) DELIVERY OF SERVICES.—The services of a
21 schoolwide program under this section may be delivered
22 by nonprofit or for-profit external providers with expertise
23 in using evidence-based or other effective strategies to im-
24 prove student achievement.

1 “(e) USE OF FUNDS FOR DUAL OR CONCURRENT
2 ENROLLMENT PROGRAMS.—

3 “(1) IN GENERAL.—A secondary school oper-
4 ating a schoolwide program under this section may
5 use funds received under this part to operate dual
6 or concurrent enrollment programs that address the
7 needs of low-achieving secondary school students and
8 those at risk of not meeting the challenging State
9 academic standards.

10 “(2) FLEXIBILITY OF FUNDS.—A secondary
11 school using funds received under this part for a
12 dual or concurrent enrollment program described in
13 paragraph (1) may use such funds for any of the
14 costs associated with such program, including the
15 costs of—

16 “(A) training for teachers, and joint pro-
17 fessional development for teachers in collabora-
18 tion with career and technical educators and
19 educators from institutions of higher education,
20 where appropriate, for the purpose of inte-
21 grating rigorous academics in such program;

22 “(B) tuition and fees, books, required in-
23 structional materials for such program, and in-
24 novative delivery methods; and

1 “(C) transportation to and from such pro-
2 gram.

3 “(3) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to impose on any
5 State any requirement or rule regarding dual or con-
6 current enrollment programs that is inconsistent
7 with State law.”.

8 **SEC. 1009. TARGETED ASSISTANCE SCHOOLS.**

9 Section 1115 (20 U.S.C. 6315) is amended—

10 (1) by striking subsection (a) and inserting the
11 following:

12 “(a) IN GENERAL.—In all schools selected to receive
13 funds under section 1113(c) that are ineligible for a
14 schoolwide program under section 1114, have not received
15 a waiver under section 1114(a)(1)(B) to operate such a
16 schoolwide program, or choose not to operate such a
17 schoolwide program, a local educational agency serving
18 such school may use funds received under this part only
19 for programs that provide services to eligible children
20 under subsection (c) identified as having the greatest need
21 for special assistance.”;

22 (2) by redesignating subsections (b) and (c) as
23 subsections (c) and (b), respectively, and moving
24 those redesignated subsections so as to appear in al-
25 phabetical order;

1 (3) by striking subsection (b), as redesignated
2 by paragraph (2), and inserting the following:

3 “(b) TARGETED ASSISTANCE SCHOOL PROGRAM.—

4 To assist targeted assistance schools and local educational
5 agencies to meet their responsibility to provide for all their
6 students served under this part the opportunity to meet
7 the challenging State academic standards, each targeted
8 assistance program under this section shall—

9 “(1) determine which students will be served;

10 “(2) serve participating students identified as
11 eligible children under subsection (c), including by—

12 “(A) using resources under this part to
13 help eligible children meet the challenging State
14 academic standards, which may include pro-
15 grams, activities, and academic courses nec-
16 essary to provide a well-rounded education;

17 “(B) using methods and instructional
18 strategies to strengthen the academic program
19 of the school through activities, which may in-
20 clude—

21 “(i) expanded learning time, before-
22 and after-school programs, and summer
23 programs and opportunities; and

24 “(ii) a schoolwide tiered model to pre-
25 vent and address behavior problems, and

1 early intervening services, coordinated with
2 similar activities and services carried out
3 under the Individuals with Disabilities
4 Education Act (20 U.S.C. 1400 et seq.);

5 “(C) coordinating with and supporting the
6 regular education program, which may include
7 services to assist preschool children in the tran-
8 sition from early childhood education programs
9 such as Head Start, the literacy program under
10 subpart 2 of part B of title II, or State-run pre-
11 school programs to elementary school programs;

12 “(D) providing professional development
13 with resources provided under this part, and, to
14 the extent practicable, from other sources, to
15 teachers, principals, other school leaders, para-
16 professionals, and, if appropriate, specialized in-
17 structional support personnel, and other school
18 personnel who work with eligible children in
19 programs under this section or in the regular
20 education program;

21 “(E) implementing strategies to increase
22 the involvement of parents of eligible children in
23 accordance with section 1116; and

24 “(F) if appropriate and applicable, coordi-
25 nating and integrating Federal, State, and local

1 services and programs, such as programs sup-
2 ported under this Act, violence prevention pro-
3 grams, nutrition programs, housing programs,
4 Head Start programs, adult education pro-
5 grams, career and technical education pro-
6 grams, and comprehensive support and im-
7 provement activities or targeted support and
8 improvement activities under section 1111(d);
9 and

10 “(G) provide to the local educational agen-
11 cy assurances that the school will—

12 “(i) help provide an accelerated, high-
13 quality curriculum;

14 “(ii) minimize the removal of children
15 from the regular classroom during regular
16 school hours for instruction provided under
17 this part; and

18 “(iii) on an ongoing basis, review the
19 progress of eligible children and revise the
20 targeted assistance program under this
21 section, if necessary, to provide additional
22 assistance to enable such children to meet
23 the challenging State academic stand-
24 ards.”;

1 (4) in subsection (c), as redesignated by para-
2 graph (2)—

3 (A) in paragraph (1)(B)—

4 (i) by striking “the State’s challenging
5 student academic achievement standards”
6 and inserting “the challenging State aca-
7 demic standards”; and

8 (ii) by striking “such criteria as
9 teacher judgment, interviews with parents,
10 and developmentally appropriate meas-
11 ures” and inserting “criteria, including ob-
12 jective criteria, established by the local
13 educational agency and supplemented by
14 the school”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (A), by striking
17 “limited English proficient children” and
18 inserting “English learners”;

19 (ii) in subparagraph (B)—

20 (I) by striking the heading and
21 inserting “HEAD START AND PRE-
22 SCHOOL CHILDREN”; and

23 (II) by striking “Head Start,
24 Even Start, or Early Reading First
25 program,” and inserting “Head Start

1 program, the literacy program under
2 subpart 2 of part B of title II,”; and
3 (iii) in subparagraph (C), by striking
4 the heading and inserting “MIGRANT CHIL-
5 DREN”;

6 (5) in subsection (e)—

7 (A) in paragraph (2)(B)—

8 (i) by striking “and” at the end of
9 clause (ii);

10 (ii) by redesignating clause (iii) as
11 clause (v); and

12 (iii) by inserting after clause (ii) the
13 following new clauses:

14 “(iii) family support and engagement
15 services;

16 “(iv) integrated student supports;
17 and”;

18 (iv) in clause (v), as redesignated by
19 clause (iii), by striking “pupil services”
20 and inserting “specialized instructional
21 support”;

22 (B) by striking paragraph (3); and

23 (6) by adding at the end the following:

24 “(f) USE OF FUNDS FOR DUAL OR CONCURRENT EN-
25 ROLLMENT PROGRAMS.—A secondary school operating a

1 targeted assistance program under this section may use
2 funds received under this part to provide dual or concur-
3 rent enrollment program services described under section
4 1114(e) to eligible children under subsection (c)(1)(B)
5 who are identified as having the greatest need for special
6 assistance.

7 “(g) PROHIBITION.—Nothing in this section shall be
8 construed to authorize the Secretary or any other officer
9 or employee of the Federal Government to require a local
10 educational agency or school to submit the results of a
11 comprehensive needs assessment or plan under section
12 1114(b), or a program described in subsection (b), for re-
13 view or approval by the Secretary.

14 “(h) DELIVERY OF SERVICES.—The services of a tar-
15 geted assistance program under this section may be deliv-
16 ered by nonprofit or for-profit external providers with ex-
17 pertise in using evidence-based or other effective strategies
18 to improve student achievement.”.

19 **SEC. 1010. PARENT AND FAMILY ENGAGEMENT.**

20 Section 1116, as redesignated by section 1000(2), is
21 amended—

22 (1) in the section heading, by striking “**PAREN-**
23 **TAL INVOLVEMENT**” and inserting “**PARENT AND**
24 **FAMILY ENGAGEMENT**”;

25 (2) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) by inserting “conducts outreach to
3 all parents and family members and” after
4 “only if such agency”; and

5 (ii) by inserting “and family mem-
6 bers” after “and procedures for the in-
7 volvement of parents”;

8 (B) in paragraph (2)—

9 (i) in the matter preceding subpara-
10 graph (A)—

11 (I) by inserting “and family
12 members” after “, and distribute to,
13 parents”;

14 (II) by striking “written parent
15 involvement policy” and inserting
16 “written parent and family engage-
17 ment policy”; and

18 (III) by striking “expectations
19 for parent involvement” and inserting
20 “expectations and objectives for mean-
21 ingful parent and family involve-
22 ment”; and

23 (ii) by striking subparagraphs (A)
24 through (F) and inserting the following:

1 “(A) involve parents and family members
2 in jointly developing the local educational agen-
3 cy plan under section 1112, and the develop-
4 ment of support and improvement plans under
5 paragraphs (1) and (2) of section 1111(d).

6 “(B) provide the coordination, technical as-
7 sistance, and other support necessary to assist
8 and build the capacity of all participating
9 schools within the local educational agency in
10 planning and implementing effective parent and
11 family involvement activities to improve student
12 academic achievement and school performance,
13 which may include meaningful consultation with
14 employers, business leaders, and philanthropic
15 organizations, or individuals with expertise in
16 effectively engaging parents and family mem-
17 bers in education;

18 “(C) coordinate and integrate parent and
19 family engagement strategies under this part
20 with parent and family engagement strategies,
21 to the extent feasible and appropriate, with
22 other relevant Federal, State, and local laws
23 and programs;

24 “(D) conduct, with the meaningful involve-
25 ment of parents and family members, an annual

1 evaluation of the content and effectiveness of
2 the parent and family engagement policy in im-
3 proving the academic quality of all schools
4 served under this part, including identifying—

5 “(i) barriers to greater participation
6 by parents in activities authorized by this
7 section (with particular attention to par-
8 ents who are economically disadvantaged,
9 are disabled, have limited English pro-
10 ficiency, have limited literacy, or are of any
11 racial or ethnic minority background);

12 “(ii) the needs of parents and family
13 members to assist with the learning of
14 their children, including engaging with
15 school personnel and teachers; and

16 “(iii) strategies to support successful
17 school and family interactions;

18 “(E) use the findings of such evaluation in
19 subparagraph (D) to design evidence-based
20 strategies for more effective parental involve-
21 ment, and to revise, if necessary, the parent
22 and family engagement policies described in this
23 section; and

24 “(F) involve parents in the activities of the
25 schools served under this part, which may in-

1 clude establishing a parent advisory board com-
2 prised of a sufficient number and representative
3 group of parents or family members served by
4 the local educational agency to adequately rep-
5 resent the needs of the population served by
6 such agency for the purposes of developing, re-
7 vising, and reviewing the parent and family en-
8 gagement policy.”; and

9 (C) in paragraph (3)—

10 (i) by striking subparagraph (A) and
11 inserting the following:

12 “(A) IN GENERAL.—Each local educational
13 agency shall reserve at least 1 percent of its al-
14 location under subpart 2 to assist schools to
15 carry out the activities described in this section,
16 except that this subparagraph shall not apply if
17 1 percent of such agency’s allocation under sub-
18 part 2 for the fiscal year for which the deter-
19 mination is made is \$5,000 or less. Nothing in
20 this subparagraph shall be construed to limit
21 local educational agencies from reserving more
22 than 1 percent of its allocation under subpart
23 2 to assist schools to carry out activities de-
24 scribed in this section.”;

1 (ii) in subparagraph (B), by striking
2 “(B) PARENTAL INPUT.—Parents of chil-
3 dren” and inserting “(B) PARENT AND
4 FAMILY MEMBER INPUT.—Parents and
5 family members of children”;

6 (iii) in subparagraph (C)—

7 (I) by striking “95 percent” and
8 inserting “90 percent”; and

9 (II) by inserting “, with priority
10 given to high-need schools” after
11 “schools served under this part”; and

12 (iv) by adding at the end the fol-
13 lowing:

14 “(D) USE OF FUNDS.—Funds reserved
15 under subparagraph (A) by a local educational
16 agency shall be used to carry out activities and
17 strategies consistent with the local educational
18 agency’s parent and family engagement policy,
19 including not less than 1 of the following:

20 “(i) Supporting schools and nonprofit
21 organizations in providing professional de-
22 velopment for local educational agency and
23 school personnel regarding parent and
24 family engagement strategies, which may
25 be provided jointly to teachers, principals,

1 other school leaders, specialized instruc-
2 tional support personnel, paraprofessionals,
3 early childhood educators, and parents and
4 family members.

5 “(ii) Supporting programs that reach
6 parents and family members at home, in
7 the community, and at school.

8 “(iii) Disseminating information on
9 best practices focused on parent and family
10 engagement, especially best practices for
11 increasing the engagement of economically
12 disadvantaged parents and family mem-
13 bers.

14 “(iv) Collaborating, or providing sub-
15 grants to schools to enable such schools to
16 collaborate, with community-based or other
17 organizations or employers with a record of
18 success in improving and increasing parent
19 and family engagement.

20 “(v) Engaging in any other activities
21 and strategies that the local educational
22 agency determines are appropriate and
23 consistent with such agency’s parent and
24 family engagement policy.”;

25 (3) in subsection (b)—

1 (A) in the subsection heading, by striking
2 “PARENTAL INVOLVEMENT POLICY” and in-
3 serting “PARENT AND FAMILY ENGAGEMENT
4 POLICY”;

5 (B) in paragraph (1)—

6 (i) by inserting “and family members”
7 after “distribute to, parents”; and

8 (ii) by striking “written parental in-
9 volvement policy” and inserting “written
10 parent and family engagement policy”;

11 (C) in paragraph (2)—

12 (i) by striking “parental involvement
13 policy” and inserting “parent and family
14 engagement policy”; and

15 (ii) by inserting “and family mem-
16 bers” after “that applies to all parents”;
17 and

18 (D) in paragraph (3)—

19 (i) by striking “parental involvement
20 policy” and inserting “parent and family
21 engagement policy”; and

22 (ii) by inserting “and family members
23 in all schools served by the local edu-
24 cational agency” after “policy that applies
25 to all parents”;

1 (4) in subsection (c)—

2 (A) in paragraph (3)—

3 (i) by striking “parental involvement
4 policy” and inserting “parent and family
5 engagement policy”; and

6 (ii) by striking “1114(b)(2)” and in-
7 serting “1114(b)”;

8 (B) in paragraph (4)(B), by striking “the
9 proficiency levels students are expected to
10 meet” and inserting “the achievement levels of
11 the challenging State academic standards”; and

12 (C) in paragraph (5), by striking
13 “1114(b)(2)” and inserting “1114(b)”;

14 (5) in subsection (d)—

15 (A) in the matter preceding paragraph (1),
16 by striking “parental involvement policy” and
17 inserting “parent and family engagement pol-
18 icy”;

19 (B) in paragraph (1)—

20 (i) by striking “the State’s student
21 academic achievement standards” and in-
22 serting “the challenging State academic
23 standards”; and

1 (ii) by striking “, such as monitoring
2 attendance, homework completion, and tel-
3 evision watching”; and

4 (C) in paragraph (2)—

5 (i) in subparagraph (B), by striking
6 “and” after the semicolon;

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

9 (iii) by adding at the end the fol-
10 lowing:

11 “(D) ensuring regular two-way, meaningful
12 communication between family members and
13 school staff, and, to the extent practicable, in a
14 language that family members can under-
15 stand.”;

16 (6) in subsection (e)—

17 (A) in paragraph (1), by striking “the
18 State’s academic content standards and State
19 student academic achievement standards” and
20 inserting “the challenging State academic
21 standards”;

22 (B) in paragraph (2), by striking “tech-
23 nology” and inserting “technology (including
24 education about the harms of copyright pi-
25 racy)”;

1 (C) in paragraph (3), by striking “pupil
2 services personnel, principals” and inserting
3 “specialized instructional support personnel,
4 principals, and other school leaders”; and

5 (D) in paragraph (4), by striking “Head
6 Start, Reading First, Early Reading First,
7 Even Start, the Home Instruction Programs for
8 Preschool Youngsters, the Parents as Teachers
9 Program, and public preschool and other pro-
10 grams,” and inserting “other Federal, State,
11 and local programs, including public preschool
12 programs,”;

13 (7) by striking subsection (f) and inserting the
14 following:

15 “(f) ACCESSIBILITY.—In carrying out the parent and
16 family engagement requirements of this part, local edu-
17 cational agencies and schools, to the extent practicable,
18 shall provide opportunities for the informed participation
19 of parents and family members (including parents and
20 family members who have limited English proficiency, par-
21 ents and family members with disabilities, and parents
22 and family members of migratory children), including pro-
23 viding information and school reports required under sec-
24 tion 1111 in a format and, to the extent practicable, in
25 a language such parents understand.”;

1 (8) by striking subsection (g) and inserting the
2 following:

3 “(g) FAMILY ENGAGEMENT IN EDUCATION PRO-
4 GRAMS.—In a State operating a program under part E
5 of title IV, each local educational agency or school that
6 receives assistance under this part shall inform parents
7 and organizations of the existence of the program.”; and
8 (9) in subsection (h), by striking “parental in-
9 volvement policies” and inserting “parent and family
10 engagement policies”.

11 **SEC. 1011. PARTICIPATION OF CHILDREN ENROLLED IN**
12 **PRIVATE SCHOOLS.**

13 Section 1117, as redesignated by section 1000(3), is
14 amended—

15 (1) in subsection (a)—

16 (A) by striking paragraph (1) and insert-
17 ing the following:

18 “(1) IN GENERAL.—To the extent consistent
19 with the number of eligible children identified under
20 section 1115(c) in the school district served by a
21 local educational agency who are enrolled in private
22 elementary schools and secondary schools, a local
23 educational agency shall—

24 “(A) after timely and meaningful consulta-
25 tion with appropriate private school officials,

1 provide such children, on an equitable basis and
2 individually or in combination, as requested by
3 the officials to best meet the needs of such chil-
4 dren, special educational services, instructional
5 services (including evaluations to determine the
6 progress being made in meeting such students'
7 academic needs), counseling, mentoring, one-on-
8 one tutoring, or other benefits under this part
9 (such as dual or concurrent enrollment, edu-
10 cational radio and television, computer equip-
11 ment and materials, other technology, and mo-
12 bile educational services and equipment) that
13 address their needs; and

14 “(B) ensure that teachers and families of
15 the children participate, on an equitable basis,
16 in services and activities developed pursuant to
17 section 1116.”;

18 (B) by striking paragraph (3) and insert-
19 ing the following:

20 “(3) EQUITY.—

21 “(A) IN GENERAL.—Educational services
22 and other benefits for such private school chil-
23 dren shall be equitable in comparison to serv-
24 ices and other benefits for public school chil-

1 dren participating under this part, and shall be
2 provided in a timely manner.

3 “(B) OMBUDSMAN.—To help ensure such
4 equity for such private school children, teach-
5 ers, and other educational personnel, the State
6 educational agency involved shall designate an
7 ombudsman to monitor and enforce the require-
8 ments of this part.”;

9 (C) by striking paragraph (4) and insert-
10 ing the following:

11 “(4) EXPENDITURES.—

12 “(A) DETERMINATION.—

13 “(i) IN GENERAL.—Expenditures for
14 educational services and other benefits to
15 eligible private school children shall be
16 equal to the proportion of funds allocated
17 to participating school attendance areas
18 based on the number of children from low-
19 income families who attend private schools.

20 “(ii) PROPORTIONAL SHARE.—The
21 proportional share of funds shall be deter-
22 mined based on the total amount of funds
23 received by the local educational agency
24 under this part prior to any allowable ex-

1 penditures or transfers by the local edu-
2 cational agency.

3 “(B) OBLIGATION OF FUNDS.—Funds allo-
4 cated to a local educational agency for edu-
5 cational services and other benefits to eligible
6 private school children shall be obligated in the
7 fiscal year for which the funds are received by
8 the agency.

9 “(C) NOTICE OF ALLOCATION.—Each
10 State educational agency shall provide notice in
11 a timely manner to the appropriate private
12 school officials in the State of the allocation of
13 funds for educational services and other bene-
14 fits under this part that the local educational
15 agencies have determined are available for eligi-
16 ble private school children.

17 “(D) TERM OF DETERMINATION.—The
18 local educational agency may determine the eq-
19 uitable share under subparagraph (A) each year
20 or every 2 years.”; and

21 (D) in paragraph (5), by striking “agency”
22 and inserting “agency, or, in a case described
23 in subsection (b)(6)(C), the State educational
24 agency involved,”;

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “part,” and insert-
4 ing “part. Such agency and private school
5 officials shall both have the goal of reach-
6 ing agreement on how to provide equitable
7 and effective programs for eligible private
8 school children, the results of which agree-
9 ment shall be transmitted to the ombuds-
10 man designated under subsection
11 (a)(3)(B). Such process shall include con-
12 sultation”;

13 (ii) in subparagraph (E)—

14 (I) by striking “and” before “the
15 proportion of funds”;

16 (II) by striking “(a)(4)” and in-
17 serting “(a)(4)(A)” ; and

18 (III) by inserting “, and how that
19 proportion of funds is determined”
20 after “such services”;

21 (iii) in subparagraph (G), by striking
22 “and” after the semicolon;

23 (iv) in subparagraph (H), by striking
24 the period at the end and inserting a semi-
25 colon; and

1 (v) by adding at the end the following:

2 “(I) whether the agency shall provide serv-
3 ices directly or through a separate government
4 agency, consortium, entity, or third-party con-
5 tractor;

6 “(J) whether to provide equitable services
7 to eligible private school children—

8 “(i) by creating a pool or pools of
9 funds with all of the funds allocated under
10 subsection (a)(4)(A) based on all the chil-
11 dren from low-income families in a partici-
12 pating school attendance area who attend
13 private schools; or

14 “(ii) in the agency’s participating
15 school attendance area who attend private
16 schools with the proportion of funds allo-
17 cated under subsection (a)(4)(A) based on
18 the number of children from low-income
19 families who attend private schools;

20 “(K) when, including the approximate time
21 of day, services will be provided; and

22 “(L) whether to consolidate and use funds
23 provided under subsection (a)(4) in coordina-
24 tion with eligible funds available for services to
25 private school children under applicable pro-

1 grams, as defined in section 8501(b)(1) to pro-
2 vide services to eligible private school children
3 participating in programs.”;

4 (B) by redesignating paragraphs (2)
5 through (5) as paragraphs (3) through (6), re-
6 spectively;

7 (C) by inserting after paragraph (1) the
8 following:

9 “(2) DISAGREEMENT.—If a local educational
10 agency disagrees with the views of private school of-
11 ficials with respect to an issue described in para-
12 graph (1), the local educational agency shall provide
13 in writing to such private school officials the reasons
14 why the local educational agency disagrees.”;

15 (D) in paragraph (5) (as redesignated by
16 subparagraph (B))—

17 (i) by inserting “meaningful” before
18 “consultation” in the first sentence;

19 (ii) by inserting “The written affirma-
20 tion shall provide the option for private
21 school officials to indicate such officials’
22 belief that timely and meaningful consulta-
23 tion has not occurred or that the program
24 design is not equitable with respect to eli-

1 gible private school children.” after “oc-
2 curred.”; and

3 (iii) by striking “has taken place” and
4 inserting “has, or attempts at such con-
5 sultation have, taken place”; and

6 (E) in paragraph (6) (as redesignated by
7 subparagraph (B))—

8 (i) in subparagraph (A)—

9 (I) by striking “right to complain
10 to” and inserting “right to file a com-
11 plaint with”;

12 (II) by inserting “asserting”
13 after “State educational agency”;

14 (III) by striking “or” before “did
15 not give due consideration”; and

16 (IV) by inserting “, or did not
17 make a decision that treats the pri-
18 vate school students equitably as re-
19 quired by this section” before the pe-
20 riod at the end;

21 (ii) in subparagraph (B), by striking
22 “to complain,” and inserting “to file a
23 complaint,”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(C) STATE EDUCATIONAL AGENCIES.—A
2 State educational agency shall provide services
3 under this section directly or through contracts
4 with public or private agencies, organizations,
5 or institutions, if the appropriate private school
6 officials have—

7 “(i) requested that the State edu-
8 cational agency provide such services di-
9 rectly; and

10 “(ii) demonstrated that the local edu-
11 cational agency involved has not met the
12 requirements of this section in accordance
13 with the procedures for making such a re-
14 quest, as prescribed by the State edu-
15 cational agency.”;

16 (3) in subsection (c)(2), by striking “section
17 9505” and inserting “section 8503”; and

18 (4) in subsection (e)(2), by striking “sections
19 9503 and 9504” and inserting “sections 8503 and
20 8504”.

21 **SEC. 1012. SUPPLEMENT, NOT SUPPLANT.**

22 Section 1118, as redesignated by section 1000(4), is
23 amended—

24 (1) in subsection (a), by striking “section
25 9521” and inserting “section 8521”; and

1 (2) by striking subsection (b) and inserting the
2 following:

3 “(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
4 PLANT, NON-FEDERAL FUNDS.—

5 “(1) IN GENERAL.—A State educational agency
6 or local educational agency shall use Federal funds
7 received under this part only to supplement the
8 funds that would, in the absence of such Federal
9 funds, be made available from State and local
10 sources for the education of students participating in
11 programs assisted under this part, and not to sup-
12 plant such funds.

13 “(2) COMPLIANCE.—To demonstrate compli-
14 ance with paragraph (1), a local educational agency
15 shall demonstrate that the methodology used to allo-
16 cate State and local funds to each school receiving
17 assistance under this part ensures that such school
18 receives all of the State and local funds it would oth-
19 erwise receive if it were not receiving assistance
20 under this part.

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

23 “(A) identify that an individual cost or
24 service supported under this part is supple-
25 mental; or

1 “(B) provide services under this part
2 through a particular instructional method or in
3 a particular instructional setting in order to
4 demonstrate such agency’s compliance with
5 paragraph (1).

6 “(4) PROHIBITION.—Nothing in this section
7 shall be construed to authorize or permit the Sec-
8 retary to prescribe the specific methodology a local
9 educational agency uses to allocate State and local
10 funds to each school receiving assistance under this
11 part.

12 “(5) TIMELINE.—A local educational agency—

13 “(A) shall meet the compliance require-
14 ment under paragraph (2) not later than 2
15 years after the date of enactment of the Every
16 Student Succeeds Act; and

17 “(B) may demonstrate compliance with the
18 requirement under paragraph (1) before the
19 end of such 2-year period using the method
20 such local educational agency used on the day
21 before the date of enactment of the Every Stu-
22 dent Succeeds Act.”.

23 **SEC. 1013. COORDINATION REQUIREMENTS.**

24 Section 1119, as redesignated by section 1000(5), is
25 amended—

1 (1) in subsection (a)—

2 (A) by striking “such as the Early Reading
3 First program”; and

4 (B) by adding at the end the following new
5 sentence: “Each local educational agency shall
6 develop agreements with such Head Start agen-
7 cies and other entities to carry out such activi-
8 ties.”; and

9 (2) in subsection (b)—

10 (A) in the matter preceding paragraph (1),
11 by striking “early childhood development pro-
12 grams, such as the Early Reading First pro-
13 gram,” and inserting “early childhood edu-
14 cation programs”;

15 (B) in paragraph (1), by striking “early
16 childhood development program such as the
17 Early Reading First program” and inserting
18 “early childhood education program”;

19 (C) in paragraph (2), by striking “early
20 childhood development programs such as the
21 Early Reading First program” and inserting
22 “early childhood education programs”;

23 (D) in paragraph (3), by striking “early
24 childhood development programs such as the

1 Early Reading First program” and inserting
2 “early childhood education programs”;

3 (E) in paragraph (4)—

4 (i) by striking “Early Reading First
5 program staff,”; and

6 (ii) by striking “early childhood devel-
7 opment program” and inserting “early
8 childhood education program”; and

9 (F) in paragraph (5), by striking “and en-
10 tities carrying out Early Reading First pro-
11 grams”.

12 **SEC. 1014. GRANTS FOR THE OUTLYING AREAS AND THE**
13 **SECRETARY OF THE INTERIOR.**

14 Section 1121 (20 U.S.C. 6331) is amended to read
15 as follows:

16 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**
17 **SECRETARY OF THE INTERIOR.**

18 “(a) RESERVATION OF FUNDS.—Subject to sub-
19 section (e), from the amount appropriated for payments
20 to States for any fiscal year under section 1002(a), the
21 Secretary shall—

22 “(1) reserve 0.4 percent to provide assistance to
23 the outlying areas in accordance with subsection (b);
24 and

1 “(2) reserve 0.7 percent to provide assistance to
2 the Secretary of the Interior in accordance with sub-
3 section (d).

4 “(b) ASSISTANCE TO OUTLYING AREAS.—

5 “(1) FUNDS RESERVED.—From the amount
6 made available for any fiscal year under subsection
7 (a)(1), the Secretary shall—

8 “(A) first reserve \$1,000,000 for the Re-
9 public of Palau, until Palau enters into an
10 agreement for extension of United States edu-
11 cational assistance under the Compact of Free
12 Association, and subject to such terms and con-
13 ditions as the Secretary may establish, except
14 that Public Law 95–134, permitting the con-
15 solidation of grants, shall not apply; and

16 “(B) use the remaining funds to award
17 grants to the outlying areas in accordance with
18 paragraphs (2) through (5).

19 “(2) AMOUNT OF GRANTS.—The Secretary shall
20 allocate the amount available under paragraph
21 (1)(B) to the outlying areas in proportion to their
22 relative numbers of children, aged 5 to 17, inclusive,
23 from families below the poverty level, on the basis of
24 the most recent satisfactory data available from the
25 Department of Commerce.

1 “(3) HOLD-HARMLESS AMOUNTS.—For each
2 fiscal year, the amount made available to each out-
3 lying area under this subsection shall be—

4 “(A) not less than 95 percent of the
5 amount made available for the preceding fiscal
6 year if the number of children counted under
7 paragraph (2) is not less than 30 percent of the
8 total number of children aged 5 to 17 years, in-
9 clusive, in the outlying area;

10 “(B) not less than 90 percent of the
11 amount made available for the preceding fiscal
12 year if the percentage described in subpara-
13 graph (A) is between 15 percent and 30 per-
14 cent; and

15 “(C) not less than 85 percent of the
16 amount made available for the preceding fiscal
17 year if the percentage described in subpara-
18 graph (A) is below 15 percent.

19 “(4) RATABLE REDUCTIONS.—If the amount
20 made available under paragraph (1)(B) for any fis-
21 cal year is insufficient to pay the full amounts that
22 the outlying areas are eligible to receive under para-
23 graphs (2) and (3) for that fiscal year, the Secretary
24 shall ratably reduce those amounts.

1 “(5) USES.—Grant funds awarded under para-
2 graph (1)(A) may be used only—

3 “(A) for programs described in this Act,
4 including teacher training, curriculum develop-
5 ment, instructional materials, or general school
6 improvement and reform; and

7 “(B) to provide direct educational services
8 that assist all students with meeting the chal-
9 lenging State academic standards.

10 “(c) DEFINITIONS.—For the purpose of this section,
11 the term ‘outlying area’ means the United States Virgin
12 Islands, Guam, American Samoa, and the Commonwealth
13 of the Northern Mariana Islands.

14 “(d) ALLOTMENT TO THE SECRETARY OF THE INTE-
15 RIOR.—

16 “(1) IN GENERAL.—The amount allotted for
17 payments to the Secretary of the Interior under sub-
18 section (a)(2) for any fiscal year shall be used, in ac-
19 cordance with such criteria as the Secretary may es-
20 tablish, to meet the unique educational needs of—

21 “(A) Indian children on reservations served
22 by elementary schools and secondary schools for
23 Indian children operated or supported by the
24 Department of the Interior; and

1 “(B) out-of-State Indian children in ele-
2 mentary schools and secondary schools in local
3 educational agencies under special contracts
4 with the Department of the Interior.

5 “(2) PAYMENTS.—From the amount allotted
6 for payments to the Secretary of the Interior under
7 subsection (a)(2), the Secretary of the Interior shall
8 make payments to local educational agencies, on
9 such terms as the Secretary determines will best
10 carry out the purposes of this part, with respect to
11 out-of-State Indian children described in paragraph
12 (1). The amount of such payment may not exceed,
13 for each such child, the greater of—

14 “(A) 40 percent of the average per-pupil
15 expenditure in the State in which the agency is
16 located; or

17 “(B) 48 percent of such expenditure in the
18 United States.

19 “(e) LIMITATION ON APPLICABILITY.—If, by reason
20 of the application of subsection (a) for any fiscal year, the
21 total amount available for allocation to all States under
22 this part would be less than the amount allocated to all
23 States for fiscal year 2016 under this part, the Secretary
24 shall provide assistance to the outlying areas and the Sec-
25 retary of the Interior in accordance with this section, as

1 in effect on the day before the date of enactment of the
2 Every Student Succeeds Act.”.

3 **SEC. 1015. ALLOCATIONS TO STATES.**

4 Section 1122(a) (20 U.S.C. 6332(a)) is amended—

5 (1) in the matter preceding paragraph (1), by
6 striking “2002–2007” and inserting “2017–2020”;
7 and

8 (2) by striking paragraph (3) and inserting the
9 following:

10 “(3) an amount equal to 100 percent of the
11 amount, if any, by which the total amount made
12 available under this subsection for the current fiscal
13 year for which the determination is made exceeds
14 the total amount available to carry out sections 1124
15 and 1124A for fiscal year 2001 shall be used to
16 carry out sections 1125 and 1125A and such
17 amount shall be divided equally between sections
18 1125 and 1125A.”.

19 **SEC. 1016. ADEQUACY OF FUNDING RULE.**

20 Section 1125AA (20 U.S.C. 6336) is amended by
21 striking the section heading and all that follows through
22 “Pursuant” and inserting the following: “ADEQUACY OF
23 FUNDING TO LOCAL EDUCATIONAL AGENCIES IN FISCAL
24 YEARS AFTER FISCAL YEAR 2001.—Pursuant”.

1 **SEC. 1017. EDUCATION FINANCE INCENTIVE GRANT PRO-**
2 **GRAM.**

3 Section 1125A (20 U.S.C. 6337) is amended—

4 (1) in subsection (a), by striking “funds appro-
5 priated under subsection (f)” and inserting “funds
6 made available under section 1122(a)”;

7 (2) in subsection (b)(1)—

8 (A) in subparagraph (A), by striking “ap-
9 propriated pursuant to subsection (f)” and in-
10 serting “made available for any fiscal year to
11 carry out this section”; and

12 (B) in subparagraph (B)(i), by striking
13 “total appropriations” and inserting “the total
14 amount reserved under section 1122(a) to carry
15 out this section”;

16 (3) in subsection (c), by redesignating subpara-
17 graphs (A) and (B) as paragraphs (1) and (2), re-
18 spectively;

19 (4) in subsection (d)(1)(A)(ii), by striking
20 “clause “(i)” and inserting “clause (i)”;

21 (5) by striking subsection (e) and inserting the
22 following:

23 “(e) MAINTENANCE OF EFFORT.—

24 “(1) IN GENERAL.—A State is entitled to re-
25 ceive its full allotment of funds under this section
26 for any fiscal year if the Secretary finds that the

1 State's fiscal effort per student or the aggregate ex-
2 penditures of the State with respect to the provision
3 of free public education by the State for the pre-
4 ceding fiscal year was not less than 90 percent of
5 the fiscal effort or aggregate expenditures for the
6 second preceding fiscal year, subject to the require-
7 ments of paragraph (2).

8 “(2) REDUCTION IN CASE OF FAILURE TO
9 MEET.—

10 “(A) IN GENERAL.—The Secretary shall
11 reduce the amount of the allotment of funds
12 under this section for any fiscal year in the
13 exact proportion by which a State fails to meet
14 the requirement of paragraph (1) by falling
15 below 90 percent of both the fiscal effort per
16 student and aggregate expenditures (using the
17 measure most favorable to the State), if such
18 State has also failed to meet such requirement
19 (as determined using the measure most favor-
20 able to the State) for 1 or more of the 5 imme-
21 diately preceding fiscal years.

22 “(B) SPECIAL RULE.—No such lesser
23 amount shall be used for computing the effort
24 required under paragraph (1) for subsequent
25 years.

1 “(3) WAIVER.—The Secretary may waive the
2 requirements of this subsection if the Secretary de-
3 termines that a waiver would be equitable due to—

4 “(A) exceptional or uncontrollable cir-
5 cumstances, such as a natural disaster or a
6 change in the organizational structure of the
7 State; or

8 “(B) a precipitous decline in the financial
9 resources of the State.”;

10 (6) by striking subsection (f);

11 (7) by redesignating subsection (g) as sub-
12 section (f); and

13 (8) in subsection (f), as redesignated by para-
14 graph (7)—

15 (A) in paragraph (1), by striking “under
16 this section” and inserting “to carry out this
17 section”; and

18 (B) in paragraph (3), in the matter pre-
19 ceding subparagraph (A), by striking “shall be”
20 and inserting “shall be—”.

21 **PART B—STATE ASSESSMENT GRANTS**

22 **SEC. 1201. STATE ASSESSMENT GRANTS.**

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

1 **“PART B—STATE ASSESSMENT GRANTS**

2 **“SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RE-**
3 **LATED ACTIVITIES.**

4 “(a) GRANTS AUTHORIZED.—From amounts made
5 available in accordance with section 1203, the Secretary
6 shall make grants to State educational agencies to enable
7 the States to carry out 1 or more of the following:

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

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

17 “(A) Ensuring the provision of appropriate
18 accommodations available to English learners
19 and children with disabilities to improve the
20 rates of inclusion in regular assessments of
21 such children, including professional develop-
22 ment activities to improve the implementation
23 of such accommodations in instructional prac-
24 tice.

25 “(B) Developing challenging State aca-
26 demic standards and aligned assessments in

1 academic subjects for which standards and as-
2 sements are not required under section
3 1111(b).

4 “(C) Developing or improving assessments
5 for English learners, including assessments of
6 English language proficiency as required under
7 section 1111(b)(2)(G) and academic assess-
8 ments in languages other than English to meet
9 the State’s obligations under section
10 1111(b)(2)(F).

11 “(D) Ensuring the continued validity and
12 reliability of State assessments.

13 “(E) Refining State assessments to ensure
14 their continued alignment with the challenging
15 State academic standards and to improve the
16 alignment of curricula and instructional mate-
17 rials.

18 “(F) Developing or improving balanced as-
19 sement systems that include summative, in-
20 terim, and formative assessments, including
21 supporting local educational agencies in devel-
22 oping or improving such assessments.

23 “(G) At the discretion of the State, refin-
24 ing science assessments required under section

1 1111(b)(2) in order to integrate engineering de-
2 sign skills and practices into such assessments.

3 “(H) Developing or improving models to
4 measure and assess student progress or student
5 growth on State assessments under section
6 1111(b)(2) and other assessments not required
7 under section 1111(b)(2).

8 “(I) Developing or improving assessments
9 for children with disabilities, including alternate
10 assessments aligned to alternate academic
11 achievement standards for students with the
12 most significant cognitive disabilities described
13 in section 1111(b)(2)(D), and using the prin-
14 ciples of universal design for learning.

15 “(J) Allowing for collaboration with insti-
16 tutions of higher education, other research in-
17 stitutions, or other organizations to improve the
18 quality, validity, and reliability of State aca-
19 demic assessments beyond the requirements for
20 such assessments described in section
21 1111(b)(2).

22 “(K) Measuring student academic achieve-
23 ment using multiple measures of student aca-
24 demic achievement from multiple sources.

1 “(L) Evaluating student academic achieve-
2 ment through the development of comprehensive
3 academic assessment instruments (such as per-
4 formance and technology-based academic as-
5 sessments, computer adaptive assessments,
6 projects, or extended performance task assess-
7 ments) that emphasize the mastery of stand-
8 ards and aligned competencies in a competency-
9 based education model.

10 “(M) Designing the report cards and re-
11 ports under section 1111(h) in an easily acces-
12 sible, user friendly-manner that cross-tabulates
13 student information by any category the State
14 determines appropriate, as long as such cross-
15 tabulation—

16 “(i) does not reveal personally identi-
17 fiable information about an individual stu-
18 dent; and

19 “(ii) is derived from existing State
20 and local reporting requirements.

21 “(b) **RULE OF CONSTRUCTION.**—Nothing in sub-
22 section (a)(2)(M) shall be construed as authorizing, re-
23 quiring, or allowing any additional reporting requirements,
24 data elements, or information to be reported to the Sec-

1 retary unless such reporting, data, or information is ex-
2 plicitly authorized under this Act.

3 “(c) ANNUAL REPORT.—Each State educational
4 agency receiving a grant under this section shall submit
5 an annual report to the Secretary describing the State’s
6 activities under the grant and the result of such activities.

7 **“SEC. 1202. STATE OPTION TO CONDUCT ASSESSMENT SYS-**
8 **TEM AUDIT.**

9 “(a) IN GENERAL.—From the amount reserved
10 under section 1203(a)(3) for a fiscal year, the Secretary
11 shall make grants to States to enable the States to—

12 “(1) in the case of a grant awarded under this
13 section to a State for the first time—

14 “(A) audit State assessment systems and
15 ensure that local educational agencies audit
16 local assessments under subsection (e)(1);

17 “(B) execute the State plan under sub-
18 section (e)(3)(D); and

19 “(C) award subgrants under subsection (f);
20 and

21 “(2) in the case of a grant awarded under this
22 section to a State that has previously received a
23 grant under this section—

24 “(A) execute the State plan under sub-
25 section (e)(3)(D); and

1 “(B) award subgrants under subsection
2 (f).

3 “(b) MINIMUM AMOUNT.—Each State that receives
4 a grant under this section shall receive an annual grant
5 amount of not less than \$1,500,000.

6 “(c) REALLOCATION.—If a State chooses not to apply
7 for a grant under this section, the Secretary shall reallo-
8 cate such grant amount to other States in accordance with
9 the formula described in section 1203(a)(4)(B).

10 “(d) APPLICATION.—A State desiring to receive a
11 grant under this section shall submit an application to the
12 Secretary at such time and in such manner as the Sec-
13 retary shall require. The application shall include a de-
14 scription of—

15 “(1) in the case of a State that is receiving a
16 grant under this section for the first time—

17 “(A) the audit the State will carry out
18 under subsection (e)(1); and

19 “(B) the stakeholder feedback the State
20 will seek in designing such audit;

21 “(2) in the case of a State that is not receiving
22 a grant under this section for the first time, the plan
23 described in subsection (e)(3)(D); and

24 “(3) how the State will award subgrants to
25 local educational agencies under subsection (f).

1 “(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND
2 LOCAL ASSESSMENTS.—

3 “(1) AUDIT REQUIREMENTS.—Not later than 1
4 year after the date a State receives an initial grant
5 under this section, the State shall—

6 “(A) conduct a State assessment system
7 audit as described in paragraph (3);

8 “(B) ensure that each local educational
9 agency receiving funds under this section—

10 “(i) conducts an audit of local assess-
11 ments administered by the local edu-
12 cational agency as described in paragraph
13 (4); and

14 “(ii) submits the results of such audit
15 to the State; and

16 “(C) report the results of each State and
17 local educational agency audit conducted under
18 subparagraphs (A) and (B), in a format that is
19 widely accessible and publicly available.

20 “(2) RESOURCES FOR LOCAL EDUCATIONAL
21 AGENCIES.—In carrying out paragraph (1)(B), each
22 State shall provide local educational agencies with
23 resources, such as guidelines and protocols, to assist
24 in conducting and reporting audit results.

1 “(3) STATE ASSESSMENT SYSTEM DESCRIP-
2 TION.—Each State assessment system audit con-
3 ducted under paragraph (1)(A) shall include—

4 “(A) the schedule for the administration of
5 all State assessments;

6 “(B) for each State assessment—

7 “(i) the purpose for which the assess-
8 ment was designed and the purpose for
9 which the assessment is used; and

10 “(ii) the legal authority for the admin-
11 istration of the assessment;

12 “(C) feedback on such system from stake-
13 holders, which shall include information such
14 as—

15 “(i) how teachers, principals, other
16 school leaders, and administrators use as-
17 sessment data to improve and differentiate
18 instruction;

19 “(ii) the timing of release of assess-
20 ment data;

21 “(iii) the extent to which assessment
22 data is presented in an accessible and un-
23 derstandable format for all stakeholders;

24 “(iv) the opportunities, resources, and
25 training teachers, principals, other school

1 leaders, and administrators are given to re-
2 view assessment results and make effective
3 use of assessment data;

4 “(v) the distribution of technological
5 resources and personnel necessary to ad-
6 minister assessments;

7 “(vi) the amount of time teachers
8 spend on assessment preparation and ad-
9 ministration;

10 “(vii) the assessments that adminis-
11 trators, teachers, principals, other school
12 leaders, parents, and students, if appro-
13 priate, do and do not find useful; and

14 “(viii) other information as appro-
15 priate; and

16 “(D) a plan, based on the information
17 gathered as a result of the activities described
18 in subparagraphs (A), (B), and (C), to improve
19 and streamline the State assessment system, in-
20 cluding activities such as—

21 “(i) eliminating any unnecessary as-
22 sessments, which may include paying the
23 cost associated with terminating procure-
24 ment contracts;

1 “(ii) supporting the dissemination of
2 best practices from local educational agen-
3 cies or other States that have successfully
4 improved assessment quality and efficiency
5 to improve teaching and learning; and

6 “(iii) supporting local educational
7 agencies or consortia of local educational
8 agencies to carry out efforts to streamline
9 local assessment systems and implement a
10 regular process of review and evaluation of
11 assessment use in local educational agen-
12 cies.

13 “(4) LOCAL ASSESSMENT DESCRIPTION.—An
14 audit of local assessments conducted in accordance
15 with paragraph (1)(B)(i) shall include the same in-
16 formation described in paragraph (3) that is re-
17 quired of a State audit, except that such information
18 shall be included as applicable to the local edu-
19 cational agency and the local assessments.

20 “(f) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
21 CIES.—

22 “(1) IN GENERAL.—Each State shall reserve
23 not less than 20 percent of the grant funds awarded
24 to the State under this section to make subgrants to
25 local educational agencies in the State or consortia

1 of such local educational agencies, based on dem-
2 onstrated need in the agency's or consortium's appli-
3 cation, to enable such agencies or consortia to im-
4 prove assessment quality and use, and alignment, in-
5 cluding, if applicable, alignment to the challenging
6 State academic standards.

7 “(2) LOCAL EDUCATIONAL AGENCY APPLICA-
8 TION.—Each local educational agency, or consortium
9 of local educational agencies, seeking a subgrant
10 under this subsection shall submit an application to
11 the State at such time, in such manner, and con-
12 taining such other information as determined nec-
13 essary by the State. The application shall include a
14 description of the agency's or consortium's needs re-
15 lating to the improvement of assessment quality,
16 use, and alignment.

17 “(3) USE OF FUNDS.—A subgrant awarded
18 under this subsection to a local educational agency
19 or consortium of such agencies may be used to—

20 “(A) conduct an audit of local assessments
21 under subsection (e)(1)(B)(i);

22 “(B) carry out the plan described in sub-
23 section (e)(3)(D) as it pertains to such agency
24 or consortium;

1 “(C) improve assessment delivery systems
2 and schedules, including by increasing access to
3 technology and assessment proctors, where ap-
4 propriate;

5 “(D) hire instructional coaches, or promote
6 teachers who may receive increased compensa-
7 tion to serve as instructional coaches, to sup-
8 port teachers in the development of classroom-
9 based assessments, interpreting assessment
10 data, and designing instruction;

11 “(E) provide for appropriate accommoda-
12 tions to maximize inclusion of children with dis-
13 abilities and English learners participating in
14 assessments; and

15 “(F) improve the capacity of teachers,
16 principals, and other school leaders to dissemi-
17 nate assessment data in an accessible and un-
18 derstandable format for parents and families,
19 including for children with disabilities and
20 English learners.

21 “(g) DEFINITIONS.—In this section:

22 “(1) LOCAL ASSESSMENT.—The term ‘local as-
23 sessment’ means an academic assessment selected
24 and carried out by a local educational agency that

1 is separate from an assessment required under sec-
2 tion 1111(b)(2).

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

6 **“SEC. 1203. ALLOTMENT OF APPROPRIATED FUNDS.**

7 “(a) AMOUNTS EQUAL TO OR LESS THAN TRIGGER
8 AMOUNT.—From amounts made available for each fiscal
9 year under subsection 1002(b) that are equal to or less
10 than the amount described in section 1111(b)(2)(I), the
11 Secretary shall—

12 “(1) reserve one-half of 1 percent for the Bu-
13 reau of Indian Education;

14 “(2) reserve one-half of 1 percent for the out-
15 lying areas;

16 “(3) reserve not more than 20 percent to carry
17 out section 1202; and

18 “(4) from the remainder, carry out section
19 1201 by allocating to each State an amount equal
20 to—

21 “(A) \$3,000,000, except for a fiscal year
22 for which the amounts available are insufficient
23 to allocate such amount to each State, the Sec-
24 retary shall ratably reduce such amount for
25 each State; and

1 “(B) with respect to any amounts remain-
2 ing after the allocation under subparagraph
3 (A), an amount that bears the same relation-
4 ship to such total remaining amounts as the
5 number of students aged 5 through 17 in the
6 State (as determined by the Secretary on the
7 basis of the most recent satisfactory data) bears
8 to the total number of such students in all
9 States.

10 “(b) AMOUNTS ABOVE TRIGGER AMOUNT.—For any
11 fiscal year for which the amount made available for a fis-
12 cal year under subsection 1002(b) exceeds the amount de-
13 scribed in section 1111(b)(2)(I), the Secretary shall make
14 such excess amount available as follows:

15 “(1) COMPETITIVE GRANTS.—

16 “(A) IN GENERAL.—The Secretary shall
17 first use such funds to award grants, on a com-
18 petitive basis, to State educational agencies or
19 consortia of State educational agencies that
20 have submitted applications described in sub-
21 paragraph (B) to enable such States to carry
22 out the activities described in subparagraphs
23 (C), (H), (I), (J), (K), and (L) of section
24 1201(a)(2).

1 “(B) APPLICATIONS.—A State, or a con-
2 sortium of States, that desires a competitive
3 grant under subparagraph (A) shall submit an
4 application to the Secretary at such time and in
5 such manner as the Secretary may reasonably
6 require. The application shall demonstrate that
7 the requirements of this section will be met for
8 the uses of funds described under subparagraph
9 (A).

10 “(C) AMOUNT OF COMPETITIVE GRANTS.—
11 In determining the amount of a grant under
12 subparagraph (A), the Secretary shall ensure
13 that a State or consortium’s grant, as the case
14 may be, shall include an amount that bears the
15 same relationship to the total funds available to
16 carry out this subsection for the fiscal year as
17 the number of students aged 5 through 17 in
18 the State, or, in the case of a consortium, in
19 each State that comprises the consortium, (as
20 determined by the Secretary on the basis of the
21 most recent satisfactory data) bears to the total
22 number of such students in all States.

23 “(2) ALLOTMENTS.—Any amounts remaining
24 after the Secretary awards funds under paragraph
25 (1) shall be allotted to each State, or consortium of

1 States, that did not receive a grant under such para-
2 graph, in an amount that bears the same relation-
3 ship to the remaining amounts as the number of stu-
4 dents aged 5 through 17 in the State, or, in the case
5 of a consortium, in the States of the consortium, (as
6 determined by the Secretary on the basis of the most
7 recent satisfactory data) bears to the total number
8 of such students in all States.

9 “(c) STATE DEFINED.—In this part, the term ‘State’
10 means each of the 50 States, the District of Columbia,
11 and the Commonwealth of Puerto Rico.

12 “(d) PROHIBITION.—In making funds available to
13 States under this part, the Secretary shall comply with
14 the prohibitions described in section 8529.

15 **“SEC. 1204. INNOVATIVE ASSESSMENT AND ACCOUNT-**
16 **ABILITY DEMONSTRATION AUTHORITY.**

17 “(a) INNOVATIVE ASSESSMENT SYSTEM DEFINED.—
18 The term ‘innovative assessment system’ means a system
19 of assessments that may include—

20 “(1) competency-based assessments,
21 instructionally embedded assessments, interim as-
22 sessments, cumulative year-end assessments, or per-
23 formance-based assessments that combine into an
24 annual summative determination for a student,

1 which may be administered through computer adapt-
2 ive assessments; and

3 “(2) assessments that validate when students
4 are ready to demonstrate mastery or proficiency and
5 allow for differentiated student support based on in-
6 dividual learning needs.

7 “(b) DEMONSTRATION AUTHORITY.—

8 “(1) IN GENERAL.—The Secretary may provide
9 a State educational agency, or a consortium of State
10 educational agencies, in accordance with paragraph
11 (3), with the authority to establish an innovative as-
12 sessment system (referred to in this section as ‘dem-
13 onstration authority’).

14 “(2) DEMONSTRATION PERIOD.—In accordance
15 with the requirements described in subsection (e),
16 each State educational agency, or consortium of
17 State educational agencies, that submits an applica-
18 tion under this section shall propose in its applica-
19 tion the period of time over which the State edu-
20 cational agency or consortium desires to exercise the
21 demonstration authority, except that such period
22 shall not exceed 5 years.

23 “(3) INITIAL DEMONSTRATION AUTHORITY AND
24 EXPANSION.—During the first 3 years that the Sec-
25 retary provides State educational agencies and con-

1 consortia with demonstration authority (referred to in
2 this section as the ‘initial demonstration period’) the
3 Secretary shall provide such demonstration authority
4 to—

5 “(A) a total number of not more than 7
6 participating State educational agencies, includ-
7 ing those participating in consortia, that have
8 applications approved under subsection (e); and

9 “(B) consortia that include not more than
10 4 State educational agencies.

11 “(c) PROGRESS REPORT.—

12 “(1) IN GENERAL.—Not later than 180 days
13 after the end of the initial demonstration period, and
14 prior to providing additional State educational agen-
15 cies with demonstration authority, the Director of
16 the Institute of Education Sciences, in consultation
17 with the Secretary, shall publish a report detailing
18 the initial progress of innovative assessment systems
19 carried out through demonstration authority under
20 this section.

21 “(2) CRITERIA.—The progress report under
22 paragraph (1) shall be based on the annual informa-
23 tion submitted by participating States described in
24 subsection (e)(2)(B)(ix) and examine the extent to
25 which—

1 “(A) with respect to each innovative as-
2 sessment system—

3 “(i) the State educational agency has
4 solicited feedback from teachers, prin-
5 cipals, other school leaders, and parents
6 about their satisfaction with the innovative
7 assessment system;

8 “(ii) teachers, principals, and other
9 school leaders have demonstrated a com-
10 mitment and capacity to implement or con-
11 tinue to implement the innovative assess-
12 ment system; and

13 “(iii) substantial evidence exists dem-
14 onstrating that the innovative assessment
15 system has been developed in accordance
16 with the requirements of subsection (e);
17 and

18 “(B) each State with demonstration au-
19 thority has demonstrated that—

20 “(i) the same innovative assessment
21 system was used to measure the achieve-
22 ment of all students that participated in
23 the innovative assessment system; and

24 “(ii) of the total number of all stu-
25 dents, and the total number of each of the

1 subgroups of students defined in section
2 1111(c)(2), eligible to participate in the in-
3 novative assessment system in a given
4 year, the State assessed in that year an
5 equal or greater percentage of such eligible
6 students, as measured under section
7 1111(c)(4)(E), as were assessed in the
8 State in such year using the assessment
9 system under section 1111(b)(2).

10 “(3) USE OF REPORT.—Upon completion of the
11 progress report, the Secretary shall provide a re-
12 sponse to the findings of the progress report, includ-
13 ing a description of how the findings of the report
14 will be used—

15 “(A) to support State educational agencies
16 with demonstration authority through technical
17 assistance; and

18 “(B) to inform the peer-review process de-
19 scribed in subsection (f) for advising the Sec-
20 retary on the awarding of the demonstration
21 authority to the additional State educational
22 agencies described in subsection (d).

23 “(4) PUBLICLY AVAILABLE.—The Secretary
24 shall make the progress report under this subsection

1 and the response described in paragraph (3) publicly
2 available on the website of the Department.

3 “(5) PROHIBITION.—The Secretary shall not
4 require States that have demonstration authority to
5 submit any information for the purposes of the
6 progress report that is in addition to the information
7 the State is already required to provide under sub-
8 section (e)(2)(B)(x).

9 “(d) EXPANSION OF THE DEMONSTRATION AUTHOR-
10 ITY.—Upon completion and publication of the report de-
11 scribed in subsection (e), the Secretary may grant dem-
12 onstration authority to additional State educational agen-
13 cies or consortia that submit an application under sub-
14 section (e). Such State educational agencies or consortia
15 of State educational agencies shall be subject to all of the
16 same terms, conditions, and requirements of this section.

17 “(e) APPLICATION.—

18 “(1) IN GENERAL.—A State educational agen-
19 cy, or consortium of State educational agencies, that
20 desires to participate in the program of demonstra-
21 tion authority under this section shall submit an ap-
22 plication to the Secretary at such time and in such
23 manner as the Secretary may reasonably require.

24 “(2) CONTENTS.—Such application shall in-
25 clude a description of the innovative assessment sys-

1 tem, the experience the applicant has in imple-
2 menting any components of the innovative assess-
3 ment system, and the timeline over which the State
4 or consortium proposes to exercise the demonstra-
5 tion authority. In addition, the application shall in-
6 clude each of the following:

7 “(A) A demonstration that the innovative
8 assessment system will—

9 “(i) meet all the requirements of sec-
10 tion 1111(b)(2)(B), except the require-
11 ments of clauses (i) and (v) of such sec-
12 tion;

13 “(ii) be aligned to the challenging
14 State academic standards and address the
15 depth and breadth of such standards;

16 “(iii) express student results or stu-
17 dent competencies in terms consistent with
18 the State’s aligned academic achievement
19 standards under section 1111(b)(1);

20 “(iv) generate results that are valid
21 and reliable, and comparable, for all stu-
22 dents and for each subgroup of students
23 described in section 1111(b)(2)(B)(xi), as
24 compared to the results for such students

1 on the State assessments under section
2 1111(b)(2);

3 “(v) be developed in collaboration
4 with—

5 “(I) stakeholders representing
6 the interests of children with disabil-
7 ities, English learners, and other vul-
8 nerable children;

9 “(II) teachers, principals, and
10 other school leaders;

11 “(III) local educational agencies;

12 “(IV) parents; and

13 “(V) civil rights organizations in
14 the State;

15 “(vi) be accessible to all students,
16 such as by incorporating the principles of
17 universal design for learning;

18 “(vii) provide teachers, principals,
19 other school leaders, students, and parents
20 with timely data, disaggregated by each
21 subgroup of students described in section
22 1111(b)(2)(B)(xi), to inform and improve
23 instructional practice and student sup-
24 ports;

1 “(viii) identify which students are not
2 making progress toward the challenging
3 State academic standards so that teachers
4 can provide instructional support and tar-
5 geted interventions to all students;

6 “(ix) annually measure the progress
7 of not less than the same percentage of all
8 students and students in each of the sub-
9 groups of students, as defined in section
10 1111(c)(2), who are enrolled in schools
11 that are participating in the innovative as-
12 sessment system and are required to take
13 such assessments, as measured under sec-
14 tion 1111(c)(4)(E), as were assessed by
15 schools administering the assessment
16 under section 1111(b)(2);

17 “(x) generate an annual, summative
18 achievement determination, based on the
19 aligned State academic achievement stand-
20 ards under section 1111(b)(1) and based
21 on annual data, for each individual stu-
22 dent; and

23 “(xi) allow the State educational
24 agency to validly and reliably aggregate

1 data from the innovative assessment sys-
2 tem for purposes of—

3 “(I) accountability, consistent
4 with the requirements of section
5 1111(e); and

6 “(II) reporting, consistent with
7 the requirements of section 1111(h).

8 “(B) A description of how the State edu-
9 cational agency will—

10 “(i) continue use of the statewide aca-
11 demic assessments required under section
12 1111(b)(2) if such assessments will be
13 used for accountability purposes for the
14 duration of the demonstration authority
15 period;

16 “(ii) identify the distinct purposes for
17 each assessment that is part of the innova-
18 tive assessment system;

19 “(iii) provide support and training to
20 local educational agency and school staff to
21 implement the innovative assessment sys-
22 tem described in this subsection;

23 “(iv) inform parents of students in
24 participating local educational agencies
25 about the innovative assessment system at

1 the beginning of each school year during
2 which the innovative assessment system
3 will be implemented;

4 “(v) engage and support teachers in
5 developing and scoring assessments that
6 are part of the innovative assessment sys-
7 tem, including through the use of high-
8 quality professional development, standard-
9 ized and calibrated scoring rubrics, and
10 other strategies, consistent with relevant
11 nationally recognized professional and
12 technical standards, to ensure inter-rater
13 reliability and comparability;

14 “(vi) acclimate students to the innova-
15 tive assessment system;

16 “(vii) ensure that students with the
17 most significant cognitive disabilities may
18 be assessed with alternate assessments
19 consistent with section 1111(b)(2)(D);

20 “(viii) if the State is proposing to ad-
21 minister the innovative assessment system
22 initially in a subset of local educational
23 agencies, scale up the innovative assess-
24 ment system to administer such system
25 statewide, or with additional local edu-

1 cational agencies, in the State’s proposed
2 demonstration authority period;

3 “(ix) gather data, solicit regular feed-
4 back from teachers, principals, other school
5 leaders, and parents, and assess the results
6 of each year of the program of demonstra-
7 tion authority under this section, and re-
8 spond by making needed changes to the in-
9 novative assessment system; and

10 “(x) report data from the innovative
11 assessment system annually to the Sec-
12 retary, including—

13 “(I) demographics of partici-
14 pating local educational agencies, if
15 such system is not statewide, and ad-
16 ditional local educational agencies if
17 added to the system during the course
18 of the State’s demonstration authority
19 period or 2-year extension, except that
20 such data shall not reveal any person-
21 ally identifiable information, including
22 a description of how the inclusion of
23 additional local educational agencies
24 contributes to progress toward achiev-
25 ing high-quality and consistent imple-

1 mentation across demographically di-
2 verse local educational agencies
3 throughout the demonstration author-
4 ity period;

5 “**(II)** the performance of all par-
6 ticipating students, and for each sub-
7 group of students defined in section
8 1111(e)(2), on the innovative assess-
9 ment, consistent with the require-
10 ments in section 1111(h), except that
11 such data shall not reveal any person-
12 ally identifiable information;

13 “**(III)** feedback from teachers,
14 principals, other school leaders, and
15 parents about their satisfaction with
16 the innovative assessment system; and

17 “**(IV)** if such system is not state-
18 wide, a description of the State’s
19 progress in scaling up the innovative
20 assessment system to additional local
21 educational agencies during the
22 State’s demonstration authority pe-
23 riod, as described in clause (viii).

24 “**(C)** A description of the State educational
25 agency’s plan to—

1 “(i) ensure that all students and each
2 of the subgroups of students defined in
3 section 1111(c)(2) participating in the in-
4 novative assessment system receive the in-
5 structional support needed to meet State
6 aligned academic achievement standards;

7 “(ii) ensure that each local edu-
8 cational agency has the technological infra-
9 structure to implement the innovative as-
10 sessment system; and

11 “(iii) hold all schools in the local edu-
12 cational agencies participating in the pro-
13 gram of demonstration authority account-
14 able for meeting the State’s expectations
15 for student achievement.

16 “(D) If the innovative assessment system
17 will initially be administered in a subset of local
18 educational agencies—

19 “(i) a description of the local edu-
20 cational agencies within the State edu-
21 cational agency that will participate, in-
22 cluding what criteria the State has for ap-
23 proving any additional local educational
24 agencies to participate during the dem-
25 onstration authority period;

1 “(ii) assurances from such local edu-
2 cational agencies that such agencies will
3 comply with the requirements of this sub-
4 section;

5 “(iii) a description of how the State
6 will—

7 “(I) ensure that the inclusion of
8 additional local educational agencies
9 contributes to progress toward achiev-
10 ing high-quality and consistent imple-
11 mentation across demographically di-
12 verse local educational agencies during
13 the demonstration authority period;
14 and

15 “(II) ensure that the partici-
16 pating local educational agencies, as a
17 group, will be demographically similar
18 to the State as a whole by the end of
19 the State’s demonstration authority
20 period; and

21 “(iv) a description of the State edu-
22 cational agency’s plan to hold all students
23 and each of the subgroups of students, as
24 defined in section 1111(c)(2), to the same

1 high standard as other students in the
2 State.

3 “(f) PEER REVIEW.—The Secretary shall—

4 “(1) implement a peer-review process to in-
5 form—

6 “(A) the awarding of demonstration au-
7 thority under this section and the approval to
8 operate an innovative assessment system for the
9 purposes of subsections (b)(2) and (c) of section
10 1111, as described in subsection (h); and

11 “(B) determinations about whether an in-
12 novative assessment system—

13 “(i) is comparable to the State assess-
14 ments under section 1111(b)(2)(B)(v),
15 valid, reliable, of high technical quality,
16 and consistent with relevant, nationally
17 recognized professional and technical
18 standards; and

19 “(ii) provides an unbiased, rational,
20 and consistent determination of progress
21 toward the goals described under section
22 1111(c)(4)(A)(i) for all students;

23 “(2) ensure that the peer-review team consists
24 of practitioners and experts who are knowledgeable

1 about the innovative assessment system being pro-
2 posed for all participating students, including—

3 “(A) individuals with past experience de-
4 veloping systems of assessment innovation that
5 support all students, including English learners,
6 children with disabilities, and disadvantaged
7 students; and

8 “(B) individuals with experience imple-
9 menting innovative assessment and account-
10 ability systems;

11 “(3) make publicly available the applications
12 submitted under subsection (c) and the peer-review
13 comments and recommendations regarding such ap-
14 plications;

15 “(4) make a determination and inform the
16 State regarding approval or disapproval of the appli-
17 cation under subsection (c) not later than 90 days
18 after receipt of the complete application;

19 “(5) if the Secretary disapproves an application
20 under paragraph (4), offer the State an opportunity
21 to—

22 “(A) revise and resubmit such application
23 within 60 days of the disapproval determina-
24 tion; and

1 “(B) submit additional evidence that the
2 State’s application meets the requirements of
3 subsection (c); and

4 “(6) make a determination regarding applica-
5 tion approval or disapproval of a resubmitted appli-
6 cation under paragraph (5) not later than 45 days
7 after receipt of the resubmitted application.

8 “(g) EXTENSION.—The Secretary may extend an au-
9 thorization of demonstration authority under this section
10 for an additional 2 years if the State educational agency
11 demonstrates with evidence that the State educational
12 agency’s innovative assessment system is continuing to
13 meet the requirements of subsection (c), including by dem-
14 onstrating a plan for, and the capacity to, transition to
15 statewide use of the innovative assessment system by the
16 end of the 2-year extension period.

17 “(h) USE OF INNOVATIVE ASSESSMENT SYSTEM.—
18 A State may, during the State’s approved demonstration
19 authority period or 2-year extension, include results from
20 the innovative assessment systems developed under this
21 section in accountability determinations for each student
22 in the participating local educational agencies instead of,
23 or in addition to, results from the assessment system
24 under section 1111(b)(2) if the State demonstrates that
25 the State has met the requirements under subsection (c).

1 The State shall continue to meet all other requirements
2 of section 1111(c).

3 “(i) WITHDRAWAL OF AUTHORITY.—The Secretary
4 shall withdraw the authorization for demonstration au-
5 thority provided to a State educational agency under this
6 section and such State shall return to use of the statewide
7 assessment system under section 1111(b)(2) for all local
8 educational agencies in the State if, at any time during
9 a State’s approved demonstration authority period or 2-
10 year extension, the State educational agency cannot
11 present to the Secretary evidence that the innovative as-
12 sessment system developed under this section—

13 “(1) meets the requirements under subsection
14 (c);

15 “(2) includes all students attending schools par-
16 ticipating in the innovative assessment system in a
17 State that has demonstration authority, including
18 each of the subgroups of students, as defined under
19 section 1111(c)(2);

20 “(3) provides an unbiased, rational, and con-
21 sistent determination of progress toward the goals
22 described under section 1111(c)(4)(A)(i) for all stu-
23 dents, which are comparable to measures of aca-
24 demic achievement under section 1111(c)(4)(B)(i)

1 across the State in which the local educational agen-
2 cies are located;

3 “(4) presents a high-quality plan to transition
4 to full statewide use of the innovative assessment
5 system by the end of the State’s approved dem-
6 onstration authority period or 2-year extension, if
7 the innovative assessment system will initially be ad-
8 ministered in a subset of local educational agencies;
9 and

10 “(5) demonstrates comparability to the state-
11 wide assessments under section 1111(b)(2) in con-
12 tent coverage, difficulty, and quality.

13 “(j) TRANSITION.—

14 “(1) IN GENERAL.—

15 “(A) OPERATION OF INNOVATIVE ASSESS-
16 MENT SYSTEM.—If, after a State’s approved
17 demonstration authority period or 2-year exten-
18 sion, the State educational agency has met all
19 the requirements of this section, including hav-
20 ing scaled the innovative assessment system up
21 to statewide use, and demonstrated that such
22 system is of high quality, as described in sub-
23 paragraph (B), the State shall be permitted to
24 operate the innovative assessment system ap-
25 proved under the program of demonstration au-

1 thority under this section for the purposes of
2 subsections (b)(2) and (c) of section 1111.

3 “(B) HIGH QUALITY.—Such system shall
4 be considered of high quality if the Secretary,
5 through the peer-review process described in
6 section 1111(a)(4), determines that—

7 “(i) the innovative assessment system
8 meets all of the requirements of this sec-
9 tion;

10 “(ii) the State has examined the ef-
11 fects of the system on other measures of
12 student success, including indicators in the
13 accountability system under section
14 1111(c)(4)(B);

15 “(iii) the innovative assessment sys-
16 tem provides coherent and timely informa-
17 tion about student achievement based on
18 the challenging State academic standards,
19 including objective measurement of aca-
20 demic achievement, knowledge, and skills
21 that are valid, reliable, and consistent with
22 relevant, nationally-recognized professional
23 and technical standards;

24 “(iv) the State has solicited feedback
25 from teachers, principals, other school

1 leaders, and parents about their satisfac-
2 tion with the innovative assessment sys-
3 tem; and

4 “(v) the State has demonstrated that
5 the same innovative assessment system was
6 used to measure—

7 “(I) the achievement of all stu-
8 dents that participated in such inno-
9 vative assessment system; and

10 “(II) not less than the percent-
11 age of such students overall and in
12 each of the subgroups of students, as
13 defined in section 1111(c)(2), as
14 measured under section
15 1111(c)(4)(E), as were assessed under
16 the assessment required by section
17 1111(b)(2).

18 “(2) BASELINE.—For the purposes of the eval-
19 uation described in paragraph (1), the baseline year
20 shall be considered the first year that each local edu-
21 cational agency in the State used the innovative as-
22 sessment system.

23 “(3) WAIVER AUTHORITY.—A State may re-
24 quest, and the Secretary shall review such request
25 and may grant, a delay of the withdrawal of author-

1 ity under subsection (i) for the purpose of providing
2 the State with the time necessary to implement the
3 innovative assessment system statewide, if, at the
4 conclusion of the State’s approved demonstration au-
5 thority period and 2-year extension—

6 “(A) the State has met all of the require-
7 ments of this section, except transition to full
8 statewide use of the innovative assessment sys-
9 tem; and

10 “(B) the State continues to comply with
11 the other requirements of this section, and dem-
12 onstrates a high-quality plan for transition to
13 statewide use of the innovative assessment sys-
14 tem in a reasonable period of time.

15 “(k) AVAILABLE FUNDS.—A State may use funds
16 available under section 1201 to carry out this section.

17 “(l) CONSORTIUM.—A consortium of States may
18 apply to participate in the program of demonstration au-
19 thority under this section, and the Secretary may provide
20 each State member of such consortium with such author-
21 ity if each such State member meets all of the require-
22 ments of this section. Such consortium shall be subject
23 to the limitation described in subsection (b)(3)(B) during
24 the initial 3 years of the demonstration authority.

25 “(m) DISSEMINATION OF BEST PRACTICES.—

1 “(1) IN GENERAL.—Following the publication
2 of the progress report described in subsection (c),
3 the Director of the Institute of Education Sciences,
4 in consultation with the Secretary, shall collect and
5 disseminate the best practices on the development
6 and implementation of innovative assessment sys-
7 tems that meet the requirements of this section, in-
8 cluding best practices regarding the development
9 of—

10 “(A) summative assessments that—

11 “(i) meet the requirements of section
12 1111(b)(2)(B);

13 “(ii) are comparable with statewide
14 assessments under section 1111(b)(2); and

15 “(iii) include assessment tasks that
16 determine proficiency or mastery of State-
17 approved competencies aligned to chal-
18 lenging State academic standards;

19 “(B) effective supports for local edu-
20 cational agencies and school staff to implement
21 innovative assessment systems;

22 “(C) effective engagement and support of
23 teachers in developing and scoring assessments
24 and the use of high-quality professional develop-
25 ment;

1 “(D) effective supports for all students,
2 particularly each of the subgroups of students,
3 as defined in section 1111(c)(2), participating
4 in the innovative assessment system; and

5 “(E) standardized and calibrated scoring
6 rubrics, and other strategies, to ensure inter-
7 rater reliability and comparability of determina-
8 tions of mastery or proficiency across local edu-
9 cational agencies and the State.

10 “(2) PUBLICATION.—The Secretary shall make
11 the information described in paragraph (1) available
12 on the website of the Department and shall publish
13 an update to the information not less often than
14 once every 3 years.”.

15 **PART C—EDUCATION OF MIGRATORY CHILDREN**

16 **SEC. 1301. EDUCATION OF MIGRATORY CHILDREN.**

17 (a) PROGRAM PURPOSES.—Section 1301 (20 U.S.C.
18 6391) is amended to read as follows:

19 **“SEC. 1301. PROGRAM PURPOSES.**

20 “The purposes of this part are as follows:

21 “(1) To assist States in supporting high-quality
22 and comprehensive educational programs and serv-
23 ices during the school year and, as applicable, during
24 summer or intersession periods, that address the
25 unique educational needs of migratory children.

1 “(2) To ensure that migratory children who
2 move among the States are not penalized in any
3 manner by disparities among the States in cur-
4 riculum, graduation requirements, and challenging
5 State academic standards.

6 “(3) To ensure that migratory children receive
7 full and appropriate opportunities to meet the same
8 challenging State academic standards that all chil-
9 dren are expected to meet.

10 “(4) To help migratory children overcome edu-
11 cational disruption, cultural and language barriers,
12 social isolation, various health-related problems, and
13 other factors that inhibit the ability of such children
14 to succeed in school.

15 “(5) To help migratory children benefit from
16 State and local systemic reforms.”.

17 (b) STATE ALLOCATIONS.—Section 1303 (20 U.S.C.
18 6393) is amended—

19 (1) by redesignating subsections (e) through (e)
20 as subsections (d) through (f), respectively;

21 (2) by striking subsections (a) and (b) and in-
22 serting the following:

23 “(a) STATE ALLOCATIONS.—Except as provided in
24 subsection (c), each State (other than the Commonwealth

1 of Puerto Rico) is entitled to receive under this part an
2 amount equal to the product of—

3 “(1) the sum of—

4 “(A) the average number of identified eligi-
5 ble migratory children aged 3 through 21 resid-
6 ing in the State, based on data for the pre-
7 ceding 3 years; and

8 “(B) the number of identified eligible mi-
9 gratory children, aged 3 through 21, who re-
10 ceived services under this part in summer or
11 intersession programs provided by the State
12 during the previous year; multiplied by

13 “(2) 40 percent of the average per-pupil ex-
14 penditure in the State, except that the amount de-
15 termined under this paragraph shall not be less than
16 32 percent, nor more than 48 percent, of the aver-
17 age per-pupil expenditure in the United States.

18 “(b) HOLD HARMLESS.—Notwithstanding subsection
19 (a), for each of fiscal years 2017 through 2019, no State
20 shall receive less than 90 percent of the State’s allocation
21 under this section for the preceding fiscal year.

22 “(c) ALLOCATION TO PUERTO RICO.—

23 “(1) IN GENERAL.—For each fiscal year, the
24 grant that the Commonwealth of Puerto Rico shall
25 be eligible to receive under this part shall be the

1 amount determined by multiplying the number of
2 children who would be counted under subsection
3 (a)(1) if such subsection applied to the Common-
4 wealth of Puerto Rico by the product of—

5 “(A) the percentage that the average per-
6 pupil expenditure in the Commonwealth of
7 Puerto Rico is of the lowest average per-pupil
8 expenditure of any of the 50 States, subject to
9 paragraphs (2) and (3); and

10 “(B) 32 percent of the average per-pupil
11 expenditure in the United States.

12 “(2) MINIMUM PERCENTAGE.—The percentage
13 described in paragraph (1)(A) shall not be less than
14 85 percent.

15 “(3) LIMITATION.—If the application of para-
16 graph (2) for any fiscal year would result in any of
17 the 50 States or the District of Columbia receiving
18 less under this part than it received under this part
19 for the preceding fiscal year, then the percentage de-
20 scribed in paragraph (1)(A) that is used for the
21 Commonwealth of Puerto Rico for the fiscal year for
22 which the determination is made shall be the greater
23 of the percentage in paragraph (1)(A) for such fiscal
24 year or the percentage used for the preceding fiscal
25 year.”;

1 (3) in subsection (d), as redesignated by para-
2 graph (1)—

3 (A) in paragraph (1)—

4 (i) in subparagraph (A), by striking

5 “(A) If, after” and inserting the following:

6 “(A) RATABLE REDUCTIONS.—If, after”;

7 and

8 (ii) in subparagraph (B)—

9 (I) by striking “(B) If addi-
10 tional” and inserting the following:

11 “(B) REALLOCATION.—If additional”; and

12 (II) by striking “purpose” and
13 inserting “purposes”; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (A), by striking

16 “(A) The Secretary” and inserting the fol-
17 lowing:

18 “(A) FURTHER REDUCTIONS.—The Sec-
19 retary”; and

20 (ii) in subparagraph (B), by striking

21 “(B) The Secretary” and inserting the fol-
22 lowing:

23 “(B) REALLOCATION.—The Secretary”;

24 (4) in subsection (e)(3)(B), as redesignated by
25 paragraph (1), by striking “welfare or educational

1 attainment of children” and inserting “academic
2 achievement of children”;

3 (5) in subsection (f), as redesignated by para-
4 graph (1)—

5 (A) in the matter preceding paragraph (1),
6 by striking “estimated” and inserting “identi-
7 fied”;

8 (B) by striking paragraph (1) and insert-
9 ing the following:

10 “(1) use the most recent information that most
11 accurately reflects the actual number of migratory
12 children;”;

13 (C) by redesignating paragraphs (2)
14 through (4) as paragraphs (3) through (5), re-
15 spectively;

16 (D) by inserting after paragraph (1) the
17 following:

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

20 (E) in paragraph (4), as redesignated by
21 subparagraph (C)—

22 (i) in the matter preceding subpara-
23 graph (A), by striking “full-time equiva-
24 lent”; and

25 (ii) in subparagraph (A)—

1 (I) by striking “special needs”
2 and inserting “unique needs”; and

3 (II) by striking “special pro-
4 grams provided under this part” and
5 inserting “effective special programs
6 provided under this part”; and

7 (F) in paragraph (5), as redesignated by
8 subparagraph (C), by striking “the child whose
9 education has been interrupted” and inserting
10 “migratory children, including the most at-risk
11 migratory children”; and

12 (6) by adding at the end the following:

13 “(g) NONPARTICIPATING STATES.—In the case of a
14 State desiring to receive an allocation under this part for
15 a fiscal year that did not receive an allocation for the pre-
16 vious fiscal year or that has been participating for less
17 than 3 consecutive years, the Secretary shall calculate the
18 State’s number of identified migratory children aged 3
19 through 21 for purposes of subsection (a)(1)(A) by using
20 the most recent data available that identifies the migra-
21 tory children residing in the State until data is available
22 to calculate the 3-year average number of such children
23 in accordance with such subsection.”.

24 (c) STATE APPLICATIONS; SERVICES.—Section 1304
25 (20 U.S.C. 6394) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in the matter preceding subpara-
4 graph (A)—

5 (I) by striking “special edu-
6 cational needs” and inserting “unique
7 educational needs”; and

8 (II) by inserting “and migratory
9 children who have dropped out of
10 school” after “preschool migratory
11 children”;

12 (ii) in subparagraph (B)—

13 (I) by striking “migrant chil-
14 dren” and inserting “migratory chil-
15 dren”; and

16 (II) by striking “part A or B of
17 title III” and inserting “part A of
18 title III”; and

19 (iii) by striking subparagraph (D) and
20 inserting the following:

21 “(D) measurable program objectives and
22 outcomes;”;

23 (B) in paragraph (2), by striking “chal-
24 lenging State academic content standards and
25 challenging State student academic achievement

1 standards” and inserting “challenging State
2 academic standards”;

3 (C) in paragraph (3), by striking “, con-
4 sistent with procedures the Secretary may re-
5 quire,”;

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

8 (E) by striking paragraph (6);

9 (F) by redesignating paragraph (7) as
10 paragraph (6); and

11 (G) in paragraph (6), as redesignated by
12 subparagraph (F), by striking “who have par-
13 ents who do not have a high school diploma”
14 and inserting “whose parents do not have a
15 high school diploma”;

16 (2) in subsection (c)—

17 (A) in the matter preceding paragraph (1),
18 by striking “, satisfactory to the Secretary,”;

19 (B) in paragraph (2), by striking “sub-
20 sections (b) and (c) of section 1120A, and part
21 I” and inserting “subsections (b) and (c) of sec-
22 tion 1118, and part F”;

23 (C) in paragraph (3)—

24 (i) in the matter preceding subpara-
25 graph (A)—

1 (I) by striking “parent advisory
2 councils” and inserting “parents of
3 migratory children, including parent
4 advisory councils,”; and

5 (II) by striking “of 1 school year
6 in duration” and inserting “not less
7 than 1 school year in duration”; and

8 (ii) in subparagraph (A), by striking
9 “section 1118” and inserting “section
10 1116”;

11 (D) in paragraph (4), by inserting “and
12 migratory children who have dropped out of
13 school” after “preschool migratory children”;

14 (E) by redesignating paragraph (7) as
15 paragraph (8);

16 (F) by striking paragraph (6) and insert-
17 ing the following:

18 “(6) such programs and projects will provide
19 for outreach activities for migratory children and
20 their families to inform such children and families of
21 other education, health, nutrition, and social services
22 to help connect them to such services;

23 “(7) to the extent feasible, such programs and
24 projects will provide for—

1 “(A) advocacy and other outreach activities
2 for migratory children and their families, in-
3 cluding helping such children and families gain
4 access to other education, health, nutrition, and
5 social services;

6 “(B) professional development programs,
7 including mentoring, for teachers and other
8 program personnel;

9 “(C) family literacy programs;

10 “(D) the integration of information tech-
11 nology into educational and related programs;
12 and

13 “(E) programs to facilitate the transition
14 of secondary school students to postsecondary
15 education or employment; and”;

16 (G) in paragraph (8), as redesignated by
17 subparagraph (E), by striking “paragraphs
18 (1)(A) and (2)(B)(i) of section 1303(a),
19 through such procedures as the Secretary may
20 require” and inserting “section 1303(a)(1)”;

21 (3) by striking subsection (d) and inserting the
22 following:

23 “(d) PRIORITY FOR SERVICES.—In providing services
24 with funds received under this part, each recipient of such
25 funds shall give priority to migratory children who have

1 made a qualifying move within the previous 1-year period
2 and who—

3 “(1) are failing, or most at risk of failing, to
4 meet the challenging State academic standards; or

5 “(2) have dropped out of school.”; and

6 (4) in subsection (e)(3), by striking “secondary
7 school students” and inserting “students”.

8 (d) SECRETARIAL APPROVAL; PEER REVIEW.—Sec-
9 tion 1305 (20 U.S.C. 6395) is amended to read as follows:

10 **“SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.**

11 “The Secretary shall approve each State application
12 that meets the requirements of this part, and may review
13 any such application with the assistance and advice of
14 State officials and other officials with relevant expertise.”.

15 (e) COMPREHENSIVE NEEDS ASSESSMENT AND
16 SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.—
17 Section 1306 (20 U.S.C. 6396) is amended—

18 (1) in subsection (a)(1)—

19 (A) in the matter preceding subparagraph
20 (A), by striking “special” and inserting
21 “unique”;

22 (B) in subparagraph (B)—

23 (i) in the matter preceding clause (i),
24 by striking “section 9302” and inserting
25 “section 8302”; and

1 (ii) in clause (i), by striking “special”
2 and inserting “unique”;

3 (C) in subparagraph (C), by striking “chal-
4 lenging State academic content standards and
5 challenging State student academic achievement
6 standards” and inserting “challenging State
7 academic standards”; and

8 (D) in subparagraph (F), by striking “part
9 A or B of title III” and inserting “part A of
10 title III”; and

11 (2) in subsection (b)—

12 (A) in paragraph (1), by striking “shall
13 have the flexibility to” and inserting “retains
14 the flexibility to”; and

15 (B) in paragraph (4), by striking “special
16 educational” and inserting “unique edu-
17 cational”.

18 (f) BYPASS.—Section 1307 (20 U.S.C. 6397) is
19 amended—

20 (1) in the matter preceding paragraph (1), by
21 striking “nonprofit”; and

22 (2) in paragraph (3), by striking “welfare or
23 educational attainment” and inserting “educational
24 achievement”.

1 (g) COORDINATION OF MIGRANT EDUCATION ACTIVI-
2 TIES.—Section 1308 (20 U.S.C. 6398) is amended—

3 (1) in subsection (a)(1)—

4 (A) by striking “nonprofit”;

5 (B) by inserting “through” after “includ-
6 ing”; and

7 (C) by striking “students” and inserting
8 “children”; and

9 (2) in subsection (b)—

10 (A) in paragraph (1), by striking “devel-
11 oping effective methods for”;

12 (B) in paragraph (2)—

13 (i) in subparagraph (A)—

14 (I) in the matter preceding clause

15 (i), by striking “The Secretary, in
16 consultation” and all that follows

17 through “include—” and inserting the

18 following: “The Secretary, in consulta-

19 tion with the States, shall ensure the

20 linkage of migrant student record sys-

21 tems for the purpose of electronically

22 exchanging, among the States, health

23 and educational information regarding

24 all migratory students eligible under

25 this part. The Secretary shall ensure

1 that such linkage occurs in a cost-ef-
2 fective manner, utilizing systems used
3 by the States prior to, or developed
4 after, the date of the enactment of the
5 Every Student Succeeds Act. Such in-
6 formation may include—”;

7 (II) in clause (ii), by striking
8 “required under section 1111(b)” and
9 inserting “under section 1111(b)(2)”;
10 and

11 (III) in clause (iii), by striking
12 “high standards” and inserting “the
13 challenging State academic stand-
14 ards”;

15 (ii) by redesignating subparagraph
16 (B) as subparagraph (C);

17 (iii) by inserting after subparagraph
18 (A) the following:

19 “(B) CONSULTATION.—The Secretary
20 shall maintain ongoing consultation with the
21 States, local educational agencies, and other mi-
22 gratory student service providers on—

23 “(i) the effectiveness of the system de-
24 scribed in subparagraph (A); and

1 “(ii) the ongoing improvement of such
2 system.”; and

3 (iv) in subparagraph (C), as redesign-
4 nated by clause (ii)—

5 (I) by striking “the proposed
6 data elements” and inserting “any
7 new proposed data elements”; and

8 (II) by striking “Such publication
9 shall occur not later than 120 days
10 after the date of enactment of the No
11 Child Left Behind Act of 2001.”; and

12 (C) by striking paragraph (4).

13 (h) DEFINITIONS.—Section 1309 (20 U.S.C. 6399)
14 is amended—

15 (1) in paragraph (1)(B), by striking “non-
16 profit”; and

17 (2) by striking paragraph (2) and inserting the
18 following:

19 “(2) MIGRATORY AGRICULTURAL WORKER.—
20 The term ‘migratory agricultural worker’ means an
21 individual who made a qualifying move in the pre-
22 ceding 36 months and, after doing so, engaged in
23 new temporary or seasonal employment or personal
24 subsistence in agriculture, which may be dairy work
25 or the initial processing of raw agricultural products.

1 If an individual did not engage in such new employ-
2 ment soon after a qualifying move, such individual
3 may be considered a migratory agricultural worker if
4 the individual actively sought such new employment
5 and has a recent history of moves for temporary or
6 seasonal agricultural employment.

7 “(3) MIGRATORY CHILD.—The term ‘migratory
8 child’ means a child or youth who made a qualifying
9 move in the preceding 36 months—

10 “(A) as a migratory agricultural worker or
11 a migratory fisher; or

12 “(B) with, or to join, a parent or spouse
13 who is a migratory agricultural worker or a mi-
14 gratory fisher.

15 “(4) MIGRATORY FISHER.—The term ‘migra-
16 tory fisher’ means an individual who made a quali-
17 fying move in the preceding 36 months and, after
18 doing so, engaged in new temporary or seasonal em-
19 ployment or personal subsistence in fishing. If the
20 individual did not engage in such new employment
21 soon after the move, the individual may be consid-
22 ered a migratory fisher if the individual actively
23 sought such new employment and has a recent his-
24 tory of moves for temporary or seasonal fishing em-
25 ployment.

1 “(5) QUALIFYING MOVE.—The term ‘qualifying
2 move’ means a move due to economic necessity—

3 “(A) from one residence to another resi-
4 dence; and

5 “(B) from one school district to another
6 school district, except—

7 “(i) in the case of a State that is com-
8 prised of a single school district, wherein a
9 qualifying move is from one administrative
10 area to another within such district; or

11 “(ii) in the case of a school district of
12 more than 15,000 square miles, wherein a
13 qualifying move is a distance of 20 miles
14 or more to a temporary residence.”.

15 **PART D—PREVENTION AND INTERVENTION PRO-**
16 **GRAMS FOR CHILDREN AND YOUTH WHO**
17 **ARE NEGLECTED, DELINQUENT, OR AT-RISK**

18 **SEC. 1401. PREVENTION AND INTERVENTION PROGRAMS**
19 **FOR CHILDREN AND YOUTH WHO ARE NE-**
20 **GLECTED, DELINQUENT, OR AT-RISK.**

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

23 (1) in section 1401(a)—

24 (A) in paragraph (1)—

1 (i) by inserting “, tribal,” after
2 “youth in local”; and

3 (ii) by striking “challenging State aca-
4 demic content standards and challenging
5 State student academic achievement stand-
6 ards” and inserting “challenging State
7 academic standards”; and

8 (B) in paragraph (3), by inserting “and
9 the involvement of their families and commu-
10 nities” after “to ensure their continued edu-
11 cation”;

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

14 “(2) MINIMUM PERCENTAGE.—The percentage
15 in paragraph (1)(A) shall not be less than 85 per-
16 cent.”;

17 (3) in section 1414—

18 (A) in subsection (a)—

19 (i) in paragraph (1)(B), by striking
20 “from correctional facilities to locally oper-
21 ated programs” and inserting “between
22 correctional facilities and locally operated
23 programs”; and

24 (ii) in paragraph (2)—

25 (I) in subparagraph (A)—

- 1 (aa) by striking “the pro-
2 gram goals, objectives, and per-
3 formance measures established
4 by the State” and inserting “the
5 program objectives and outcomes
6 established by the State”; and
- 7 (bb) by striking “vocational”
8 and inserting “career”;
- 9 (II) in subparagraph (B), by
10 striking “and” after the semicolon;
- 11 (III) by redesignating subpara-
12 graph (C) as subparagraph (D);
- 13 (IV) by inserting after subpara-
14 graph (B) the following:
15 “(C) describe how the State will place a
16 priority for such children to attain a regular
17 high school diploma, to the extent feasible;”;
- 18 (V) in subparagraph (D), as re-
19 designated by subclause (III)—
- 20 (aa) in clause (i), by insert-
21 ing “and” after the semicolon;
- 22 (bb) by striking clause (ii)
23 and redesignating clause (iii) as
24 clause (ii); and

1 (cc) by striking clause (iv);

2 and

3 (VI) by adding at the end the fol-

4 lowing:

5 “(E) provide assurances that the State
6 educational agency has established—

7 “(i) procedures to ensure the timely
8 re-enrollment of each student who has been
9 placed in the juvenile justice system in sec-
10 ondary school or in a re-entry program
11 that best meets the needs of the student,
12 including the transfer of credits that such
13 student earns during placement; and

14 “(ii) opportunities for such students
15 to participate in credit-bearing coursework
16 while in secondary school, postsecondary
17 education, or career and technical edu-
18 cation programming.”; and

19 (B) in subsection (c)—

20 (i) in paragraph (1), by inserting
21 “and, to the extent practicable, provide for
22 such assessment upon entry into a correc-
23 tional facility” after “to be served under
24 this subpart”;

25 (ii) in paragraph (6)—

1 (I) by striking “carry out the
2 evaluation requirements of section
3 9601 and how” and inserting “use”;

4 (II) by inserting “under section
5 8601” after “recent evaluation”; and

6 (III) by striking “will be used”;

7 (iii) in paragraph (7), by striking
8 “section 9521” and inserting “section
9 8521”;

10 (iv) paragraph (8)—

11 (I) by striking “Public Law 105–
12 220” and inserting “the Workforce
13 Innovation and Opportunity Act”; and

14 (II) by striking “vocational” and
15 inserting “career”;

16 (v) in paragraph (9)—

17 (I) by inserting “and after” after
18 “prior to”; and

19 (II) by inserting “in order to fa-
20 cilitate the transition of such children
21 and youth between the correctional fa-
22 cility and the local educational agency
23 or alternative education program”
24 after “the local educational agency or
25 alternative education program”;

- 1 (vi) in paragraph (11), by striking
2 “transition of children and youth from
3 such facility or institution to” and insert-
4 ing “transition of such children and youth
5 between such facility or institution and”;
- 6 (vii) in paragraph (16)—
- 7 (I) by inserting “and attain a
8 regular high school diploma” after “to
9 encourage the children and youth to
10 reenter school”; and
- 11 (II) by striking “achieve a sec-
12 ondary school diploma” and inserting
13 “attain a regular high school di-
14 ploma”;
- 15 (viii) in paragraph (17), by inserting
16 “certified or licensed” after “provides an
17 assurance that”;
- 18 (ix) in paragraph (18), by striking
19 “and” after the semicolon;
- 20 (x) in paragraph (19), by striking the
21 period at the end and inserting “; and”;
22 and
- 23 (xi) by adding at the end the fol-
24 lowing:

1 “(20) describes how the State agency will, to
2 the extent feasible—

3 “(A) note when a youth has come into con-
4 tact with both the child welfare and juvenile
5 justice systems; and

6 “(B) deliver services and interventions de-
7 signed to keep such youth in school that are
8 evidence-based (to the extent a State deter-
9 mines that such evidence is reasonably avail-
10 able).”;

11 (4) in section 1415—

12 (A) in subsection (a)—

13 (i) in paragraph (1)(B), by striking
14 “vocational or technical training” and in-
15 serting “career and technical education”;
16 and

17 (ii) in paragraph (2)—

18 (I) by striking subparagraph (A)
19 and inserting the following:

20 “(A) may include—

21 “(i) the acquisition of equipment;

22 “(ii) pay-for-success initiatives; or

23 “(iii) providing targeted services for
24 youth who have come in contact with both

1 the child welfare system and juvenile jus-
2 tice system;”;

3 (II) in subparagraph (B)—

4 (aa) in clause (i), by striking
5 “the State’s challenging academic
6 content standards and student
7 academic achievement standards”
8 and inserting “the challenging
9 State academic standards”;

10 (bb) in clause (ii), by strik-
11 ing “supplement and improve”
12 and inserting “respond to the
13 educational needs of such chil-
14 dren and youth, including by
15 supplementing and improving”;
16 and

17 (cc) in clause (iii)—

18 (AA) by striking “chal-
19 lenging State academic
20 achievement standards” and
21 inserting “challenging State
22 academic standards”; and

23 (BB) by inserting
24 “and” after the semicolon;

25 (III) in subparagraph (C)—

1 (aa) by striking “section
2 1120A and part I” and inserting
3 “section 1118 and part F”; and

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

6 (IV) by striking subparagraph
7 (D); and

8 (B) in subsection (b), by striking “section
9 1120A” and inserting “section 1118”;
10 (5) in section 1416—

11 (A) in paragraph (3)—

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

17 (ii) by striking “complete secondary
18 school, attain a secondary diploma” and
19 inserting “attain a regular high school di-
20 ploma”;

21 (B) in paragraph (4)—

22 (i) by striking “pupil” and inserting
23 “specialized instructional support”; and

24 (ii) by inserting “, and how relevant
25 and appropriate academic records and

1 plans regarding the continuation of edu-
2 cational services for such children or youth
3 are shared jointly between the State agen-
4 cy operating the institution or program
5 and local educational agency in order to fa-
6 cilitate the transition of such children and
7 youth between the local educational agency
8 and the State agency” after “children and
9 youth described in paragraph (1)”; and

10 (C) in paragraph (6), by striking “student
11 progress” and inserting “and improve student
12 achievement”;

13 (6) in section 1418(a)—

14 (A) by striking paragraph (1) and insert-
15 ing the following:

16 “(1) projects that facilitate the transition of
17 children and youth between State-operated institu-
18 tions, or institutions in the State operated by the
19 Secretary of the Interior, and schools served by local
20 educational agencies or schools operated or funded
21 by the Bureau of Indian Education; or”; and

22 (B) in paragraph (2)—

23 (i) by striking “vocational” each place
24 the term appears and inserting “career”;
25 and

1 (ii) in the matter preceding subpara-
2 graph (A), by striking “secondary” and in-
3 sserting “regular high”;

4 (7) in section 1419—

5 (A) by striking the section heading and in-
6 sserting “**TECHNICAL ASSISTANCE**”; and

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

10 (8) in section 1421(3), by inserting “, including
11 schools operated or funded by the Bureau of Indian
12 Education,” after “local schools”;

13 (9) in section 1422(d), by striking “impact on
14 meeting the transitional” and inserting “impact on
15 meeting such transitional”;

16 (10) in section 1423—

17 (A) in paragraph (2)(B), by inserting “,
18 including such facilities operated by the Sec-
19 retary of the Interior and Indian tribes” after
20 “the juvenile justice system”;

21 (B) by striking paragraph (4) and insert-
22 ing the following:

23 “(4) a description of the program operated by
24 participating schools to facilitate the successful tran-
25 sition of children and youth returning from correc-

1 tional facilities and, as appropriate, the types of
2 services that such schools will provide such children
3 and youth and other at-risk children and youth;”;

4 (C) in paragraph (7)—

5 (i) by inserting “institutions of higher
6 education or” after “partnerships with”;
7 and

8 (ii) by striking “develop training, cur-
9 riculum-based youth entrepreneurship edu-
10 cation” and inserting “facilitate postsec-
11 ondary and workforce success for children
12 and youth returning from correctional fa-
13 cilities, such as through participation in
14 credit-bearing coursework while in sec-
15 ondary school, enrollment in postsecondary
16 education, participation in career and tech-
17 nical education programming”;

18 (D) in paragraph (8), by inserting “and
19 family members” after “will involve parents”;

20 (E) in paragraph (9), by striking “voca-
21 tional” and inserting “career”; and

22 (F) in paragraph (13), by striking “reg-
23 ular” and inserting “traditional”;

24 (11) in section 1424—

1 (A) in the matter before paragraph (1), by
2 striking “Funds provided” and inserting the
3 following:

4 “(a) IN GENERAL.—Funds provided”;

5 (B) in paragraph (2), by striking “, includ-
6 ing” and all that follows through “gang mem-
7 bers”;

8 (C) in paragraph (4)—

9 (i) by striking “vocational” and in-
10 sserting “career”; and

11 (ii) by striking “and” after the semi-
12 colon; and

13 (D) in paragraph (5), by striking the pe-
14 riod at the end and inserting a semicolon;

15 (E) by inserting the following after para-
16 graph (5):

17 “(6) programs for at-risk Indian children and
18 youth, including such children and youth in correc-
19 tional facilities in the area served by the local edu-
20 cational agency that are operated by the Secretary
21 of the Interior or Indian tribes; and

22 “(7) pay for success initiatives.”; and

23 (F) by inserting after paragraph (7) the
24 following:

1 “(b) CONTRACTS AND GRANTS.—A local educational
2 agency may use a subgrant received under this subpart
3 to carry out the activities described under paragraphs (1)
4 through (7) of subsection (a) directly or through sub-
5 grants, contracts, or cooperative agreements.”;

6 (12) in section 1425—

7 (A) in paragraph (4)—

8 (i) by inserting “and attain a regular
9 high school diploma” after “reenter
10 school”; and

11 (ii) by striking “a secondary school di-
12 ploma” and inserting “a regular high
13 school diploma”;

14 (B) in paragraph (6), by striking “high
15 academic achievement standards” and inserting
16 “the challenging State academic standards”;

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

19 (D) in paragraph (10), by striking “and”
20 after the semicolon;

21 (E) in paragraph (11), by striking the pe-
22 riod at the end and inserting a semicolon; and

23 (F) by adding at the end the following:

24 “(12) upon the child’s or youth’s entry into the
25 correctional facility, work with the child’s or youth’s

1 family members and the local educational agency
2 that most recently provided services to the child or
3 youth (if applicable) to ensure that the relevant and
4 appropriate academic records and plans regarding
5 the continuation of educational services for such
6 child or youth are shared jointly between the correc-
7 tional facility and local educational agency in order
8 to facilitate the transition of such children and
9 youth between the local educational agency and the
10 correctional facility; and

11 “(13) consult with the local educational agency
12 for a period jointly determined necessary by the cor-
13 rectional facility and local educational agency upon
14 discharge from that facility, to coordinate edu-
15 cational services so as to minimize disruption to the
16 child’s or youth’s achievement.”;

17 (13) in section 1426—

18 (A) in paragraph (1), by striking “reduc-
19 ing dropout rates for male students and for fe-
20 male students over a 3-year period” and insert-
21 ing “the number of children and youth attain-
22 ing a regular high school diploma or its recog-
23 nized equivalent”; and

24 (B) in paragraph (2)—

1 (i) by striking “obtaining a secondary
2 school diploma” and inserting “attaining a
3 regular high school diploma”; and

4 (ii) by striking “obtaining employ-
5 ment” and inserting “attaining employ-
6 ment”;

7 (14) in section 1431(a)—

8 (A) in the matter preceding paragraph (1),
9 by inserting “while protecting individual stu-
10 dent privacy,” after “age”;

11 (B) striking “secondary” each place the
12 term appears and inserting “high”;

13 (C) in paragraph (1), by inserting “and to
14 graduate from high school in the number of
15 years established by the State under either the
16 four-year adjusted cohort graduation rate or the
17 extended-year adjusted cohort graduation rate,
18 if applicable” after “educational achievement”;
19 and

20 (D) in paragraph (3), by inserting “or
21 school operated or funded by the Bureau of In-
22 dian Education” after “local educational agen-
23 cy”; and

24 (15) in section 1432(2)—

1 (A) by inserting “dependency adjudication,
2 or delinquency adjudication,” after “failure,”;

3 (B) by striking “has limited English pro-
4 ficiency” and inserting “is an English learner”;

5 and

6 (C) by inserting “or child welfare system”
7 after “juvenile justice system”.

8 **PART E—FLEXIBILITY FOR EQUITABLE PER-**
9 **PUPIL FUNDING**

10 **SEC. 1501. FLEXIBILITY FOR EQUITABLE PER-PUPIL FUND-**
11 **ING.**

12 (a) REORGANIZATION.—Title I (20 U.S.C. 6571 et
13 seq.), as amended by this title, is further amended—

14 (1) by striking parts E through H;

15 (2) by redesignating part I as part F;

16 (3) by striking sections 1907 and 1908;

17 (4) by redesignating sections 1901 through
18 1903 as sections 1601 through 1603, respectively;

19 and

20 (5) by redesignating sections 1905 and 1906 as
21 sections 1604 and 1605, respectively.

22 (b) IN GENERAL.—Title I (20 U.S.C. 6571 et seq.),
23 as amended by this title, is further amended by inserting
24 after section 1432 the following:

1 **“PART E—FLEXIBILITY FOR EQUITABLE PER-**
2 **PUPIL FUNDING**

3 **“SEC. 1501. FLEXIBILITY FOR EQUITABLE PER-PUPIL FUND-**
4 **ING.**

5 “(a) PURPOSE.—The purpose of the program under
6 this section is to provide local educational agencies with
7 flexibility to consolidate eligible Federal funds and State
8 and local education funding in order to create a single
9 school funding system based on weighted per-pupil alloca-
10 tions for low-income and otherwise disadvantaged stu-
11 dents.

12 “(b) AUTHORITY.—

13 “(1) IN GENERAL.—The Secretary is authorized
14 to enter into local flexibility demonstration agree-
15 ments—

16 “(A) for not more than 3 years with local
17 educational agencies that are selected under
18 subsection (c) and submit proposed agreements
19 that meet the requirements of subsection (d);
20 and

21 “(B) under which such agencies may con-
22 solidate and use funds in accordance with sub-
23 section (d) in order to develop and implement
24 a school funding system based on weighted per-
25 pupil allocations for low-income and otherwise
26 disadvantaged students.

1 “(2) FLEXIBILITY.—Except as described in
2 subsection (d)(1)(I), the Secretary is authorized to
3 waive, for local educational agencies entering into
4 agreements under this section, any provision of this
5 Act that would otherwise prevent such agency from
6 using eligible Federal funds as part of such agree-
7 ment.

8 “(c) SELECTION OF LOCAL EDUCATIONAL AGEN-
9 CIES.—

10 “(1) IN GENERAL.—The Secretary may enter
11 into local flexibility demonstration agreements with
12 not more than 50 local educational agencies with an
13 approved application under subsection (d).

14 “(2) SELECTION.—Each local educational agen-
15 cy shall be selected based on such agency—

16 “(A) submitting a proposed local flexibility
17 demonstration agreement under subsection (d);

18 “(B) demonstrating that the agreement
19 meets the requirements of such subsection; and

20 “(C) agreeing to meet the continued dem-
21 onstration requirements under subsection (e).

22 “(3) EXPANSION.—Beginning with the 2019–
23 2020 academic year, the Secretary may extend fund-
24 ing flexibility authorized under this section to any
25 local educational agency that submits and has ap-

1 proved an application under subsection (d), as long
2 as a significant majority of the demonstration agree-
3 ments with local educational agencies described in
4 paragraph (1) meet the requirements of subsection
5 (d)(2) and subsection (e)(1) as of the end of the
6 2018–2019 academic year.

7 “(d) REQUIRED TERMS OF LOCAL FLEXIBILITY
8 DEMONSTRATION AGREEMENT.—

9 “(1) APPLICATION.—Each local educational
10 agency that desires to participate in the program
11 under this section shall submit, at such time and in
12 such form as the Secretary may prescribe, an appli-
13 cation to enter into a local flexibility demonstration
14 agreement with the Secretary in order to develop
15 and implement a school funding system based on
16 weighted per-pupil allocations that meets the re-
17 quirements of this section. The application shall in-
18 clude—

19 “(A) a description of the school funding
20 system based on weighted per-pupil allocations,
21 including—

22 “(i) the weights used to allocate funds
23 within such system;

1 “(ii) the local educational agency’s
2 legal authority to use State and local edu-
3 cation funds consistent with this section;

4 “(iii) how such system will meet the
5 requirements of paragraph (2); and

6 “(iv) how such system will support the
7 academic achievement of students, includ-
8 ing low-income students, the lowest-achiev-
9 ing students, English learners, and chil-
10 dren with disabilities;

11 “(B) a list of funding sources, including el-
12 igible Federal funds, the local educational agen-
13 cy will include in such system;

14 “(C) a description of the amount and per-
15 centage of total local educational agency fund-
16 ing, including State and local education funds
17 and eligible Federal funds, that will be allocated
18 through such system;

19 “(D) the per-pupil expenditures (which
20 shall include actual personnel expenditures, in-
21 cluding staff salary differentials for years of
22 employment, and actual nonpersonnel expendi-
23 tures) of State and local education funds for
24 each school served by the agency for the pre-
25 ceding fiscal year;

1 “(E) the per-pupil amount of eligible Fed-
2 eral funds each school served by the agency re-
3 ceived in the preceding fiscal year,
4 disaggregated by the programs supported by
5 the eligible Federal funds;

6 “(F) a description of how such system will
7 ensure that any eligible Federal funds allocated
8 through the system will meet the purposes of
9 each Federal program supported by such funds,
10 including serving students from low-income
11 families, English learners, migratory children,
12 and children who are neglected, delinquent, or
13 at risk, as applicable;

14 “(G) an assurance that the local edu-
15 cational agency developed and will implement
16 the local flexibility demonstration agreement in
17 consultation with teachers, principals, other
18 school leaders (including charter school leaders
19 in a local educational agency that has charter
20 schools), administrators of Federal programs
21 impacted by the agreement, parents, community
22 leaders, and other relevant stakeholders;

23 “(H) an assurance that the local edu-
24 cational agency will use fiscal control and sound
25 accounting procedures that ensure proper dis-

1 bursement of, and accounting for, eligible Fed-
2 eral funds consolidated and used under such
3 system;

4 “(I) an assurance that the local edu-
5 cational agency will continue to meet the re-
6 quirements of sections 1117, 1118, and 8501;
7 and

8 “(J) an assurance that the local edu-
9 cational agency will meet the requirements of
10 all applicable Federal civil rights laws in car-
11 rying out the agreement and in consolidating
12 and using funds under the agreement.

13 “(2) REQUIREMENTS OF THE SYSTEM.—

14 “(A) IN GENERAL.—A local educational
15 agency’s school funding system based on
16 weighted per-pupil allocations shall—

17 “(i) except as allowed under clause
18 (iv), allocate a significant portion of funds,
19 including State and local education funds
20 and eligible Federal funds, to the school
21 level based on the number of students in a
22 school and a formula developed by the
23 agency under this section that determines
24 per-pupil weighted amounts;

1 “(ii) use weights or allocation
2 amounts that allocate substantially more
3 funding to English learners, students from
4 low-income families, and students with any
5 other characteristics associated with edu-
6 cational disadvantage chosen by the local
7 educational agency, than to other students;

8 “(iii) ensure that each high-poverty
9 school receives, in the first year of the
10 demonstration agreement—

11 “(I) more per-pupil funding, in-
12 cluding from Federal, State, and local
13 sources, for low-income students than
14 such funding received for low-income
15 students in the year prior to entering
16 into a demonstration agreement under
17 this section; and

18 “(II) at least as much per-pupil
19 funding, including from Federal,
20 State, and local sources, for English
21 learners as such funding received for
22 English learners in the year prior to
23 entering into a demonstration agree-
24 ment under this section;

1 “(iv) be used to allocate to schools a
2 significant percentage, which shall be a
3 percentage agreed upon during the applica-
4 tion process, of all the local educational
5 agency’s State and local education funds
6 and eligible Federal funds; and

7 “(v) include all school-level actual per-
8 sonnel expenditures for instructional staff
9 (including staff salary differentials for
10 years of employment) and actual nonper-
11 sonnel expenditures in the calculation of
12 the local educational agency’s State and
13 local education funds and eligible Federal
14 funds to be allocated under clause (i).

15 “(B) PERCENTAGE.—In establishing the
16 percentage described in subparagraph (A)(iv)
17 for the system, the local educational agency
18 shall demonstrate that the percentage—

19 “(i) under such subparagraph is suffi-
20 cient to carry out the purposes of the dem-
21 onstration agreement under this section
22 and to meet each of the requirements of
23 this subsection; and

24 “(ii) of State and local education
25 funds and eligible Federal funds that are

1 not allocated through the local educational
2 agency's school funding system based on
3 weighted per-pupil allocations, does not un-
4 dermine or conflict with the requirements
5 of the demonstration agreement under this
6 section.

7 “(C) EXPENDITURES.—After allocating
8 funds through the system, the local educational
9 agency shall charge schools for the per-pupil ex-
10 penditures of State and local education funds
11 and eligible Federal funds, including actual per-
12 sonnel expenditures (including staff salary dif-
13 ferentials for years of employment) for instruc-
14 tional staff and actual nonpersonnel expendi-
15 tures.

16 “(e) CONTINUED DEMONSTRATION.—Each local edu-
17 cational agency with an approved application under sub-
18 section (d) shall annually—

19 “(1) demonstrate to the Secretary that, as com-
20 pared to the previous year, no high-poverty school
21 served by the agency received—

22 “(A) less per-pupil funding, including from
23 Federal, State, and local sources, for low-in-
24 come students; or

1 “(B) less per-pupil funding, including from
2 Federal, State, and local sources, for English
3 learners;

4 “(2) make public and report to the Secretary
5 the per-pupil expenditures (including actual per-
6 sonnel expenditures that include staff salary dif-
7 ferentials for years of employment, and actual non-
8 personnel expenditures) of State and local education
9 funds and eligible Federal funds for each school
10 served by the agency, disaggregated by each quartile
11 of students attending the school based on student
12 level of poverty and by each major racial or ethnic
13 group in the school, for the preceding fiscal year;

14 “(3) make public the total number of students
15 enrolled in each school served by the agency and the
16 number of students enrolled in each such school
17 disaggregated by each of the subgroups of students,
18 as defined in section 1111(c)(2); and

19 “(4) notwithstanding paragraph (1), (2), or (3),
20 ensure that any information to be reported or made
21 public under this subsection is only reported or
22 made public if such information does not reveal per-
23 sonally identifiable information.

24 “(f) LIMITATIONS ON ADMINISTRATIVE EXPENDI-
25 TURES.—Each local educational agency that has entered

1 into a local flexibility demonstration agreement with the
2 Secretary under this section may use, for administrative
3 purposes, an amount of eligible Federal funds that is not
4 more than the percentage of funds allowed for such pur-
5 poses under any of the following:

6 “(1) This title.

7 “(2) Title II.

8 “(3) Title III.

9 “(4) Part A of title IV.

10 “(5) Part B of title V.

11 “(g) PEER REVIEW.—The Secretary may establish a
12 peer-review process to assist in the review of a proposed
13 local flexibility demonstration agreement.

14 “(h) NONCOMPLIANCE.—The Secretary may, after
15 providing notice and an opportunity for a hearing (includ-
16 ing the opportunity to provide supporting evidence as pro-
17 vided for in subsection (i)), terminate a local flexibility
18 demonstration agreement under this section if there is evi-
19 dence that the local educational agency has failed to com-
20 ply with the terms of the agreement and the requirements
21 under subsections (d) and (e).

22 “(i) EVIDENCE.—If a local educational agency be-
23 lieves that the Secretary’s determination under subsection
24 (h) is in error for statistical or other substantive reasons,
25 the local educational agency may provide supporting evi-

1 dence to the Secretary, and the Secretary shall consider
2 that evidence before making a final determination.

3 “(j) PROGRAM EVALUATION.—From the amount re-
4 served for evaluation activities under section 8601, the
5 Secretary, acting through the Director of the Institute of
6 Education Sciences, shall, in consultation with the rel-
7 evant program office at the Department, evaluate—

8 “(1) the implementation of the local flexibility
9 demonstration agreements under this section; and

10 “(2) the impact of such agreements on improv-
11 ing the equitable distribution of State and local
12 funding and increasing student achievement.

13 “(k) RENEWAL OF LOCAL FLEXIBILITY DEM-
14 ONSTRATION AGREEMENT.—The Secretary may renew for
15 additional 3-year terms a local flexibility demonstration
16 agreement under this section if—

17 “(1) the local educational agency has met the
18 requirements under subsections (d)(2) and (e) and
19 agrees to, and has a high likelihood of, continuing
20 to meet such requirements; and

21 “(2) the Secretary determines that renewing
22 the local flexibility demonstration agreement is in
23 the interest of students served under this title and
24 title III.

25 “(l) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE FEDERAL FUNDS.—The term
2 ‘eligible Federal funds’ means funds received by a
3 local educational agency under—

4 “(A) this title;

5 “(B) title II;

6 “(C) title III;

7 “(D) part A of title IV; and

8 “(E) part B of title V.

9 “(2) HIGH-POVERTY SCHOOL.—The term ‘high-
10 poverty school’ means a school that is in the highest
11 2 quartiles of schools served by a local educational
12 agency, based on the percentage of enrolled students
13 from low-income families.”.

14 **PART F—GENERAL PROVISIONS**

15 **SEC. 1601. GENERAL PROVISIONS.**

16 (a) FEDERAL REGULATIONS.—Section 1601 (20
17 U.S.C. 6571), as redesignated by section 1501(a)(4) of
18 this Act, is amended—

19 (1) in subsection (a), by inserting “, in accord-
20 ance with subsections (b) through (d) and subject to
21 section 1111(e),” after “may issue”;

22 (2) in subsection (b)—

23 (A) in paragraph (1), by inserting “prin-
24 cipals, other school leaders (including charter
25 school leaders),” after “teachers,”;

1 (B) in paragraph (2), by adding at the end
2 the following: “Such regional meetings and elec-
3 tronic exchanges of information shall be public
4 and notice of such meetings and exchanges
5 shall be provided to interested stakeholders.”;

6 (C) in paragraph (3)(A), by striking
7 “standards and assessments” and inserting
8 “standards, assessments under section
9 1111(b)(2), and the requirement under section
10 1118 that funds under part A be used to sup-
11 plement, and not supplant, State and local
12 funds”;

13 (D) by striking paragraph (4) and insert-
14 ing the following:

15 “(4) PROCESS.—Such process—

16 “(A) shall not be subject to the Federal
17 Advisory Committee Act (5 U.S.C. App.); and

18 “(B) shall, unless otherwise provided as
19 described in subsection (c), follow the provisions
20 of subchapter III of chapter 5 of title V, United
21 States Code (commonly known as the ‘Nego-
22 tiated Rulemaking Act of 1990’).”; and

23 (E) by striking paragraph (5);

24 (3) by redesignating subsection (c) as sub-
25 section (d);

1 (4) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) ALTERNATIVE PROCESS FOR CERTAIN EXCEP-
4 TIONS.—If consensus, as defined in section 562 of title
5 5, United States Code, on any proposed regulation is not
6 reached by the individuals selected under subsection
7 (b)(3)(B) for the negotiated rulemaking process, or if the
8 Secretary determines that a negotiated rulemaking proc-
9 ess is unnecessary, the Secretary may propose a regulation
10 in the following manner:

11 “(1) NOTICE TO CONGRESS.—Not less than 15
12 business days prior to issuing a notice of proposed
13 rulemaking in the Federal Register, the Secretary
14 shall provide to the Committee on Health, Edu-
15 cation, Labor, and Pensions of the Senate, the Com-
16 mittee on Education and the Workforce of the
17 House of Representatives, and other relevant con-
18 gressional committees, notice of the Secretary’s in-
19 tent to issue a notice of proposed rulemaking that
20 shall include—

21 “(A) a copy of the proposed regulation;

22 “(B) the need to issue the regulation;

23 “(C) the anticipated burden, including the
24 time, cost, and paperwork burden, the regula-
25 tion will impose on State educational agencies,

1 local educational agencies, schools, and other
2 entities that may be impacted by the regulation;

3 “(D) the anticipated benefits to State edu-
4 cational agencies, local educational agencies,
5 schools, and other entities that may be im-
6 pacted by the regulation; and

7 “(E) any regulations that will be repealed
8 when the new regulation is issued.

9 “(2) COMMENT PERIOD FOR CONGRESS.—The
10 Secretary shall—

11 “(A) before issuing any notice of proposed
12 rulemaking under this subsection, provide Con-
13 gress with a comment period of 15 business
14 days to make comments on the proposed regula-
15 tion, beginning on the date that the Secretary
16 provides the notice of intent to the appropriate
17 committees of Congress under paragraph (1);
18 and

19 “(B) include and seek to address all com-
20 ments submitted by Congress in the public rule-
21 making record for the regulation published in
22 the Federal Register.

23 “(3) COMMENT AND REVIEW PERIOD; EMER-
24 GENCY SITUATIONS.—The comment and review pe-
25 riod for any proposed regulation shall be not less

1 than 60 days unless an emergency requires a shorter
2 period, in which case the Secretary shall—

3 “(A) designate the proposed regulation as
4 an emergency with an explanation of the emer-
5 gency in the notice to Congress under para-
6 graph (1);

7 “(B) publish the length of the comment
8 and review period in such notice and in the
9 Federal Register; and

10 “(C) conduct immediately thereafter re-
11 gional meetings to review such proposed regula-
12 tion before issuing any final regulation.”;

13 (5) in subsection (d), as redesignated by para-
14 graph (3), by striking “Regulations to carry out this
15 part” and inserting “Regulations to carry out this
16 title”; and

17 (6) by inserting after subsection (d), as redesign-
18 ated by paragraph (3), the following:

19 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion affects the applicability of subchapter II of chapter
21 5, and chapter 7, of title 5, United States Code (commonly
22 known as the ‘Administrative Procedure Act’) or chapter
23 8 of title 5, United States Code (commonly known as the
24 ‘Congressional Review Act’).”.

1 (b) AGREEMENTS AND RECORDS.—Subsection (a) of
2 section 1602 (20 U.S.C. 6572(a)), as redesignated by sec-
3 tion 1501(a)(4) of this Act, is amended to read as follows:

4 “(a) AGREEMENTS.—In any case in which a nego-
5 tiated rulemaking process is established under section
6 1601(b), all published proposed regulations shall conform
7 to agreements that result from the rulemaking described
8 in section 1601 unless the Secretary reopens the nego-
9 tiated rulemaking process.”.

10 (c) STATE ADMINISTRATION.—Section 1603 (20
11 U.S.C. 6573), as redesignated by section 1501(a)(4) of
12 this Act, is further amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (C), by striking
16 “and” after the semicolon;

17 (ii) in subparagraph (D), by striking
18 the period and inserting “; and”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(E)(i) identify any duplicative or con-
22 trasting requirements between the State and
23 Federal rules or regulations; and

1 “(ii) eliminate the State rules and regula-
2 tions that are duplicative of Federal require-
3 ments.”; and

4 (B) in paragraph (2), by striking “the
5 challenging State student academic achievement
6 standards” and inserting “the challenging State
7 academic standards”; and

8 (2) in subsection (b)(2), by striking subpara-
9 graphs (C) through (G) and inserting the following:

10 “(C) teachers from traditional public
11 schools and charter schools (if there are charter
12 schools in the State) and career and technical
13 educators;

14 “(D) principals and other school leaders;

15 “(E) parents;

16 “(F) members of local school boards;

17 “(G) representatives of private school chil-
18 dren;

19 “(H) specialized instructional support per-
20 sonnel and paraprofessionals;

21 “(I) representatives of authorized public
22 chartering agencies (if there are charter schools
23 in the State); and

24 “(J) charter school leaders (if there are
25 charter schools in the State).”.

1 **TITLE II—PREPARING, TRAIN-**
2 **ING, AND RECRUITING HIGH-**
3 **QUALITY TEACHERS, PRIN-**
4 **CIPALS, OR OTHER SCHOOL**
5 **LEADERS**

6 **SEC. 2001. GENERAL PROVISIONS.**

7 (a) TITLE II TRANSFERS AND RELATED AMEND-
8 MENTS.—

9 (1) Section 2366(b) (20 U.S.C. 6736(b)) is
10 amended by striking the matter following paragraph
11 (2) and inserting the following:

12 “(3) A State law that makes a limitation of li-
13 ability inapplicable if the civil action was brought by
14 an officer of a State or local government pursuant
15 to State or local law.”.

16 (2) Subpart 4 of part D of title II (20 U.S.C.
17 6777) is amended, by striking the subpart designa-
18 tion and heading and inserting the following:

19 **“Subpart 4—Internet Safety”.**

20 (3) Subpart 5 of part C of title II (20 U.S.C.
21 6731 et seq.) (as amended by paragraph (1) of this
22 subsection) is—

23 (A) transferred to title IX;

24 (B) inserted so as to appear after subpart
25 2 of part E of such title;

1 (C) redesignated as subpart 3 of such part;

2 and

3 (D) further amended by redesignating sec-
4 tions 2361 through 2368 as sections 9541
5 through 9548, respectively.

6 (4) Subpart 4 of part D of title II (20 U.S.C.
7 6777 et seq) (as amended by paragraph (2) of this
8 subsection) is—

9 (A) transferred to title IV;

10 (B) inserted so as to appear after subpart
11 4 of part A of such title;

12 (C) redesignated as subpart 5 of such part;

13 and

14 (D) further amended by redesignating sec-
15 tion 2441 as section 4161.

16 **SEC. 2002. PREPARING, TRAINING, AND RECRUITING HIGH-**
17 **QUALITY TEACHERS, PRINCIPALS, OR OTHER**
18 **SCHOOL LEADERS.**

19 The Act (20 U.S.C. 6301 et seq.) is amended by
20 striking title II and inserting the following:

1 **“TITLE II—PREPARING, TRAIN-**
2 **ING, AND RECRUITING HIGH-**
3 **QUALITY TEACHERS, PRIN-**
4 **CIPALS, OR OTHER SCHOOL**
5 **LEADERS**

6 **“SEC. 2001. PURPOSE.**

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

10 “(1) increase student achievement consistent
11 with the challenging State academic standards;

12 “(2) improve the quality and effectiveness of
13 teachers, principals, and other school leaders;

14 “(3) increase the number of teachers, prin-
15 cipals, and other school leaders who are effective in
16 improving student academic achievement in schools;
17 and

18 “(4) provide low-income and minority students
19 greater access to effective teachers, principals, and
20 other school leaders.

21 **“SEC. 2002. DEFINITIONS.**

22 “In this title:

23 “(1) SCHOOL LEADER RESIDENCY PROGRAM.—

24 The term ‘school leader residency program’ means a
25 school-based principal or other school leader prepa-

1 ration program in which a prospective principal or
2 other school leader—

3 “(A) for 1 academic year, engages in sus-
4 tained and rigorous clinical learning with sub-
5 stantial leadership responsibilities and an op-
6 portunity to practice and be evaluated in an au-
7 thentic school setting; and

8 “(B) during that academic year—

9 “(i) participates in evidence-based
10 coursework, to the extent the State (in
11 consultation with local educational agencies
12 in the State) determines that such evidence
13 is reasonably available, that is integrated
14 with the clinical residency experience; and

15 “(ii) receives ongoing support from a
16 mentor principal or other school leader,
17 who is effective.

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

21 “(3) STATE AUTHORIZER.—The term ‘State au-
22 thorizer’ means an entity designated by the Gov-
23 ernor of a State to recognize teacher, principal, or
24 other school leader preparation academies within the
25 State that—

1 “(A) enters into an agreement with a
2 teacher, principal, or other school leader prepa-
3 ration academy that specifies the goals expected
4 of the academy, as described in paragraph
5 (4)(A)(i);

6 “(B) may be a nonprofit organization,
7 State educational agency, or other public entity,
8 or consortium of such entities (including a con-
9 sortium of States); and

10 “(C) does not reauthorize a teacher, prin-
11 cipal, or other school leader preparation acad-
12 emy if the academy fails to produce the min-
13 imum number or percentage of effective teach-
14 ers or principals or other school leaders, respec-
15 tively (as determined by the State), identified in
16 the academy’s authorizing agreement.

17 “(4) **TEACHER, PRINCIPAL, OR OTHER SCHOOL**
18 **LEADER PREPARATION ACADEMY.**—The term ‘teach-
19 er, principal, or other school leader preparation
20 academy’ means a public or other nonprofit entity,
21 which may be an institution of higher education or
22 an organization affiliated with an institution of high-
23 er education, that establishes an academy that will
24 prepare teachers, principals, or other school leaders
25 to serve in high-needs schools, and that—

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

4 “(i) a requirement that prospective
5 teachers, principals, or other school leaders
6 who are enrolled in the academy receive a
7 significant part of their training through
8 clinical preparation that partners the pro-
9 spective candidate with an effective teach-
10 er, principal, or other school leader, as de-
11 termined by the State, respectively, with a
12 demonstrated record of increasing student
13 academic achievement, including for the
14 subgroups of students defined in section
15 1111(c)(2), while also receiving concurrent
16 instruction from the academy in the con-
17 tent area (or areas) in which the prospec-
18 tive teacher, principal, or other school lead-
19 er will become certified or licensed that
20 links to the clinical preparation experience;

21 “(ii) the number of effective teachers,
22 principals, or other school leaders, respec-
23 tively, who will demonstrate success in in-
24 creasing student academic achievement
25 that the academy will prepare; and

1 “(iii) a requirement that the academy
2 will award a certificate of completion (or
3 degree, if the academy is, or is affiliated
4 with, an institution of higher education) to
5 a teacher only after the teacher dem-
6 onstrates that the teacher is an effective
7 teacher, as determined by the State, with
8 a demonstrated record of increasing stu-
9 dent academic achievement either as a stu-
10 dent teacher or teacher-of-record on an al-
11 ternative certificate, license, or credential;

12 “(iv) a requirement that the academy
13 will award a certificate of completion (or
14 degree, if the academy is, or is affiliated
15 with, an institution of higher education) to
16 a principal or other school leader only after
17 the principal or other school leader dem-
18 onstrates a record of success in improving
19 student performance; and

20 “(v) timelines for producing cohorts of
21 graduates and conferring certificates of
22 completion (or degrees, if the academy is,
23 or is affiliated with, an institution of high-
24 er education) from the academy;

1 “(B) does not have unnecessary restric-
2 tions on the methods the academy will use to
3 train prospective teacher, principal, or other
4 school leader candidates, including—

5 “(i) obligating (or prohibiting) the
6 academy’s faculty to hold advanced degrees
7 or conduct academic research;

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

10 “(iii) restrictions related to the num-
11 ber of course credits required as part of
12 the program of study;

13 “(iv) restrictions related to the under-
14 graduate coursework completed by teachers
15 teaching or working on alternative certifi-
16 cates, licenses, or credentials, as long as
17 such teachers have successfully passed all
18 relevant State-approved content area ex-
19 aminations; or

20 “(v) restrictions related to obtaining
21 accreditation from an accrediting body for
22 purposes of becoming an academy;

23 “(C) limits admission to its program to
24 prospective teacher, principal, or other school
25 leader candidates who demonstrate strong po-

1 tential to improve student academic achieve-
2 ment, based on a rigorous selection process that
3 reviews a candidate’s prior academic achieve-
4 ment or record of professional accomplishment;
5 and

6 “(D) results in a certificate of completion
7 or degree that the State may, after reviewing
8 the academy’s results in producing effective
9 teachers, or principals, or other school leaders,
10 respectively (as determined by the State) recog-
11 nize as at least the equivalent of a master’s de-
12 gree in education for the purposes of hiring, re-
13 tention, compensation, and promotion in the
14 State.

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

19 “(A) for not less than 1 academic year,
20 teaches alongside an effective teacher, as deter-
21 mined by the State or local educational agency,
22 who is the teacher of record for the classroom;

23 “(B) receives concurrent instruction during
24 the year described in subparagraph (A)—

1 “(i) through courses that may be
2 taught by local educational agency per-
3 sonnel or by faculty of the teacher prepara-
4 tion program; and

5 “(ii) in the teaching of the content
6 area in which the teacher will become cer-
7 tified or licensed; and

8 “(C) acquires effective teaching skills, as
9 demonstrated through completion of a residency
10 program, or other measure determined by the
11 State, which may include a teacher performance
12 assessment.

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

14 “(a) GRANTS TO STATES AND LOCAL EDUCATIONAL
15 AGENCIES.—For the purpose of carrying out part A, there
16 are authorized to be appropriated \$2,295,830,000 for each
17 of fiscal years 2017 through 2020.

18 “(b) NATIONAL ACTIVITIES.—For the purpose of
19 carrying out part B, there are authorized to be appro-
20 priated—

21 “(1) \$468,880,575 for each of fiscal years 2017
22 and 2018;

23 “(2) \$469,168,000 for fiscal year 2019; and

24 “(3) \$489,168,000 for fiscal year 2020.

1 **“PART A—SUPPORTING EFFECTIVE**
2 **INSTRUCTION**

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

4 “(a) RESERVATION OF FUNDS.—From the total
5 amount appropriated under section 2003(a) for a fiscal
6 year, the Secretary shall reserve—

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

14 “(2) one-half of 1 percent for the Secretary of
15 the Interior for programs under this part in schools
16 operated or funded by the Bureau of Indian Edu-
17 cation.

18 “(b) STATE ALLOTMENTS.—

19 “(1) HOLD HARMLESS.—

20 “(A) FISCAL YEARS 2017 THROUGH 2022.—
21 For each of fiscal years 2017 through 2022,
22 subject to paragraph (2) and subparagraph (C),
23 from the funds appropriated under section
24 2003(a) for a fiscal year that remain after the
25 Secretary makes the reservations under sub-
26 section (a), the Secretary shall allot to each

1 State an amount equal to the total amount that
2 such State received for fiscal year 2001
3 under—

4 “(i) section 2202(b) of this Act (as in
5 effect on the day before the date of enact-
6 ment of the No Child Left Behind Act of
7 2001); and

8 “(ii) section 306 of the Department of
9 Education Appropriations Act, 2001 (as
10 enacted into law by section 1(a)(1) of Pub-
11 lic Law 106–554).

12 “(B) RATABLE REDUCTION.—If the funds
13 described in subparagraph (A) are insufficient
14 to pay the full amounts that all States are eligi-
15 ble to receive under subparagraph (A) for any
16 fiscal year, the Secretary shall ratably reduce
17 those amounts for the fiscal year.

18 “(C) PERCENTAGE REDUCTION.—For each
19 of fiscal years 2017 through 2022, the amount
20 in subparagraph (A) shall be reduced by a per-
21 centage equal to the product of 14.29 percent
22 and the number of years between the fiscal year
23 for which the determination is being made and
24 fiscal year 2016.

25 “(2) ALLOTMENT OF ADDITIONAL FUNDS.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), for any fiscal year for which the
3 funds appropriated under section 2003(a) and
4 not reserved under subsection (a) exceed the
5 total amount required to make allotments under
6 paragraph (1), the Secretary shall allot to each
7 State the sum of—

8 “(i) for fiscal year 2017—

9 “(I) an amount that bears the
10 same relationship to 35 percent of the
11 excess amount as the number of indi-
12 viduals aged 5 through 17 in the
13 State, as determined by the Secretary
14 on the basis of the most recent satis-
15 factory data, bears to the number of
16 those individuals in all such States, as
17 so determined; and

18 “(II) an amount that bears the
19 same relationship to 65 percent of the
20 excess amount as the number of indi-
21 viduals aged 5 through 17 from fami-
22 lies with incomes below the poverty
23 line in the State, as determined by the
24 Secretary on the basis of the most re-
25 cent satisfactory data, bears to the

1 number of those individuals in all
2 such States, as so determined;

3 “(ii) for fiscal year 2018—

4 “(I) an amount that bears the
5 same relationship to 30 percent of the
6 excess amount as the number of indi-
7 viduals aged 5 through 17 in the
8 State, as determined by the Secretary
9 on the basis of the most recent satis-
10 factory data, bears to the number of
11 those individuals in all such States, as
12 so determined; and

13 “(II) an amount that bears the
14 same relationship to 70 percent of the
15 excess amount as the number of indi-
16 viduals aged 5 through 17 from fami-
17 lies with incomes below the poverty
18 line in the State, as determined by the
19 Secretary on the basis of the most re-
20 cent satisfactory data, bears to the
21 number of those individuals in all
22 such States, as so determined;

23 “(iii) for fiscal year 2019—

24 “(I) an amount that bears the
25 same relationship to 25 percent of the

1 excess amount as the number of indi-
2 viduals aged 5 through 17 in the
3 State, as determined by the Secretary
4 on the basis of the most recent satis-
5 factory data, bears to the number of
6 those individuals in all such States, as
7 so determined; and

8 “(II) an amount that bears the
9 same relationship to 75 percent of the
10 excess amount as the number of indi-
11 viduals aged 5 through 17 from fami-
12 lies with incomes below the poverty
13 line in the State, as determined by the
14 Secretary on the basis of the most re-
15 cent satisfactory data, bears to the
16 number of those individuals in all
17 such States, as so determined; and

18 “(iv) for fiscal year 2020—

19 “(I) an amount that bears the
20 same relationship to 20 percent of the
21 excess amount as the number of indi-
22 viduals aged 5 through 17 in the
23 State, as determined by the Secretary
24 on the basis of the most recent satis-
25 factory data, bears to the number of

1 those individuals in all such States, as
2 so determined; and

3 “(II) an amount that bears the
4 same relationship to 80 percent of the
5 excess amount as the number of indi-
6 viduals aged 5 through 17 from fami-
7 lies with incomes below the poverty
8 line in the State, as determined by the
9 Secretary on the basis of the most re-
10 cent satisfactory data, bears to the
11 number of those individuals in all
12 such States, as so determined.

13 “(B) EXCEPTION.—No State receiving an
14 allotment under subparagraph (A) may receive
15 less than one-half of 1 percent of the total ex-
16 cess amount allotted under such subparagraph
17 for a fiscal year.

18 “(3) FISCAL YEAR 2021 AND SUCCEEDING FIS-
19 CAL YEARS.—For fiscal year 2021 and each of the
20 succeeding fiscal years—

21 “(A) the Secretary shall allot funds appro-
22 priated under section 2003(a) and not reserved
23 under subsection (a) to each State in accord-
24 ance with paragraph (2)(A)(iv); and

1 “(B) the amount appropriated but not re-
2 served shall be treated as the excess amount.

3 “(4) REALLOTMENT.—If any State does not
4 apply for an allotment under this subsection for any
5 fiscal year, the Secretary shall reallocate the amount of
6 the allotment to the remaining States in accordance
7 with this subsection.

8 “(c) STATE USES OF FUNDS.—

9 “(1) IN GENERAL.—Except as provided under
10 paragraph (3), each State that receives an allotment
11 under subsection (b) for a fiscal year shall reserve
12 not less than 95 percent of such allotment to make
13 subgrants to local educational agencies for such fis-
14 cal year, as described in section 2102.

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

21 “(3) PRINCIPALS OR OTHER SCHOOL LEAD-
22 ERS.—Notwithstanding paragraph (1) and in addi-
23 tion to funds otherwise available for activities under
24 paragraph (4), a State educational agency may re-
25 serve not more than 3 percent of the amount re-

1 served for subgrants to local educational agencies
2 under paragraph (1) for one or more of the activities
3 for principals or other school leaders that are de-
4 scribed in paragraph (4).

5 “(4) STATE ACTIVITIES.—

6 “(A) IN GENERAL.—The State educational
7 agency for a State that receives an allotment
8 under subsection (b) may use funds not re-
9 served under paragraph (1) to carry out 1 or
10 more of the activities described in subparagraph
11 (B), which may be implemented in conjunction
12 with a State agency of higher education (if such
13 agencies are separate) and carried out through
14 a grant or contract with a for-profit or non-
15 profit entity, including an institution of higher
16 education.

17 “(B) TYPES OF STATE ACTIVITIES.—The
18 activities described in this subparagraph are the
19 following:

20 “(i) Reforming teacher, principal, or
21 other school leader certification, recertifi-
22 cation, licensing, or tenure systems or
23 preparation program standards and ap-
24 proval processes to ensure that—

1 “(I) teachers have the necessary
2 subject-matter knowledge and teach-
3 ing skills, as demonstrated through
4 measures determined by the State,
5 which may include teacher perform-
6 ance assessments, in the academic
7 subjects that the teachers teach to
8 help students meet challenging State
9 academic standards;

10 “(II) principals or other school
11 leaders have the instructional leader-
12 ship skills to help teachers teach and
13 to help students meet such chal-
14 lenging State academic standards; and

15 “(III) teacher certification or li-
16 censing requirements are aligned with
17 such challenging State academic
18 standards.

19 “(ii) Developing, improving, or pro-
20 viding assistance to local educational agen-
21 cies to support the design and implementa-
22 tion of teacher, principal, or other school
23 leader evaluation and support systems that
24 are based in part on evidence of student
25 academic achievement, which may include

1 student growth, and shall include multiple
2 measures of educator performance and
3 provide clear, timely, and useful feedback
4 to teachers, principals, or other school
5 leaders, such as by—

6 “(I) developing and dissemi-
7 nating high-quality evaluation tools,
8 such as classroom observation rubrics,
9 and methods, including training and
10 auditing, for ensuring inter-rater reli-
11 ability of evaluation results;

12 “(II) developing and providing
13 training to principals, other school
14 leaders, coaches, mentors, and eval-
15 uators on how to accurately differen-
16 tiate performance, provide useful and
17 timely feedback, and use evaluation
18 results to inform decisionmaking
19 about professional development, im-
20 provement strategies, and personnel
21 decisions; and

22 “(III) developing a system for
23 auditing the quality of evaluation and
24 support systems.

1 “(iii) Improving equitable access to ef-
2 fective teachers.

3 “(iv) Carrying out programs that es-
4 tablish, expand, or improve alternative
5 routes for State certification of teachers
6 (especially for teachers of children with
7 disabilities, English learners, science, tech-
8 nology, engineering, mathematics, or other
9 areas where the State experiences a short-
10 age of educators), principals, or other
11 school leaders, for—

12 “(I) individuals with a bacca-
13 laureate or master’s degree, or other
14 advanced degree;

15 “(II) mid-career professionals
16 from other occupations;

17 “(III) paraprofessionals;

18 “(IV) former military personnel;

19 and

20 “(V) recent graduates of institu-
21 tions of higher education with records
22 of academic distinction who dem-
23 onstrate the potential to become effec-
24 tive teachers, principals, or other
25 school leaders.

1 “(v) Developing, improving, and im-
2 plementing mechanisms to assist local edu-
3 cational agencies and schools in effectively
4 recruiting and retaining teachers, prin-
5 cipals, or other school leaders who are ef-
6 fective in improving student academic
7 achievement, including effective teachers
8 from underrepresented minority groups
9 and teachers with disabilities, such as
10 through—

11 “(I) opportunities for effective
12 teachers to lead evidence-based (to the
13 extent the State determines that such
14 evidence is reasonably available) pro-
15 fessional development for the peers of
16 such effective teachers; and

17 “(II) providing training and sup-
18 port for teacher leaders and principals
19 or other school leaders who are re-
20 cruited as part of instructional leader-
21 ship teams.

22 “(vi) Fulfilling the State educational
23 agency’s responsibilities concerning proper
24 and efficient administration and moni-
25 toring of the programs carried out under

1 this part, including provision of technical
2 assistance to local educational agencies.

3 “(vii) Developing, or assisting local
4 educational agencies in developing—

5 “(I) career opportunities and ad-
6 vancement initiatives that promote
7 professional growth and emphasize
8 multiple career paths, such as instruc-
9 tional coaching and mentoring (in-
10 cluding hybrid roles that allow in-
11 structional coaching and mentoring
12 while remaining in the classroom),
13 school leadership, and involvement
14 with school improvement and support;

15 “(II) strategies that provide dif-
16 ferential pay, or other incentives, to
17 recruit and retain teachers in high-
18 need academic subjects and teachers,
19 principals, or other school leaders, in
20 low-income schools and school dis-
21 tricts, which may include perform-
22 ance-based pay systems; and

23 “(III) new teacher, principal, or
24 other school leader induction and
25 mentoring programs that are, to the

1 extent the State determines that such
2 evidence is reasonably available, evi-
3 dence-based, and designed to—

4 “(aa) improve classroom in-
5 struction and student learning
6 and achievement, including
7 through improving school leader-
8 ship programs; and

9 “(bb) increase the retention
10 of effective teachers, principals,
11 or other school leaders.

12 “(viii) Providing assistance to local
13 educational agencies for the development
14 and implementation of high-quality profes-
15 sional development programs for principals
16 that enable the principals to be effective
17 and prepare all students to meet the chal-
18 lenging State academic standards.

19 “(ix) Supporting efforts to train
20 teachers, principals, or other school leaders
21 to effectively integrate technology into cur-
22 ricula and instruction, which may include
23 training to assist teachers in implementing
24 blended learning (as defined in section
25 4102(1)) projects.

1 “(x) Providing training, technical as-
2 sistance, and capacity-building to local
3 educational agencies that receive a
4 subgrant under this part.

5 “(xi) Reforming or improving teacher,
6 principal, or other school leader prepara-
7 tion programs, such as through estab-
8 lishing teacher residency programs and
9 school leader residency programs.

10 “(xii) Establishing or expanding
11 teacher, principal, or other school leader
12 preparation academies, with an amount of
13 the funds described in subparagraph (A)
14 that is not more than 2 percent of the
15 State’s allotment, if—

16 “(I) allowable under State law;

17 “(II) the State enables can-
18 didates attending a teacher, principal,
19 or other school leader preparation
20 academy to be eligible for State finan-
21 cial aid to the same extent as partici-
22 pants in other State-approved teacher
23 or principal preparation programs, in-
24 cluding alternative certification, licen-
25 sure, or credential programs; and

1 “(III) the State enables teachers,
2 principals, or other school leaders who
3 are teaching or working while on al-
4 ternative certificates, licenses, or cre-
5 dentials to teach or work in the State
6 while enrolled in a teacher, principal,
7 or other school leader preparation
8 academy.

9 “(xiii) Supporting the instructional
10 services provided by effective school library
11 programs.

12 “(xiv) Developing, or assisting local
13 educational agencies in developing, strate-
14 gies that provide teachers, principals, or
15 other school leaders with the skills, creden-
16 tials, or certifications needed to educate all
17 students in postsecondary education
18 coursework through early college high
19 school or dual or concurrent enrollment
20 programs.

21 “(xv) Providing training for all school
22 personnel, including teachers, principals,
23 other school leaders, specialized instruc-
24 tional support personnel, and paraprofes-

1 sionals, regarding how to prevent and rec-
2 ognize child sexual abuse.

3 “(xvi) Supporting opportunities for
4 principals, other school leaders, teachers,
5 paraprofessionals, early childhood edu-
6 cation program directors, and other early
7 childhood education program providers to
8 participate in joint efforts to address the
9 transition to elementary school, including
10 issues related to school readiness.

11 “(xvii) Developing and providing pro-
12 fessional development and other com-
13 prehensive systems of support for teachers,
14 principals, or other school leaders to pro-
15 mote high-quality instruction and instruc-
16 tional leadership in science, technology, en-
17 gineering, and mathematics subjects, in-
18 cluding computer science.

19 “(xviii) Supporting the professional
20 development and improving the instruc-
21 tional strategies of teachers, principals, or
22 other school leaders to integrate career and
23 technical education content into academic
24 instructional practices, which may include
25 training on best practices to understand

1 State and regional workforce needs and
2 transitions to postsecondary education and
3 the workforce.

4 “(xix) Enabling States, as a consor-
5 tium, to voluntarily develop a process that
6 allows teachers who are licensed or cer-
7 tified in a participating State to teach in
8 other participating States without com-
9 pleting additional licensure or certification
10 requirements, except that nothing in this
11 clause shall be construed to allow the Sec-
12 retary to exercise any direction, super-
13 vision, or control over State teacher licens-
14 ing or certification requirements.

15 “(xx) Supporting and developing ef-
16 forts to train teachers on the appropriate
17 use of student data to ensure that indi-
18 vidual student privacy is protected as re-
19 quired by section 444 of the General Edu-
20 cation Provisions Act (commonly known as
21 the ‘Family Educational Rights and Pri-
22 vacy Act of 1974’) (20 U.S.C. 1232g) and
23 in accordance with State student privacy
24 laws and local educational agency student
25 privacy and technology use policies.

1 “(xxi) Supporting other activities
2 identified by the State that are, to the ex-
3 tent the State determines that such evi-
4 dence is reasonably available, evidence-
5 based and that meet the purpose of this
6 title.

7 “(d) STATE APPLICATION.—

8 “(1) IN GENERAL.—In order to receive an allot-
9 ment under this section for any fiscal year, a State
10 shall submit an application to the Secretary at such
11 time and in such manner as the Secretary may rea-
12 sonably require.

13 “(2) CONTENTS.—Each application described
14 under paragraph (1) shall include the following:

15 “(A) A description of how the State edu-
16 cational agency will use funds received under
17 this title for State-level activities described in
18 subsection (c).

19 “(B) A description of the State’s system of
20 certification and licensing of teachers, prin-
21 cipals, or other school leaders.

22 “(C) A description of how activities under
23 this part are aligned with challenging State aca-
24 demic standards.

1 “(D) A description of how the activities
2 carried out with funds under this part are ex-
3 pected to improve student achievement.

4 “(E) If a State educational agency plans
5 to use funds under this part to improve equi-
6 table access to effective teachers, consistent
7 with section 1111(g)(1)(B), a description of
8 how such funds will be used for such purpose.

9 “(F) If applicable, a description of how the
10 State educational agency will work with local
11 educational agencies in the State to develop or
12 implement State or local teacher, principal, or
13 other school leader evaluation and support sys-
14 tems that meet the requirements of subsection
15 (c)(4)(B)(ii).

16 “(G) An assurance that the State edu-
17 cational agency will monitor the implementation
18 of activities under this part and provide tech-
19 nical assistance to local educational agencies in
20 carrying out such activities.

21 “(H) An assurance that the State edu-
22 cational agency will work in consultation with
23 the entity responsible for teacher, principal, or
24 other school leader professional standards, cer-
25 tification, and licensing for the State, and en-

1 courage collaboration between educator prepara-
2 tion programs, the State, and local edu-
3 cational agencies to promote the readiness of
4 new educators entering the profession.

5 “(I) An assurance that the State edu-
6 cational agency will comply with section 8501
7 (regarding participation by private school chil-
8 dren and teachers).

9 “(J) A description of how the State edu-
10 cational agency will improve the skills of teach-
11 ers, principals, or other school leaders in order
12 to enable them to identify students with specific
13 learning needs, particularly children with dis-
14 abilities, English learners, students who are
15 gifted and talented, and students with low lit-
16 eracy levels, and provide instruction based on
17 the needs of such students.

18 “(K) A description of how the State will
19 use data and ongoing consultation as described
20 in paragraph (3) to continually update and im-
21 prove the activities supported under this part.

22 “(L) A description of how the State edu-
23 cational agency will encourage opportunities for
24 increased autonomy and flexibility for teachers,
25 principals, or other school leaders, such as by

1 establishing innovation schools that have a high
2 degree of autonomy over budget and operations,
3 are transparent and accountable to the public,
4 and lead to improved academic outcomes for
5 students.

6 “(M) A description of actions the State
7 may take to improve preparation programs and
8 strengthen support for teachers, principals, or
9 other school leaders based on the needs of the
10 State, as identified by the State educational
11 agency.

12 “(3) CONSULTATION.—In developing the State
13 application under this subsection, a State shall—

14 “(A) meaningfully consult with teachers,
15 principals, other school leaders, paraprofes-
16 sionals (including organizations representing
17 such individuals), specialized instructional sup-
18 port personnel, charter school leaders (in a
19 State that has charter schools), parents, com-
20 munity partners, and other organizations or
21 partners with relevant and demonstrated exper-
22 tise in programs and activities designed to meet
23 the purpose of this title;

24 “(B) seek advice from the individuals, or-
25 ganizations, or partners described in subpara-

1 graph (A) regarding how best to improve the
2 State's activities to meet the purpose of this
3 title; and

4 “(C) coordinate the State's activities under
5 this part with other related strategies, pro-
6 grams, and activities being conducted in the
7 State.

8 “(4) LIMITATION.—Consultation required under
9 paragraph (3) shall not interfere with the timely
10 submission of the application required under this
11 section.

12 “(e) PROHIBITION.—Nothing in this section shall be
13 construed to authorize the Secretary or any other officer
14 or employee of the Federal Government to mandate, di-
15 rect, or control any of the following:

16 “(1) The development, improvement, or imple-
17 mentation of elements of any teacher, principal, or
18 other school leader evaluation system.

19 “(2) Any State or local educational agency's
20 definition of teacher, principal, or other school lead-
21 er effectiveness.

22 “(3) Any teacher, principal, or other school
23 leader professional standards, certification, or licens-
24 ing.

1 **“SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**
2 **CIES.**

3 “(a) ALLOCATION OF FUNDS TO LOCAL EDU-
4 CATIONAL AGENCIES.—

5 “(1) IN GENERAL.—From funds reserved by a
6 State under section 2101(c)(1) for a fiscal year, the
7 State, acting through the State educational agency,
8 shall award subgrants to eligible local educational
9 agencies from allocations described in paragraph (2).

10 “(2) ALLOCATION FORMULA.—From the funds
11 described in paragraph (1), the State educational
12 agency shall allocate to each of the eligible local edu-
13 cational agencies in the State for a fiscal year the
14 sum of—

15 “(A) an amount that bears the same rela-
16 tionship to 20 percent of such funds for such
17 fiscal year as the number of individuals aged 5
18 through 17 in the geographic area served by the
19 agency, as determined by the Secretary on the
20 basis of the most recent satisfactory data, bears
21 to the number of those individuals in the geo-
22 graphic areas served by all eligible local edu-
23 cational agencies in the State, as so determined;
24 and

25 “(B) an amount that bears the same rela-
26 tionship to 80 percent of the funds for such fis-

1 cal year as the number of individuals aged 5
2 through 17 from families with incomes below
3 the poverty line in the geographic area served
4 by the agency, as determined by the Secretary
5 on the basis of the most recent satisfactory
6 data, bears to the number of those individuals
7 in the geographic areas served by all the eligible
8 local educational agencies in the State, as so
9 determined.

10 “(3) RULE OF CONSTRUCTION.—Nothing in
11 this section shall be construed to prohibit a consor-
12 tium of local educational agencies that are des-
13 ignated with a locale code of 41, 42, or 43, or such
14 local educational agencies designated with a locale
15 code of 41, 42, or 43 that work in cooperation with
16 an educational service agency, from voluntarily com-
17 bining allocations received under this part for the
18 collective use of funding by the consortium for ac-
19 tivities under this section.

20 “(b) LOCAL APPLICATIONS.—

21 “(1) IN GENERAL.—To be eligible to receive a
22 subgrant under this section, a local educational
23 agency shall submit an application to the State edu-
24 cational agency at such time, in such manner, and

1 containing such information as the State educational
2 agency may reasonably require.

3 “(2) CONTENTS OF APPLICATION.—Each appli-
4 cation submitted under paragraph (1) shall include
5 the following:

6 “(A) A description of the activities to be
7 carried out by the local educational agency
8 under this section and how these activities will
9 be aligned with challenging State academic
10 standards.

11 “(B) A description of the local educational
12 agency’s systems of professional growth and im-
13 provement, such as induction for teachers, prin-
14 cipals, or other school leaders and opportunities
15 for building the capacity of teachers and oppor-
16 tunities to develop meaningful teacher leader-
17 ship.

18 “(C) A description of how the local edu-
19 cational agency will prioritize funds to schools
20 served by the agency that are implementing
21 comprehensive support and improvement activi-
22 ties and targeted support and improvement ac-
23 tivities under section 1111(d) and have the
24 highest percentage of children counted under
25 section 1124(e).

1 “(D) A description of how the local edu-
2 cational agency will use data and ongoing con-
3 sultation described in paragraph (3) to contin-
4 ually update and improve activities supported
5 under this part.

6 “(E) An assurance that the local edu-
7 cational agency will comply with section 8501
8 (regarding participation by private school chil-
9 dren and teachers).

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

16 “(3) CONSULTATION.—In developing the appli-
17 cation described in paragraph (2), a local edu-
18 cational agency shall—

19 “(A) meaningfully consult with teachers,
20 principals, other school leaders, paraprofes-
21 sionals (including organizations representing
22 such individuals), specialized instructional sup-
23 port personnel, charter school leaders (in a local
24 educational agency that has charter schools),
25 parents, community partners, and other organi-

1 zations or partners with relevant and dem-
2 onstrated expertise in programs and activities
3 designed to meet the purpose of this title;

4 “(B) seek advice from the individuals and
5 organizations described in subparagraph (A) re-
6 garding how best to improve the local edu-
7 cational agency’s activities to meet the purpose
8 of this title; and

9 “(C) coordinate the local educational agen-
10 cy’s activities under this part with other related
11 strategies, programs, and activities being con-
12 ducted in the community.

13 “(4) LIMITATION.—Consultation required under
14 paragraph (3) shall not interfere with the timely
15 submission of the application required under this
16 section.

17 **“SEC. 2103. LOCAL USES 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 “(1) through a grant or contract with a for-
24 profit or nonprofit entity; or

1 “(2) in partnership with an institution of higher
2 education or an Indian tribe or tribal organization
3 (as such terms are defined under section 4 of the In-
4 dian Self-Determination and Education Assistance
5 Act (25 U.S.C. 450b)).

6 “(b) TYPES OF ACTIVITIES.—The programs and ac-
7 tivities described in this subsection—

8 “(1) shall be in accordance with the purpose of
9 this title;

10 “(2) shall address the learning needs of all stu-
11 dents, including children with disabilities, English
12 learners, and gifted and talented students; and

13 “(3) may include, among other programs and
14 activities—

15 “(A) developing or improving a rigorous,
16 transparent, and fair evaluation and support
17 system for teachers, principals, or other school
18 leaders that—

19 “(i) is based in part on evidence of
20 student achievement, which may include
21 student growth; and

22 “(ii) shall include multiple measures
23 of educator performance and provide clear,
24 timely, and useful feedback to teachers,
25 principals, or other school leaders;

1 “(B) developing and implementing initia-
2 tives to assist in recruiting, hiring, and retain-
3 ing effective teachers, particularly in low-income
4 schools with high percentages of ineffective
5 teachers and high percentages of students who
6 do not meet the challenging State academic
7 standards, to improve within-district equity in
8 the distribution of teachers, consistent with sec-
9 tion 1111(g)(1)(B), such as initiatives that pro-
10 vide—

11 “(i) expert help in screening can-
12 didates and enabling early hiring;

13 “(ii) differential and incentive pay for
14 teachers, principals, or other school leaders
15 in high-need academic subject areas and
16 specialty areas, which may include per-
17 formance-based pay systems;

18 “(iii) teacher, paraprofessional, prin-
19 cipal, or other school leader advancement
20 and professional growth, and an emphasis
21 on leadership opportunities, multiple career
22 paths, and pay differentiation;

23 “(iv) new teacher, principal, or other
24 school leader induction and mentoring pro-
25 grams that are designed to—

1 “(I) improve classroom instruc-
2 tion and student learning and achieve-
3 ment; and

4 “(II) increase the retention of ef-
5 fective teachers, principals, or other
6 school leaders;

7 “(v) the development and provision of
8 training for school leaders, coaches, men-
9 tors, and evaluators on how accurately to
10 differentiate performance, provide useful
11 feedback, and use evaluation results to in-
12 form decisionmaking about professional de-
13 velopment, improvement strategies, and
14 personnel decisions; and

15 “(vi) a system for auditing the quality
16 of evaluation and support systems;

17 “(C) recruiting qualified individuals from
18 other fields to become teachers, principals, or
19 other school leaders, including mid-career pro-
20 fessionals from other occupations, former mili-
21 tary personnel, and recent graduates of institu-
22 tions of higher education with records of aca-
23 demic distinction who demonstrate potential to
24 become effective teachers, principals, or other
25 school leaders;

1 “(D) reducing class size to a level that is
2 evidence-based, to the extent the State (in con-
3 sultation with local educational agencies in the
4 State) determines that such evidence is reason-
5 ably available, to improve student achievement
6 through the recruiting and hiring of additional
7 effective teachers;

8 “(E) providing high-quality, personalized
9 professional development that is evidence-based,
10 to the extent the State (in consultation with
11 local educational agencies in the State) deter-
12 mines that such evidence is reasonably avail-
13 able, for teachers, instructional leadership
14 teams, principals, or other school leaders, that
15 is focused on improving teaching and student
16 learning and achievement, including supporting
17 efforts to train teachers, principals, or other
18 school leaders to—

19 “(i) effectively integrate technology
20 into curricula and instruction (including
21 education about the harms of copyright pi-
22 racy);

23 “(ii) use data to improve student
24 achievement and understand how to ensure
25 individual student privacy is protected, as

1 required under section 444 of the General
2 Education Provisions Act (commonly
3 known as the ‘Family Educational Rights
4 and Privacy Act of 1974’) (20 U.S.C.
5 1232g) and State and local policies and
6 laws in the use of such data;

7 “(iii) effectively engage parents, fami-
8 lies, and community partners, and coordi-
9 nate services between school and commu-
10 nity;

11 “(iv) help all students develop the
12 skills essential for learning readiness and
13 academic success;

14 “(v) develop policy with school, local
15 educational agency, community, or State
16 leaders; and

17 “(vi) participate in opportunities for
18 experiential learning through observation;

19 “(F) developing programs and activities
20 that increase the ability of teachers to effec-
21 tively teach children with disabilities, including
22 children with significant cognitive disabilities,
23 and English learners, which may include the
24 use of multi-tier systems of support and posi-
25 tive behavioral intervention and supports, so

1 that such children with disabilities and English
2 learners can meet the challenging State aca-
3 demic standards;

4 “(G) providing programs and activities to
5 increase—

6 “(i) the knowledge base of teachers,
7 principals, or other school leaders on in-
8 struction in the early grades and on strate-
9 gies to measure whether young children
10 are progressing; and

11 “(ii) the ability of principals or other
12 school leaders to support teachers, teacher
13 leaders, early childhood educators, and
14 other professionals to meet the needs of
15 students through age 8, which may include
16 providing joint professional learning and
17 planning activities for school staff and edu-
18 cators in preschool programs that address
19 the transition to elementary school;

20 “(H) providing training, technical assist-
21 ance, and capacity-building in local educational
22 agencies to assist teachers, principals, or other
23 school leaders with selecting and implementing
24 formative assessments, designing classroom-
25 based assessments, and using data from such

1 assessments to improve instruction and student
2 academic achievement, which may include pro-
3 viding additional time for teachers to review
4 student data and respond, as appropriate;

5 “(I) carrying out in-service training for
6 school personnel in—

7 “(i) the techniques and supports need-
8 ed to help educators understand when and
9 how to refer students affected by trauma,
10 and children with, or at risk of, mental ill-
11 ness;

12 “(ii) the use of referral mechanisms
13 that effectively link such children to appro-
14 priate treatment and intervention services
15 in the school and in the community, where
16 appropriate;

17 “(iii) forming partnerships between
18 school-based mental health programs and
19 public or private mental health organiza-
20 tions; and

21 “(iv) addressing issues related to
22 school conditions for student learning, such
23 as safety, peer interaction, drug and alco-
24 hol abuse, and chronic absenteeism;

1 “(J) providing training to support the
2 identification of students who are gifted and
3 talented, including high-ability students who
4 have not been formally identified for gifted edu-
5 cation services, and implementing instructional
6 practices that support the education of such
7 students, such as—

8 “(i) early entrance to kindergarten;

9 “(ii) enrichment, acceleration, and
10 curriculum compacting activities; and

11 “(iii) dual or concurrent enrollment
12 programs in secondary school and postsec-
13 ondary education;

14 “(K) supporting the instructional services
15 provided by effective school library programs;

16 “(L) providing training for all school per-
17 sonnel, including teachers, principals, other
18 school leaders, specialized instructional support
19 personnel, and paraprofessionals, regarding how
20 to prevent and recognize child sexual abuse;

21 “(M) developing and providing professional
22 development and other comprehensive systems
23 of support for teachers, principals, or other
24 school leaders to promote high-quality instruc-
25 tion and instructional leadership in science,

1 technology, engineering, and mathematics sub-
2 jects, including computer science;

3 “(N) developing feedback mechanisms to
4 improve school working conditions, including
5 through periodically and publicly reporting re-
6 sults of educator support and working condi-
7 tions feedback;

8 “(O) providing high-quality professional
9 development for teachers, principals, or other
10 school leaders on effective strategies to inte-
11 grate rigorous academic content, career and
12 technical education, and work-based learning (if
13 appropriate), which may include providing com-
14 mon planning time, to help prepare students for
15 postsecondary education and the workforce; and

16 “(P) carrying out other activities that are
17 evidence-based, to the extent the State (in con-
18 sultation with local educational agencies in the
19 State) determines that such evidence is reason-
20 ably available, and identified by the local edu-
21 cational agency that meet the purpose of this
22 title.

1 **“SEC. 2104. REPORTING.**

2 “(a) STATE REPORT.—Each State educational agen-
3 cy receiving funds under this part shall annually submit
4 to the Secretary a report that provides—

5 “(1) a description of how the State is using
6 grant funds received under this part to meet the
7 purpose of this title, and how such chosen activities
8 improved teacher, principal, or other school leader
9 effectiveness, as determined by the State or local
10 educational agency;

11 “(2) if funds are used under this part to im-
12 prove equitable access to teachers for low-income
13 and minority students, consistent with section
14 1111(g)(1)(B), a description of how funds have been
15 used to improve such access;

16 “(3) for a State that implements a teacher,
17 principal, or other school leader evaluation and sup-
18 port system, consistent with section
19 2101(e)(4)(B)(ii), using funds under this part, the
20 evaluation results of teachers, principals, or other
21 school leaders, except that such information shall
22 not provide personally identifiable information on in-
23 dividual teachers, principals, or other school leaders;
24 and

25 “(4) where available, the annual retention rates
26 of effective and ineffective teachers, principals, or

1 other school leaders, using any methods or criteria
2 the State has or develops under section
3 1111(g)(2)(A), except that nothing in this para-
4 graph shall be construed to require any State edu-
5 cational agency or local educational agency to collect
6 and report any data the State educational agency or
7 local educational agency is not collecting or report-
8 ing as of the day before the date of enactment of the
9 Every Student Succeeds Act.

10 “(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each
11 local educational agency receiving funds under this part
12 shall submit to the State educational agency such informa-
13 tion as the State requires, which shall include the informa-
14 tion described in subsection (a) for the local educational
15 agency.

16 “(c) AVAILABILITY.—The reports and information
17 provided under subsections (a) and (b) shall be made read-
18 ily available to the public.

19 “(d) LIMITATION.—The reports and information pro-
20 vided under subsections (a) and (b) shall not reveal per-
21 sonally identifiable information about any individual.

22 “PART B—NATIONAL ACTIVITIES

23 “SEC. 2201. RESERVATIONS.

24 “From the amounts appropriated under section
25 2003(b) for a fiscal year, the Secretary shall reserve—

1 “(1) to carry out activities authorized under
2 subpart 1—

3 “(A) 49.1 percent for each of fiscal years
4 2017 through 2019; and

5 “(B) 47 percent for fiscal year 2020;

6 “(2) to carry out activities authorized under
7 subpart 2—

8 “(A) 34.1 percent for each of fiscal years
9 2017 through 2019; and

10 “(B) 36.8 percent for fiscal year 2020;

11 “(3) to carry out activities authorized under
12 subpart 3, 1.4 percent for each of fiscal years 2017
13 through 2020; and

14 “(4) to carry out activities authorized under
15 subpart 4—

16 “(A) 15.4 percent for each of fiscal years
17 2017 through 2019; and

18 “(B) 14.8 percent for fiscal year 2020.

19 **“Subpart 1—Teacher and School Leader Incentive**
20 **Program**

21 **“SEC. 2211. PURPOSES; DEFINITIONS.**

22 “(a) PURPOSES.—The purposes of this subpart are—

23 “(1) to assist States, local educational agencies,
24 and nonprofit organizations to develop, implement,
25 improve, or expand comprehensive performance-

1 based compensation systems or human capital man-
2 agement systems for teachers, principals, or other
3 school leaders (especially for teachers, principals, or
4 other school leaders in high-need schools) who raise
5 student academic achievement and close the achieve-
6 ment gap between high- and low-performing stu-
7 dents; and

8 “(2) to study and review performance-based
9 compensation systems or human capital manage-
10 ment systems for teachers, principals, or other
11 school leaders to evaluate the effectiveness, fairness,
12 quality, consistency, and reliability of the systems.

13 “(b) DEFINITIONS.—In this subpart:

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

16 “(A) a local educational agency, including
17 a charter school that is a local educational
18 agency, or a consortium of local educational
19 agencies;

20 “(B) a State educational agency or other
21 State agency designated by the chief executive
22 of a State to participate under this subpart;

23 “(C) the Bureau of Indian Education; or

24 “(D) a partnership consisting of—

1 “(i) 1 or more agencies described in
2 subparagraph (A), (B), or (C); and

3 “(ii) at least 1 nonprofit or for-profit
4 entity.

5 “(2) HIGH-NEED SCHOOL.—The term ‘high-
6 need school’ means a public elementary school or
7 secondary school that is located in an area in which
8 the percentage of students from families with in-
9 comes below the poverty line is 30 percent or more.

10 “(3) HUMAN CAPITAL MANAGEMENT SYSTEM.—
11 The term ‘human capital management system’
12 means a system—

13 “(A) by which a local educational agency
14 makes and implements human capital decisions,
15 such as decisions on preparation, recruitment,
16 hiring, placement, retention, dismissal, com-
17 pensation, professional development, tenure,
18 and promotion; and

19 “(B) that includes a performance-based
20 compensation system.

21 “(4) PERFORMANCE-BASED COMPENSATION
22 SYSTEM.—The term ‘performance-based compensa-
23 tion system’ means a system of compensation for
24 teachers, principals, or other school leaders—

1 “(A) that differentiates levels of compensa-
2 tion based in part on measurable increases in
3 student academic achievement; and

4 “(B) which may include—

5 “(i) differentiated levels of compensa-
6 tion, which may include bonus pay, on the
7 basis of the employment responsibilities
8 and success of effective teachers, prin-
9 cipals, or other school leaders in hard-to-
10 staff schools or high-need subject areas;
11 and

12 “(ii) recognition of the skills and
13 knowledge of teachers, principals, or other
14 school leaders as demonstrated through—

15 “(I) successful fulfillment of ad-
16 ditional responsibilities or job func-
17 tions, such as teacher leadership roles;
18 and

19 “(II) evidence of professional
20 achievement and mastery of content
21 knowledge and superior teaching and
22 leadership skills.

1 **“SEC. 2212. TEACHER AND SCHOOL LEADER INCENTIVE**
2 **FUND GRANTS.**

3 “(a) GRANTS AUTHORIZED.—From the amounts re-
4 served by the Secretary under section 2201(1), the Sec-
5 retary shall award grants, on a competitive basis, to eligi-
6 ble entities to enable the eligible entities to develop, imple-
7 ment, improve, or expand performance-based compensa-
8 tion systems or human capital management systems, in
9 schools served by the eligible entity.

10 “(b) DURATION OF GRANTS.—

11 “(1) IN GENERAL.—A grant awarded under
12 this subpart shall be for a period of not more than
13 3 years.

14 “(2) RENEWAL.—The Secretary may renew a
15 grant awarded under this subpart for a period of not
16 more than 2 years if the grantee demonstrates to
17 the Secretary that the grantee is effectively using
18 funds. Such renewal may include allowing the grant-
19 ee to scale up or replicate the successful program.

20 “(3) LIMITATION.—A local educational agency
21 may receive (whether individually or as part of a
22 consortium or partnership) a grant under this sub-
23 part, as amended by the Every Student Succeeds
24 Act, only twice.

25 “(c) APPLICATIONS.—An eligible entity desiring a
26 grant under this subpart shall submit an application to

1 the Secretary at such time and in such manner as the
2 Secretary may reasonably require. The application shall
3 include—

4 “(1) a description of the performance-based
5 compensation system or human capital management
6 system that the eligible entity proposes to develop,
7 implement, improve, or expand through the grant;

8 “(2) a description of the most significant gaps
9 or insufficiencies in student access to effective teach-
10 ers, principals, or other school leaders in high-need
11 schools, including gaps or inequities in how effective
12 teachers, principals, or other school leaders are dis-
13 tributed across the local educational agency, as iden-
14 tified using factors such as data on school resources,
15 staffing patterns, school environment, educator sup-
16 port systems, and other school-level factors;

17 “(3) a description and evidence of the support
18 and commitment from teachers, principals, or other
19 school leaders, which may include charter school
20 leaders, in the school (including organizations rep-
21 resenting teachers, principals, or other school lead-
22 ers), the community, and the local educational agen-
23 cy to the activities proposed under the grant;

24 “(4) a description of how the eligible entity will
25 develop and implement a fair, rigorous, valid, reli-

1 able, and objective process to evaluate teacher, prin-
2 cipal, or other school leader performance under the
3 system that is based in part on measures of student
4 academic achievement, including the baseline per-
5 formance against which evaluations of improved per-
6 formance will be made;

7 “(5) a description of the local educational agen-
8 cies or schools to be served under the grant, includ-
9 ing such student academic achievement, demo-
10 graphic, and socioeconomic information as the Sec-
11 retary may request;

12 “(6) a description of the effectiveness of teach-
13 ers, principals, or other school leaders in the local
14 educational agency and the schools to be served
15 under the grant and the extent to which the system
16 will increase the effectiveness of teachers, principals,
17 or other school leaders in such schools;

18 “(7) a description of how the eligible entity will
19 use grant funds under this subpart in each year of
20 the grant, including a timeline for implementation of
21 such activities;

22 “(8) a description of how the eligible entity will
23 continue the activities assisted under the grant after
24 the grant period ends;

1 “(9) a description of the State, local, or other
2 public or private funds that will be used to supple-
3 ment the grant, including funds under part A, and
4 sustain the activities assisted under the grant after
5 the end of the grant period;

6 “(10) a description of—

7 “(A) the rationale for the project;

8 “(B) how the proposed activities are evi-
9 dence-based; and

10 “(C) if applicable, the prior experience of
11 the eligible entity in developing and imple-
12 menting such activities; and

13 “(11) a description of how activities funded
14 under this subpart will be evaluated, monitored, and
15 publically reported.

16 “(d) AWARD BASIS.—

17 “(1) PRIORITY.—In awarding a grant under
18 this subpart, the Secretary shall give priority to an
19 eligible entity that concentrates the activities pro-
20 posed to be assisted under the grant on teachers,
21 principals, or other school leaders serving in high-
22 need schools.

23 “(2) EQUITABLE DISTRIBUTION.—To the ex-
24 tent practicable, the Secretary shall ensure an equi-
25 table geographic distribution of grants under this

1 subpart, including the distribution of such grants be-
2 tween rural and urban areas.

3 “(e) USE OF FUNDS.—

4 “(1) IN GENERAL.—An eligible entity that re-
5 ceives a grant under this subpart shall use the grant
6 funds to develop, implement, improve, or expand, in
7 collaboration with teachers, principals, other school
8 leaders, and members of the public, a performance-
9 based compensation system or human capital man-
10 agement system consistent with this subpart.

11 “(2) AUTHORIZED ACTIVITIES.—Grant funds
12 under this subpart may be used for one or more of
13 the following:

14 “(A) Developing or improving an evalua-
15 tion and support system, including as part of a
16 human capital management system as applica-
17 ble, that—

18 “(i) reflects clear and fair measures of
19 teacher, principal, or other school leader
20 performance, based in part on dem-
21 onstrated improvement in student aca-
22 demic achievement; and

23 “(ii) provides teachers, principals, or
24 other school leaders with ongoing, differen-
25 tiated, targeted, and personalized support

1 and feedback for improvement, including
2 professional development opportunities de-
3 signed to increase effectiveness.

4 “(B) Conducting outreach within a local
5 educational agency or a State to gain input on
6 how to construct an evaluation and support sys-
7 tem described in subparagraph (A) and to de-
8 velop support for the evaluation and support
9 system, including by training appropriate per-
10 sonnel in how to observe and evaluate teachers,
11 principals, or other school leaders.

12 “(C) Providing principals or other school
13 leaders with—

14 “(i) balanced autonomy to make
15 budgeting, scheduling, and other school-
16 level decisions in a manner that meets the
17 needs of the school without compromising
18 the intent or essential components of the
19 policies of the local educational agency or
20 State; and

21 “(ii) authority to make staffing deci-
22 sions that meet the needs of the school,
23 such as building an instructional leader-
24 ship team that includes teacher leaders or
25 offering opportunities for teams or pairs of

1 effective teachers or candidates to teach or
2 start teaching in high-need schools to-
3 gether.

4 “(D) Implementing, as part of a com-
5 prehensive performance-based compensation
6 system, a differentiated salary structure, which
7 may include bonuses and stipends, to—

8 “(i) teachers who—

9 “(I) teach in—

10 “(aa) high-need schools; or

11 “(bb) high-need subjects;

12 “(II) raise student academic
13 achievement; or

14 “(III) take on additional leader-
15 ship responsibilities; or

16 “(ii) principals or other school leaders
17 who serve in high-need schools and raise
18 student academic achievement in the
19 schools.

20 “(E) Improving the local educational agen-
21 cy’s system and process for the recruitment, se-
22 lection, placement, and retention of effective
23 teachers, principals, or other school leaders in
24 high-need schools, such as by improving local
25 educational agency policies and procedures to

1 ensure that high-need schools are competitive
2 and timely in—

3 “(i) attracting, hiring, and retaining
4 effective educators;

5 “(ii) offering bonuses or higher sala-
6 ries to effective educators; or

7 “(iii) establishing or strengthening
8 school leader residency programs and
9 teacher residency programs.

10 “(F) Instituting career advancement op-
11 portunities characterized by increased responsi-
12 bility and pay that reward and recognize effec-
13 tive teachers, principals, or other school leaders
14 in high-need schools and enable them to expand
15 their leadership and results, such as through
16 teacher-led professional development, men-
17 toring, coaching, hybrid roles, administrative
18 duties, and career ladders.

19 “(f) MATCHING REQUIREMENT.—Each eligible entity
20 that receives a grant under this subpart shall provide,
21 from non-Federal sources, an amount equal to 50 percent
22 of the amount of the grant (which may be provided in cash
23 or in kind) to carry out the activities supported by the
24 grant.

1 “(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds
2 provided under this subpart shall be used to supplement,
3 not supplant, other Federal or State funds available to
4 carry out activities described in this subpart.

5 **“SEC. 2213. REPORTS.**

6 “(a) ACTIVITIES SUMMARY.—Each eligible entity re-
7 ceiving a grant under this subpart shall provide to the Sec-
8 retary a summary of the activities assisted under the
9 grant.

10 “(b) REPORT.—The Secretary shall provide to Con-
11 gress an annual report on the implementation of the pro-
12 gram carried out under this subpart, including—

13 “(1) information on eligible entities that re-
14 ceived grant funds under this subpart, including—

15 “(A) information provided by eligible enti-
16 ties to the Secretary in the applications sub-
17 mitted under section 2212(c);

18 “(B) the summaries received under sub-
19 section (a); and

20 “(C) grant award amounts; and

21 “(2) student academic achievement and, as ap-
22 plicable, growth data from the schools participating
23 in the programs supported under the grant.

24 “(c) EVALUATION AND TECHNICAL ASSISTANCE.—

1 “(1) RESERVATION OF FUNDS.—Of the total
2 amount reserved for this subpart for a fiscal year,
3 the Secretary may reserve for such fiscal year not
4 more than 1 percent for the cost of the evaluation
5 under paragraph (2) and for technical assistance in
6 carrying out this subpart.

7 “(2) EVALUATION.—From amounts reserved
8 under paragraph (1), the Secretary, acting through
9 the Director of the Institute of Education Sciences,
10 shall carry out an independent evaluation to meas-
11 ure the effectiveness of the program assisted under
12 this subpart.

13 “(3) CONTENTS.—The evaluation under para-
14 graph (2) shall measure—

15 “(A) the effectiveness of the program in
16 improving student academic achievement;

17 “(B) the satisfaction of the participating
18 teachers, principals, or other school leaders; and

19 “(C) the extent to which the program as-
20 sisted the eligible entities in recruiting and re-
21 taining high-quality teachers, principals, or
22 other school leaders, especially in high-need
23 subject areas.

1 **“Subpart 2—Literacy Education for All, Results for**
2 **the Nation**

3 **“SEC. 2221. PURPOSES; DEFINITIONS.**

4 “(a) PURPOSES.—The purposes of this subpart are—

5 “(1) to improve student academic achievement
6 in reading and writing by providing Federal support
7 to States to develop, revise, or update comprehensive
8 literacy instruction plans that, when implemented,
9 ensure high-quality instruction and effective strate-
10 gies in reading and writing from early education
11 through grade 12; and

12 “(2) for States to provide targeted subgrants to
13 early childhood education programs and local edu-
14 cational agencies and their public or private partners
15 to implement evidence-based programs that ensure
16 high-quality comprehensive literacy instruction for
17 students most in need.

18 “(b) DEFINITIONS.—In this subpart:

19 “(1) COMPREHENSIVE LITERACY INSTRUCC-
20 TION.—The term ‘comprehensive literacy instruc-
21 tion’ means instruction that—

22 “(A) includes developmentally appropriate,
23 contextually explicit, and systematic instruction,
24 and frequent practice, in reading and writing
25 across content areas;

1 “(B) includes age-appropriate, explicit, sys-
2 tematic, and intentional instruction in phono-
3 logical awareness, phonic decoding, vocabulary,
4 language structure, reading fluency, and read-
5 ing comprehension;

6 “(C) includes age-appropriate, explicit in-
7 struction in writing, including opportunities for
8 children to write with clear purposes, with crit-
9 ical reasoning appropriate to the topic and pur-
10 pose, and with specific instruction and feedback
11 from instructional staff;

12 “(D) makes available and uses diverse,
13 high-quality print materials that reflect the
14 reading and development levels, and interests,
15 of children;

16 “(E) uses differentiated instructional ap-
17 proaches, including individual and small group
18 instruction and discussion;

19 “(F) provides opportunities for children to
20 use language with peers and adults in order to
21 develop language skills, including developing vo-
22 cabulary;

23 “(G) includes frequent practice of reading
24 and writing strategies;

1 “(H) uses age-appropriate, valid, and reli-
2 able screening assessments, diagnostic assess-
3 ments, formative assessment processes, and
4 summative assessments to identify a child’s
5 learning needs, to inform instruction, and to
6 monitor the child’s progress and the effects of
7 instruction;

8 “(I) uses strategies to enhance children’s
9 motivation to read and write and children’s en-
10 gagement in self-directed learning;

11 “(J) incorporates the principles of uni-
12 versal design for learning;

13 “(K) depends on teachers’ collaboration in
14 planning, instruction, and assessing a child’s
15 progress and on continuous professional learn-
16 ing; and

17 “(L) links literacy instruction to the chal-
18 lenging State academic standards, including the
19 ability to navigate, understand, and write
20 about, complex print and digital subject matter.

21 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
22 tity’ means an entity that consists of—

23 “(A) one or more local educational agen-
24 cies that serve a high percentage of high-need
25 schools and—

1 “(i) have the highest number or pro-
2 portion of children who are counted under
3 section 1124(c), in comparison to other
4 local educational agencies in the State;

5 “(ii) are among the local educational
6 agencies in the State with the highest
7 number or percentages of children reading
8 or writing below grade level, based on the
9 most currently available State academic as-
10 sessment data under section 1111(b)(2); or

11 “(iii) serve a significant number or
12 percentage of schools that are imple-
13 menting comprehensive support and im-
14 provement activities and targeted support
15 and improvement activities under section
16 1111(d);

17 “(B) one or more early childhood edu-
18 cation programs serving low-income or other-
19 wise disadvantaged children, which may include
20 home-based literacy programs for preschool-
21 aged children, that have a demonstrated record
22 of providing comprehensive literacy instruction
23 for the age group such program proposes to
24 serve; or

1 “(C) a local educational agency, described
2 in subparagraph (A), or consortium of such
3 local educational agencies, or an early childhood
4 education program, which may include home-
5 based literacy programs for preschool-aged chil-
6 dren, acting in partnership with 1 or more pub-
7 lic or private nonprofit organizations or agen-
8 cies (which may include early childhood edu-
9 cation programs) that have a demonstrated
10 record of effectiveness in—

11 “(i) improving literacy achievement of
12 children, consistent with the purposes of
13 participation under this subpart, from
14 birth through grade 12; and

15 “(ii) providing professional develop-
16 ment in comprehensive literacy instruction.

17 “(3) HIGH-NEED SCHOOL.—

18 “(A) IN GENERAL.—The term ‘high-need
19 school’ means—

20 “(i) an elementary school or middle
21 school in which not less than 50 percent of
22 the enrolled students are children from
23 low-income families; or

24 “(ii) a high school in which not less
25 than 40 percent of the enrolled students

1 are children from low-income families,
2 which may be calculated using comparable
3 data from the schools that feed into the
4 high school.

5 “(B) LOW-INCOME FAMILY.—For purposes
6 of subparagraph (A), the term ‘low-income fam-
7 ily’ means a family—

8 “(i) in which the children are eligible
9 for a free or reduced-price lunch under the
10 Richard B. Russell National School Lunch
11 Act (42 U.S.C. 1751 et seq.);

12 “(ii) receiving assistance under the
13 program of block grants to States for tem-
14 porary assistance for needy families estab-
15 lished under part A of title IV of the So-
16 cial Security Act (42 U.S.C. 601 et seq.);
17 or

18 “(iii) in which the children are eligible
19 to receive medical assistance under the
20 Medicaid program under title XIX of the
21 Social Security Act (42 U.S.C. 1396 et
22 seq.).

1 **“SEC. 2222. COMPREHENSIVE LITERACY STATE DEVELOP-**
2 **MENT GRANTS.**

3 “(a) GRANTS AUTHORIZED.—From the amounts re-
4 served by the Secretary under section 2201(2) and not re-
5 served under subsection (b), the Secretary shall award
6 grants, on a competitive basis, to State educational agen-
7 cies to enable the State educational agencies to—

8 “(1) provide subgrants to eligible entities serv-
9 ing a diversity of geographic areas, giving priority to
10 entities serving greater numbers or percentages of
11 children from low-income families; and

12 “(2) develop or enhance comprehensive literacy
13 instruction plans that ensure high-quality instruction
14 and effective strategies in reading and writing for
15 children from early childhood education through
16 grade 12, including English learners and children
17 with disabilities.

18 “(b) RESERVATION.—From the amounts reserved to
19 carry out this subpart for a fiscal year, the Secretary shall
20 reserve—

21 “(1) not more than a total of 5 percent for na-
22 tional activities, including a national evaluation,
23 technical assistance and training, data collection,
24 and reporting;

25 “(2) one half of 1 percent for the Secretary of
26 the Interior to carry out a program described in this

1 subpart at schools operated or funded by the Bureau
2 of Indian Education; and

3 “(3) one half of 1 percent for the outlying areas
4 to carry out a program under this subpart.

5 “(c) DURATION OF GRANTS.—A grant awarded
6 under this subpart shall be for a period of not more than
7 5 years total. Such grant may be renewed for an additional
8 2-year period upon the termination of the initial period
9 of the grant if the grant recipient demonstrates to the sat-
10 isfaction of the Secretary that—

11 “(1) the State has made adequate progress; and

12 “(2) renewing the grant for an additional 2-
13 year period is necessary to carry out the objectives
14 of the grant described in subsection (d).

15 “(d) STATE APPLICATIONS.—

16 “(1) IN GENERAL.—A State educational agency
17 desiring a grant under this subpart shall submit an
18 application to the Secretary, at such time and in
19 such manner as the Secretary may require. The
20 State educational agency shall collaborate with the
21 State agency responsible for administering early
22 childhood education programs and the State agency
23 responsible for administering child care programs in
24 the State in writing and implementing the early

1 childhood education portion of the grant application
2 under this subsection.

3 “(2) CONTENTS.—An application described in
4 paragraph (1) shall include, at a minimum, the fol-
5 lowing:

6 “(A) A needs assessment that analyzes lit-
7 eracy needs across the State and in high-need
8 schools and local educational agencies that
9 serve high-need schools, including identifying
10 the most significant gaps in literacy proficiency
11 and inequities in student access to effective
12 teachers of literacy, considering each of the sub-
13 groups of students, as defined in section
14 1111(c)(2).

15 “(B) A description of how the State edu-
16 cational agency, in collaboration with the State
17 literacy team, if applicable, will develop a State
18 comprehensive literacy instruction plan or will
19 revise and update an already existing State
20 comprehensive literacy instruction plan.

21 “(C) An implementation plan that includes
22 a description of how the State educational agen-
23 cy will carry out the State activities described
24 in subsection (f).

1 “(D) An assurance that the State edu-
2 cational agency will use implementation grant
3 funds described in subsection (f)(1) for com-
4 prehensive literacy instruction programs as fol-
5 lows:

6 “(i) Not less than 15 percent of such
7 grant funds shall be used for State and
8 local programs and activities pertaining to
9 children from birth through kindergarten
10 entry.

11 “(ii) Not less than 40 percent of such
12 grant funds shall be used for State and
13 local programs and activities, allocated eq-
14 uitably among the grades of kindergarten
15 through grade 5.

16 “(iii) Not less than 40 percent of such
17 grant funds shall be used for State and
18 local programs and activities, allocated eq-
19 uitably among grades 6 through 12.

20 “(E) An assurance that the State edu-
21 cational agency will give priority in awarding a
22 subgrant under section 2223 to an eligible enti-
23 ty that—

24 “(i) serves children from birth
25 through age 5 who are from families with

1 income levels at or below 200 percent of
2 the Federal poverty line; or

3 “(ii) is a local educational agency
4 serving a high number or percentage of
5 high-need schools.

6 “(e) PRIORITY.—In awarding grants under this sec-
7 tion, the Secretary shall give priority to State educational
8 agencies that will use the grant funds for evidence-based
9 activities, defined for the purpose of this subsection as ac-
10 tivities meeting the requirements of section
11 8101(21)(A)(i).

12 “(f) STATE ACTIVITIES.—

13 “(1) IN GENERAL.—A State educational agency
14 receiving a grant under this section shall use not
15 less than 95 percent of such grant funds to award
16 subgrants to eligible entities, based on their needs
17 assessment and a competitive application process.

18 “(2) RESERVATION.—A State educational agen-
19 cy receiving a grant under this section may reserve
20 not more than 5 percent for activities identified
21 through the needs assessment and comprehensive lit-
22 eracy plan described in subparagraphs (A) and (B)
23 of subsection (d)(2), including the following activi-
24 ties:

1 “(A) Providing technical assistance, or en-
2 gaging qualified providers to provide technical
3 assistance, to eligible entities to enable the eligi-
4 ble entities to design and implement literacy
5 programs.

6 “(B) Coordinating with institutions of
7 higher education in the State to provide rec-
8 ommendations to strengthen and enhance pre-
9 service courses for students preparing to teach
10 children from birth through grade 12 in ex-
11 plicit, systematic, and intensive instruction in
12 evidence-based literacy methods.

13 “(C) Reviewing and updating, in collabora-
14 tion with teachers and institutions of higher
15 education, State licensure or certification stand-
16 ards in the area of literacy instruction in early
17 education through grade 12.

18 “(D) Making publicly available, including
19 on the State educational agency’s website, in-
20 formation on promising instructional practices
21 to improve child literacy achievement.

22 “(E) Administering and monitoring the
23 implementation of subgrants by eligible entities.

24 “(3) ADDITIONAL USES.—After carrying out
25 the activities described in paragraphs (1) and (2), a

1 State educational agency may use any remaining
2 amount to carry out 1 or more of the following ac-
3 tivities:

4 “(A) Developing literacy coach training
5 programs and training literacy coaches.

6 “(B) Administration and evaluation of ac-
7 tivities carried out under this subpart.

8 **“SEC. 2223. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-
9 PORT OF BIRTH THROUGH KINDERGARTEN
10 ENTRY LITERACY.**

11 “(a) SUBGRANTS.—

12 “(1) IN GENERAL.—A State educational agency
13 receiving a grant under this subpart shall, in con-
14 sultation with the State agencies responsible for ad-
15 ministering early childhood education programs and
16 services, including the State agency responsible for
17 administering child care programs, and, if applica-
18 ble, the State Advisory Council on Early Childhood
19 Education and Care designated or established pursu-
20 ant to section 642B(b)(1)(A)(i) of the Head Start
21 Act (42 U.S.C. 9837b(b)(1)(A)(i)), use a portion of
22 the grant funds, in accordance with section
23 2222(d)(2)(D)(i), to award subgrants, on a competi-
24 tive basis, to eligible entities to enable the eligible
25 entities to support high-quality early literacy initia-

1 tives for children from birth through kindergarten
2 entry.

3 “(2) DURATION.—The term of a subgrant
4 under this section shall be determined by the State
5 educational agency awarding the subgrant and shall
6 in no case exceed 5 years.

7 “(3) SUFFICIENT SIZE AND SCOPE.—Each
8 subgrant awarded under this section shall be of suf-
9 ficient size and scope to allow the eligible entity to
10 carry out high-quality early literacy initiatives for
11 children from birth through kindergarten entry.

12 “(b) LOCAL APPLICATIONS.—An eligible entity desir-
13 ing to receive a subgrant under this section shall submit
14 an application to the State educational agency, at such
15 time, in such manner, and containing such information as
16 the State educational agency may require. Such applica-
17 tion shall include a description of—

18 “(1) how the subgrant funds will be used to en-
19 hance the language and literacy development and
20 school readiness of children, from birth through kin-
21 dergarten entry, in early childhood education pro-
22 grams, which shall include an analysis of data that
23 support the proposed use of subgrant funds;

24 “(2) how the subgrant funds will be used to
25 prepare and provide ongoing assistance to staff in

1 the programs, including through high-quality profes-
2 sional development;

3 “(3) how the activities assisted under the
4 subgrant will be coordinated with comprehensive lit-
5 eracy instruction at the kindergarten through grade
6 12 levels; and

7 “(4) how the subgrant funds will be used to
8 evaluate the success of the activities assisted under
9 the subgrant in enhancing the early language and
10 literacy development of children from birth through
11 kindergarten entry.

12 “(c) PRIORITY.—In awarding grants under this sec-
13 tion, the State educational agency shall give priority to
14 an eligible entity that will use the grant funds to imple-
15 ment evidence-based activities, defined for the purpose of
16 this subsection as activities meeting the requirements of
17 section 8101(21)(A)(i).

18 “(d) LOCAL USES OF FUNDS.—An eligible entity
19 that receives a subgrant under this section shall use the
20 subgrant funds, consistent with the entity’s approved ap-
21 plication under subsection (b), to—

22 “(1) carry out high-quality professional develop-
23 ment opportunities for early childhood educators,
24 teachers, principals, other school leaders, paraprofes-

1 sionals, specialized instructional support personnel,
2 and instructional leaders;

3 “(2) train providers and personnel to develop
4 and administer evidence-based early childhood edu-
5 cation literacy initiatives; and

6 “(3) coordinate the involvement of families,
7 early childhood education program staff, principals,
8 other school leaders, specialized instructional sup-
9 port personnel (as appropriate), and teachers in lit-
10 eracy development of children served under the
11 subgrant.

12 **“SEC. 2224. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**
13 **PORT OF KINDERGARTEN THROUGH GRADE**
14 **12 LITERACY.**

15 “(a) SUBGRANTS TO ELIGIBLE ENTITIES.—

16 “(1) SUBGRANTS.—A State educational agency
17 receiving a grant under this subpart shall use a por-
18 tion of the grant funds, in accordance with clauses
19 (ii) and (iii) of section 2222(d)(2)(D), to award sub-
20 grants, on a competitive basis, to eligible entities to
21 enable the eligible entities to carry out the author-
22 ized activities described in subsections (c) and (d).

23 “(2) DURATION.—The term of a subgrant
24 under this section shall be determined by the State

1 educational agency awarding the subgrant and shall
2 in no case exceed 5 years.

3 “(3) SUFFICIENT SIZE AND SCOPE.—A State
4 educational agency shall award subgrants under this
5 section of sufficient size and scope to allow the eligi-
6 ble entities to carry out high-quality comprehensive
7 literacy instruction in each grade level for which the
8 subgrant funds are provided.

9 “(4) LOCAL APPLICATIONS.—An eligible entity
10 desiring to receive a subgrant under this section
11 shall submit an application to the State educational
12 agency at such time, in such manner, and containing
13 such information as the State educational agency
14 may require. Such application shall include, for each
15 school that the eligible entity identifies as partici-
16 pating in a subgrant program under this section, the
17 following information:

18 “(A) A description of the eligible entity’s
19 needs assessment conducted to identify how
20 subgrant funds will be used to inform and im-
21 prove comprehensive literacy instruction at the
22 school.

23 “(B) How the school, the local educational
24 agency, or a provider of high-quality profes-
25 sional development will provide ongoing high-

1 quality professional development to all teachers,
2 principals, other school leaders, specialized in-
3 structional support personnel (as appropriate),
4 and other instructional leaders served by the
5 school.

6 “(C) How the school will identify children
7 in need of literacy interventions or other sup-
8 port services.

9 “(D) An explanation of how the school will
10 integrate comprehensive literacy instruction into
11 a well-rounded education.

12 “(E) A description of how the school will
13 coordinate comprehensive literacy instruction
14 with early childhood education programs and
15 activities and after-school programs and activi-
16 ties in the area served by the local educational
17 agency.

18 “(b) PRIORITY.—In awarding grants under this sec-
19 tion, the State educational agency shall give priority to
20 an eligible entity that will use funds under subsection (c)
21 or (d) to implement evidence-based activities, defined for
22 the purpose of this subsection as activities meeting the re-
23 quirements of section 8101(21)(A)(i).

24 “(c) LOCAL USES OF FUNDS FOR KINDERGARTEN
25 THROUGH GRADE 5.—An eligible entity that receives a

1 subgrant under this section shall use the subgrant funds
2 to carry out the following activities pertaining to children
3 in kindergarten through grade 5:

4 “(1) Developing and implementing a com-
5 prehensive literacy instruction plan across content
6 areas for such children that—

7 “(A) serves the needs of all children, in-
8 cluding children with disabilities and English
9 learners, especially children who are reading or
10 writing below grade level;

11 “(B) provides intensive, supplemental, ac-
12 celerated, and explicit intervention and support
13 in reading and writing for children whose lit-
14 eracy skills are below grade level; and

15 “(C) supports activities that are provided
16 primarily during the regular school day but that
17 may be augmented by after-school and out-of-
18 school time instruction.

19 “(2) Providing high-quality professional devel-
20 opment opportunities for teachers, literacy coaches,
21 literacy specialists, English as a second language
22 specialists (as appropriate), principals, other school
23 leaders, specialized instructional support personnel,
24 school librarians, paraprofessionals, and other pro-
25 gram staff.

1 “(3) Training principals, specialized instruc-
2 tional support personnel, and other local educational
3 agency personnel to support, develop, administer,
4 and evaluate high-quality kindergarten through
5 grade 5 literacy initiatives.

6 “(4) Coordinating the involvement of early
7 childhood education program staff, principals, other
8 instructional leaders, teachers, teacher literacy
9 teams, English as a second language specialists (as
10 appropriate), special educators, school personnel,
11 and specialized instructional support personnel (as
12 appropriate) in the literacy development of children
13 served under this subsection.

14 “(5) Engaging families and encouraging family
15 literacy experiences and practices to support literacy
16 development.

17 “(d) LOCAL USES OF FUNDS FOR GRADES 6
18 THROUGH 12.—An eligible entity that receives a subgrant
19 under this section shall use subgrant funds to carry out
20 the following activities pertaining to children in grades 6
21 through 12:

22 “(1) Developing and implementing a com-
23 prehensive literacy instruction plan described in sub-
24 section (c)(1) for children in grades 6 through 12.

1 “(2) Training principals, specialized instruc-
2 tional support personnel, school librarians, and other
3 local educational agency personnel to support, de-
4 velop, administer, and evaluate high-quality com-
5 prehensive literacy instruction initiatives for grades
6 6 through 12.

7 “(3) Assessing the quality of adolescent com-
8 prehensive literacy instruction as part of a well-
9 rounded education.

10 “(4) Providing time for teachers to meet to
11 plan evidence-based adolescent comprehensive lit-
12 eracy instruction to be delivered as part of a well-
13 rounded education.

14 “(5) Coordinating the involvement of principals,
15 other instructional leaders, teachers, teacher literacy
16 teams, English as a second language specialists (as
17 appropriate), paraprofessionals, special educators,
18 specialized instructional support personnel (as ap-
19 propriate), and school personnel in the literacy de-
20 velopment of children served under this subsection.

21 “(e) ALLOWABLE USES.—An eligible entity that re-
22 ceives a subgrant under this section may, in addition to
23 carrying out the activities described in subsections (c) and
24 (d), use subgrant funds to carry out the following activi-

1 ties pertaining to children in kindergarten through grade
2 12:

3 “(1) Recruiting, placing, training, and compen-
4 sating literacy coaches.

5 “(2) Connecting out-of-school learning opportu-
6 nities to in-school learning in order to improve chil-
7 dren’s literacy achievement.

8 “(3) Training families and caregivers to sup-
9 port the improvement of adolescent literacy.

10 “(4) Providing for a multi-tier system of sup-
11 ports for literacy services.

12 “(5) Forming a school literacy leadership team
13 to help implement, assess, and identify necessary
14 changes to the literacy initiatives in 1 or more
15 schools to ensure success.

16 “(6) Providing time for teachers (and other lit-
17 eracy staff, as appropriate, such as school librarians
18 or specialized instructional support personnel) to
19 meet to plan comprehensive literacy instruction.

20 **“SEC. 2225. NATIONAL EVALUATION AND INFORMATION**
21 **DISSEMINATION.**

22 “(a) NATIONAL EVALUATION.—From funds reserved
23 under section 2222(b)(1), the Director of the Institute of
24 Education Sciences shall conduct a national evaluation of
25 the grant and subgrant programs assisted under this sub-

1 part. Such evaluation shall include high-quality research
2 that applies rigorous and systematic procedures to obtain
3 valid knowledge relevant to the implementation and effect
4 of the programs and shall directly coordinate with indi-
5 vidual State evaluations of the programs' implementation
6 and impact.

7 “(b) PROGRAM IMPROVEMENT.—The Secretary
8 shall—

9 “(1) provide the findings of the evaluation con-
10 ducted under this section to State educational agen-
11 cies and subgrant recipients for use in program im-
12 provement;

13 “(2) make such findings publicly available, in-
14 cluding on the websites of the Department and the
15 Institute of Education Sciences;

16 “(3) submit such findings to the Committee on
17 Health, Education, Labor, and Pensions of the Sen-
18 ate and the Committee on Education and the Work-
19 force of the House of Representatives; and

20 “(4) make publicly available, in a manner con-
21 sistent with paragraph (2), best practices for imple-
22 menting evidence-based activities under this subpart,
23 including evidence-based activities, defined for the
24 purpose of this paragraph as activities meeting the
25 requirements of section 8101(21)(A)(i).

1 **“SEC. 2226. INNOVATIVE APPROACHES TO LITERACY.**

2 “(a) IN GENERAL.—From amounts reserved under
3 section 2201(2), the Secretary may award grants, con-
4 tracts, or cooperative agreements, on a competitive basis,
5 to eligible entities for the purposes of promoting literacy
6 programs that support the development of literacy skills
7 in low-income communities, including—

8 “(1) developing and enhancing effective school
9 library programs, which may include providing pro-
10 fessional development for school librarians, books,
11 and up-to-date materials to high-need schools;

12 “(2) early literacy services, including pediatric
13 literacy programs through which, during well-child
14 visits, medical providers trained in research-based
15 methods of early language and literacy promotion
16 provide developmentally appropriate books and rec-
17 ommendations to parents to encourage them to read
18 aloud to their children starting in infancy; and

19 “(3) programs that provide high-quality books
20 on a regular basis to children and adolescents from
21 low-income communities to increase reading motiva-
22 tion, performance, and frequency.

23 “(b) DEFINITIONS.—In this section:

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

1 “(A) a local educational agency in which
2 20 percent or more of the students served by
3 the local educational agency are from families
4 with an income below the poverty line;

5 “(B) a consortium of such local edu-
6 cational agencies;

7 “(C) the Bureau of Indian Education; or

8 “(D) an eligible national nonprofit organi-
9 zation.

10 “(2) ELIGIBLE NATIONAL NONPROFIT ORGANI-
11 ZATION.—The term ‘eligible national nonprofit orga-
12 nization’ means an organization of national scope
13 that—

14 “(A) is supported by staff, which may in-
15 clude volunteers, or affiliates at the State and
16 local levels; and

17 “(B) demonstrates effectiveness or high-
18 quality plans for addressing childhood literacy
19 activities for the population targeted by the
20 grant.

21 **“Subpart 3—American History and Civics Education**

22 **“SEC. 2231. PROGRAM AUTHORIZED.**

23 “(a) IN GENERAL.—From the amount reserved by
24 the Secretary under section 2201(3), the Secretary is au-

1 thORIZED to carry out an American history and civics edu-
2 cation program to improve—

3 “(1) the quality of American history, civics, and
4 government education by educating students about
5 the history and principles of the Constitution of the
6 United States, including the Bill of Rights; and

7 “(2) the quality of the teaching of American
8 history, civics, and government in elementary schools
9 and secondary schools, including the teaching of tra-
10 ditional American history.

11 “(b) FUNDING ALLOTMENT.—Of the amount avail-
12 able under subsection (a) for a fiscal year, the Secretary—

13 “(1) shall reserve not less than 26 percent for
14 activities under section 2232; and

15 “(2) may reserve not more than 74 percent for
16 activities under section 2233.

17 **“SEC. 2232. PRESIDENTIAL AND CONGRESSIONAL ACAD-**
18 **EMIES FOR AMERICAN HISTORY AND CIVICS.**

19 “(a) IN GENERAL.—From the amounts reserved
20 under section 2231(b)(1) for a fiscal year, the Secretary
21 shall award not more than 12 grants, on a competitive
22 basis, to—

23 “(1) eligible entities to establish Presidential
24 Academies for the Teaching of American History
25 and Civics (in this section referred to as the ‘Presi-

1 dential Academies’) in accordance with subsection
2 (e); and

3 “(2) eligible entities to establish Congressional
4 Academies for Students of American History and
5 Civics (in this section referred to as the ‘Congres-
6 sional Academies’) in accordance with subsection (f).

7 “(b) APPLICATION.—An eligible entity that desires to
8 receive a grant under subsection (a) shall submit an appli-
9 cation to the Secretary at such time and in such manner
10 as the Secretary may reasonably require.

11 “(c) ELIGIBLE ENTITY.—The term ‘eligible entity’
12 under this section means—

13 “(1) an institution of higher education or non-
14 profit educational organization, museum, library, or
15 research center with demonstrated expertise in his-
16 torical methodology or the teaching of American his-
17 tory and civics; or

18 “(2) a consortium of entities described in para-
19 graph (1).

20 “(d) GRANT TERMS.—Grants awarded to eligible en-
21 tities under subsection (a) shall be for a term of not more
22 than 5 years.

23 “(e) PRESIDENTIAL ACADEMIES.—

24 “(1) USE OF FUNDS.—Each eligible entity that
25 receives a grant under subsection (a)(1) shall use

1 the grant funds to establish a Presidential Academy
2 that offers a seminar or institute for teachers of
3 American history and civics, which—

4 “(A) provides intensive professional devel-
5 opment opportunities for teachers of American
6 history and civics to strengthen such teachers’
7 knowledge of the subjects of American history
8 and civics;

9 “(B) is led by a team of primary scholars
10 and core teachers who are accomplished in the
11 field of American history and civics;

12 “(C) is conducted during the summer or
13 other appropriate time; and

14 “(D) is of not less than 2 weeks and not
15 more than 6 weeks in duration.

16 “(2) SELECTION OF TEACHERS.—Each year,
17 each Presidential Academy shall select between 50
18 and 300 teachers of American history and civics
19 from public or private elementary schools and sec-
20 ondary schools to attend the seminar or institute
21 under paragraph (1).

22 “(3) TEACHER STIPENDS.—Each teacher se-
23 lected to participate in a seminar or institute under
24 this subsection shall be awarded a fixed stipend
25 based on the length of the seminar or institute to

1 ensure that such teacher does not incur personal
2 costs associated with the teacher's participation in
3 the seminar or institute.

4 “(4) PRIORITY.—In awarding grants under
5 subsection (a)(1), the Secretary shall give priority to
6 eligible entities that coordinate or align their activi-
7 ties with the National Park Service National Centen-
8 nial Parks initiative to develop innovative and com-
9 prehensive programs using the resources of the Na-
10 tional Parks.

11 “(f) CONGRESSIONAL ACADEMIES.—

12 “(1) USE OF FUNDS.—Each eligible entity that
13 receives a grant under subsection (a)(2) shall use
14 the grant funds to establish a Congressional Acad-
15 emy that offers a seminar or institute for out-
16 standing students of American history and civics,
17 which—

18 “(A) broadens and deepens such students’
19 understanding of American history and civics;

20 “(B) is led by a team of primary scholars
21 and core teachers who are accomplished in the
22 field of American history and civics;

23 “(C) is conducted during the summer or
24 other appropriate time; and

1 “(D) is of not less than 2 weeks and not
2 more than 6 weeks in duration.

3 “(2) SELECTION OF STUDENTS.—

4 “(A) IN GENERAL.—Each year, each Con-
5 gressional Academy shall select between 100
6 and 300 eligible students to attend the seminar
7 or institute under paragraph (1).

8 “(B) ELIGIBLE STUDENTS.—A student
9 shall be eligible to attend a seminar or institute
10 offered by a Congressional Academy under this
11 subsection if the student—

12 “(i) is recommended by the student’s
13 secondary school principal or other school
14 leader to attend the seminar or institute;
15 and

16 “(ii) will be a secondary school junior
17 or senior in the academic year following at-
18 tendance at the seminar or institute.

19 “(3) STUDENT STIPENDS.—Each student se-
20 lected to participate in a seminar or institute under
21 this subsection shall be awarded a fixed stipend
22 based on the length of the seminar or institute to
23 ensure that such student does not incur personal
24 costs associated with the student’s participation in
25 the seminar or institute.

1 “(g) MATCHING FUNDS.—

2 “(1) IN GENERAL.—An eligible entity that re-
3 ceives funds under subsection (a) shall provide, to-
4 ward the cost of the activities assisted under the
5 grant, from non-Federal sources, an amount equal
6 to 100 percent of the amount of the grant.

7 “(2) WAIVER.—The Secretary may waive all or
8 part of the matching requirement described in para-
9 graph (1) for any fiscal year for an eligible entity if
10 the Secretary determines that applying the matching
11 requirement would result in serious hardship or an
12 inability to carry out the activities described in sub-
13 section (e) or (f).

14 **“SEC. 2233. NATIONAL ACTIVITIES.**

15 “(a) PURPOSE.—The purpose of this section is to
16 promote new and existing evidence-based strategies to en-
17 courage innovative American history, civics and govern-
18 ment, and geography instruction, learning strategies, and
19 professional development activities and programs for
20 teachers, principals, or other school leaders, particularly
21 such instruction, strategies, activities, and programs that
22 benefit low-income students and underserved populations.

23 “(b) IN GENERAL.—From the amounts reserved by
24 the Secretary under section 2231(b)(2), the Secretary
25 shall award grants, on a competitive basis, to eligible enti-

1 ties for the purposes of expanding, developing, imple-
2 menting, evaluating, and disseminating for voluntary use,
3 innovative, evidence-based approaches or professional de-
4 velopment programs in American history, civics and gov-
5 ernment, and geography, which—

6 “(1) shall—

7 “(A) show potential to improve the quality
8 of student achievement in, and teaching of,
9 American history, civics and government, or ge-
10 ography, in elementary schools and secondary
11 schools; and

12 “(B) demonstrate innovation, scalability,
13 accountability, and a focus on underserved pop-
14 ulations; and

15 “(2) may include—

16 “(A) hands-on civic engagement activities
17 for teachers and students; and

18 “(B) programs that educate students
19 about the history and principles of the Con-
20 stitution of the United States, including the Bill
21 of Rights.

22 “(c) PROGRAM PERIODS AND DIVERSITY OF
23 PROJECTS.—

1 “(1) IN GENERAL.—A grant awarded by the
2 Secretary to an eligible entity under this section
3 shall be for a period of not more than 3 years.

4 “(2) RENEWAL.—The Secretary may renew a
5 grant awarded under this section for 1 additional 2-
6 year period.

7 “(3) DIVERSITY OF PROJECTS.—In awarding
8 grants under this section, the Secretary shall ensure
9 that, to the extent practicable, grants are distributed
10 among eligible entities that will serve geographically
11 diverse areas, including urban, suburban, and rural
12 areas.

13 “(d) APPLICATIONS.—In order to receive a grant
14 under this section, an eligible entity shall submit an appli-
15 cation to the Secretary at such time and in such manner
16 as the Secretary may reasonably require.

17 “(e) ELIGIBLE ENTITY.—In this section, the term
18 ‘eligible entity’ means an institution of higher education
19 or other nonprofit or for-profit organization with dem-
20 onstrated expertise in the development of evidence-based
21 approaches with the potential to improve the quality of
22 American history, civics and government, or geography
23 learning and teaching.

1 **“Subpart 4—Programs of National Significance**

2 **“SEC. 2241. FUNDING ALLOTMENT.**

3 “From the funds reserved under section 2201(4), the
4 Secretary—

5 “(1) shall use not less than 74 percent to carry
6 out activities under section 2242;

7 “(2) shall use not less than 22 percent to carry
8 out activities under section 2243;

9 “(3) shall use not less than 2 percent to carry
10 out activities under section 2244; and

11 “(4) may reserve not more than 2 percent to
12 carry out activities under section 2245.

13 **“SEC. 2242. SUPPORTING EFFECTIVE EDUCATOR DEVELOP-**
14 **MENT.**

15 “(a) IN GENERAL.—From the funds reserved by the
16 Secretary under section 2241(1) for a fiscal year, the Sec-
17 retary shall award grants, on a competitive basis, to eligi-
18 ble entities for the purposes of—

19 “(1) providing teachers, principals, or other
20 school leaders from nontraditional preparation and
21 certification routes or pathways to serve in tradition-
22 ally underserved local educational agencies;

23 “(2) providing evidence-based professional de-
24 velopment activities that address literacy, numeracy,
25 remedial, or other needs of local educational agen-
26 cies and the students the agencies serve;

1 “(3) providing teachers, principals, or other
2 school leaders with professional development activi-
3 ties that enhance or enable the provision of postsec-
4 ondary coursework through dual or concurrent en-
5 rollment programs and early college high school set-
6 tings across a local educational agency;

7 “(4) making freely available services and learn-
8 ing opportunities to local educational agencies,
9 through partnerships and cooperative agreements or
10 by making the services or opportunities publicly ac-
11 cessible through electronic means; or

12 “(5) providing teachers, principals, or other
13 school leaders with evidence-based professional en-
14 hancement activities, which may include activities
15 that lead to an advanced credential.

16 “(b) PROGRAM PERIODS AND DIVERSITY OF
17 PROJECTS.—

18 “(1) IN GENERAL.—A grant awarded by the
19 Secretary to an eligible entity under this section
20 shall be for a period of not more than 3 years.

21 “(2) RENEWAL.—The Secretary may renew a
22 grant awarded under this section for 1 additional 2-
23 year period.

24 “(3) DIVERSITY OF PROJECTS.—In awarding
25 grants under this section, the Secretary shall ensure

1 that, to the extent practicable, grants are distributed
2 among eligible entities that will serve geographically
3 diverse areas, including urban, suburban, and rural
4 areas.

5 “(4) LIMITATION.—The Secretary shall not
6 award more than 1 grant under this section to an
7 eligible entity during a grant competition.

8 “(c) COST-SHARING.—

9 “(1) IN GENERAL.—An eligible entity that re-
10 ceives a grant under this section shall provide, from
11 non-Federal sources, not less than 25 percent of the
12 funds for the total cost for each year of activities
13 carried out under this section.

14 “(2) ACCEPTABLE CONTRIBUTIONS.—An eligi-
15 ble entity that receives a grant under this section
16 may meet the requirement of paragraph (1) by pro-
17 viding contributions in cash or in kind, fairly evalu-
18 ated, including plant, equipment, and services.

19 “(3) WAIVERS.—The Secretary may waive or
20 modify the requirement of paragraph (1) in cases of
21 demonstrated financial hardship.

22 “(d) APPLICATIONS.—In order to receive a grant
23 under this section, an eligible entity shall submit an appli-
24 cation to the Secretary at such time and in such manner
25 as the Secretary may reasonably require. Such application

1 shall include, at a minimum, a certification that the serv-
2 ices provided by an eligible entity under the grant to a
3 local educational agency or to a school served by the local
4 educational agency will not result in direct fees for partici-
5 pating students or parents.

6 “(e) PRIORITY.—In awarding grants under this sec-
7 tion, the Secretary shall give priority to an eligible entity
8 that will implement evidence-based activities, defined for
9 the purpose of this subsection as activities meeting the re-
10 quirements of section 8101(21)(A)(i).

11 “(f) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
12 tion, the term ‘eligible entity’ means—

13 “(1) an institution of higher education that pro-
14 vides course materials or resources that are evi-
15 dence-based in increasing academic achievement,
16 graduation rates, or rates of postsecondary edu-
17 cation matriculation;

18 “(2) a national nonprofit entity with a dem-
19 onstrated record of raising student academic
20 achievement, graduation rates, and rates of higher
21 education attendance, matriculation, or completion,
22 or of effectiveness in providing preparation and pro-
23 fessional development activities and programs for
24 teachers, principals, or other school leaders;

25 “(3) the Bureau of Indian Education; or

1 “(4) a partnership consisting of—

2 “(A) 1 or more entities described in para-
3 graph (1) or (2); and

4 “(B) a for-profit entity.

5 **“SEC. 2243. SCHOOL LEADER RECRUITMENT AND SUPPORT.**

6 “(a) IN GENERAL.—From the funds reserved under
7 section 2241(2) for a fiscal year, the Secretary shall award
8 grants, on a competitive basis, to eligible entities to enable
9 such entities to improve the recruitment, preparation,
10 placement, support, and retention of effective principals
11 or other school leaders in high-need schools, which may
12 include—

13 “(1) developing or implementing leadership
14 training programs designed to prepare and support
15 principals or other school leaders in high-need
16 schools, including through new or alternative path-
17 ways or school leader residency programs;

18 “(2) developing or implementing programs or
19 activities for recruiting, selecting, and developing as-
20 piring or current principals or other school leaders
21 to serve in high-need schools;

22 “(3) developing or implementing programs for
23 recruiting, developing, and placing school leaders to
24 improve schools implementing comprehensive sup-
25 port and improvement activities and targeted sup-

1 port and improvement activities under section
2 1111(d), including through cohort-based activities
3 that build effective instructional and school leader-
4 ship teams and develop a school culture, design, in-
5 structional program, and professional development
6 program focused on improving student learning;

7 “(4) providing continuous professional develop-
8 ment for principals or other school leaders in high-
9 need schools;

10 “(5) developing and disseminating information
11 on best practices and strategies for effective school
12 leadership in high-need schools, such as training and
13 supporting principals to identify, develop, and main-
14 tain school leadership teams using various leadership
15 models; and

16 “(6) other evidence-based programs or activities
17 described in section 2101(c)(4) or section
18 2103(b)(3) focused on principals or other school
19 leaders in high-need schools.

20 “(b) PROGRAM PERIODS AND DIVERSITY OF
21 PROJECTS.—

22 “(1) IN GENERAL.—A grant awarded by the
23 Secretary to an eligible entity under this section
24 shall be for a period of not more than 5 years.

1 “(2) RENEWAL.—The Secretary may renew a
2 grant awarded under this section for 1 additional 2-
3 year period.

4 “(3) DIVERSITY OF PROJECTS.—In awarding
5 grants under this section, the Secretary shall ensure
6 that, to the extent practicable, grants are distributed
7 among eligible entities that will serve geographically
8 diverse areas, including urban, suburban, and rural
9 areas.

10 “(4) LIMITATION.—The Secretary shall not
11 award more than 1 grant under this section to an
12 eligible entity during a grant competition.

13 “(c) COST-SHARING.—

14 “(1) IN GENERAL.—An eligible entity that re-
15 ceives a grant under this section shall provide, from
16 non-Federal sources, not less than 25 percent of the
17 funds for the total cost for each year of activities
18 carried out under this section.

19 “(2) ACCEPTABLE CONTRIBUTIONS.—An eligi-
20 ble entity that receives a grant under this section
21 may meet the requirement of paragraph (1) by pro-
22 viding contributions in cash or in kind, fairly evalu-
23 ated, including plant, equipment, and services.

1 “(3) WAIVERS.—The Secretary may waive or
2 modify the requirement of paragraph (1) in cases of
3 demonstrated financial hardship.

4 “(d) APPLICATIONS.—An eligible entity that desires
5 a grant under this section shall submit to the Secretary
6 an application at such time, and in such manner, as the
7 Secretary may require.

8 “(e) PRIORITY.—In awarding grants under this sec-
9 tion, the Secretary shall give priority to an eligible enti-
10 ty—

11 “(1) with a record of preparing or developing
12 principals who—

13 “(A) have improved school-level student
14 outcomes;

15 “(B) have become principals in high-need
16 schools; and

17 “(C) remain principals in high-need schools
18 for multiple years; and

19 “(2) who will implement evidence-based activi-
20 ties, defined for the purpose of this paragraph as ac-
21 tivities meeting the requirements of section
22 8101(21)(A)(i).

23 “(f) DEFINITIONS.—In this section:

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

1 “(A) a local educational agency, including
2 an educational service agency, that serves a
3 high-need school or a consortium of such agen-
4 cies;

5 “(B) a State educational agency or a con-
6 sortium of such agencies;

7 “(C) a State educational agency in part-
8 nership with 1 or more local educational agen-
9 cies, or educational service agencies, that serve
10 a high-need school;

11 “(D) the Bureau of Indian Education; or

12 “(E) an entity described in subparagraph
13 (A), (B), (C), or (D) in partnership with 1 or
14 more nonprofit organizations or institutions of
15 higher education.

16 “(2) HIGH-NEED SCHOOL.—The term ‘high-
17 need school’ means—

18 “(A) an elementary school in which not
19 less than 50 percent of the enrolled students
20 are from families with incomes below the pov-
21 erty line; or

22 “(B) a secondary school in which not less
23 than 40 percent of the enrolled students are
24 from families with incomes below the poverty
25 line.

1 **“SEC. 2244. TECHNICAL ASSISTANCE AND NATIONAL EVAL-**
2 **UATION.**

3 “(a) IN GENERAL.—From the funds reserved under
4 section 2241(3) for a fiscal year, the Secretary—

5 “(1) shall establish, in a manner consistent
6 with section 203 of the Educational Technical As-
7 sistance Act of 2002 (20 U.S.C. 9602), a com-
8 prehensive center on students at risk of not attain-
9 ing full literacy skills due to a disability that meets
10 the purposes of subsection (b); and

11 “(2) may—

12 “(A) provide technical assistance, which
13 may be carried out directly or through grants
14 or contracts, to States and local educational
15 agencies carrying out activities under this part;
16 and

17 “(B) carry out evaluations of activities by
18 States and local educational agencies under this
19 part, which shall be conducted by a third party
20 or by the Institute of Education Sciences.

21 “(b) PURPOSES.—The comprehensive center estab-
22 lished by the Secretary under subsection (a)(1) shall—

23 “(1) identify or develop free or low-cost evi-
24 dence-based assessment tools for identifying stu-
25 dents at risk of not attaining full literacy skills due
26 to a disability, including dyslexia impacting reading

1 or writing, or developmental delay impacting read-
2 ing, writing, language processing, comprehension, or
3 executive functioning;

4 “(2) identify evidence-based literacy instruction,
5 strategies, and accommodations, including assistive
6 technology, designed to meet the specific needs of
7 such students;

8 “(3) provide families of such students with in-
9 formation to assist such students;

10 “(4) identify or develop evidence-based profes-
11 sional development for teachers, paraprofessionals,
12 principals, other school leaders, and specialized in-
13 structional support personnel to—

14 “(A) understand early indicators of stu-
15 dents at risk of not attaining full literacy skills
16 due to a disability, including dyslexia impacting
17 reading or writing, or developmental delay im-
18 pacting reading, writing, language processing,
19 comprehension, or executive functioning;

20 “(B) use evidence-based screening assess-
21 ments for early identification of such students
22 beginning not later than kindergarten; and

23 “(C) implement evidence-based instruction
24 designed to meet the specific needs of such stu-
25 dents; and

1 “(5) disseminate the products of the com-
2 prehensive center to regionally diverse State edu-
3 cational agencies, local educational agencies, regional
4 educational agencies, and schools, including, as ap-
5 propriate, through partnerships with other com-
6 prehensive centers established under section 203 of
7 the Educational Technical Assistance Act of 2002
8 (20 U.S.C. 9602), and regional educational labora-
9 tories established under section 174 of the Edu-
10 cation Sciences Reform Act of 2002 (20 U.S.C.
11 9564).

12 **“SEC. 2245. STEM MASTER TEACHER CORPS.**

13 “(a) IN GENERAL.—From the funds reserved under
14 section 2241(4) for a fiscal year, the Secretary may award
15 grants to—

16 “(1) State educational agencies to enable such
17 agencies to support the development of a State-wide
18 STEM master teacher corps; or

19 “(2) State educational agencies, or nonprofit
20 organizations in partnership with State educational
21 agencies, to support the implementation, replication,
22 or expansion of effective science, technology, engi-
23 neering, and mathematics professional development
24 programs in schools across the State through col-

1 laboration with school administrators, principals,
2 and STEM educators.

3 “(b) STEM MASTER TEACHER CORPS.—In this sec-
4 tion, the term ‘STEM master teacher corps’ means a
5 State-led effort to elevate the status of the science, tech-
6 nology, engineering, and mathematics teaching profession
7 by recognizing, rewarding, attracting, and retaining out-
8 standing science, technology, engineering, and mathe-
9 matics teachers, particularly in high-need and rural
10 schools, by—

11 “(1) selecting candidates to be master teachers
12 in the corps on the basis of—

13 “(A) content knowledge based on a screen-
14 ing examination; and

15 “(B) pedagogical knowledge of and success
16 in teaching;

17 “(2) offering such teachers opportunities to—

18 “(A) work with one another in scholarly
19 communities; and

20 “(B) participate in and lead high-quality
21 professional development; and

22 “(3) providing such teachers with additional ap-
23 propriate and substantial compensation for the work
24 described in paragraph (2) and in the master teach-
25 er community.

1 **“PART C—GENERAL PROVISIONS**

2 **“SEC. 2301. SUPPLEMENT, NOT SUPPLANT.**

3 “Funds made available under this title shall be used
4 to supplement, and not supplant, non-Federal funds that
5 would otherwise be used for activities authorized under
6 this title.

7 **“SEC. 2302. RULES OF CONSTRUCTION.**

8 “(a) PROHIBITION AGAINST FEDERAL MANDATES,
9 DIRECTION, OR CONTROL.—Nothing in this title shall be
10 construed to authorize the Secretary or any other officer
11 or employee of the Federal Government to mandate, di-
12 rect, or control a State, local educational agency, or
13 school’s—

14 “(1) instructional content or materials, cur-
15 riculum, program of instruction, academic stand-
16 ards, or academic assessments;

17 “(2) teacher, principal, or other school leader
18 evaluation system;

19 “(3) specific definition of teacher, principal, or
20 other school leader effectiveness; or

21 “(4) teacher, principal, or other school leader
22 professional standards, certification, or licensing.

23 “(b) SCHOOL OR DISTRICT EMPLOYEES.—Nothing in
24 this title shall be construed to alter or otherwise affect
25 the rights, remedies, and procedures afforded school or
26 school district employees under Federal, State, or local

1 laws (including applicable regulations or court orders) or
2 under the terms of collective bargaining agreements,
3 memoranda of understanding, or other agreements be-
4 tween such employees and their employers.”.

5 **TITLE III—LANGUAGE INSTRU-**
6 **CTION FOR ENGLISH LEARN-**
7 **ERS AND IMMIGRANT STU-**
8 **DENTS**

9 **SEC. 3001. REDESIGNATION OF CERTAIN PROVISIONS.**

10 Title III (20 U.S.C. 6801 et seq.) is amended—

11 (1) by striking the title heading and inserting
12 **“LANGUAGE INSTRUCTION FOR**
13 **ENGLISH LEARNERS AND IMMIGRANT**
14 **STUDENTS”**;

15 (2) in part A—

16 (A) by striking section 3122;

17 (B) by redesignating sections 3123
18 through 3129 as sections 3122 through 3128,
19 respectively; and

20 (C) by striking subpart 4;

21 (3) by striking part B;

22 (4) by redesignating part C as part B; and

23 (5) in part B, as redesignated by paragraph

24 (4)—

1 (A) by redesignating section 3301 as sec-
2 tion 3201;

3 (B) by striking section 3302; and

4 (C) by redesignating sections 3303 and
5 3304 as sections 3202 and 3203, respectively.

6 **SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 3001 (20 U.S.C. 6801) is amended to read
8 as follows:

9 **“SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

10 “There are authorized to be appropriated to carry out
11 this title—

12 “(1) \$756,332,450 for fiscal year 2017;

13 “(2) \$769,568,267 for fiscal year 2018;

14 “(3) \$784,959,633 for fiscal year 2019; and

15 “(4) \$884,959,633 for fiscal year 2020.”.

16 **SEC. 3003. ENGLISH LANGUAGE ACQUISITION, LANGUAGE**
17 **ENHANCEMENT, AND ACADEMIC ACHIEVE-**
18 **MENT.**

19 (a) **PURPOSES.**—Section 3102 (20 U.S.C. 6812) is
20 amended to read as follows:

21 **“SEC. 3102. PURPOSES.**

22 “The purposes of this part are—

23 “(1) to help ensure that English learners, in-
24 cluding immigrant children and youth, attain

1 English proficiency and develop high levels of aca-
2 demic achievement in English;

3 “(2) to assist all English learners, including im-
4 migrant children and youth, to achieve at high levels
5 in academic subjects so that all English learners can
6 meet the same challenging State academic standards
7 that all children are expected to meet;

8 “(3) to assist teachers (including preschool
9 teachers), principals and other school leaders, State
10 educational agencies, local educational agencies, and
11 schools in establishing, implementing, and sustaining
12 effective language instruction educational programs
13 designed to assist in teaching English learners, in-
14 cluding immigrant children and youth;

15 “(4) to assist teachers (including preschool
16 teachers), principals and other school leaders, State
17 educational agencies, and local educational agencies
18 to develop and enhance their capacity to provide ef-
19 fective instructional programs designed to prepare
20 English learners, including immigrant children and
21 youth, to enter all-English instructional settings; and

22 “(5) to promote parental, family, and commu-
23 nity participation in language instruction edu-
24 cational programs for the parents, families, and
25 communities of English learners.”.

1 (b) FORMULA GRANTS TO STATES.—Section 3111
2 (20 U.S.C. 6821) is amended—

3 (1) in subsection (b)—

4 (A) in paragraph (2), by striking subpara-
5 graphs (A) through (D) and inserting the fol-
6 lowing:

7 “(A) Establishing and implementing, with
8 timely and meaningful consultation with local
9 educational agencies representing the geo-
10 graphic diversity of the State, standardized
11 statewide entrance and exit procedures, includ-
12 ing a requirement that all students who may be
13 English learners are assessed for such status
14 within 30 days of enrollment in a school in the
15 State.

16 “(B) Providing effective teacher and prin-
17 cipal preparation, effective professional develop-
18 ment activities, and other effective activities re-
19 lated to the education of English learners,
20 which may include assisting teachers, prin-
21 cipals, and other educators in—

22 “(i) meeting State and local certifi-
23 cation and licensing requirements for
24 teaching English learners; and

1 “(ii) improving teaching skills in
2 meeting the diverse needs of English learn-
3 ers, including how to implement effective
4 programs and curricula on teaching
5 English learners.

6 “(C) Planning, evaluation, administration,
7 and interagency coordination related to the sub-
8 grants referred to in paragraph (1).

9 “(D) Providing technical assistance and
10 other forms of assistance to eligible entities that
11 are receiving subgrants from a State edu-
12 cational agency under this subpart, including
13 assistance in—

14 “(i) identifying and implementing ef-
15 fective language instruction educational
16 programs and curricula for teaching
17 English learners;

18 “(ii) helping English learners meet
19 the same challenging State academic
20 standards that all children are expected to
21 meet;

22 “(iii) identifying or developing, and
23 implementing, measures of English pro-
24 ficiency; and

1 “(iv) strengthening and increasing
2 parent, family, and community engagement
3 in programs that serve English learners.

4 “(E) Providing recognition, which may in-
5 clude providing financial awards, to recipients
6 of subgrants under section 3115 that have sig-
7 nificantly improved the achievement and
8 progress of English learners in meeting—

9 “(i) the State-designed long-term
10 goals established under section
11 1111(c)(4)(A)(ii), including measurements
12 of interim progress towards meeting such
13 goals, based on the State’s English lan-
14 guage proficiency assessment under section
15 1111(b)(2)(G); and

16 “(ii) the challenging State academic
17 standards.”;

18 (B) in paragraph (3)—

19 (i) in the paragraph heading, by strik-
20 ing “ADMINISTRATIVE” and inserting “DI-
21 RECT ADMINISTRATIVE”;

22 (ii) by striking “60 percent” and in-
23 serting “50 percent”; and

24 (iii) by inserting “direct” before “ad-
25 ministrative costs”; and

1 (2) in subsection (c)—

2 (A) in paragraph (1)—

3 (i) in the matter preceding subpara-
4 graph (A), by striking “section 3001(a)”
5 and inserting “section 3001”;

6 (ii) in subparagraph (B), by inserting
7 “and” after the semicolon;

8 (iii) by striking subparagraph (C) and
9 inserting the following:

10 “(C) 6.5 percent of such amount for na-
11 tional activities under sections 3131 and 3202,
12 except that not more than \$2,000,000 of such
13 amount may be reserved for the National Clear-
14 inghouse for English Language Acquisition and
15 Language Instruction Educational Programs
16 described in section 3202.”; and

17 (iv) by striking subparagraph (D);

18 (B) by striking paragraphs (2) and (4);

19 (C) by redesignating paragraph (3) as
20 paragraph (2);

21 (D) in paragraph (2)(A), as redesignated
22 by subparagraph (C)—

23 (i) in the matter preceding clause (i),
24 by striking “section 3001(a)” and insert-
25 ing “section 3001”;

1 (ii) in clause (i), by striking “limited
2 English proficient” and all that follows
3 through “States; and” and inserting
4 “English learners in the State bears to the
5 number of English learners in all States,
6 as determined in accordance with para-
7 graph (3)(A); and”; and

8 (iii) in clause (ii), by inserting “, as
9 determined in accordance with paragraph
10 (3)(B)” before the period at the end; and
11 (E) by adding at the end the following:

12 “(3) USE OF DATA FOR DETERMINATIONS.—In
13 making State allotments under paragraph (2) for
14 each fiscal year, the Secretary shall—

15 “(A) determine the number of English
16 learners in a State and in all States, using the
17 most accurate, up-to-date data, which shall
18 be—

19 “(i) data available from the American
20 Community Survey conducted by the De-
21 partment of Commerce, which may be
22 multiyear estimates;

23 “(ii) the number of students being as-
24 sessed for English language proficiency,
25 based on the State’s English language pro-

1 iciency assessment under section
2 1111(b)(2)(G), which may be multiyear es-
3 timates; or

4 “(iii) a combination of data available
5 under clauses (i) and (ii); and

6 “(B) determine the number of immigrant
7 children and youth in the State and in all
8 States based only on data available from the
9 American Community Survey conducted by the
10 Department of Commerce, which may be
11 multiyear estimates.”.

12 (c) NATIVE AMERICAN AND ALASKA NATIVE CHIL-
13 DREN IN SCHOOL.—Section 3112(a) (20 U.S.C. 6822(a))
14 is amended by striking “Bureau of Indian Affairs” each
15 place the term appears and inserting “Bureau of Indian
16 Education”.

17 (d) STATE AND SPECIALLY QUALIFIED AGENCY
18 PLANS.—Section 3113 (20 U.S.C. 6823) is amended—

19 (1) in subsection (a), by striking “, in such
20 manner, and containing such information” and in-
21 serting “and in such manner”;

22 (2) in subsection (b)—

23 (A) in paragraph (1), by striking “mak-
24 ing” and inserting “awarding”; and

1 (B) by striking paragraphs (2) through (6)
2 and inserting the following:

3 “(2) describe how the agency will establish and
4 implement, with timely and meaningful consultation
5 with local educational agencies representing the geo-
6 graphic diversity of the State, standardized, state-
7 wide entrance and exit procedures, including an as-
8 surance that all students who may be English learn-
9 ers are assessed for such status within 30 days of
10 enrollment in a school in the State;

11 “(3) provide an assurance that—

12 “(A) the agency will ensure that eligible
13 entities receiving a subgrant under this subpart
14 comply with the requirement in section
15 1111(b)(2)(B)(ix) regarding assessment of
16 English learners in English;

17 “(B) the agency will ensure that eligible
18 entities receiving a subgrant under this subpart
19 annually assess the English proficiency of all
20 English learners participating in a program
21 funded under this subpart, consistent with sec-
22 tion 1111(b)(2)(G);

23 “(C) in awarding subgrants under section
24 3114, the agency will address the needs of
25 school systems of all sizes and in all geographic

1 areas, including school systems with rural and
2 urban schools;

3 “(D) subgrants to eligible entities under
4 section 3114(d)(1) will be of sufficient size and
5 scope to allow such entities to carry out effective
6 language instruction educational programs
7 for English learners;

8 “(E) the agency will require an eligible entity
9 receiving a subgrant under this subpart to
10 use the subgrant in ways that will build such
11 recipient’s capacity to continue to offer effective
12 language instruction educational programs that
13 assist English learners in meeting challenging
14 State academic standards;

15 “(F) the agency will monitor each eligible
16 entity receiving a subgrant under this subpart
17 for compliance with applicable Federal fiscal requirements; and

18
19 “(G) the plan has been developed in consultation
20 with local educational agencies, teachers,
21 administrators of programs implemented
22 under this subpart, parents of English learners,
23 and other relevant stakeholders;

24 “(4) describe how the agency will coordinate its
25 programs and activities under this subpart with

1 other programs and activities under this Act and
2 other Acts, as appropriate;

3 “(5) describe how each eligible entity will be
4 given the flexibility to teach English learners—

5 “(A) using a high-quality, effective lan-
6 guage instruction curriculum for teaching
7 English learners; and

8 “(B) in the manner the eligible entity de-
9 termines to be the most effective;

10 “(6) describe how the agency will assist eligible
11 entities in meeting—

12 “(A) the State-designed long-term goals es-
13 tablished under section 1111(c)(4)(A)(ii), in-
14 cluding measurements of interim progress to-
15 wards meeting such goals, based on the State’s
16 English language proficiency assessment under
17 section 1111(b)(2)(G); and

18 “(B) the challenging State academic stand-
19 ards;

20 “(7) describe how the agency will meet the
21 unique needs of children and youth in the State
22 being served through the reservation of funds under
23 section 3114(d); and

24 “(8) describe—

1 “(A) how the agency will monitor the
2 progress of each eligible entity receiving a
3 subgrant under this subpart in helping English
4 learners achieve English proficiency; and

5 “(B) the steps the agency will take to fur-
6 ther assist eligible entities if the strategies
7 funded under this subpart are not effective,
8 such as providing technical assistance and
9 modifying such strategies.”;

10 (3) in subsection (d)—

11 (A) in paragraph (1), by striking “this
12 part” each place the term appears and inserting
13 “this subpart”; and

14 (B) in paragraph (2)(B), by striking “this
15 part” and inserting “this subpart”;

16 (4) in subsection (e), by striking “section
17 9302” and inserting “section 8302”; and

18 (5) in subsection (f)—

19 (A) by inserting “by the State” after “if
20 requested”; and

21 (B) by striking “, objectives,”.

22 (e) WITHIN-STATE ALLOCATIONS.—Section 3114
23 (20 U.S.C. 6824) is amended—

24 (1) by striking subsection (a) and inserting the
25 following:

1 “(a) IN GENERAL.—After making the reservation re-
2 quired under subsection (d)(1), each State educational
3 agency receiving a grant under section 3111(c)(2) shall
4 award subgrants for a fiscal year by allocating in a timely
5 manner to each eligible entity in the State having a plan
6 approved under section 3116 an amount that bears the
7 same relationship to the amount received under the grant
8 and remaining after making such reservation as the popu-
9 lation of English learners in schools served by the eligible
10 entity bears to the population of English learners in
11 schools served by all eligible entities in the State.”; and

12 (2) in subsection (d)(1)—

13 (A) by striking “section 3111(c)(3)” and
14 inserting “section 3111(c)(2)”; and

15 (B) by striking “preceding the fiscal year”.

16 (f) SUBGRANTS TO ELIGIBLE ENTITIES.—Section
17 3115 (20 U.S.C. 6825) is amended to read as follows:

18 **“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

19 “(a) PURPOSES OF SUBGRANTS.—A State edu-
20 cational agency may make a subgrant to an eligible entity
21 from funds received by the agency under this subpart only
22 if the entity agrees to expend the funds to improve the
23 education of English learners by assisting the children to
24 learn English and meet the challenging State academic
25 standards. In carrying out activities with such funds, the

1 eligible entity shall use effective approaches and meth-
2 odologies for teaching English learners and immigrant
3 children and youth for the following purposes:

4 “(1) Developing and implementing new lan-
5 guage instruction educational programs and aca-
6 demic content instructional programs for English
7 learners and immigrant children and youth, includ-
8 ing early childhood education programs, elementary
9 school programs, and secondary school programs.

10 “(2) Carrying out highly focused, innovative, lo-
11 cally designed activities to expand or enhance exist-
12 ing language instruction educational programs and
13 academic content instructional programs for English
14 learners and immigrant children and youth.

15 “(3) Implementing, within an individual school,
16 schoolwide programs for restructuring, reforming,
17 and upgrading all relevant programs, activities, and
18 operations relating to language instruction edu-
19 cational programs and academic content instruction
20 for English learners and immigrant children and
21 youth.

22 “(4) Implementing, within the entire jurisdic-
23 tion of a local educational agency, agencywide pro-
24 grams for restructuring, reforming, and upgrading
25 all relevant programs, activities, and operations re-

1 lating to language instruction educational programs
2 and academic content instruction for English learn-
3 ers and immigrant children and youth.

4 “(b) DIRECT ADMINISTRATIVE EXPENSES.—Each el-
5 igible entity receiving funds under section 3114(a) for a
6 fiscal year may use not more than 2 percent of such funds
7 for the cost of administering this subpart.

8 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
9 ble entity receiving funds under section 3114(a) shall use
10 the funds—

11 “(1) to increase the English language pro-
12 ficiency of English learners by providing effective
13 language instruction educational programs that meet
14 the needs of English learners and demonstrate suc-
15 cess in increasing—

16 “(A) English language proficiency; and

17 “(B) student academic achievement;

18 “(2) to provide effective professional develop-
19 ment to classroom teachers (including teachers in
20 classroom settings that are not the settings of lan-
21 guage instruction educational programs), principals
22 and other school leaders, administrators, and other
23 school or community-based organizational personnel,
24 that is—

1 “(A) designed to improve the instruction
2 and assessment of English learners;

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 measures, and instruc-
7 tional strategies for English learners;

8 “(C) effective in increasing children’s
9 English language proficiency or substantially
10 increasing the subject matter knowledge, teach-
11 ing knowledge, and teaching skills of such
12 teachers; and

13 “(D) of sufficient intensity and duration
14 (which shall not include activities such as 1-day
15 or short-term workshops and conferences) to
16 have a positive and lasting impact on the teach-
17 ers’ performance in the classroom, except that
18 this subparagraph shall not apply to an activity
19 that is one component of a long-term, com-
20 prehensive professional development plan estab-
21 lished by a teacher and the teacher’s supervisor
22 based on an assessment of the needs of the
23 teacher, the supervisor, the students of the
24 teacher, and any local educational agency em-
25 ploying the teacher, as appropriate; and

1 “(3) to provide and implement other effective
2 activities and strategies that enhance or supplement
3 language instruction educational programs for
4 English learners, which—

5 “(A) shall include parent, family, and com-
6 munity engagement activities; and

7 “(B) may include strategies that serve to
8 coordinate and align related programs.

9 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-
10 ject to subsection (c), an eligible entity receiving funds
11 under section 3114(a) may use the funds to achieve any
12 of the purposes described in subsection (a) by undertaking
13 1 or more of the following activities:

14 “(1) Upgrading program objectives and effec-
15 tive instructional strategies.

16 “(2) Improving the instructional program for
17 English learners by identifying, acquiring, and up-
18 grading curricula, instructional materials, edu-
19 cational software, and assessment procedures.

20 “(3) Providing to English learners—

21 “(A) tutorials and academic or career and
22 technical education; and

23 “(B) intensified instruction, which may in-
24 clude materials in a language that the student
25 can understand, interpreters, and translators.

1 “(4) Developing and implementing effective pre-
2 school, elementary school, or secondary school lan-
3 guage instruction educational programs that are co-
4 ordinated with other relevant programs and services.

5 “(5) Improving the English language pro-
6 ficiency and academic achievement of English learn-
7 ers.

8 “(6) Providing community participation pro-
9 grams, family literacy services, and parent and fam-
10 ily outreach and training activities to English learn-
11 ers and their families—

12 “(A) to improve the English language
13 skills of English learners; and

14 “(B) to assist parents and families in help-
15 ing their children to improve their academic
16 achievement and becoming active participants
17 in the education of their children.

18 “(7) Improving the instruction of English learn-
19 ers, which may include English learners with a dis-
20 ability, by providing for—

21 “(A) the acquisition or development of
22 educational technology or instructional mate-
23 rials;

1 “(B) access to, and participation in, elec-
2 tronic networks for materials, training, and
3 communication; and

4 “(C) incorporation of the resources de-
5 scribed in subparagraphs (A) and (B) into cur-
6 ricula and programs, such as those funded
7 under this subpart.

8 “(8) Offering early college high school or dual
9 or concurrent enrollment programs or courses de-
10 signed to help English learners achieve success in
11 postsecondary education.

12 “(9) Carrying out other activities that are con-
13 sistent with the purposes of this section.

14 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-
15 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND
16 YOUTH.—

17 “(1) IN GENERAL.—An eligible entity receiving
18 funds under section 3114(d)(1) shall use the funds
19 to pay for activities that provide enhanced instruc-
20 tional opportunities for immigrant children and
21 youth, which may include—

22 “(A) family literacy, parent and family
23 outreach, and training activities designed to as-
24 sist parents and families to become active par-
25 ticipants in the education of their children;

1 “(B) recruitment of, and support for, per-
2 sonnel, including teachers and paraprofessionals
3 who have been specifically trained, or are being
4 trained, to provide services to immigrant chil-
5 dren and youth;

6 “(C) provision of tutorials, mentoring, and
7 academic or career counseling for immigrant
8 children and youth;

9 “(D) identification, development, and ac-
10 quisition of curricular materials, educational
11 software, and technologies to be used in the
12 program carried out with awarded funds;

13 “(E) basic instructional services that are
14 directly attributable to the presence of immi-
15 grant children and youth in the local edu-
16 cational agency involved, including the payment
17 of costs of providing additional classroom sup-
18 plies, costs of transportation, or such other
19 costs as are directly attributable to such addi-
20 tional basic instructional services;

21 “(F) other instructional services that are
22 designed to assist immigrant children and youth
23 to achieve in elementary schools and secondary
24 schools in the United States, such as programs

1 of introduction to the educational system and
2 civics education; and

3 “(G) activities, coordinated with commu-
4 nity-based organizations, institutions of higher
5 education, private sector entities, or other enti-
6 ties with expertise in working with immigrants,
7 to assist parents and families of immigrant chil-
8 dren and youth by offering comprehensive com-
9 munity services.

10 “(2) DURATION OF SUBGRANTS.—The duration
11 of a subgrant made by a State educational agency
12 under section 3114(d)(1) shall be determined by the
13 agency in its discretion.

14 “(f) SELECTION OF METHOD OF INSTRUCTION.—

15 “(1) IN GENERAL.—To receive a subgrant from
16 a State educational agency under this subpart, an el-
17 igible entity shall select one or more methods or
18 forms of effective instruction to be used in the pro-
19 grams and activities undertaken by the entity to as-
20 sist English learners to attain English language pro-
21 ficiency and meet challenging State academic stand-
22 ards.

23 “(2) CONSISTENCY.—The selection described in
24 paragraph (1) shall be consistent with sections 3124
25 through 3126.

1 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds
2 made available under this subpart shall be used so as to
3 supplement the level of Federal, State, and local public
4 funds that, in the absence of such availability, would have
5 been expended for programs for English learners and im-
6 migrant children and youth and in no case to supplant
7 such Federal, State, and local public funds.”.

8 (g) LOCAL PLANS.—Section 3116 (20 U.S.C. 6826)
9 is amended—

10 (1) in subsection (b), by striking paragraphs
11 (1) through (6) and inserting the following:

12 “(1) describe the effective programs and activi-
13 ties, including language instruction educational pro-
14 grams, proposed to be developed, implemented, and
15 administered under the subgrant that will help
16 English learners increase their English language
17 proficiency and meet the challenging State academic
18 standards;

19 “(2) describe how the eligible entity will ensure
20 that elementary schools and secondary schools re-
21 ceiving funds under this subpart assist English
22 learners in—

23 “(A) achieving English proficiency based
24 on the State’s English language proficiency as-
25 sessment under section 1111(b)(2)(G), con-

1 sistent with the State’s long-term goals, as de-
2 scribed in section 1111(c)(4)(A)(ii); and

3 “(B) meeting the challenging State aca-
4 demic standards;

5 “(3) describe how the eligible entity will pro-
6 mote parent, family, and community engagement in
7 the education of English learners;

8 “(4) contain assurances that—

9 “(A) each local educational agency that is
10 included in the eligible entity is complying with
11 section 1112(e) prior to, and throughout, each
12 school year as of the date of application;

13 “(B) the eligible entity is not in violation
14 of any State law, including State constitutional
15 law, regarding the education of English learn-
16 ers, consistent with sections 3125 and 3126;

17 “(C) the eligible entity consulted with
18 teachers, researchers, school administrators,
19 parents and family members, community mem-
20 bers, public or private entities, and institutions
21 of higher education, in developing and imple-
22 menting such plan; and

23 “(D) the eligible entity will, if applicable,
24 coordinate activities and share relevant data
25 under the plan with local Head Start and Early

1 Head Start agencies, including migrant and
2 seasonal Head Start agencies, and other early
3 childhood education providers.”;

4 (2) in subsection (c), by striking “limited
5 English proficient children” and inserting “English
6 learners”; and

7 (3) by striking subsection (d).

8 (h) REPORTING.—Section 3121 (20 U.S.C. 6841) is
9 amended to read as follows:

10 **“SEC. 3121. REPORTING.**

11 “(a) IN GENERAL.—Each eligible entity that receives
12 a subgrant from a State educational agency under subpart
13 1 shall provide such agency, at the conclusion of every sec-
14 ond fiscal year during which the subgrant is received, with
15 a report, in a form prescribed by the agency, on the activi-
16 ties conducted and children served under such subpart
17 that includes—

18 “(1) a description of the programs and activi-
19 ties conducted by the entity with funds received
20 under subpart 1 during the 2 immediately preceding
21 fiscal years, which shall include a description of how
22 such programs and activities supplemented programs
23 funded primarily with State or local funds;

24 “(2) the number and percentage of English
25 learners in the programs and activities who are mak-

1 ing progress toward achieving English language pro-
2 ficiency, as described in section 1111(c)(4)(A)(ii), in
3 the aggregate and disaggregated, at a minimum, by
4 English learners with a disability;

5 “(3) the number and percentage of English
6 learners in the programs and activities attaining
7 English language proficiency based on State English
8 language proficiency standards established under
9 section 1111(b)(1)(G) by the end of each school
10 year, as determined by the State’s English language
11 proficiency assessment under section 1111(b)(2)(G);

12 “(4) the number and percentage of English
13 learners who exit the language instruction edu-
14 cational programs based on their attainment of
15 English language proficiency;

16 “(5) the number and percentage of English
17 learners meeting challenging State academic stand-
18 ards for each of the 4 years after such children are
19 no longer receiving services under this part, in the
20 aggregate and disaggregated, at a minimum, by
21 English learners with a disability;

22 “(6) the number and percentage of English
23 learners who have not attained English language
24 proficiency within 5 years of initial classification as

1 an English learner and first enrollment in the local
2 educational agency; and

3 “(7) any other information that the State edu-
4 cational agency may require.

5 “(b) USE OF REPORT.—A report provided by an eli-
6 gible entity under subsection (a) shall be used by the enti-
7 ty and the State educational agency for improvement of
8 programs and activities under this part.

9 “(c) SPECIAL RULE FOR SPECIALLY QUALIFIED
10 AGENCIES.—Each specially qualified agency receiving a
11 grant under subpart 1 shall provide the reports described
12 in subsection (a) to the Secretary subject to the same re-
13 quirements as apply to eligible entities providing such
14 evaluations to State educational agencies under such sub-
15 section.”.

16 (i) BIENNIAL REPORTS.—Section 3122 (20 U.S.C.
17 6843), as redesignated by section 3001(2)(B), is amend-
18 ed—

19 (1) in the section heading, by striking “**RE-**
20 **PORTING REQUIREMENTS**” and inserting “**BIEN-**
21 **NIAL REPORTS**”;

22 (2) in subsection (a)—

23 (A) by striking “evaluations” and inserting
24 “reports”; and

1 (B) by striking “children who are limited
2 English proficient” and inserting “English
3 learners”; and

4 (3) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) by striking “limited English pro-
7 ficient children” and inserting “English
8 learners”; and

9 (ii) by striking “children who are lim-
10 ited English proficient” and inserting
11 “English learners”;

12 (B) in paragraph (2), by striking “limited
13 English proficient children” and inserting
14 “English learners”;

15 (C) in paragraph (4), by striking “section
16 3111(b)(2)(C)” and inserting “section
17 3111(b)(2)(D)”;

18 (D) in paragraph (5), by striking “limited
19 English proficient children” and inserting
20 “English learners”;

21 (E) in paragraph (6), by striking “major
22 findings of scientifically based research carried
23 out under this part” and inserting “findings of
24 the most recent evaluation related to English
25 learners carried out under section 8601”;

1 (F) in paragraph (8)—

2 (i) by striking “of limited English
3 proficient children” and inserting “of
4 English learners”; and

5 (ii) by striking “into classrooms where
6 instruction is not tailored for limited
7 English proficient children”; and

8 (G) in paragraph (9), by striking “title”
9 and inserting “part”.

10 (j) COORDINATION WITH RELATED PROGRAMS.—

11 Section 3123 (20 U.S.C. 6844), as redesignated by section
12 3001(2)(B), is amended—

13 (1) by striking “children of limited English pro-
14 ficiency” and inserting “English learners”;

15 (2) by striking “limited English proficient chil-
16 dren” and inserting “English learners”; and

17 (3) by inserting after the period at the end the
18 following: “The Secretary shall report to the Con-
19 gress on parallel Federal programs in other agencies
20 and departments.”.

21 (k) RULES OF CONSTRUCTION.—Section 3124 (20
22 U.S.C. 6845), as redesignated by section 3001(2)(B), is
23 amended—

1 (1) in paragraph (1), by striking “limited
2 English proficient children” and inserting “English
3 learners”; and

4 (2) in paragraph (2), by striking “limited
5 English proficient children” and inserting “English
6 learners”.

7 (l) PROHIBITION.—Section 3128 (20 U.S.C. 6849),
8 as redesignated by section 3001(2)(B), is amended by
9 striking “limited English proficient children” and insert-
10 ing “English learners”.

11 (m) NATIONAL PROFESSIONAL DEVELOPMENT
12 PROJECT.—Section 3131 (20 U.S.C. 6861) is amended to
13 read as follows:

14 **“SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT**
15 **PROJECT.**

16 “The Secretary shall use funds made available under
17 section 3111(e)(1)(C) to award grants on a competitive
18 basis, for a period of not more than 5 years, to institutions
19 of higher education or public or private entities with rel-
20 evant experience and capacity (in consortia with State
21 educational agencies or local educational agencies) to pro-
22 vide for professional development activities that will im-
23 prove classroom instruction for English learners and assist
24 educational personnel working with English learners to
25 meet high professional standards, including standards for

1 certification and licensure as teachers who work in lan-
2 guage instruction educational programs or serve English
3 learners. Grants awarded under this section may be
4 used—

5 “(1) for effective preservice or inservice profes-
6 sional development programs that will improve the
7 qualifications and skills of educational personnel in-
8 volved in the education of English learners, includ-
9 ing personnel who are not certified or licensed and
10 educational paraprofessionals, and for other activi-
11 ties to increase teacher and school leader effective-
12 ness in meeting the needs of English learners;

13 “(2) for the development of curricula or other
14 instructional strategies appropriate to the needs of
15 the consortia participants involved;

16 “(3) to support strategies that strengthen and
17 increase parent, family, and community member en-
18 gagement in the education of English learners;

19 “(4) to develop, share, and disseminate effective
20 practices in the instruction of English learners and
21 in increasing the student academic achievement of
22 English learners, such as through the use of tech-
23 nology-based programs;

24 “(5) in conjunction with other Federal need-
25 based student financial assistance programs, for fi-

1 nancial assistance, and costs related to tuition, fees,
2 and books for enrolling in courses required to com-
3 plete the degree involved, to meet certification or li-
4 censing requirements for teachers who work in lan-
5 guage instruction educational programs or serve
6 English learners; and

7 “(6) as appropriate, to support strategies that
8 promote school readiness of English learners and
9 their transition from early childhood education pro-
10 grams, such as Head Start or State-run preschool
11 programs, to elementary school programs.”.

12 **SEC. 3004. GENERAL PROVISIONS.**

13 (a) DEFINITIONS.—Section 3201 (20 U.S.C. 7011),
14 as redesignated by section 3001(5)(A), is amended—

15 (1) by striking paragraphs (3), (4), and (5);

16 (2) by inserting after paragraph (2) the fol-
17 lowing:

18 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) one or more local educational agen-
21 cies; or

22 “(B) one or more local educational agen-
23 cies, in consortia or collaboration with an insti-
24 tution of higher education, educational service

1 agency, community-based organization, or State
2 educational agency.

3 “(4) ENGLISH LEARNER WITH A DISABILITY.—

4 The term ‘English learner with a disability’ means
5 an English learner who is also a child with a dis-
6 ability, as that term is defined in section 602 of the
7 Individuals with Disabilities Education Act.”;

8 (3) by redesignating paragraphs (6) through
9 (15) as paragraphs (5) through (14), respectively;

10 (4) in paragraph (7)(A), as redesignated by
11 paragraph (3)—

12 (A) by striking “a limited English pro-
13 ficient child” and inserting “an English learn-
14 er”; and

15 (B) by striking “challenging State aca-
16 demic content and student academic achieve-
17 ment standards, as required by section
18 1111(b)(1)” and inserting “challenging State
19 academic standards”; and

20 (5) in paragraph (12), as redesignated by para-
21 graph (3), by striking “, as defined in section
22 3141,”.

23 (b) NATIONAL CLEARINGHOUSE.—Section 3202 (20
24 U.S.C. 7013), as redesignated by section 3001(5)(C), is
25 amended—

1 (1) in the matter preceding paragraph (1)—

2 (A) by striking “The Secretary shall” and
3 inserting the following:

4 “(a) IN GENERAL.—The Secretary shall”; and

5 (B) by striking “limited English proficient
6 children” and inserting “English learners”;

7 (2) in paragraph (4)—

8 (A) in subparagraph (A), by striking “lim-
9 ited English proficient children” and inserting
10 “English learners, including English learners
11 with a disability, that includes information on
12 best practices on instructing and serving
13 English learners”; and

14 (B) in subparagraph (B), by striking “lim-
15 ited English proficient children” and inserting
16 “English learners”; and

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

18 “(b) CONSTRUCTION.—Nothing in this section shall
19 authorize the Secretary to hire additional personnel to exe-
20 cute subsection (a).”.

21 (c) REGULATIONS.—Section 3203 (20 U.S.C. 7014),
22 as redesignated by section 3001(5)(C), is amended—

23 (1) by striking “limited English proficient indi-
24 viduals” and inserting “English learners”; and

1 (2) by striking “limited English proficient chil-
2 dren” and inserting “English learners”.

3 **TITLE IV—21ST CENTURY**
4 **SCHOOLS**

5 **SEC. 4001. REDESIGNATIONS AND TRANSFERS.**

6 (a) TITLE IV TRANSFERS AND RELATED AMEND-
7 MENTS.—

8 (1) Section 4303 (20 U.S.C. 7183) is amend-
9 ed—

10 (A) in subsection (b)(1), by striking “early
11 childhood development (Head Start) services”
12 and inserting “early childhood education pro-
13 grams”;

14 (B) in subsection (c)(2)—

15 (i) in the paragraph heading, by strik-
16 ing “DEVELOPMENT SERVICES” and insert-
17 ing “EDUCATION PROGRAMS”; and

18 (ii) by striking “development (Head
19 Start) services” and inserting “education
20 programs”; and

21 (C) in subsection (e)(3), by striking sub-
22 paragraph (C) and inserting the following:

23 “(C) such other matters as justice may re-
24 quire.”.

1 (2) Subpart 3 of part A of title IV (20 U.S.C.
2 7151) is—

3 (A) transferred to title IX (as amended by
4 section 2001 of this Act);

5 (B) inserted so as to appear after subpart
6 3 of part E of such title (as so transferred and
7 redesignated);

8 (C) redesignated as subpart 4 of such part;
9 and

10 (D) amended by redesignating section
11 4141 as section 9551.

12 (3) Section 4155 (20 U.S.C. 7165) is—

13 (A) transferred to title IX (as amended by
14 section 2001 of this Act and paragraph (2) of
15 this subsection);

16 (B) inserted so as to appear after section
17 9536; and

18 (C) redesignated as section 9537.

19 (4) Part C of title IV (20 U.S.C. 7181 et seq.)
20 (as amended by paragraph (1) of this subsection)
21 is—

22 (A) transferred to title IX (as amended by
23 section 2001 of this Act and paragraphs (2)
24 and (3) of this subsection);

1 (B) inserted so as to appear after subpart
2 4 of part E of such title IX (as so transferred
3 and redesignated); and

4 (C) amended—

5 (i) by striking the part designation
6 and heading and inserting “**Subpart 5—**
7 **Environmental Tobacco Smoke**”;
8 and

9 (ii) by redesignating sections 4301
10 through 4304 as sections 9561 through
11 9564, respectively.

12 (5) Title IV (as amended by section 2001 of
13 this Act and paragraphs (1) through (4) of this sub-
14 section) is further amended—

15 (A) in the part heading of part A, by strik-
16 ing “**SAFE AND DRUG-FREE SCHOOLS AND**
17 **COMMUNITIES**” and inserting “**STUDENT**
18 **SUPPORT AND ACADEMIC ENRICHMENT**
19 **GRANTS**”;

20 (B) by striking subparts 2 and 4 of part
21 A;

22 (C) by redesignating subpart 5 of part A
23 (as so transferred and redesignated by section
24 2001(4) of this Act) as subpart 2 of part A;
25 and

1 (D) by redesignating section 4161 (as so
2 redesignated) as section 4121.

3 (b) TITLE V TRANSFERS AND RELATED AMEND-
4 MENTS.—

5 (1) IN GENERAL.—Title V (20 U.S.C. 7201 et
6 seq.) is amended—

7 (A) by striking part A;

8 (B) by striking subparts 2 and 3 of part
9 B; and

10 (C) by striking part D.

11 (2) CHARTER SCHOOLS.—Part B of title V (20
12 U.S.C. 7221 et seq.) (as amended by paragraph (1)
13 of this subsection) is—

14 (A) transferred to title IV (as amended by
15 section 2001 of this Act and subsection (a) of
16 this section);

17 (B) inserted so as to appear after part B
18 of such title;

19 (C) redesignated as part C of such title;
20 and

21 (D) further amended—

22 (i) in the part heading, by striking
23 “**PUBLIC CHARTER SCHOOLS**” and in-
24 serting “**EXPANDING OPPORTUNITY**”

1 **THROUGH QUALITY CHARTER**
2 **SCHOOLS”;**

3 (ii) by striking the subpart heading
4 for subpart 1; and

5 (iii) by redesignating sections 5201
6 through 5211 as sections 4301 through
7 4311, respectively.

8 (3) **MAGNET SCHOOLS.**—Part C of title V (20
9 U.S.C. 7231 et seq.) is—

10 (A) transferred to title IV (as amended by
11 section 2001 of this Act, subsection (a) of this
12 section, and paragraph (2) of this subsection)

13 (B) inserted so as to appear after part C
14 of such title (as so transferred and redesign-
15 nated);

16 (C) redesignated as part D of such title;
17 and

18 (D) amended—

19 (i) by redesignating sections 5301
20 through 5307 as sections 4401 through
21 4407, respectively;

22 (ii) by striking sections 5308 and
23 5310; and

1 (iii) by redesignating sections 5309
2 and 5311 as sections 4408 and 4409, re-
3 spectively.

4 (4) TITLE V.—Title V, as amended by this sec-
5 tion, is repealed.

6 **SEC. 4002. GENERAL PROVISIONS.**

7 Title IV (20 U.S.C. 7101 et seq.), as redesignated
8 and amended by section 4001, is further amended by
9 striking sections 4001 through 4003 and inserting the fol-
10 lowing:

11 **“SEC. 4001. GENERAL PROVISIONS.**

12 “(a) PARENTAL CONSENT.—

13 “(1) IN GENERAL.—

14 “(A) INFORMED WRITTEN CONSENT.—A
15 State, local educational agency, or other entity
16 receiving funds under this title shall obtain
17 prior written, informed consent from the parent
18 of each child who is under 18 years of age to
19 participate in any mental-health assessment or
20 service that is funded under this title and con-
21 ducted in connection with an elementary school
22 or secondary school under this title.

23 “(B) CONTENTS.—Before obtaining the
24 consent described in subparagraph (A), the en-
25 tity shall provide the parent written notice de-

1 scribing in detail such mental health assessment
2 or service, including the purpose for such as-
3 sessment or service, the provider of such assess-
4 ment or service, when such assessment or serv-
5 ice will begin, and how long such assessment or
6 service may last.

7 “(C) LIMITATION.—The informed written
8 consent required under this paragraph shall not
9 be a waiver of any rights or protections under
10 section 444 of the General Education Provi-
11 sions Act (20 U.S.C. 1232g).

12 “(2) EXCEPTION.—Notwithstanding paragraph
13 (1)(A), the written, informed consent described in
14 such paragraph shall not be required in—

15 “(A) an emergency, where it is necessary
16 to protect the immediate health and safety of
17 the child, other children, or entity personnel; or

18 “(B) other instances in which an entity ac-
19 tively seeks parental consent but such consent
20 cannot be reasonably obtained, as determined
21 by the State or local educational agency, includ-
22 ing in the case of—

23 “(i) a child whose parent has not re-
24 sponded to the notice described in para-
25 graph (1)(B); or

1 “(ii) a child who has attained 14
2 years of age and is an unaccompanied
3 youth, as defined in section 725 of the
4 McKinney-Vento Homeless Assistance Act
5 (42 U.S.C. 11434a).

6 “(b) PROHIBITED USE OF FUNDS.—No funds under
7 this title may be used for medical services or drug treat-
8 ment or rehabilitation, except for integrated student sup-
9 ports, specialized instructional support services, or referral
10 to treatment for impacted students, which may include
11 students who are victims of, or witnesses to, crime or who
12 illegally use drugs.

13 “(c) PROHIBITION ON MANDATORY MEDICATION.—
14 No child shall be required to obtain a prescription for a
15 controlled substance, as defined in section 102 of the Con-
16 trolled Substances Act (21 U.S.C. 802) as a condition
17 of—

18 “(1) receiving an evaluation or other service de-
19 scribed under this title; or

20 “(2) attending a school receiving assistance
21 under this title.”.

1 **PART A—STUDENT SUPPORT AND ACADEMIC**

2 **ENRICHMENT GRANTS**

3 **SEC. 4101. STUDENT SUPPORT AND ACADEMIC ENRICH-**
4 **MENT GRANTS.**

5 Subpart 1 of part A of title IV (20 U.S.C. 7101 et
6 seq.) is amended to read as follows:

7 **“Subpart 1—Student Support and Academic**

8 **Enrichment Grants**

9 **“SEC. 4101. PURPOSE.**

10 “The purpose of this subpart is to improve students’
11 academic achievement by increasing the capacity of
12 States, local educational agencies, schools, and local com-
13 munities to—

14 “(1) provide all students with access to a well-
15 rounded education;

16 “(2) improve school conditions for student
17 learning; and

18 “(3) improve the use of technology in order to
19 improve the academic achievement and digital lit-
20 eracy of all students.

21 **“SEC. 4102. DEFINITIONS.**

22 “In this subpart:

23 “(1) **BLENDED LEARNING.**—The term ‘blended
24 learning’ means a formal education program that
25 leverages both technology-based and face-to-face in-
26 structional approaches—

1 “(A) that include an element of online or
2 digital learning, combined with supervised
3 learning time, and student-led learning, in
4 which the elements are connected to provide an
5 integrated learning experience; and

6 “(B) in which students are provided some
7 control over time, path, or pace.

8 “(2) CONTROLLED SUBSTANCE.—The term
9 ‘controlled substance’ means a drug or other sub-
10 stance identified under Schedule I, II, III, IV, or V
11 in section 202(c) of the Controlled Substances Act
12 (21 U.S.C. 812(c)).

13 “(3) DIGITAL LEARNING.—The term ‘digital
14 learning’ means any instructional practice that effec-
15 tively uses technology to strengthen a student’s
16 learning experience and encompasses a wide spec-
17 trum of tools and practices, including—

18 “(A) interactive learning resources, digital
19 learning content (which may include openly li-
20 censed content), software, or simulations, that
21 engage students in academic content;

22 “(B) access to online databases and other
23 primary source documents;

1 “(C) the use of data and information to
2 personalize learning and provide targeted sup-
3 plementary instruction;

4 “(D) online and computer-based assess-
5 ments;

6 “(E) learning environments that allow for
7 rich collaboration and communication, which
8 may include student collaboration with content
9 experts and peers;

10 “(F) hybrid or blended learning, which oc-
11 curs under direct instructor supervision at a
12 school or other location away from home and,
13 at least in part, through online delivery of in-
14 struction with some element of student control
15 over time, place, path, or pace; and

16 “(G) access to online course opportunities
17 for students in rural or remote areas.

18 “(4) DRUG.—The term ‘drug’ includes—

19 “(A) controlled substances;

20 “(B) the illegal use of alcohol or tobacco,
21 including smokeless tobacco products and elec-
22 tronic cigarettes; and

23 “(C) the harmful, abusive, or addictive use
24 of substances, including inhalants and anabolic
25 steroids.

1 “(5) DRUG AND VIOLENCE PREVENTION.—The
2 term ‘drug and violence prevention’ means—

3 “(A) with respect to drugs, prevention,
4 early intervention, rehabilitation referral, recov-
5 ery support services, or education related to the
6 illegal use of drugs, such as raising awareness
7 about the consequences of drug use that are
8 evidence-based (to the extent a State, in con-
9 sultation with local educational agencies in the
10 State, determines that such evidence is reason-
11 ably available); 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 “(6) 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 mental health services to chil-
5 dren and adolescents.

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

9 “(8) STEM-FOCUSED SPECIALTY SCHOOL.—The
10 term ‘STEM-focused specialty school’ means a
11 school, or dedicated program within a school, that
12 engages students in rigorous, relevant, and inte-
13 grated learning experiences focused on science, tech-
14 nology, engineering, and mathematics, including
15 computer science, which include authentic schoolwide
16 research.

17 **“SEC. 4103. FORMULA GRANTS TO STATES.**

18 “(a) RESERVATIONS.—From the total amount appro-
19 priated under section 4112 for a fiscal year, the Secretary
20 shall reserve—

21 “(1) one-half of 1 percent for allotments for
22 payments to the outlying areas, to be distributed
23 among those outlying areas on the basis of their rel-
24 ative need, as determined by the Secretary, in ac-
25 cordance with the purpose of this subpart;

1 “(2) one-half of 1 percent for the Secretary of
2 the Interior for programs under this subpart in
3 schools operated or funded by the Bureau of Indian
4 Education; and

5 “(3) 2 percent for technical assistance and ca-
6 pacity building.

7 “(b) STATE ALLOTMENTS.—

8 “(1) ALLOTMENT.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graphs (B) and (C), from the amount appro-
11 priated to carry out this subpart that remains
12 after the Secretary makes the reservations
13 under subsection (a), the Secretary shall allot
14 to each State having a plan approved under
15 subsection (c), an amount that bears the same
16 relationship to the remainder as the amount the
17 State received under subpart 2 of part A of title
18 I for the preceding fiscal year bears to the
19 amount all States received under that subpart
20 for the preceding fiscal year.

21 “(B) SMALL STATE MINIMUM.—No State
22 receiving an allotment under this paragraph
23 shall receive less than one-half of 1 percent of
24 the total amount allotted under this paragraph.

1 “(C) PUERTO RICO.—The amount allotted
2 under this paragraph to the Commonwealth of
3 Puerto Rico for a fiscal year may not exceed
4 one-half of 1 percent of the total amount allot-
5 ted under this paragraph.

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

11 “(c) STATE PLAN.—

12 “(1) IN GENERAL.—In order to receive an allot-
13 ment under this section for any fiscal year, a State
14 shall submit a plan to the Secretary, at such time
15 and in such manner as the Secretary may reason-
16 ably require.

17 “(2) CONTENTS.—Each plan submitted by a
18 State under this section shall include the following:

19 “(A) A description of how the State edu-
20 cational agency will use funds received under
21 this subpart for State-level activities.

22 “(B) A description of how the State edu-
23 cational agency will ensure that awards made to
24 local educational agencies under this subpart

1 are in amounts that are consistent with section
2 4105(a)(2).

3 “(C) Assurances that the State educational
4 agency will—

5 “(i) review existing resources and pro-
6 grams across the State and will coordinate
7 any new plans and resources under this
8 subpart with such existing resources and
9 programs;

10 “(ii) monitor the implementation of
11 activities under this subpart and provide
12 technical assistance to local educational
13 agencies in carrying out such activities;
14 and

15 “(iii) provide for equitable access for
16 all students to the activities supported
17 under this subpart, including aligning
18 those activities with the requirements of
19 other Federal laws.

20 **“SEC. 4104. STATE USE OF FUNDS.**

21 “(a) IN GENERAL.—Each State that receives an al-
22 lotment under section 4103 for a fiscal year shall—

23 “(1) reserve not less than 95 percent of the al-
24 lotment to make allocations to local educational
25 agencies under section 4105;

1 “(2) reserve not more than 1 percent of the al-
2 lotment for the administrative costs of carrying out
3 its responsibilities under this subpart, including pub-
4 lic reporting on how funds made available under this
5 subpart are being expended by local educational
6 agencies, including the degree to which the local
7 educational agencies have made progress toward
8 meeting the objectives and outcomes described in
9 section 4106(e)(1)(E); and

10 “(3) use the amount made available to the
11 State and not reserved under paragraphs (1) and
12 (2) for activities described in subsection (b).

13 “(b) STATE ACTIVITIES.—Each State that receives
14 an allotment under section 4103 shall use the funds avail-
15 able under subsection (a)(3) for activities and programs
16 designed to meet the purposes of this subpart, which may
17 include—

18 “(1) providing monitoring of, and training,
19 technical assistance, and capacity building to, local
20 educational agencies that receive an allotment under
21 section 4105;

22 “(2) identifying and eliminating State barriers
23 to the coordination and integration of programs, ini-
24 tiatives, and funding streams that meet the purposes
25 of this subpart, so that local educational agencies

1 can better coordinate with other agencies, schools,
2 and community-based services and programs; or

3 “(3) supporting local educational agencies in
4 providing programs and activities that—

5 “(A) offer well-rounded educational experi-
6 ences to all students, as described in section
7 4107, including female students, minority stu-
8 dents, English learners, children with disabil-
9 ities, and low-income students who are often
10 underrepresented in critical and enriching sub-
11 jects, which may include—

12 “(i) increasing student access to and
13 improving student engagement and
14 achievement in—

15 “(I) high-quality courses in
16 science, technology, engineering, and
17 mathematics, including computer
18 science;

19 “(II) activities and programs in
20 music and the arts;

21 “(III) foreign languages;

22 “(IV) accelerated learning pro-
23 grams that provide—

24 “(aa) postsecondary level
25 courses accepted for credit at in-

1 institutions of higher education, in-
2 cluding dual or concurrent enroll-
3 ment programs, and early college
4 high schools; or

5 “(bb) postsecondary level in-
6 struction and examinations that
7 are accepted for credit at institu-
8 tions of higher education, includ-
9 ing Advanced Placement and
10 International Baccalaureate pro-
11 grams;

12 “(V) American history, civics, ec-
13 onomics, geography, social studies, or
14 government education;

15 “(VI) environmental education;
16 or

17 “(VII) other courses, activities,
18 and programs or other experiences
19 that contribute to a well-rounded edu-
20 cation; or

21 “(ii) reimbursing low-income students
22 to cover part or all of the costs of acceler-
23 ated learning examination fees, as de-
24 scribed in clause (i)(IV);

1 “(B) foster safe, healthy, supportive, and
2 drug-free environments that support student
3 academic achievement, as described in section
4 4108, which may include—

5 “(i) coordinating with any local edu-
6 cational agencies or consortia of such
7 agencies implementing a youth PROMISE
8 plan to reduce exclusionary discipline, as
9 described in section 4108(5)(F);

10 “(ii) supporting local educational
11 agencies to—

12 “(I) implement mental health
13 awareness training programs that are
14 evidence-based (to the extent the
15 State determines that such evidence is
16 reasonably available) to provide edu-
17 cation to school personnel regarding
18 resources available in the community
19 for students with mental illnesses and
20 other relevant resources relating to
21 mental health or the safe de-escalation
22 of crisis situations involving a student
23 with a mental illness; or

24 “(II) expand access to or coordi-
25 nate resources for school-based coun-

1 seling and mental health programs,
2 such as through school-based mental
3 health services partnership programs;
4 “(iii) providing local educational agen-
5 cies with resources that are evidence-based
6 (to the extent the State determines that
7 such evidence is reasonably available) ad-
8 dressing ways to integrate health and safe-
9 ty practices into school or athletic pro-
10 grams; and

11 “(iv) disseminating best practices and
12 evaluating program outcomes relating to
13 any local educational agency activities to
14 promote student safety and violence pre-
15 vention through effective communication as
16 described in section 4108(5)(C)(iv); and

17 “(C) increase access to personalized, rig-
18 orous learning experiences supported by tech-
19 nology by—

20 “(i) providing technical assistance to
21 local educational agencies to improve the
22 ability of local educational agencies to—

23 “(I) identify and address tech-
24 nology readiness needs, including the
25 types of technology infrastructure and

1 access available to the students served
2 by the local educational agency, in-
3 cluding computer devices, access to
4 school libraries, Internet connectivity,
5 operating systems, software, related
6 network infrastructure, and data secu-
7 rity;

8 “(II) use technology, consistent
9 with the principles of universal design
10 for learning, to support the learning
11 needs of all students, including chil-
12 dren with disabilities and English
13 learners; and

14 “(III) build capacity for prin-
15 cipals, other school leaders, and local
16 educational agency administrators to
17 support teachers in using data and
18 technology to improve instruction and
19 personalize learning;

20 “(ii) supporting schools in rural and
21 remote areas to expand access to high-
22 quality digital learning opportunities;

23 “(iii) developing or using strategies
24 that are innovative or evidence-based (to
25 the extent the State determines that such

1 evidence is reasonably available) for the de-
2 livery of specialized or rigorous academic
3 courses and curricula through the use of
4 technology, including digital learning tech-
5 nologies and assistive technology, which
6 may include increased access to online dual
7 or concurrent enrollment opportunities, ca-
8 reer and technical courses, and programs
9 leading to a recognized postsecondary cre-
10 dential (as defined in section 3 of the
11 Workforce Innovation and Opportunity Act
12 (29 U.S.C. 3102));

13 “(iv) disseminating promising prac-
14 tices related to technology instruction, data
15 security, and the acquisition and imple-
16 mentation of technology tools and applica-
17 tions, including through making such
18 promising practices publicly available on
19 the website of the State educational agen-
20 cy;

21 “(v) providing teachers, paraprofes-
22 sionals, school librarians and media per-
23 sonnel, specialized instructional support
24 personnel, and administrators with the
25 knowledge and skills to use technology ef-

1 “(1) IN GENERAL.—From the funds reserved
2 by a State under section 4104(a)(1), the State shall
3 allocate to each local educational agency in the State
4 that has an application approved by the State edu-
5 cational agency under section 4106 an amount that
6 bears the same relationship to the total amount of
7 such reservation as the amount the local educational
8 agency received under subpart 2 of part A of title
9 I for the preceding fiscal year bears to the total
10 amount received by all local educational agencies in
11 the State under such subpart for the preceding fiscal
12 year.

13 “(2) MINIMUM LOCAL EDUCATIONAL AGENCY
14 ALLOCATION.—No allocation to a local educational
15 agency under this subsection may be made in an
16 amount that is less than \$10,000, subject to sub-
17 section (b).

18 “(3) CONSORTIA.—Local educational agencies
19 in a State may form a consortium with other sur-
20 rounding local educational agencies and combine the
21 funds each such agency in the consortium receives
22 under this section to jointly carry out the local ac-
23 tivities described in this subpart.

24 “(b) RATABLE REDUCTION.—If the amount reserved
25 by the State under section 4104(a)(1) is insufficient to

1 make allocations to local educational agencies in an
2 amount equal to the minimum allocation described in sub-
3 section (a)(2), such allocations shall be ratably reduced.

4 “(c) ADMINISTRATIVE COSTS.—Of the amount re-
5 ceived under subsection (a)(2), a local educational agency
6 may reserve not more than 2 percent for the direct admin-
7 istrative costs of carrying out the local educational agen-
8 cy’s responsibilities under this subpart.

9 **“SEC. 4106. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

10 “(a) ELIGIBILITY.—To be eligible to receive an allo-
11 cation under section 4105(a), a local educational agency
12 shall—

13 “(1) submit an application, which shall contain,
14 at a minimum, the information described in sub-
15 section (e), to the State educational agency at such
16 time, in such manner, and containing such informa-
17 tion as the State educational agency may reasonably
18 require; and

19 “(2) complete a needs assessment in accordance
20 with subsection (d).

21 “(b) CONSORTIUM.—If a local educational agency de-
22 sires to carry out the activities described in this subpart
23 in consortium with one or more surrounding local edu-
24 cational agencies as described in section 4105(a)(3), such

1 local educational agencies shall submit a single application
2 as required under subsection (a).

3 “(c) CONSULTATION.—

4 “(1) IN GENERAL.—A local educational agency,
5 or consortium of such agencies, shall develop its ap-
6 plication through consultation with parents, teach-
7 ers, principals, other school leaders, specialized in-
8 structional support personnel, students, community-
9 based organizations, local government representa-
10 tives (which may include a local law enforcement
11 agency, local juvenile court, local child welfare agen-
12 cy, or local public housing agency), Indian tribes or
13 tribal organizations that may be located in the re-
14 gion served by the local educational agency (where
15 applicable), charter school teachers, principals, and
16 other school leaders (if such agency or consortium of
17 such agencies supports charter schools), and others
18 with relevant and demonstrated expertise in pro-
19 grams and activities designed to meet the purpose of
20 this subpart.

21 “(2) CONTINUED CONSULTATION.—The local
22 educational agency, or consortium of such agencies,
23 shall engage in continued consultation with the enti-
24 ties described in paragraph (1) in order to improve
25 the local activities in order to meet the purpose of

1 this subpart and to coordinate such implementation
2 with other related strategies, programs, and activi-
3 ties being conducted in the community.

4 “(d) NEEDS ASSESSMENT.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2) and prior to receiving an allocation under
7 this subpart, a local educational agency or consor-
8 tium of such agencies shall conduct a comprehensive
9 needs assessment of the local educational agency or
10 agencies proposed to be served under this subpart in
11 order to examine needs for improvement of—

12 “(A) access to, and opportunities for, a
13 well-rounded education for all students;

14 “(B) school conditions for student learning
15 in order to create a healthy and safe school en-
16 vironment; and

17 “(C) access to personalized learning experi-
18 ences supported by technology and professional
19 development for the effective use of data and
20 technology.

21 “(2) EXCEPTION.—A local educational agency
22 receiving an allocation under section 4105(a) in an
23 amount that is less than \$30,000 shall not be re-
24 quired to conduct a comprehensive needs assessment
25 under paragraph (1).

1 “(3) FREQUENCY OF NEEDS ASSESSMENT.—

2 Each local educational agency, or consortium of local
3 educational agencies, shall conduct the needs assess-
4 ment described in paragraph (1) once every 3 years.

5 “(e) CONTENTS OF LOCAL APPLICATION.—Each ap-
6 plication submitted under this section by a local edu-
7 cational agency, or a consortium of such agencies, shall
8 include the following:

9 “(1) DESCRIPTIONS.—A description of the ac-
10 tivities and programming that the local educational
11 agency, or consortium of such agencies, will carry
12 out under this subpart, including a description of—

13 “(A) any partnership with an institution of
14 higher education, business, nonprofit organiza-
15 tion, community-based organization, or other
16 public or private entity with a demonstrated
17 record of success in implementing activities
18 under this subpart;

19 “(B) if applicable, how funds will be used
20 for activities related to supporting well-rounded
21 education under section 4107;

22 “(C) if applicable, how funds will be used
23 for activities related to supporting safe and
24 healthy students under section 4108;

1 “(D) if applicable, how funds will be used
2 for activities related to supporting the effective
3 use of technology in schools under section 4109;
4 and

5 “(E) the program objectives and intended
6 outcomes for activities under this subpart, and
7 how the local educational agency, or consortium
8 of such agencies, will periodically evaluate the
9 effectiveness of the activities carried out under
10 this section based on such objectives and out-
11 comes.

12 “(2) ASSURANCES.—Each application shall in-
13 clude assurances that the local educational agency,
14 or consortium of such agencies, will—

15 “(A) prioritize the distribution of funds to
16 schools served by the local educational agency,
17 or consortium of such agencies, that—

18 “(i) are among the schools with the
19 greatest needs, as determined by such local
20 educational agency, or consortium;

21 “(ii) have the highest percentages or
22 numbers of children counted under section
23 1124(c);

1 “(iii) are identified for comprehensive
2 support and improvement under section
3 1111(e)(4)(D)(i);

4 “(iv) are implementing targeted sup-
5 port and improvement plans as described
6 in section 1111(d)(2); or

7 “(v) are identified as a persistently
8 dangerous public elementary school or sec-
9 ondary school under section 8532;

10 “(B) comply with section 8501 (regarding
11 equitable participation by private school chil-
12 dren and teachers);

13 “(C) use not less than 20 percent of funds
14 received under this subpart to support one or
15 more of the activities authorized under section
16 4107;

17 “(D) use not less than 20 percent of funds
18 received under this subpart to support one or
19 more activities authorized under section 4108;

20 “(E) use a portion of funds received under
21 this subpart to support one or more activities
22 authorized under section 4109(a), including an
23 assurance that the local educational agency, or
24 consortium of local educational agencies, will
25 comply with section 4109(b); and

1 record of success in implementing activities under
2 this section; and

3 “(3) may include programs and activities, such
4 as—

5 “(A) college and career guidance and coun-
6 seling programs, such as—

7 “(i) postsecondary education and ca-
8 reer awareness and exploration activities;

9 “(ii) training counselors to effectively
10 use labor market information in assisting
11 students with postsecondary education and
12 career planning; and

13 “(iii) financial literacy and Federal fi-
14 nancial aid awareness activities;

15 “(B) programs and activities that use
16 music and the arts as tools to support student
17 success through the promotion of constructive
18 student engagement, problem solving, and con-
19 flict resolution;

20 “(C) programming and activities to im-
21 prove instruction and student engagement in
22 science, technology, engineering, and mathe-
23 matics, including computer science, (referred to
24 in this section as ‘STEM subjects’) such as—

1 “(i) increasing access for students
2 through grade 12 who are members of
3 groups underrepresented in such subject
4 fields, such as female students, minority
5 students, English learners, children with
6 disabilities, and economically disadvan-
7 tagged students, to high-quality courses;

8 “(ii) supporting the participation of
9 low-income students in nonprofit competi-
10 tions related to STEM subjects (such as
11 robotics, science research, invention, math-
12 ematics, computer science, and technology
13 competitions);

14 “(iii) providing hands-on learning and
15 exposure to science, technology, engineer-
16 ing, and mathematics and supporting the
17 use of field-based or service learning to en-
18 hance the students’ understanding of the
19 STEM subjects;

20 “(iv) supporting the creation and en-
21 hancement of STEM-focused specialty
22 schools;

23 “(v) facilitating collaboration among
24 school, after-school program, and informal
25 program personnel to improve the integra-

1 tion of programming and instruction in the
2 identified subjects; and

3 “(vi) integrating other academic sub-
4 jects, including the arts, into STEM sub-
5 ject programs to increase participation in
6 STEM subjects, improve attainment of
7 skills related to STEM subjects, and pro-
8 mote well-rounded education;

9 “(D) efforts to raise student academic
10 achievement through accelerated learning pro-
11 grams described in section
12 4104(b)(3)(A)(i)(IV), such as—

13 “(i) reimbursing low-income students
14 to cover part or all of the costs of acceler-
15 ated learning examination fees, if the low-
16 income students are enrolled in accelerated
17 learning courses and plan to take acceler-
18 ated learning examinations; or

19 “(ii) increasing the availability of, and
20 enrollment in, accelerated learning courses,
21 accelerated learning examinations, dual or
22 concurrent enrollment programs, and early
23 college high school courses;

24 “(E) activities to promote the development,
25 implementation, and strengthening of programs

1 to teach traditional American history, civics, ec-
2 nomics, geography, or government education;

3 “(F) foreign language instruction;

4 “(G) environmental education;

5 “(H) programs and activities that promote
6 volunteerism and community involvement;

7 “(I) programs and activities that support
8 educational programs that integrate multiple
9 disciplines, such as programs that combine arts
10 and mathematics; or

11 “(J) other activities and programs to sup-
12 port student access to, and success in, a variety
13 of well-rounded education experiences.

14 “(b) SPECIAL RULE.—A local educational agency, or
15 consortium of such agencies, that receives a subgrant
16 under this subpart for fiscal year 2017 may use such
17 funds to cover part or all of the fees for accelerated learn-
18 ing examinations taken by low-income students during the
19 2016-2017 school year, in accordance with subsection
20 (a)(3)(D).

21 **“SEC. 4108. ACTIVITIES TO SUPPORT SAFE AND HEALTHY**
22 **STUDENTS.**

23 “Subject to section 4106(f), each local educational
24 agency, or consortium of such agencies, that receives an
25 allocation under section 4105(a) shall use a portion of

1 such funds to develop, implement, and evaluate com-
2 prehensive programs and activities that—

3 “(1) are coordinated with other schools and
4 community-based services and programs;

5 “(2) foster safe, healthy, supportive, and drug-
6 free environments that support student academic
7 achievement;

8 “(3) promote the involvement of parents in the
9 activity or program;

10 “(4) may be conducted in partnership with an
11 institution of higher education, business, nonprofit
12 organization, community-based organization, or
13 other public or private entity with a demonstrated
14 record of success in implementing activities de-
15 scribed in this section; and

16 “(5) may include, among other programs and
17 activities—

18 “(A) drug and violence prevention activi-
19 ties and programs that are evidence-based (to
20 the extent the State, in consultation with local
21 educational agencies in the State, determines
22 that such evidence is reasonably available) in-
23 cluding—

24 “(i) programs to educate students
25 against the use of alcohol, tobacco, mari-

1 juana, smokeless tobacco products, and
2 electronic cigarettes; and

3 “(ii) professional development and
4 training for school and specialized instruc-
5 tional support personnel and interested
6 community members in prevention, edu-
7 cation, early identification, intervention
8 mentoring, recovery support services and,
9 where appropriate, rehabilitation referral,
10 as related to drug and violence prevention;

11 “(B) in accordance with sections 4001 and
12 4111—

13 “(i) school-based mental health serv-
14 ices, including early identification of men-
15 tal health symptoms, drug use, and vio-
16 lence, and appropriate referrals to direct
17 individual or group counseling services,
18 which may be provided by school-based
19 mental health services providers; and

20 “(ii) school-based mental health serv-
21 ices partnership programs that—

22 “(I) are conducted in partnership
23 with a public or private mental health
24 entity or health care entity; and

1 “(II) provide comprehensive
2 school-based mental health services
3 and supports and staff development
4 for school and community personnel
5 working in the school that are—

6 “(aa) based on trauma-in-
7 formed practices that are evi-
8 dence-based (to the extent the
9 State, in consultation with local
10 educational agencies in the State,
11 determines that such evidence is
12 reasonably available);

13 “(bb) coordinated (where
14 appropriate) with early inter-
15 vening services provided under
16 the Individuals with Disabilities
17 Education Act (20 U.S.C. 1400
18 et seq.); and

19 “(cc) provided by qualified
20 mental and behavioral health pro-
21 fessionals who are certified or li-
22 censed by the State involved and
23 practicing within their area of ex-
24 pertise;

25 “(C) programs or activities that—

1 “(i) integrate health and safety prac-
2 tices into school or athletic programs;

3 “(ii) support a healthy, active life-
4 style, including nutritional education and
5 regular, structured physical education ac-
6 tivities and programs, that may address
7 chronic disease management with instruc-
8 tion led by school nurses, nurse practi-
9 tioners, or other appropriate specialists or
10 professionals to help maintain the well-
11 being of students;

12 “(iii) help prevent bullying and har-
13 assment;

14 “(iv) improve instructional practices
15 for developing relationship-building skills,
16 such as effective communication, and im-
17 prove safety through the recognition and
18 prevention of coercion, violence, or abuse,
19 including teen and dating violence, stalk-
20 ing, domestic abuse, and sexual violence
21 and harassment;

22 “(v) provide mentoring and school
23 counseling to all students, including chil-
24 dren who are at risk of academic failure,
25 dropping out of school, involvement in

1 criminal or delinquent activities, or drug
2 use and abuse;

3 “(vi) establish or improve school drop-
4 out and re-entry programs; or

5 “(vii) establish learning environments
6 and enhance students’ effective learning
7 skills that are essential for school readiness
8 and academic success, such as by providing
9 integrated systems of student and family
10 supports;

11 “(D) high-quality training for school per-
12 sonnel, including specialized instructional sup-
13 port personnel, related to—

14 “(i) suicide prevention;

15 “(ii) effective and trauma-informed
16 practices in classroom management;

17 “(iii) crisis management and conflict
18 resolution techniques;

19 “(iv) human trafficking (defined, for
20 purposes of this subparagraph, as an act
21 or practice described in paragraph (9) or
22 (10) of section 103 of the Trafficking Vic-
23 tims Protection Act of 2000 (22 U.S.C.
24 7102));

1 “(v) school-based violence prevention
2 strategies;

3 “(vi) drug abuse prevention, including
4 educating children facing substance abuse
5 at home; and

6 “(vii) bullying and harassment pre-
7 vention;

8 “(E) in accordance with sections 4001 and
9 4111, child sexual abuse awareness and preven-
10 tion programs or activities, such as programs or
11 activities designed to provide—

12 “(i) age-appropriate and develop-
13 mentally-appropriate instruction for stu-
14 dents in child sexual abuse awareness and
15 prevention, including how to recognize
16 child sexual abuse and how to safely report
17 child sexual abuse; and

18 “(ii) information to parents and
19 guardians of students about child sexual
20 abuse awareness and prevention, including
21 how to recognize child sexual abuse and
22 how to discuss child sexual abuse with a
23 child;

24 “(F) designing and implementing a locally-
25 tailored plan to reduce exclusionary discipline

1 practices in elementary and secondary schools
2 that—

3 “(i) is consistent with best practices;

4 “(ii) includes strategies that are evi-
5 dence-based (to the extent the State, in
6 consultation with local educational agencies
7 in the State, determines that such evidence
8 is reasonably available); and

9 “(iii) is aligned with the long-term
10 goal of prison reduction through opportuni-
11 ties, mentoring, intervention, support, and
12 other education services, referred to as a
13 ‘youth PROMISE plan’; or

14 “(G) implementation of schoolwide positive
15 behavioral interventions and supports, including
16 through coordination with similar activities car-
17 ried out under the Individuals with Disabilities
18 Education Act (20 U.S.C. 1400 et seq.), in
19 order to improve academic outcomes and school
20 conditions for student learning;

21 “(H) designating a site resource coordi-
22 nator at a school or local educational agency to
23 provide a variety of services, such as—

1 “(i) establishing partnerships within
2 the community to provide resources and
3 support for schools;

4 “(ii) ensuring that all service and
5 community partners are aligned with the
6 academic expectations of a community
7 school in order to improve student success;
8 and

9 “(iii) strengthening relationships be-
10 tween schools and communities; or

11 “(I) pay for success initiatives aligned with
12 the purposes of this section.

13 **“SEC. 4109. ACTIVITIES TO SUPPORT THE EFFECTIVE USE**
14 **OF TECHNOLOGY.**

15 “(a) USES OF FUNDS.—Subject to section 4106(f),
16 each local educational agency, or consortium of such agen-
17 cies, that receives an allocation under section 4015(a)
18 shall use a portion of such funds to improve the use of
19 technology to improve the academic achievement, aca-
20 demic growth, and digital literacy of all students, includ-
21 ing by meeting the needs of such agency or consortium
22 that are identified in the needs assessment conducted
23 under section 4106(d) (if applicable), which may include—

1 “(1) providing educators, school leaders, and
2 administrators with the professional learning tools,
3 devices, content, and resources to—

4 “(A) personalize learning to improve stu-
5 dent academic achievement;

6 “(B) discover, adapt, and share relevant
7 high-quality educational resources;

8 “(C) use technology effectively in the class-
9 room, including by administering computer-
10 based assessments and blended learning strate-
11 gies; and

12 “(D) implement and support school- and
13 district-wide approaches for using technology to
14 inform instruction, support teacher collabora-
15 tion, and personalize learning;

16 “(2) building technological capacity and infra-
17 structure, which may include—

18 “(A) procuring content and ensuring con-
19 tent quality; and

20 “(B) purchasing devices, equipment, and
21 software applications in order to address readi-
22 ness shortfalls;

23 “(3) developing or using effective or innovative
24 strategies for the delivery of specialized or rigorous
25 academic courses and curricula through the use of

1 technology, including digital learning technologies
2 and assistive technology;

3 “(4) carrying out blended learning projects,
4 which shall include—

5 “(A) planning activities, which may include
6 development of new instructional models (in-
7 cluding blended learning technology software
8 and platforms), the purchase of digital instruc-
9 tional resources, initial professional develop-
10 ment activities, and one-time information tech-
11 nology purchases, except that such expenditures
12 may not include expenditures related to signifi-
13 cant construction or renovation of facilities; or

14 “(B) ongoing professional development for
15 teachers, principals, other school leaders, or
16 other personnel involved in the project that is
17 designed to support the implementation and
18 academic success of the project;

19 “(5) providing professional development in the
20 use of technology (which may be provided through
21 partnerships with outside organizations) to enable
22 teachers and instructional leaders to increase stu-
23 dent achievement in the areas of science, technology,
24 engineering, and mathematics, including computer
25 science; and

1 “(6) providing students in rural, remote, and
2 underserved areas with the resources to take advan-
3 tage of high-quality digital learning experiences, digi-
4 tal resources, and access to online courses taught by
5 effective educators.

6 “(b) SPECIAL RULE.—A local educational agency, or
7 consortium of such agencies, shall not use more than 15
8 percent of funds for purchasing technology infrastructure
9 as described in subsection (a)(2)(B), which shall include
10 technology infrastructure purchased for the activities
11 under subsection (a)(4)(A).

12 **“SEC. 4110. SUPPLEMENT, NOT SUPPLANT.**

13 “Funds made available under this subpart shall be
14 used to supplement, and not supplant, non-Federal funds
15 that would otherwise be used for activities authorized
16 under this subpart.

17 **“SEC. 4111. RULE OF CONSTRUCTION.**

18 “Nothing in this subpart may be construed to—

19 “(1) authorize activities or programming that
20 encourages teenage sexual activity; or

21 “(2) prohibit effective activities or programming
22 that meet the requirements of section 8526.

23 **“SEC. 4112. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) IN GENERAL.—There are authorized to be ap-
25 propriated to carry out this subpart \$1,650,000,000 for

1 fiscal year 2017 and \$1,600,000,000 for each of fiscal
2 years 2018 through 2020.

3 “(b) FORWARD FUNDING.—Section 420 of the Gen-
4 eral Education Provisions Act (20 U.S.C. 1223) shall
5 apply to this subpart.”.

6 **PART B—21ST CENTURY COMMUNITY LEARNING**
7 **CENTERS**

8 **SEC. 4201. 21ST CENTURY COMMUNITY LEARNING CEN-**
9 **TERS.**

10 (a) PROGRAM AUTHORIZED.—Part B of title IV (20
11 U.S.C. 7171 et seq.) is amended to read as follows:

12 **“PART B—21ST CENTURY COMMUNITY LEARNING**
13 **CENTERS**

14 **“SEC. 4201. PURPOSE; DEFINITIONS.**

15 “(a) PURPOSE.—The purpose of this part is to pro-
16 vide opportunities for communities to establish or expand
17 activities in community learning centers that—

18 “(1) provide opportunities for academic enrich-
19 ment, including providing tutorial services to help
20 students, particularly students who attend low-per-
21 forming schools, to meet the challenging State aca-
22 demic standards;

23 “(2) offer students a broad array of additional
24 services, programs, and activities, such as youth de-
25 velopment activities, service learning, nutrition and

1 health education, drug and violence prevention pro-
2 grams, counseling programs, arts, music, physical
3 fitness and wellness programs, technology education
4 programs, financial literacy programs, environmental
5 literacy programs, mathematics, science, career and
6 technical programs, internship or apprenticeship
7 programs, and other ties to an in-demand industry
8 sector or occupation for high school students that
9 are designed to reinforce and complement the reg-
10 ular academic program of participating students;
11 and

12 “(3) offer families of students served by com-
13 munity learning centers opportunities for active and
14 meaningful engagement in their children’s education,
15 including opportunities for literacy and related edu-
16 cational development.

17 “(b) DEFINITIONS.—In this part:

18 “(1) COMMUNITY LEARNING CENTER.—The
19 term ‘community learning center’ means an entity
20 that—

21 “(A) assists students to meet the chal-
22 lenging State academic standards by providing
23 the students with academic enrichment activi-
24 ties and a broad array of other activities (such
25 as programs and activities described in sub-

1 section (a)(2)) during nonschool hours or peri-
2 ods when school is not in session (such as be-
3 fore and after school or during summer recess)
4 that—

5 “(i) reinforce and complement the
6 regular academic programs of the schools
7 attended by the students served; and

8 “(ii) are targeted to the students’ aca-
9 demic needs and aligned with the instruc-
10 tion students receive during the school day;
11 and

12 “(B) offers families of students served by
13 such center opportunities for active and mean-
14 ingful engagement in their children’s education,
15 including opportunities for literacy and related
16 educational development.

17 “(2) COVERED PROGRAM.—The term ‘covered
18 program’ means a program for which—

19 “(A) the Secretary made a grant under
20 this part (as this part was in effect on the day
21 before the effective date of this part under the
22 Every Student Succeeds Act); and

23 “(B) the grant period had not ended on
24 that effective date.

1 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’ means a local educational agency, community-
3 based organization, Indian tribe or tribal organiza-
4 tion (as such terms are defined in section 4 of the
5 Indian Self-Determination and Education Act (25
6 U.S.C. 450b)), another public or private entity, or a
7 consortium of 2 or more such agencies, organiza-
8 tions, or entities.

9 “(4) EXTERNAL ORGANIZATION.—The term ‘ex-
10 ternal organization’ means—

11 “(A) a nonprofit organization with a
12 record of success in running or working with
13 before and after school (or summer recess) pro-
14 grams and activities; or

15 “(B) in the case of a community where
16 there is no such organization, a nonprofit orga-
17 nization in the community that enters into a
18 written agreement or partnership with an orga-
19 nization described in subparagraph (A) to re-
20 ceive mentoring and guidance in running or
21 working with before and after school (or sum-
22 mer recess) programs and activities.

23 “(5) RIGOROUS PEER-REVIEW PROCESS.—The
24 term ‘rigorous peer-review process’ means a process
25 by which—

1 “(A) employees of a State educational
2 agency who are familiar with the programs and
3 activities assisted under this part review all ap-
4 plications that the State receives for awards
5 under this part for completeness and applicant
6 eligibility;

7 “(B) the State educational agency selects
8 peer reviewers for such applications, who
9 shall—

10 “(i) be selected for their expertise in
11 providing effective academic, enrichment,
12 youth development, and related services to
13 children; and

14 “(ii) not include any applicant, or rep-
15 resentative of an applicant, that has sub-
16 mitted an application under this part for
17 the current application period; and

18 “(C) the peer reviewers described in sub-
19 paragraph (B) review and rate the applications
20 to determine the extent to which the applica-
21 tions meet the requirements under sections
22 4204(b) and 4205.

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

1 **“SEC. 4202. ALLOTMENTS TO STATES.**

2 “(a) RESERVATION.—From the funds appropriated
3 under section 4206 for any fiscal year, the Secretary shall
4 reserve—

5 “(1) such amounts as may be necessary to
6 make continuation awards to subgrant recipients
7 under covered programs (under the terms of those
8 grants);

9 “(2) not more than 1 percent for national ac-
10 tivities, which the Secretary may carry out directly
11 or through grants and contracts, such as providing
12 technical assistance to eligible entities carrying out
13 programs under this part or conducting a national
14 evaluation; and

15 “(3) not more than 1 percent for payments to
16 the outlying areas and the Bureau of Indian Edu-
17 cation, to be allotted in accordance with their respec-
18 tive needs for assistance under this part, as deter-
19 mined by the Secretary, to enable the outlying areas
20 and the Bureau to carry out the purpose of this
21 part.

22 “(b) STATE ALLOTMENTS.—

23 “(1) DETERMINATION.—From the funds appro-
24 priated under section 4206 for any fiscal year and
25 remaining after the Secretary makes reservations
26 under subsection (a), the Secretary shall allot to

1 each State for the fiscal year an amount that bears
2 the same relationship to the remainder as the
3 amount the State received under subpart 2 of part
4 A of title I for the preceding fiscal year bears to the
5 amount all States received under that subpart for
6 the preceding fiscal year, except that no State shall
7 receive less than an amount equal to one-half of 1
8 percent of the total amount made available to all
9 States under this subsection.

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

15 “(c) STATE USE OF FUNDS.—

16 “(1) IN GENERAL.—Each State that receives an
17 allotment under this part shall reserve not less than
18 93 percent of the amount allotted to such State
19 under subsection (b), for each fiscal year for awards
20 to eligible entities under section 4204.

21 “(2) STATE ADMINISTRATION.—A State edu-
22 cational agency may use not more than 2 percent of
23 the amount made available to the State under sub-
24 section (b) for—

1 “(A) the administrative costs of carrying
2 out its responsibilities under this part;

3 “(B) establishing and implementing a rig-
4 orous peer-review process for subgrant applica-
5 tions described in section 4204(b) (including
6 consultation with the Governor and other State
7 agencies responsible for administering youth de-
8 velopment programs and adult learning activi-
9 ties); and

10 “(C) awarding of funds to eligible entities
11 (in consultation with the Governor and other
12 State agencies responsible for administering
13 youth development programs and adult learning
14 activities).

15 “(3) STATE ACTIVITIES.—A State educational
16 agency may use not more than 5 percent of the
17 amount made available to the State under subsection
18 (b) for the following activities:

19 “(A) Monitoring and evaluating programs
20 and activities assisted under this part.

21 “(B) Providing capacity building, training,
22 and technical assistance under this part.

23 “(C) Conducting a comprehensive evalua-
24 tion (directly, or through a grant or contract)

1 of the effectiveness of programs and activities
2 assisted under this part.

3 “(D) Providing training and technical as-
4 sistance to eligible entities that are applicants
5 for or recipients of awards under this part.

6 “(E) Ensuring that any eligible entity that
7 receives an award under this part from the
8 State aligns the activities provided by the pro-
9 gram with the challenging State academic
10 standards.

11 “(F) Ensuring that any such eligible entity
12 identifies and partners with external organiza-
13 tions, if available, in the community.

14 “(G) Working with teachers, principals,
15 parents, the local workforce, the local commu-
16 nity, and other stakeholders to review and im-
17 prove State policies and practices to support the
18 implementation of effective programs under this
19 part.

20 “(H) Coordinating funds received under
21 this part with other Federal and State funds to
22 implement high-quality programs.

23 “(I) Providing a list of prescreened exter-
24 nal organizations, as described under section
25 4203(a)(11).

1 **“SEC. 4203. STATE APPLICATION.**

2 “(a) IN GENERAL.—In order to receive an allotment
3 under section 4202 for any fiscal year, a State shall sub-
4 mit to the Secretary, at such time as the Secretary may
5 require, an application that—

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

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

12 “(3) contains an assurance that the State edu-
13 cational agency—

14 “(A) will make awards under this part to
15 eligible entities that serve—

16 “(i) students who primarily attend—

17 “(I) schools implementing com-
18 prehensive support and improvement
19 activities or targeted support and im-
20 provement activities under section
21 1111(d); and

22 “(II) other schools determined by
23 the local educational agency to be in
24 need of intervention and support; and

25 “(ii) the families of such students;

26 and

1 “(B) will further give priority to eligible
2 entities that propose in the application to serve
3 students described in subclauses (I) and (II) of
4 section 4204(i)(1)(A)(i);

5 “(4) describes the procedures and criteria the
6 State educational agency will use for reviewing appli-
7 cations and awarding funds to eligible entities on a
8 competitive basis, which shall include procedures and
9 criteria that take into consideration the likelihood
10 that a proposed community learning center will help
11 participating students meet the challenging State
12 academic standards and any local academic stand-
13 ards;

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

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

19 “(B) in amounts that are consistent with
20 section 4204(h);

21 “(6) describes the steps the State educational
22 agency will take to ensure that programs implement
23 effective strategies, including providing ongoing
24 technical assistance and training, evaluation, dis-
25 semination of promising practices, and coordination

1 of professional development for staff in specific con-
2 tent areas and youth development;

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

6 “(8) contains an assurance that the State edu-
7 cational agency—

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

11 “(B) will require each eligible entity seek-
12 ing such an award to submit a plan describing
13 how the activities to be funded through the
14 award will continue after funding under this
15 part ends;

16 “(9) contains an assurance that funds appro-
17 priated to carry out this part will be used to supple-
18 ment, and not supplant, other Federal, State, and
19 local public funds expended to provide programs and
20 activities authorized under this part and other simi-
21 lar programs;

22 “(10) contains an assurance that the State edu-
23 cational agency will require eligible entities to de-
24 scribe in their applications under section 4204(b)

1 how the transportation needs of participating stu-
2 dents will be addressed;

3 “(11) describes how the State will—

4 “(A) prescreen external organizations that
5 could provide assistance in carrying out the ac-
6 tivities under this part; and

7 “(B) develop and make available to eligible
8 entities a list of external organizations that suc-
9 cessfully completed the prescreening process;

10 “(12) provides—

11 “(A) an assurance that the application was
12 developed in consultation and coordination with
13 appropriate State officials, including the chief
14 State school officer, and other State agencies
15 administering before and after school (or sum-
16 mer recess) programs and activities, the heads
17 of the State health and mental health agencies
18 or their designees, statewide after-school net-
19 works (where applicable) and representatives of
20 teachers, local educational agencies, and com-
21 munity-based organizations; and

22 “(B) a description of any other representa-
23 tives of teachers, parents, students, or the busi-
24 ness community that the State has selected to

1 assist in the development of the application, if
2 applicable;

3 “(13) describes the results of the State’s needs
4 and resources assessment for before and after school
5 (or summer recess) programs and activities, which
6 shall be based on the results of on-going State eval-
7 uation activities;

8 “(14) describes how the State educational agen-
9 cy will evaluate the effectiveness of programs and
10 activities carried out under this part, which shall in-
11 clude, at a minimum—

12 “(A) a description of the performance indi-
13 cators and performance measures that will be
14 used to evaluate programs and activities with
15 emphasis on alignment with the regular aca-
16 demic program of the school and the academic
17 needs of participating students, including per-
18 formance indicators and measures that—

19 “(i) are able to track student success
20 and improvement over time;

21 “(ii) include State assessment results
22 and other indicators of student success and
23 improvement, such as improved attendance
24 during the school day, better classroom
25 grades, regular (or consistent) program at-

1 tendance, and on-time advancement to the
2 next grade level; and

3 “(iii) for high school students, may in-
4 clude indicators such as career com-
5 petencies, successful completion of intern-
6 ships or apprenticeships, or work-based
7 learning opportunities;

8 “(B) a description of how data collected
9 for the purposes of subparagraph (A) will be
10 collected; and

11 “(C) public dissemination of the evalua-
12 tions of programs and activities carried out
13 under this part; and

14 “(15) provides for timely public notice of intent
15 to file an application and an assurance that the ap-
16 plication will be available for public review after sub-
17 mission.

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

1 “(c) DISAPPROVAL.—The Secretary shall not finally
2 disapprove the application, except after giving the State
3 educational agency notice and an opportunity for a hear-
4 ing.

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

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

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

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

14 “(B) request additional information, only
15 as to the noncompliant provisions, needed to
16 make the application compliant.

17 “(e) RESPONSE.—If the State educational agency re-
18 sponds to the Secretary’s notification described in sub-
19 section (d)(2) during the 45-day period beginning on the
20 date on which the agency received the notification, and
21 resubmits the application with the requested information
22 described in subsection (d)(2)(B), the Secretary shall ap-
23 prove or disapprove such application prior to the later of—

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

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

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

12 “(g) LIMITATION.—The Secretary may not give a pri-
13 ority or a preference for States or eligible entities that
14 seek to use funds made available under this part to extend
15 the regular school day.

16 **“SEC. 4204. LOCAL COMPETITIVE SUBGRANT PROGRAM.**

17 “(a) IN GENERAL.—

18 “(1) COMMUNITY LEARNING CENTERS.—A
19 State that receives funds under this part for a fiscal
20 year shall provide the amount made available under
21 section 4202(c)(1) to award subgrants to eligible en-
22 tities for community learning centers in accordance
23 with this part.

24 “(2) EXPANDED LEARNING PROGRAM ACTIVI-
25 TIES.—A State that receives funds under this part

1 for a fiscal year may use funds under section
2 4202(e)(1) to support those enrichment and engag-
3 ing academic activities described in section 4205(a)
4 that—

5 “(A) are included as part of an expanded
6 learning program that provides students at
7 least 300 additional program hours before, dur-
8 ing, or after the traditional school day;

9 “(B) supplement but do not supplant reg-
10 ular school day requirements; and

11 “(C) are carried out by entities that meet
12 the requirements of subsection (i).

13 “(b) APPLICATION.—

14 “(1) IN GENERAL.—To be eligible to receive a
15 subgrant under this part, an eligible entity shall sub-
16 mit an application to the State educational agency
17 at such time, in such manner, and including such in-
18 formation as the State educational agency may rea-
19 sonably require.

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

22 “(A) a description of the activities to be
23 funded, including—

1 “(i) an assurance that the program
2 will take place in a safe and easily acces-
3 sible facility;

4 “(ii) a description of how students
5 participating in the program carried out by
6 the community learning center will travel
7 safely to and from the center and home, if
8 applicable; and

9 “(iii) a description of how the eligible
10 entity will disseminate information about
11 the community learning center (including
12 its location) to the community in a manner
13 that is understandable and accessible;

14 “(B) a description of how such activities
15 are expected to improve student academic
16 achievement as well as overall student success;

17 “(C) a demonstration of how the proposed
18 program will coordinate Federal, State, and
19 local programs and make the most effective use
20 of public resources;

21 “(D) an assurance that the proposed pro-
22 gram was developed and will be carried out—

23 “(i) in active collaboration with the
24 schools that participating students attend
25 (including through the sharing of relevant

1 data among the schools), all participants of
2 the eligible entity, and any partnership en-
3 tities described in subparagraph (H), in
4 compliance with applicable laws relating to
5 privacy and confidentiality; and

6 “(ii) in alignment with the challenging
7 State academic standards and any local
8 academic standards;

9 “(E) a description of how the activities will
10 meet the measures of effectiveness described in
11 section 4205(b);

12 “(F) an assurance that the program will
13 target students who primarily attend schools el-
14 igible for schoolwide programs under section
15 1114 and the families of such students;

16 “(G) an assurance that subgrant funds
17 under this part will be used to increase the level
18 of State, local, and other non-Federal funds
19 that would, in the absence of funds under this
20 part, be made available for programs and activi-
21 ties authorized under this part, and in no case
22 supplant Federal, State, local, or non-Federal
23 funds;

24 “(H) a description of the partnership be-
25 tween a local educational agency, a community-

1 based organization, and another public entity or
2 private entity, if appropriate;

3 “(I) an evaluation of the community needs
4 and available resources for the community
5 learning center, and a description of how the
6 program proposed to be carried out in the cen-
7 ter will address those needs (including the
8 needs of working families);

9 “(J) a demonstration that the eligible enti-
10 ty will use best practices, including research or
11 evidence-based practices, to provide educational
12 and related activities that will complement and
13 enhance academic performance, achievement,
14 postsecondary and workforce preparation, and
15 positive youth development of the students;

16 “(K) a description of a preliminary plan
17 for how the community learning center will con-
18 tinue after funding under this part ends;

19 “(L) an assurance that the community will
20 be given notice of an intent to submit an appli-
21 cation and that the application and any waiver
22 request will be available for public review after
23 submission of the application;

24 “(M) if the eligible entity plans to use vol-
25 unteers in activities carried out through the

1 community learning center, a description of how
2 the eligible entity will encourage and use appro-
3 priately qualified persons to serve as the volun-
4 teers; and

5 “(N) such other information and assur-
6 ances as the State educational agency may rea-
7 sonably require.

8 “(c) APPROVAL OF CERTAIN APPLICATIONS.—The
9 State educational agency may approve an application
10 under this part for a program to be located in a facility
11 other than an elementary school or secondary school only
12 if the program will be at least as available and accessible
13 to the students to be served as if the program were located
14 in an elementary school or secondary school.

15 “(d) PERMISSIVE LOCAL MATCH.—

16 “(1) IN GENERAL.—A State educational agency
17 may require an eligible entity to match subgrant
18 funds awarded under this part, except that such
19 match may not exceed the amount of the subgrant
20 and may not be derived from other Federal or State
21 funds.

22 “(2) SLIDING SCALE.—The amount of a match
23 under paragraph (1) shall be established based on a
24 sliding scale that takes into account—

1 “(A) the relative poverty of the population
2 to be targeted by the eligible entity; and

3 “(B) the ability of the eligible entity to ob-
4 tain such matching funds.

5 “(3) IN-KIND CONTRIBUTIONS.—Each State
6 educational agency that requires an eligible entity to
7 match funds under this subsection shall permit the
8 eligible entity to provide all or any portion of such
9 match in the form of in-kind contributions.

10 “(4) CONSIDERATION.—Notwithstanding this
11 subsection, a State educational agency shall not con-
12 sider an eligible entity’s ability to match funds when
13 determining which eligible entities will receive sub-
14 grants under this part.

15 “(e) PEER REVIEW.—In reviewing local applications
16 under this part, a State educational agency shall use a
17 rigorous peer-review process or other methods to ensure
18 the quality of funded projects.

19 “(f) GEOGRAPHIC DIVERSITY.—To the extent prac-
20 ticable, a State educational agency shall distribute
21 subgrant funds under this part equitably among geo-
22 graphic areas within the State, including urban and rural
23 communities.

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

4 “(h) AMOUNT OF AWARDS.—A subgrant awarded
5 under this part may not be made in an amount that is
6 less than \$50,000.

7 “(i) PRIORITY.—

8 “(1) IN GENERAL.—In awarding subgrants
9 under this part, a State educational agency shall
10 give priority to applications—

11 “(A) proposing to target services to—

12 “(i) students who primarily attend
13 schools that—

14 “(I) are implementing com-
15 prehensive support and improvement
16 activities or targeted support and im-
17 provement activities under section
18 1111(d) or other schools determined
19 by the local educational agency to be
20 in need of intervention and support to
21 improve student academic achieve-
22 ment and other outcomes; and

23 “(II) enroll students who may be
24 at risk for academic failure, dropping
25 out of school, involvement in criminal

1 or delinquent activities, or who lack
2 strong positive role models; and

3 “(ii) the families of students described
4 in clause (i);

5 “(B) submitted jointly by eligible entities
6 consisting of not less than 1—

7 “(i) local educational agency receiving
8 funds under part A of title I; and

9 “(ii) another eligible entity; and

10 “(C) demonstrating that the activities pro-
11 posed in the application—

12 “(i) are, as of the date of the submis-
13 sion of the application, not accessible to
14 students who would be served; or

15 “(ii) would expand accessibility to
16 high-quality services that may be available
17 in the community.

18 “(2) SPECIAL RULE.—The State educational
19 agency shall provide the same priority under para-
20 graph (1) to an application submitted by a local edu-
21 cational agency if the local educational agency dem-
22 onstrates that it is unable to partner with a commu-
23 nity-based organization in reasonable geographic
24 proximity and of sufficient quality to meet the re-
25 quirements of this part.

1 “(3) LIMITATION.—A State educational agency
2 may not give a priority or a preference to eligible en-
3 tities that seek to use funds made available under
4 this part to extend the regular school day.

5 “(j) RENEWABILITY OF AWARDS.—A State edu-
6 cational agency may renew a subgrant provided under this
7 part to an eligible entity, based on the eligible entity’s per-
8 formance during the preceding subgrant period.

9 **“SEC. 4205. LOCAL ACTIVITIES.**

10 “(a) AUTHORIZED ACTIVITIES.—Each eligible entity
11 that receives an award under section 4204 may use the
12 award funds to carry out a broad array of activities that
13 advance student academic achievement and support stu-
14 dent success, including—

15 “(1) academic enrichment learning programs,
16 mentoring programs, remedial education activities,
17 and tutoring services, that are aligned with—

18 “(A) the challenging State academic stand-
19 ards and any local academic standards; and

20 “(B) local curricula that are designed to
21 improve student academic achievement;

22 “(2) well-rounded education activities, including
23 such activities that enable students to be eligible for
24 credit recovery or attainment;

1 “(3) literacy education programs, including fi-
2 nancial literacy programs and environmental literacy
3 programs;

4 “(4) programs that support a healthy and ac-
5 tive lifestyle, including nutritional education and
6 regular, structured physical activity programs;

7 “(5) services for individuals with disabilities;

8 “(6) programs that provide after-school activi-
9 ties for students who are English learners that em-
10 phasize language skills and academic achievement;

11 “(7) cultural programs;

12 “(8) telecommunications and technology edu-
13 cation programs;

14 “(9) expanded library service hours;

15 “(10) parenting skills programs that promote
16 parental involvement and family literacy;

17 “(11) programs that provide assistance to stu-
18 dents who have been truant, suspended, or expelled
19 to allow the students to improve their academic
20 achievement;

21 “(12) drug and violence prevention programs
22 and counseling programs;

23 “(13) programs that build skills in science,
24 technology, engineering, and mathematics (referred
25 to in this paragraph as ‘STEM’), including com-

1 puter science, and that foster innovation in learning
2 by supporting nontraditional STEM education teach-
3 ing methods; and

4 “(14) programs that partner with in-demand
5 fields of the local workforce or build career com-
6 petencies and career readiness and ensure that local
7 workforce and career readiness skills are aligned
8 with the Carl D. Perkins Career and Technical Edu-
9 cation Act of 2006 (20 U.S.C. 2301 et seq.) and the
10 Workforce Innovation and Opportunity Act (29
11 U.S.C. 3101 et seq.).

12 “(b) MEASURES OF EFFECTIVENESS.—

13 “(1) IN GENERAL.—For a program or activity
14 developed pursuant to this part to meet the meas-
15 ures of effectiveness, monitored by the State edu-
16 cational agency as described in section 4203(a)(14),
17 such program or activity shall—

18 “(A) be based upon an assessment of ob-
19 jective data regarding the need for before and
20 after school (or summer recess) programs and
21 activities in the schools and communities;

22 “(B) be based upon an established set of
23 performance measures aimed at ensuring the
24 availability of high-quality academic enrichment
25 opportunities;

1 “(C) if appropriate, be based upon evi-
2 dence-based research that the program or activ-
3 ity will help students meet the challenging State
4 academic standards and any local academic
5 standards;

6 “(D) ensure that measures of student suc-
7 cess align with the regular academic program of
8 the school and the academic needs of partici-
9 pating students and include performance indica-
10 tors and measures described in section
11 4203(a)(14)(A); and

12 “(E) collect the data necessary for the
13 measures of student success described in sub-
14 paragraph (D).

15 “(2) PERIODIC EVALUATION.—

16 “(A) IN GENERAL.—The program or activ-
17 ity shall undergo a periodic evaluation in con-
18 junction with the State educational agency’s
19 overall evaluation plan as described in section
20 4203(a)(14), to assess the program’s progress
21 toward achieving the goal of providing high-
22 quality opportunities for academic enrichment
23 and overall student success.

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

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

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

7 “(iii) used by the State to determine
8 whether a subgrant is eligible to be re-
9 newed under section 4204(j).

10 **“SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to carry out
12 this part \$1,000,000,000 for fiscal year 2017 and
13 \$1,100,000,000 for each of fiscal years 2018 through
14 2020.”.

15 **PART C—EXPANDING OPPORTUNITY THROUGH**
16 **QUALITY CHARTER SCHOOLS**

17 **SEC. 4301. CHARTER SCHOOLS.**

18 Part C of title IV (20 U.S.C. 7221 et seq.), as redes-
19 ignated by section 4001, is amended—

20 (1) by striking sections 4301 through 4305, as
21 redesignated by section 4001, and inserting the fol-
22 lowing:

23 **“SEC. 4301. PURPOSE.**

24 “It is the purpose of this part to—

1 “(1) improve the United States education sys-
2 tem and education opportunities for all people in the
3 United States by supporting innovation in public
4 education in public school settings that prepare stu-
5 dents to compete and contribute to the global econ-
6 omy and a stronger Nation;

7 “(2) provide financial assistance for the plan-
8 ning, program design, and initial implementation of
9 charter schools;

10 “(3) increase the number of high-quality char-
11 ter schools available to students across the United
12 States;

13 “(4) evaluate the impact of charter schools on
14 student achievement, families, and communities, and
15 share best practices between charter schools and
16 other public schools;

17 “(5) encourage States to provide support to
18 charter schools for facilities financing in an amount
19 more nearly commensurate to the amount States
20 typically provide for traditional public schools;

21 “(6) expand opportunities for children with dis-
22 abilities, English learners, and other traditionally
23 underserved students to attend charter schools and
24 meet the challenging State academic standards;

1 “(7) support efforts to strengthen the charter
2 school authorizing process to improve performance
3 management, including transparency, oversight and
4 monitoring (including financial audits), and evalua-
5 tion of such schools; and

6 “(8) support quality, accountability, and trans-
7 parency in the operational performance of all au-
8 thorized public chartering agencies, including State
9 educational agencies, local educational agencies, and
10 other authorizing entities.

11 **“SEC. 4302. PROGRAM AUTHORIZED.**

12 “(a) IN GENERAL.—The Secretary may carry out a
13 charter school program that supports charter schools that
14 serve early childhood, elementary school, or secondary
15 school students by—

16 “(1) supporting the startup of new charter
17 schools, the replication of high-quality charter
18 schools, and the expansion of high-quality charter
19 schools;

20 “(2) assisting charter schools in accessing cred-
21 it to acquire and renovate facilities for school use;
22 and

23 “(3) carrying out national activities to sup-
24 port—

1 “(A) the activities described in paragraph
2 (1);

3 “(B) the dissemination of best practices of
4 charter schools for all schools;

5 “(C) the evaluation of the impact of the
6 charter school program under this part on
7 schools participating in such program; and

8 “(D) stronger charter school authorizing
9 practices.

10 “(b) FUNDING ALLOTMENT.—From the amount
11 made available under section 4311 for a fiscal year, the
12 Secretary shall—

13 “(1) reserve 12.5 percent to support charter
14 school facilities assistance under section 4304;

15 “(2) reserve 22.5 percent to carry out national
16 activities under section 4305; and

17 “(3) use the remaining amount after the res-
18 ervations under paragraphs (1) and (2) to carry out
19 section 4303.

20 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
21 ent of a grant or subgrant under part B of title V (as
22 such part was in effect on the day before the date of enact-
23 ment of the Every Student Succeeds Act) shall continue
24 to receive funds in accordance with the terms and condi-
25 tions of such grant or subgrant.

1 **“SEC. 4303. 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 4302(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 eligible applicants to—

16 “(A) open and prepare for the operation of
17 new charter schools;

18 “(B) open and prepare for the operation of
19 replicated high-quality charter schools; or

20 “(C) expand high-quality charter schools;
21 and

22 “(2) provide technical assistance to eligible ap-
23 plicants and authorized public chartering agencies in
24 carrying out the activities described in paragraph
25 (1), and work with authorized public chartering
26 agencies in the State to improve authorizing quality,

1 including developing capacity for, and conducting,
2 fiscal oversight and auditing of charter schools.

3 “(c) STATE ENTITY USES OF FUNDS.—

4 “(1) IN GENERAL.—A State entity receiving a
5 grant under this section shall—

6 “(A) use not less than 90 percent of the
7 grant funds to award subgrants to eligible ap-
8 plicants, in accordance with the quality charter
9 school program described in the State entity’s
10 application pursuant to subsection (f), for the
11 purposes described in subsection (b)(1);

12 “(B) reserve not less than 7 percent of
13 such funds to carry out the activities described
14 in subsection (b)(2); and

15 “(C) reserve not more than 3 percent of
16 such funds for administrative costs, which may
17 include technical assistance.

18 “(2) CONTRACTS AND GRANTS.—A State entity
19 may use a grant received under this section to carry
20 out the activities described in subsection (b)(2) di-
21 rectly or through grants, contracts, or cooperative
22 agreements.

23 “(3) RULE OF CONSTRUCTION.—

24 “(A) USE OF LOTTERY.—Nothing in this
25 Act shall prohibit the Secretary from awarding

1 grants to State entities, or prohibit State enti-
2 ties from awarding subgrants to eligible appli-
3 cants, that use a weighted lottery to give slight-
4 ly better chances for admission to all, or a sub-
5 set of, educationally disadvantaged students
6 if—

7 “(i) the use of weighted lotteries in
8 favor of such students is not prohibited by
9 State law, and such State law is consistent
10 with laws described in section 4310(2)(G);
11 and

12 “(ii) such weighted lotteries are not
13 used for the purpose of creating schools ex-
14 clusively to serve a particular subset of
15 students.

16 “(B) STUDENTS WITH SPECIAL NEEDS.—
17 Nothing in this paragraph shall be construed to
18 prohibit schools from specializing in providing
19 specific services for students with a dem-
20 onstrated need for such services, such as stu-
21 dents who need specialized instruction in read-
22 ing, spelling, or writing.

23 “(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBU-
24 TION OF SUBGRANTS; WAIVERS.—

25 “(1) PROGRAM PERIODS.—

1 “(A) GRANTS.—A grant awarded by the
2 Secretary to a State entity under this section
3 shall be for a period of not more than 5 years.

4 “(B) SUBGRANTS.—A subgrant awarded
5 by a State entity under this section shall be for
6 a period of not more than 5 years, of which an
7 eligible applicant may use not more than 18
8 months for planning and program design.

9 “(2) PEER REVIEW.—The Secretary, and each
10 State entity awarding subgrants under this section,
11 shall use a peer-review process to review applications
12 for assistance under this section.

13 “(3) GRANT AWARDS.—

14 “(A) IN GENERAL.—The Secretary—

15 “(i) shall for each fiscal year for
16 which funds are appropriated under section
17 4311—

18 “(I) award not less than 3 grants
19 under this section; and

20 “(II) fully obligate the first 2
21 years of funds appropriated for the
22 purpose of awarding grants under this
23 section in the first fiscal year for
24 which such grants are awarded; and

1 “(ii) prior to the start of the third
2 year of the grant period and each suc-
3 ceeding year of each grant awarded under
4 this section to a State entity—

5 “(I) shall review—

6 “(aa) whether the State en-
7 tity is using the grant funds for
8 the agreed upon uses of funds;
9 and

10 “(bb) whether the full
11 amount of the grant will be need-
12 ed for the remainder of the grant
13 period; and

14 “(II) may, as determined nec-
15 essary based on that review, terminate
16 or reduce the amount of the grant
17 and reallocate the remaining grant
18 funds to other State entities—

19 “(aa) by using such funds to
20 award grants under this section
21 to other State entities; or

22 “(bb) in a fiscal year in
23 which the amount of such re-
24 maining funds is insufficient to
25 award grants under item (aa), in

1 accordance with subparagraph
2 (B).

3 “(B) REMAINING FUNDING.—For a fiscal
4 year for which there are remaining grant funds
5 under this paragraph, but the amount of such
6 funds is insufficient to award a grant to a State
7 entity under this section, the Secretary shall
8 use such remaining grants funds—

9 “(i) to supplement funding for grants
10 under section 4305(a)(2), but not to sup-
11 plant—

12 “(I) the funds reserved under
13 section 4305(a)(2); and

14 “(II) funds otherwise reserved
15 under section 4302(b)(2) to carry out
16 national activities under section 4305;

17 “(ii) to award grants to State entities
18 to carry out the activities described in sub-
19 section (b)(1) for the next fiscal year; or

20 “(iii) to award one year of a grant
21 under subsection (b)(1) to a high-scoring
22 State entity, in an amount at or above the
23 minimum amount the State entity needs to
24 be successful for such year.

1 “(4) DIVERSITY OF PROJECTS.—Each State en-
2 tity awarding subgrants under this section shall
3 award subgrants in a manner that, to the extent
4 practicable and applicable, ensures that such sub-
5 grants—

6 “(A) are distributed throughout different
7 areas, including urban, suburban, and rural
8 areas; and

9 “(B) will assist charter schools rep-
10 resenting a variety of educational approaches.

11 “(5) WAIVERS.—The Secretary may waive any
12 statutory or regulatory requirement over which the
13 Secretary exercises administrative authority, except
14 any such requirement relating to the elements of a
15 charter school described in section 4310(2), if—

16 “(A) the waiver is requested in an ap-
17 proved application under this section; and

18 “(B) the Secretary determines that grant-
19 ing such waiver will promote the purpose of this
20 part.

21 “(e) LIMITATIONS.—

22 “(1) GRANTS.—No State entity may receive a
23 grant under this section for use in a State in which
24 a State entity is currently using a grant received
25 under this section.

1 “(2) SUBGRANTS.—An eligible applicant may
2 not receive more than 1 subgrant under this section
3 for each individual charter school for a 5-year pe-
4 riod, unless the eligible applicant demonstrates to
5 the State entity that such individual charter school
6 has at least 3 years of improved educational results
7 for students enrolled in such charter school with re-
8 spect to the elements described in subparagraphs
9 (A) and (D) of section 4310(8).

10 “(f) APPLICATIONS.—A State entity desiring to re-
11 ceive a grant under this section shall submit an application
12 to the Secretary at such time and in such manner as the
13 Secretary may require. The application shall include the
14 following:

15 “(1) DESCRIPTION OF PROGRAM.—A descrip-
16 tion of the State entity’s objectives in running a
17 quality charter school program under this section
18 and how the objectives of the program will be car-
19 ried out, including—

20 “(A) a description of how the State entity
21 will—

22 “(i) support the opening of charter
23 schools through the startup of new charter
24 schools and, if applicable, the replication of
25 high-quality charter schools, and the ex-

1 pansion of high-quality charter schools (in-
2 cluding the proposed number of new char-
3 ter schools to be opened, high-quality char-
4 ter schools to be opened as a result of the
5 replication of a high-quality charter school,
6 or high-quality charter schools to be ex-
7 panded under the State entity’s program);

8 “(ii) inform eligible charter schools,
9 developers, and authorized public char-
10 tering agencies of the availability of funds
11 under the program;

12 “(iii) work with eligible applicants to
13 ensure that the eligible applicants access
14 all Federal funds that such applicants are
15 eligible to receive, and help the charter
16 schools supported by the applicants and
17 the students attending those charter
18 schools—

19 “(I) participate in the Federal
20 programs in which the schools and
21 students are eligible to participate;

22 “(II) receive the commensurate
23 share of Federal funds the schools
24 and students are eligible to receive
25 under such programs; and

1 “(III) meet the needs of students
2 served under such programs, including
3 students with disabilities and English
4 learners;

5 “(iv) ensure that authorized public
6 chartering agencies, in collaboration with
7 surrounding local educational agencies
8 where applicable, establish clear plans and
9 procedures to assist students enrolled in a
10 charter school that closes or loses its char-
11 ter to attend other high-quality schools;

12 “(v) in the case of a State entity that
13 is not a State educational agency—

14 “(I) work with the State edu-
15 cational agency and charter schools in
16 the State to maximize charter school
17 participation in Federal and State
18 programs for which charter schools
19 are eligible; and

20 “(II) work with the State edu-
21 cational agency to operate the State
22 entity’s program under this section, if
23 applicable;

1 “(vi) ensure that each eligible appli-
2 cant that receives a subgrant under the
3 State entity’s program—

4 “(I) is using funds provided
5 under this section for one of the ac-
6 tivities described in subsection (b)(1);
7 and

8 “(II) is prepared to continue to
9 operate charter schools funded under
10 this section in a manner consistent
11 with the eligible applicant’s applica-
12 tion for such subgrant once the
13 subgrant funds under this section are
14 no longer available;

15 “(vii) support—

16 “(I) charter schools in local edu-
17 cational agencies with a significant
18 number of schools identified by the
19 State for comprehensive support and
20 improvement under section
21 1111(c)(4)(D)(i); and

22 “(II) the use of charter schools
23 to improve struggling schools, or to
24 turn around struggling schools;

25 “(viii) work with charter schools on—

1 “(I) recruitment and enrollment
2 practices to promote inclusion of all
3 students, including by eliminating any
4 barriers to enrollment for education-
5 ally disadvantaged students (who in-
6 clude foster youth and unaccompanied
7 homeless youth); and

8 “(II) supporting all students once
9 they are enrolled to promote retention,
10 including by reducing the overuse of
11 discipline practices that remove stu-
12 dents from the classroom;

13 “(ix) share best and promising prac-
14 tices between charter schools and other
15 public schools;

16 “(x) ensure that charter schools re-
17 ceiving funds under the State entity’s pro-
18 gram meet the educational needs of their
19 students, including children with disabil-
20 ities and English learners;

21 “(xi) support efforts to increase char-
22 ter school quality initiatives, including
23 meeting the quality authorizing elements
24 described in paragraph (2)(D);

1 “(xii)(I) in the case of a State entity
2 not described in subclause (II), a descrip-
3 tion of how the State entity will provide
4 oversight of authorizing activity, including
5 how the State will help ensure better au-
6 thorizing, such as by establishing author-
7 izing standards that may include approv-
8 ing, monitoring, and re-approving or revok-
9 ing the authority of an authorized public
10 chartering agency based on the perform-
11 ance of the charter schools authorized by
12 such agency in the areas of student
13 achievement, student safety, financial and
14 operational management, and compliance
15 with all applicable statutes and regula-
16 tions; and

17 “(II) in the case of a State entity de-
18 scribed in subsection (a)(4), a description
19 of how the State entity will work with the
20 State to support the State’s system of
21 technical assistance and oversight, as de-
22 scribed in subclause (I), of the authorizing
23 activity of authorized public chartering
24 agencies; and

1 “(xiii) work with eligible applicants receiv-
2 ing a subgrant under the State entity’s pro-
3 gram to support the opening of new charter
4 schools or charter school models described in
5 clause (i) that are high schools;

6 “(B) a description of the extent to which
7 the State entity—

8 “(i) is able to meet and carry out the
9 priorities described in subsection (g)(2);

10 “(ii) is working to develop or
11 strengthen a cohesive statewide system to
12 support the opening of new charter schools
13 and, if applicable, the replication of high-
14 quality charter schools, and the expansion
15 of high-quality charter schools; and

16 “(iii) is working to develop or
17 strengthen a cohesive strategy to encour-
18 age collaboration between charter schools
19 and local educational agencies on the shar-
20 ing of best practices;

21 “(C) a description of how the State entity
22 will award subgrants, on a competitive basis, in-
23 cluding—

24 “(i) a description of the application
25 each eligible applicant desiring to receive a

1 subgrant will be required to submit, which
2 application shall include—

3 “(I) a description of the roles
4 and responsibilities of eligible appli-
5 cants, partner organizations, and
6 charter management organizations,
7 including the administrative and con-
8 tractual roles and responsibilities of
9 such partners;

10 “(II) a description of the quality
11 controls agreed to between the eligible
12 applicant and the authorized public
13 chartering agency involved, such as a
14 contract or performance agreement,
15 how a school’s performance in the
16 State’s accountability system and im-
17 pact on student achievement (which
18 may include student academic growth)
19 will be one of the most important fac-
20 tors for renewal or revocation of the
21 school’s charter, and how the State
22 entity and the authorized public char-
23 tering agency involved will reserve the
24 right to revoke or not renew a school’s
25 charter based on financial, structural,

1 or operational factors involving the
2 management of the school;

3 “(III) a description of how the
4 autonomy and flexibility granted to a
5 charter school is consistent with the
6 definition of a charter school in sec-
7 tion 4310;

8 “(IV) a description of how the el-
9 igible applicant will solicit and con-
10 sider input from parents and other
11 members of the community on the im-
12 plementation and operation of each
13 charter school that will receive funds
14 under the State entity’s program;

15 “(V) a description of the eligible
16 applicant’s planned activities and ex-
17 penditures of subgrant funds to sup-
18 port the activities described in sub-
19 section (b)(1), and how the eligible
20 applicant will maintain financial sus-
21 tainability after the end of the
22 subgrant period; and

23 “(VI) a description of how the el-
24 igible applicant will support the use of
25 effective parent, family, and commu-

1 nity engagement strategies to operate
2 each charter school that will receive
3 funds under the State entity's pro-
4 gram; and

5 “(ii) a description of how the State
6 entity will review applications from eligible
7 applicants;

8 “(D) in the case of a State entity that
9 partners with an outside organization to carry
10 out the State entity's quality charter school
11 program, in whole or in part, a description of
12 the roles and responsibilities of the partner;

13 “(E) a description of how the State entity
14 will ensure that each charter school receiving
15 funds under the State entity's program has con-
16 sidered and planned for the transportation
17 needs of the school's students;

18 “(F) a description of how the State in
19 which the State entity is located addresses
20 charter schools in the State's open meetings
21 and open records laws; and

22 “(G) a description of how the State entity
23 will support diverse charter school models, in-
24 cluding models that serve rural communities.

25 “(2) ASSURANCES.—Assurances that—

1 “(A) each charter school receiving funds
2 through the State entity’s program will have a
3 high degree of autonomy over budget and oper-
4 ations, including autonomy over personnel deci-
5 sions;

6 “(B) the State entity will support charter
7 schools in meeting the educational needs of
8 their students, as described in paragraph
9 (1)(A)(x);

10 “(C) the State entity will ensure that the
11 authorized public chartering agency of any
12 charter school that receives funds under the
13 State entity’s program adequately monitors
14 each charter school under the authority of such
15 agency in recruiting, enrolling, retaining, and
16 meeting the needs of all students, including
17 children with disabilities and English learners;

18 “(D) the State entity will provide adequate
19 technical assistance to eligible applicants to
20 meet the objectives described in clause (viii) of
21 paragraph (1)(A) and subparagraph (B) of this
22 paragraph;

23 “(E) the State entity will promote quality
24 authorizing, consistent with State law, such as
25 through providing technical assistance to sup-

1 port each authorized public chartering agency
2 in the State to improve such agency’s ability to
3 monitor the charter schools authorized by the
4 agency, including by—

5 “(i) assessing annual performance
6 data of the schools, including, as appro-
7 priate, graduation rates, student academic
8 growth, and rates of student attrition;

9 “(ii) reviewing the schools’ inde-
10 pendent, annual audits of financial state-
11 ments prepared in accordance with gen-
12 erally accepted accounting principles, and
13 ensuring that any such audits are pub-
14 lically reported; and

15 “(iii) holding charter schools account-
16 able to the academic, financial, and oper-
17 ational quality controls agreed to between
18 the charter school and the authorized pub-
19 lic chartering agency involved, such as
20 through renewal, non-renewal, or revoca-
21 tion of the school’s charter;

22 “(F) the State entity will work to ensure
23 that charter schools are included with the tradi-
24 tional public schools in decisionmaking about
25 the public school system in the State; and

1 “(G) the State entity will ensure that each
2 charter school receiving funds under the State
3 entity’s program makes publicly available, con-
4 sistent with the dissemination requirements of
5 the annual State report card under section
6 1111(h), including on the website of the school,
7 information to help parents make informed de-
8 cisions about the education options available to
9 their children, including—

10 “(i) information on the educational
11 program;

12 “(ii) student support services;

13 “(iii) parent contract requirements (as
14 applicable), including any financial obliga-
15 tions or fees;

16 “(iv) enrollment criteria (as applica-
17 ble); and

18 “(v) annual performance and enroll-
19 ment data for each of the subgroups of
20 students, as defined in section 1111(c)(2),
21 except that such disaggregation of per-
22 formance and enrollment data shall not be
23 required in a case in which the number of
24 students in a group is insufficient to yield
25 statically reliable information or the results

1 would reveal personally identifiable infor-
2 mation about an individual student.

3 “(3) REQUESTS FOR WAIVERS.—Information
4 about waivers, including—

5 “(A) 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
10 State entity’s program under this section or, in
11 the case of a State entity defined in subsection
12 (a)(4), a description of how the State entity will
13 work with the State to request such necessary
14 waivers, where applicable; and

15 “(B) a description of any State or local
16 rules, generally applicable to public schools,
17 that will be waived, or otherwise not apply to
18 such schools.

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 charter school law and how the
3 State entity will work to maximize the flexibility
4 provided to charter schools under such law;

5 “(B) the ambitiousness of the State enti-
6 ty’s objectives for the quality charter school
7 program carried out under this section;

8 “(C) the likelihood that the eligible appli-
9 cants receiving subgrants under the program
10 will meet those objectives and improve edu-
11 cational results for students;

12 “(D) the State entity’s plan to—

13 “(i) adequately monitor the eligible
14 applicants receiving subgrants under the
15 State entity’s program;

16 “(ii) work with the authorized public
17 chartering agencies involved to avoid dupli-
18 cation of work for the charter schools and
19 authorized public chartering agencies; and

20 “(iii) provide technical assistance and
21 support for—

22 “(I) the eligible applicants receiv-
23 ing subgrants under the State entity’s
24 program; and

1 “(II) quality authorizing efforts
2 in the State; and

3 “(E) the State entity’s plan to solicit and
4 consider input from parents and other members
5 of the community on the implementation and
6 operation of charter schools in the State.

7 “(2) PRIORITY.—In awarding grants under this
8 section, the Secretary shall give priority to a State
9 entity to the extent that the entity meets the fol-
10 lowing criteria:

11 “(A) The State entity is located in a State
12 that—

13 “(i) allows at least one entity that is
14 not a local educational agency to be an au-
15 thorized public chartering agency for devel-
16 opers seeking to open a charter school in
17 the State; or

18 “(ii) in the case of a State in which
19 local educational agencies are the only au-
20 thorized public chartering agencies, the
21 State has an appeals process for the denial
22 of an application for a charter school.

23 “(B) The State entity is located in a State
24 that ensures equitable financing, as compared

1 to traditional public schools, for charter schools
2 and students in a prompt manner.

3 “(C) The State entity is located in a State
4 that provides charter schools one or more of the
5 following:

6 “(i) Funding for facilities.

7 “(ii) Assistance with facilities acquisi-
8 tion.

9 “(iii) Access to public facilities.

10 “(iv) The ability to share in bonds or
11 mill levies.

12 “(v) The right of first refusal to pur-
13 chase public school buildings.

14 “(vi) Low- or no-cost leasing privi-
15 leges.

16 “(D) The State entity is located in a State
17 that uses best practices from charter schools to
18 help improve struggling schools and local edu-
19 cational agencies.

20 “(E) The State entity supports charter
21 schools that serve at-risk students through ac-
22 tivities such as dropout prevention, dropout re-
23 covery, or comprehensive career counseling serv-
24 ices.

1 “(F) 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 support the activities described in subsection
8 (b)(1), which shall include one or more of the following
9 activities:

10 “(1) Preparing teachers, school leaders, and
11 specialized instructional support personnel, including
12 through paying the costs associated with—

13 “(A) providing professional development;
14 and

15 “(B) hiring and compensating, during the
16 eligible applicant’s planning period specified in
17 the application for subgrant funds that is re-
18 quired under this section, one or more of the
19 following:

20 “(i) Teachers.

21 “(ii) School leaders.

22 “(iii) Specialized instructional support
23 personnel.

24 “(2) Acquiring supplies, training, equipment
25 (including technology), and educational materials

1 (including developing and acquiring instructional
2 materials).

3 “(3) Carrying out necessary renovations to en-
4 sure that a new school building complies with appli-
5 cable statutes and regulations, and minor facilities
6 repairs (excluding construction).

7 “(4) Providing one-time, startup costs associ-
8 ated with providing transportation to students to
9 and from the charter school.

10 “(5) Carrying out community engagement ac-
11 tivities, which may include paying the cost of stu-
12 dent and staff recruitment.

13 “(6) Providing for other appropriate, non-sus-
14 tained costs related to the activities described in
15 subsection (b)(1) when such costs cannot be met
16 from other sources.

17 “(i) REPORTING REQUIREMENTS.—Each State entity
18 receiving a grant under this section shall submit to the
19 Secretary, at the end of the third year of the 5-year grant
20 period (or at the end of the second year of the grant period
21 if the grant is less than 5 years), and at the end of such
22 grant period, a report that includes the following:

23 “(1) The number of students served by each
24 subgrant awarded under this section and, if applica-

1 ble, the number of new students served during each
2 year of the period of the subgrant.

3 “(2) A description of how the State entity met
4 the objectives of the quality charter school program
5 described in the State entity’s application under sub-
6 section (f), including—

7 “(A) how the State entity met the objective
8 of sharing best and promising practices de-
9 scribed in subsection (f)(1)(A)(ix) in areas such
10 as instruction, professional development, cur-
11 ricula development, and operations between
12 charter schools and other public schools; and

13 “(B) if known, the extent to which such
14 practices were adopted and implemented by
15 such other public schools.

16 “(3) The number and amount of subgrants
17 awarded under this section to carry out activities de-
18 scribed in each of subparagraphs (A) through (C) of
19 subsection (b)(1).

20 “(4) A description of—

21 “(A) how the State entity complied with,
22 and ensured that eligible applicants complied
23 with, the assurances included in the State enti-
24 ty’s application; and

1 “(B) how the State entity worked with au-
2 thorized public chartering agencies, and how
3 the agencies worked with the management com-
4 pany or leadership of the schools that received
5 subgrant funds under this section, if applicable.

6 **“SEC. 4304. FACILITIES FINANCING ASSISTANCE.**

7 “(a) GRANTS TO ELIGIBLE ENTITIES.—

8 “(1) IN GENERAL.—From the amount reserved
9 under section 4302(b)(1), the Secretary shall use
10 not less than 50 percent to award, on a competitive
11 basis, not less than 3 grants to eligible entities that
12 have the highest-quality applications approved under
13 subsection (d), after considering the diversity of
14 such applications, to demonstrate innovative meth-
15 ods of helping charter schools to address the cost of
16 acquiring, constructing, and renovating facilities by
17 enhancing the availability of loans or bond financing.

18 “(2) ELIGIBLE ENTITY DEFINED.—For the
19 purposes of this section, the term ‘eligible entity’
20 means—

21 “(A) a public entity, such as a State or
22 local governmental entity;

23 “(B) a private nonprofit entity; or

24 “(C) a consortium of entities described in
25 subparagraphs (A) and (B).

1 “(b) GRANTEE SELECTION.—The Secretary shall
2 evaluate each application submitted under subsection (d),
3 and shall determine whether the application is sufficient
4 to merit approval.

5 “(c) GRANT CHARACTERISTICS.—Grants under sub-
6 section (a) shall be of sufficient size, scope, and quality
7 so as to ensure an effective demonstration of an innovative
8 means of enhancing credit for the financing of charter
9 school acquisition, construction, or renovation.

10 “(d) APPLICATIONS.—

11 “(1) IN GENERAL.—An eligible entity desiring
12 to receive a grant under this section shall submit an
13 application to the Secretary in such form as the Sec-
14 retary may reasonably require.

15 “(2) CONTENTS.—An application submitted
16 under paragraph (1) shall contain—

17 “(A) a statement identifying the activities
18 that the eligible entity proposes to carry out
19 with funds received under subsection (a), in-
20 cluding how the eligible entity will determine
21 which charter schools will receive assistance,
22 and how much and what types of assistance
23 charter schools will receive;

1 “(B) a description of the involvement of
2 charter schools in the application’s development
3 and the design of the proposed activities;

4 “(C) a description of the eligible entity’s
5 expertise in capital market financing;

6 “(D) a description of how the proposed ac-
7 tivities will leverage the maximum amount of
8 private-sector financing capital relative to the
9 amount of government funding used and other-
10 wise enhance credit available to charter schools,
11 including how the eligible entity will offer a
12 combination of rates and terms more favorable
13 than the rates and terms that a charter school
14 could receive without assistance from the eligi-
15 ble entity under this section;

16 “(E) a description of how the eligible enti-
17 ty possesses sufficient expertise in education to
18 evaluate the likelihood of success of a charter
19 school program for which facilities financing is
20 sought; and

21 “(F) in the case of an application sub-
22 mitted by a State governmental entity, a de-
23 scription of the actions that the eligible entity
24 has taken, or will take, to ensure that charter
25 schools within the State receive the funding

1 that charter schools need to have adequate fa-
2 cilities.

3 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
4 entity receiving a grant under subsection (a) shall use the
5 funds deposited in the reserve account established under
6 subsection (f) to assist one or more charter schools to ac-
7 cess private-sector capital to accomplish one or more of
8 the following objectives:

9 “(1) The acquisition (by purchase, lease, dona-
10 tion, or otherwise) of an interest (including an inter-
11 est held by a third party for the benefit of a charter
12 school) in improved or unimproved real property
13 that is necessary to commence or continue the oper-
14 ation of a charter school.

15 “(2) The construction of new facilities, or the
16 renovation, repair, or alteration of existing facilities,
17 necessary to commence or continue the operation of
18 a charter school.

19 “(3) The predevelopment costs required to as-
20 sess sites for purposes of paragraph (1) or (2) and
21 that are necessary to commence or continue the op-
22 eration of a charter school.

23 “(f) RESERVE ACCOUNT.—

24 “(1) USE OF FUNDS.—To assist charter schools
25 in accomplishing the objectives described in sub-

1 section (e), an eligible entity receiving a grant under
2 subsection (a) shall, in accordance with State and
3 local law, directly or indirectly, alone or in collabora-
4 tion with others, deposit the funds received under
5 subsection (a) (other than funds used for adminis-
6 trative costs in accordance with subsection (g)) in a
7 reserve account established and maintained by the
8 eligible entity for this purpose. Amounts deposited in
9 such account shall be used by the eligible entity for
10 one or more of the following purposes:

11 “(A) Guaranteeing, insuring, and rein-
12 suring bonds, notes, evidences of debt, loans,
13 and interests therein, the proceeds of which are
14 used for an objective described in subsection
15 (e).

16 “(B) Guaranteeing and insuring leases of
17 personal and real property for an objective de-
18 scribed in subsection (e).

19 “(C) Facilitating financing by identifying
20 potential lending sources, encouraging private
21 lending, and other similar activities that di-
22 rectly promote lending to, or for the benefit of,
23 charter schools.

24 “(D) Facilitating the issuance of bonds by
25 charter schools, or by other public entities for

1 the benefit of charter schools, by providing
2 technical, administrative, and other appropriate
3 assistance (including the recruitment of bond
4 counsel, underwriters, and potential investors
5 and the consolidation of multiple charter school
6 projects within a single bond issue).

7 “(2) INVESTMENT.—Funds received under sub-
8 section (a) and deposited in the reserve account es-
9 tablished under paragraph (1) shall be invested in
10 obligations issued or guaranteed by the United
11 States or a State, or in other similarly low-risk secu-
12 rities.

13 “(3) REINVESTMENT OF EARNINGS.—Any earn-
14 ings on funds received under subsection (a) shall be
15 deposited in the reserve account established under
16 paragraph (1) and used in accordance with this sub-
17 section.

18 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
19 eligible entity may use not more than 2.5 percent of the
20 funds received under subsection (a) for the administrative
21 costs of carrying out its responsibilities under this section
22 (excluding subsection (k)).

23 “(h) AUDITS AND REPORTS.—

24 “(1) FINANCIAL RECORD MAINTENANCE AND
25 AUDIT.—The financial records of each eligible entity

1 receiving a grant under subsection (a) shall be main-
2 tained in accordance with generally accepted ac-
3 counting principles and shall be subject to an annual
4 audit by an independent public accountant.

5 “(2) REPORTS.—

6 “(A) GRANTEE ANNUAL REPORTS.—Each
7 eligible entity receiving a grant under sub-
8 section (a) shall submit to the Secretary an an-
9 nual report of the entity’s operations and activi-
10 ties under this section (excluding subsection
11 (k)).

12 “(B) CONTENTS.—Each annual report
13 submitted under subparagraph (A) shall in-
14 clude—

15 “(i) a copy of the most recent finan-
16 cial statements, and any accompanying
17 opinion on such statements, prepared by
18 the independent public accountant review-
19 ing the financial records of the eligible en-
20 tity;

21 “(ii) a copy of any report made on an
22 audit of the financial records of the eligible
23 entity that was conducted under paragraph
24 (1) during the reporting period;

1 “(iii) an evaluation by the eligible en-
2 tity of the effectiveness of its use of the
3 Federal funds provided under subsection
4 (a) in leveraging private funds;

5 “(iv) a listing and description of the
6 charter schools served during the reporting
7 period, including the amount of funds used
8 by each school, the type of project facili-
9 tated by the grant, and the type of assist-
10 ance provided to the charter schools;

11 “(v) a description of the activities car-
12 ried out by the eligible entity to assist
13 charter schools in meeting the objectives
14 set forth in subsection (e); and

15 “(vi) a description of the characteris-
16 tics of lenders and other financial institu-
17 tions participating in the activities carried
18 out by the eligible entity under this section
19 (excluding subsection (k)) during the re-
20 porting period.

21 “(C) SECRETARIAL REPORT.—The Sec-
22 retary shall review the reports submitted under
23 subparagraph (A) and shall provide a com-
24 prehensive annual report to Congress on the ac-

1 activities conducted under this section (excluding
2 subsection (k)).

3 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
4 OBLIGATION.—No financial obligation of an eligible entity
5 entered into pursuant to this section (such as an obliga-
6 tion under a guarantee, bond, note, evidence of debt, or
7 loan) shall be an obligation of, or guaranteed in any re-
8 spect by, the United States. The full faith and credit of
9 the United States is not pledged to the payment of funds
10 that may be required to be paid under any obligation made
11 by an eligible entity pursuant to any provision of this sec-
12 tion.

13 “(j) RECOVERY OF FUNDS.—

14 “(1) IN GENERAL.—The Secretary, in accord-
15 ance with chapter 37 of title 31, United States
16 Code, shall collect—

17 “(A) all of the funds in a reserve account
18 established by an eligible entity under sub-
19 section (f)(1) if the Secretary determines, not
20 earlier than 2 years after the date on which the
21 eligible entity first received funds under sub-
22 section (a), that the eligible entity has failed to
23 make substantial progress in carrying out the
24 purposes described in subsection (f)(1); or

1 “(B) all or a portion of the funds in a re-
2 serve account established by an eligible entity
3 under subsection (f)(1) if the Secretary deter-
4 mines that the eligible entity has permanently
5 ceased to use all or a portion of the funds in
6 such account to accomplish any purpose de-
7 scribed in subsection (f)(1).

8 “(2) EXERCISE OF AUTHORITY.—The Secretary
9 shall not exercise the authority provided in para-
10 graph (1) to collect from any eligible entity any
11 funds that are being properly used to achieve one or
12 more of the purposes described in subsection (f)(1).

13 “(3) PROCEDURES.—The provisions of sections
14 451, 452, and 458 of the General Education Provi-
15 sions Act shall apply to the recovery of funds under
16 paragraph (1).

17 “(4) CONSTRUCTION.—This subsection shall
18 not be construed to impair or affect the authority of
19 the Secretary to recover funds under part D of the
20 General Education Provisions Act (20 U.S.C. 1234
21 et seq.).

22 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

23 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
24 PROGRAM.—In this subsection, the term ‘per-pupil
25 facilities aid program’ means a program in which a

1 State makes payments, on a per-pupil basis, to char-
2 ter schools to provide the schools with financing—

3 “(A) that is dedicated solely to funding
4 charter school facilities; or

5 “(B) a portion of which is dedicated for
6 funding charter school facilities.

7 “(2) GRANTS.—

8 “(A) IN GENERAL.—From the amount re-
9 served under section 4302(b)(1) and remaining
10 after the Secretary makes grants under sub-
11 section (a), the Secretary shall make grants, on
12 a competitive basis, to States to pay for the
13 Federal share of the cost of establishing or en-
14 hancing, and administering, per-pupil facilities
15 aid programs.

16 “(B) PERIOD.—The Secretary shall award
17 grants under this subsection for periods of not
18 more than 5 years.

19 “(C) FEDERAL SHARE.—The Federal
20 share of the cost described in subparagraph (A)
21 for a per-pupil facilities aid program shall be
22 not more than—

23 “(i) 90 percent of the cost, for the
24 first fiscal year for which the program re-
25 ceives assistance under this subsection;

1 “(ii) 80 percent for the second such
2 year;

3 “(iii) 60 percent for the third such
4 year;

5 “(iv) 40 percent for the fourth such
6 year; and

7 “(v) 20 percent for the fifth such
8 year.

9 “(D) STATE SHARE.—A State receiving a
10 grant under this subsection may partner with 1
11 or more organizations, and such organizations
12 may provide not more than 50 percent of the
13 State share of the cost of establishing or en-
14 hancing, and administering, the per-pupil facili-
15 ties aid program.

16 “(E) MULTIPLE GRANTS.—A State may
17 receive more than 1 grant under this sub-
18 section, so long as the amount of total funds
19 provided to charter schools increases with each
20 successive grant.

21 “(3) USE OF FUNDS.—

22 “(A) IN GENERAL.—A State that receives
23 a grant under this subsection shall use the
24 funds made available through the grant to es-
25 tablish or enhance, and administer, a per-pupil

1 facilities aid program for charter schools in the
2 State of the applicant.

3 “(B) EVALUATIONS; TECHNICAL ASSIST-
4 ANCE; DISSEMINATION.—From the amount
5 made available to a State through a grant
6 under this subsection for a fiscal year, the State
7 may reserve not more than 5 percent to carry
8 out evaluations, to provide technical assistance,
9 and to disseminate information.

10 “(C) SUPPLEMENT, NOT SUPPLANT.—
11 Funds made available under this subsection
12 shall be used to supplement, and not supplant,
13 State and local public funds expended to pro-
14 vide per-pupil facilities aid programs, operations
15 financing programs, or other programs, for
16 charter schools.

17 “(4) REQUIREMENTS.—

18 “(A) VOLUNTARY PARTICIPATION.—No
19 State may be required to participate in a pro-
20 gram carried out under this subsection.

21 “(B) STATE LAW.—

22 “(i) IN GENERAL.—To be eligible to
23 receive a grant under this subsection, a
24 State shall establish or enhance, and ad-

1 minister, a per-pupil facilities aid program
2 for charter schools in the State, that—

3 “(I) is specified in State law; and

4 “(II) provides annual financing,
5 on a per-pupil basis, for charter
6 school facilities.

7 “(ii) SPECIAL RULE.—A State that is
8 required under State law to provide its
9 charter schools with access to adequate fa-
10 cility space, but that does not have a per-
11 pupil facilities aid program for charter
12 schools specified in State law, is eligible to
13 receive a grant under this subsection if the
14 State agrees to use the funds to develop a
15 per-pupil facilities aid program consistent
16 with the requirements of this subsection.

17 “(5) APPLICATIONS.—To be eligible to receive a
18 grant under this subsection, a State shall submit an
19 application to the Secretary at such time, in such
20 manner, and containing such information as the Sec-
21 retary may require.

22 **“SEC. 4305. NATIONAL ACTIVITIES.**

23 “(a) IN GENERAL.—From the amount reserved
24 under section 4302(b)(2), the Secretary shall—

1 “(1) use not more than 80 percent of such
2 funds to award grants in accordance with subsection
3 (b);

4 “(2) use not more than 9 percent of such funds
5 to award grants, on a competitive basis, to eligible
6 applicants for the purpose of carrying out the activi-
7 ties described in section 4303(h) in a State that did
8 not receive a grant under section 4303; and

9 “(3) after the uses described in paragraphs (1)
10 and (2), use the remainder of such funds to—

11 “(A) disseminate technical assistance to—

12 “(i) State entities in awarding sub-
13 grants under section 4303(b)(1); and

14 “(ii) eligible entities and States receiv-
15 ing grants under section 4304;

16 “(B) disseminate best practices regarding
17 charter schools; and

18 “(C) evaluate the impact of the charter
19 school program carried out under this part, in-
20 cluding the impact on student achievement.

21 “(b) GRANTS FOR THE REPLICATION AND EXPAN-
22 SION OF HIGH-QUALITY CHARTER SCHOOLS.—

23 “(1) IN GENERAL.—The Secretary shall make
24 grants, on a competitive basis, to eligible entities
25 having applications approved under paragraph (3) to

1 enable such entities to open and prepare for the op-
2 eration of one or more replicated high-quality char-
3 ter schools or to expand one or more high-quality
4 charter schools.

5 “(2) DEFINITION OF ELIGIBLE ENTITY.—For
6 purposes of this subsection, the term ‘eligible entity’
7 means a charter management organization.

8 “(3) APPLICATION REQUIREMENTS.—An eligi-
9 ble entity desiring to receive a grant under this sub-
10 section shall submit an application to the Secretary
11 at such time and in such manner as the Secretary
12 may require. The application shall include the fol-
13 lowing:

14 “(A) EXISTING CHARTER SCHOOL DATA.—
15 For each charter school currently operated or
16 managed by the eligible entity—

17 “(i) student assessment results for all
18 students and for each subgroup of students
19 described in section 1111(c)(2);

20 “(ii) attendance and student retention
21 rates for the most recently completed
22 school year and, if applicable, the most re-
23 cent available 4-year adjusted cohort grad-
24 uation rates and extended-year adjusted
25 cohort graduation rates; and

1 “(iii) information on any significant
2 compliance and management issues en-
3 countered within the last 3 school years by
4 any school operated or managed by the eli-
5 gible entity, including in the areas of stu-
6 dent safety and finance.

7 “(B) DESCRIPTIONS.—A description of—

8 “(i) the eligible entity’s objectives for
9 implementing a high-quality charter school
10 program with funding under this sub-
11 section, including a description of the pro-
12 posed number of high-quality charter
13 schools the eligible entity proposes to open
14 as a result of the replication of a high-
15 quality charter school or to expand with
16 funding under this subsection;

17 “(ii) the educational program that the
18 eligible entity will implement in such char-
19 ter schools, including—

20 “(I) information on how the pro-
21 gram will enable all students to meet
22 the challenging State academic stand-
23 ards;

24 “(II) the grade levels or ages of
25 students who will be served; and

1 “(III) the instructional practices
2 that will be used;

3 “(iii) how the operation of such char-
4 ter schools will be sustained after the grant
5 under this subsection has ended, which
6 shall include a multi-year financial and op-
7 erating model for the eligible entity;

8 “(iv) how the eligible entity will en-
9 sure that such charter schools will recruit
10 and enroll students, including children with
11 disabilities, English learners, and other
12 educationally disadvantaged students; and

13 “(v) any request and justification for
14 any waivers of Federal statutory or regu-
15 latory requirements that the eligible entity
16 believes are necessary for the successful
17 operation of such charter schools.

18 “(C) ASSURANCE.—An assurance that the
19 eligible entity has sufficient procedures in effect
20 to ensure timely closure of low-performing or fi-
21 nancially mismanaged charter schools and clear
22 plans and procedures in effect for the students
23 in such schools to attend other high-quality
24 schools.

1 “(4) SELECTION CRITERIA.—The Secretary
2 shall select eligible entities to receive grants under
3 this subsection, on the basis of the quality of the ap-
4 plications submitted under paragraph (3), after tak-
5 ing into consideration such factors as—

6 “(A) the degree to which the eligible entity
7 has demonstrated success in increasing aca-
8 demic achievement for all students and for each
9 of the subgroups of students described in sec-
10 tion 1111(c)(2) attending the charter schools
11 the eligible entity operates or manages;

12 “(B) a determination that the eligible enti-
13 ty has not operated or managed a significant
14 proportion of charter schools that—

15 “(i) have been closed;

16 “(ii) have had the school’s charter re-
17 voked due to problems with statutory or
18 regulatory compliance; or

19 “(iii) have had the school’s affiliation
20 with the eligible entity revoked or termi-
21 nated, including through voluntary dis-
22 affiliation; and

23 “(C) a determination that the eligible enti-
24 ty has not experienced significant problems with

1 statutory or regulatory compliance that could
2 lead to the revocation of a school's charter.

3 “(5) PRIORITY.—In awarding grants under this
4 section, the Secretary shall give priority to eligible
5 entities that—

6 “(A) plan to operate or manage high-quality
7 charter schools with racially and
8 socioeconomically diverse student bodies;

9 “(B) demonstrate success in working with
10 schools identified by the State for comprehen-
11 sive support and improvement under section
12 1111(c)(4)(D)(i);

13 “(C) propose to use funds—

14 “(i) to expand high-quality charter
15 schools to serve high school students; or

16 “(ii) to replicate high-quality charter
17 schools to serve high school students; or

18 “(D) propose to operate or manage high-
19 quality charter schools that focus on dropout
20 recovery and academic reentry.

21 “(c) TERMS AND CONDITIONS.—Except as otherwise
22 provided, grants awarded under paragraphs (1) and (2)
23 of subsection (a) shall have the same terms and conditions
24 as grants awarded to State entities under section 4303.”;

1 (2) in section 4306 (20 U.S.C. 7221e), as re-
2 designated by section 4001, by adding at the end the
3 following:

4 “(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER
5 SCHOOLS.—For purposes of implementing the hold harm-
6 less protections in sections 1122(c) and 1125A(g)(3) for
7 a newly opened or significantly expanded charter school
8 under this part, a State educational agency shall calculate
9 a hold-harmless base for the prior year that, as applicable,
10 reflects the new or significantly expanded enrollment of
11 the charter school.”;

12 (3) in section 4308 (20 U.S.C. 7221g), as re-
13 designated by section 4001, by inserting “as quickly
14 as possible and” before “to the extent practicable”;

15 (4) in section 4310 (20 U.S.C. 7221i), as redesi-
16 gnated by section 4001—

17 (A) in the matter preceding paragraph (1),
18 by striking “subpart” and inserting “part”;

19 (B) by redesignating paragraphs (1), (2),
20 and (3) as paragraphs (2), (5), and (6), respec-
21 tively;

22 (C) by redesignating paragraph (4) as
23 paragraph (1), and moving such paragraph so
24 as to precede paragraph (2), as redesignated by
25 subparagraph (B);

1 (D) in paragraph (2), as redesignated by
2 subparagraph (B)—

3 (i) in subparagraph (G), by striking “,
4 and part B” and inserting “, the Ameri-
5 cans with Disabilities Act of 1990 (42
6 U.S.C. 12101 et seq.), section 444 of the
7 General Education Provisions Act (20
8 U.S.C. 1232g) (commonly referred to as
9 the ‘Family Educational Rights and Pri-
10 vacy Act of 1974’), and part B”;

11 (ii) by striking subparagraph (H) and
12 inserting the following:

13 “(H) is a school to which parents choose to
14 send their children, and that—

15 “(i) admits students on the basis of a
16 lottery, consistent with section
17 4303(c)(3)(A), if more students apply for
18 admission than can be accommodated; or

19 “(ii) in the case of a school that has
20 an affiliated charter school (such as a
21 school that is part of the same network of
22 schools), automatically enrolls students
23 who are enrolled in the immediate prior
24 grade level of the affiliated charter school
25 and, for any additional student openings or

1 student openings created through regular
2 attrition in student enrollment in the affili-
3 ated charter school and the enrolling
4 school, admits students on the basis of a
5 lottery as described in clause (i);”;

6 (iii) by striking subparagraph (I) and
7 inserting the following:

8 “(I) agrees to comply with the same Fed-
9 eral and State audit requirements as do other
10 elementary schools and secondary schools in the
11 State, unless such State audit requirements are
12 waived by the State;”;

13 (iv) in subparagraph (K), by striking
14 “and” at the end;

15 (v) in subparagraph (L), by striking
16 the period at the end and inserting “;
17 and”; and

18 (vi) by adding at the end the fol-
19 lowing:

20 “(M) may serve students in early
21 childhood education programs or post-
22 secondary students.”;

23 (E) by inserting after paragraph (2), as re-
24 designated by subparagraph (B), the following:

1 “(3) CHARTER MANAGEMENT ORGANIZATION.—

2 The term ‘charter management organization’ means
3 a nonprofit organization that operates or manages a
4 network of charter schools linked by centralized sup-
5 port, operations, and oversight.

6 “(4) CHARTER SCHOOL SUPPORT ORGANIZA-

7 TION.—The term ‘charter school support organiza-
8 tion’ means a nonprofit, nongovernmental entity that
9 is not an authorized public chartering agency and
10 provides, on a statewide basis—

11 “(A) assistance to developers during the
12 planning, program design, and initial implemen-
13 tation of a charter school; and

14 “(B) technical assistance to operating
15 charter schools.”;

16 (F) in paragraph (6)(B), as redesignated
17 by subparagraph (B), by striking “under sec-
18 tion 5203(d)(3)”;

19 (G) by adding at the end the following:

20 “(7) EXPAND.—The term ‘expand’, when used
21 with respect to a high-quality charter school, means
22 to significantly increase enrollment or add one or
23 more grades to the high-quality charter school.

1 “(8) HIGH-QUALITY CHARTER SCHOOL.—The
2 term ‘high-quality charter school’ means a charter
3 school that—

4 “(A) shows evidence of strong academic re-
5 sults, which may include strong student aca-
6 demic growth, as determined by a State;

7 “(B) has no significant issues in the areas
8 of student safety, financial and operational
9 management, or statutory or regulatory compli-
10 ance;

11 “(C) has demonstrated success in signifi-
12 cantly increasing student academic achieve-
13 ment, including graduation rates where applica-
14 ble, for all students served by the charter
15 school; and

16 “(D) has demonstrated success in increas-
17 ing student academic achievement, including
18 graduation rates where applicable, for each of
19 the subgroups of students, as defined in section
20 1111(c)(2), except that such demonstration is
21 not required in a case in which the number of
22 students in a group is insufficient to yield sta-
23 tistically reliable information or the results
24 would reveal personally identifiable information
25 about an individual student.

1 “(9) REPLICATE.—The term ‘replicate’, when
2 used with respect to a high-quality charter school,
3 means to open a new charter school, or a new cam-
4 pus of a high-quality charter school, based on the
5 educational model of an existing high-quality charter
6 school, under an existing charter or an additional
7 charter, if permitted or required by State law.”; and

8 (5) by striking section 4311 (20 U.S.C. 7221j),
9 as redesignated by section 4001, and inserting the
10 following:

11 **“SEC. 4311. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to carry out
13 this part—

14 “(1) \$270,000,000 for fiscal year 2017;

15 “(2) \$270,000,000 for fiscal year 2018;

16 “(3) \$300,000,000 for fiscal year 2019; and

17 “(4) \$300,000,000 for fiscal year 2020.”.

18 **PART D—MAGNET SCHOOLS ASSISTANCE**

19 **SEC. 4401. MAGNET SCHOOLS ASSISTANCE.**

20 Part D of title IV (20 U.S.C. 7201 et seq.), as
21 amended by section 4001(b)(3), is further amended—

22 (1) in section 4401—

23 (A) in subsection (a)(2)—

24 (i) by striking “2,000,000” and in-
25 serting “2,500,000”; and

1 (ii) by striking “65” and inserting
2 “69”; and

3 (B) in subsection (b)—

4 (i) in paragraph (2)—

5 (I) by striking “and implementa-
6 tion” and inserting “, implementation,
7 and expansion”; and

8 (II) by striking “content stand-
9 ards and student academic achieve-
10 ment standards” and inserting
11 “standards”;

12 (ii) in paragraph (3), by striking “and
13 design” and inserting “, design, and ex-
14 pansion”;

15 (iii) in paragraph (4), by striking “vo-
16 cational” and inserting “career”; and

17 (iv) in paragraph (6), by striking
18 “productive”;

19 (2) in section 4405(b)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by inserting
22 “any available evidence on, or if such evi-
23 dence is not available, a rationale, based
24 on current research, for” before “how the
25 proposed magnet school programs”;

1 (ii) in subparagraph (B), by inserting
2 “, including any evidence, or if such evi-
3 dence is not available, a rationale based on
4 current research findings, to support such
5 description” before the semicolon;

6 (iii) by redesignating subparagraphs
7 (D) and (E) as subparagraphs (E) and
8 (F), respectively; and

9 (iv) by inserting after subparagraph
10 (C) the following:

11 “(D) how the applicant will assess, mon-
12 itor, and evaluate the impact of the activities
13 funded under this part on student achievement
14 and integration;”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (A), by striking
17 “section 5301(b)” and inserting “section
18 4401(b)”; and

19 (ii) in subparagraph (B), by striking
20 “highly qualified” and inserting “effec-
21 tive”;

22 (3) in section 4406, by striking paragraphs (2)
23 and (3) and inserting the following:

24 “(2) propose to—

1 “(A) carry out a new, evidence-based mag-
2 net school program;

3 “(B) significantly revise an existing mag-
4 net school program, using evidence-based meth-
5 ods and practices, as available; or

6 “(C) replicate an existing magnet school
7 program that has a demonstrated record of suc-
8 cess in increasing student academic achieve-
9 ment and reducing isolation of minority groups;

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

13 “(4) propose to increase racial integration by
14 taking into account socioeconomic diversity in de-
15 signing and implementing magnet school pro-
16 grams.”;

17 (4) in section 4407—

18 (A) in subsection (a)—

19 (i) in paragraph (3), by striking
20 “highly qualified” and inserting “effec-
21 tive”;

22 (ii) in paragraph (6), by striking
23 “and” at the end;

1 (iii) in paragraph (7), by striking the
2 period at the end and inserting a semi-
3 colon; and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(8) to enable the local educational agency, or
7 consortium of such agencies, or other organizations
8 partnered with such agency or consortium, to estab-
9 lish, expand, or strengthen inter-district and regional
10 magnet programs; and

11 “(9) notwithstanding section 426 of the General
12 Education Provisions Act (20 U.S.C. 1228), to pro-
13 vide transportation to and from the magnet school,
14 provided that—

15 “(A) such transportation is sustainable be-
16 yond the grant period; and

17 “(B) the costs of providing transportation
18 do not represent a significant portion of the
19 grant funds received by the eligible local edu-
20 cational agency under this part .”; and

21 (B) by striking subsection (b) and insert-
22 ing the following:

23 “(b) SPECIAL RULE.—Grant funds under this part
24 may be used for activities described in paragraphs (2) and
25 (3) of subsection (a) only if the activities are directly re-

1 lated to improving student academic achievement based on
2 the challenging State academic standards or directly re-
3 lated to improving student reading skills or knowledge of
4 mathematics, science, history, geography, English, foreign
5 languages, art, or music, or to improving career, technical,
6 and professional skills.”;

7 (5) in section 4408—

8 (A) in subsection (a), by striking “3” and
9 inserting “5”;

10 (B) by striking subsection (c) and insert-
11 ing the following:

12 “(c) AMOUNT.—No grant awarded under this part to
13 a local educational agency, or a consortium of such agen-
14 cies, shall be for more than \$15,000,000 for the grant pe-
15 riod described in subsection (a).”; and

16 (C) in subsection (d), by striking “July”
17 and inserting “June”;

18 (6) in section 4409—

19 (A) by striking subsection (a) and insert-
20 ing the following:

21 “(a) AUTHORIZATION.—There are authorized to be
22 appropriated to carry out this part the following amounts:

23 “(1) \$94,000,000 for fiscal year 2017.

24 “(2) \$96,820,000 for fiscal year 2018.

25 “(3) \$102,387,150 for fiscal year 2019.

1 “(4) \$108,530,379 for fiscal year 2020.”.

2 (B) by redesignating subsection (b) as sub-
3 section (c); and

4 (C) by inserting after subsection (a) the
5 following:

6 “(b) RESERVATION FOR TECHNICAL ASSISTANCE.—
7 The Secretary may reserve not more than 1 percent of
8 the funds appropriated under subsection (a) for any fiscal
9 year to provide technical assistance and share best prac-
10 tices with respect to magnet school programs assisted
11 under this part.”.

12 **PART E—FAMILY ENGAGEMENT IN EDUCATION**
13 **PROGRAMS**

14 **SEC. 4501. FAMILY ENGAGEMENT IN EDUCATION PRO-**
15 **GRAMS.**

16 Title IV (20 U.S.C. 7101 et seq.), as amended by
17 section 4001, is further amended by adding at the end
18 the following:

19 **“PART E—FAMILY ENGAGEMENT IN EDUCATION**
20 **PROGRAMS**

21 **“SEC. 4501. PURPOSES.**

22 “The purposes of this part are the following:

23 “(1) To provide financial support to organiza-
24 tions to provide technical assistance and training to
25 State educational agencies and local educational

1 agencies in the implementation and enhancement of
2 systemic and effective family engagement policies,
3 programs, and activities that lead to improvements
4 in student development and academic achievement.

5 “(2) To assist State educational agencies, local
6 educational agencies, community-based organiza-
7 tions, schools, and educators in strengthening part-
8 nerships among parents, teachers, school leaders, ad-
9 ministrators, and other school personnel in meeting
10 the educational needs of children and fostering
11 greater parental engagement.

12 “(3) To support State educational agencies,
13 local educational agencies, schools, educators, and
14 parents in developing and strengthening the relation-
15 ship between parents and their children’s school in
16 order to further the developmental progress of chil-
17 dren.

18 “(4) To coordinate activities funded under this
19 part with parent involvement initiatives funded
20 under section 1116 and other provisions of this Act.

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

1 **“SEC. 4502. GRANTS AUTHORIZED.**

2 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—

3 From the amount appropriated under section 4506 and
4 not reserved under subsection (d), the Secretary is author-
5 ized to award grants for each fiscal year to statewide orga-
6 nizations (or consortia of such organizations), to establish
7 statewide family engagement centers that—

8 “(1) carry out parent education, and family en-
9 gagement in education, programs; or

10 “(2) provide comprehensive training and tech-
11 nical assistance to State educational agencies, local
12 educational agencies, schools identified by State edu-
13 cational agencies and local educational agencies, or-
14 ganizations that support family-school partnerships,
15 and other organizations that carry out such pro-
16 grams.

17 “(b) MINIMUM AWARD.—In awarding grants under
18 this section, the Secretary shall, to the extent practicable,
19 ensure that a grant is awarded for a statewide family en-
20 gagement center in an amount not less than \$500,000.

21 “(c) MATCHING FUNDS FOR GRANT RENEWAL.—
22 Each organization or consortium receiving assistance
23 under this part shall demonstrate that, for each fiscal year
24 after the first fiscal year for which the organization or
25 consortium is receiving such assistance, a portion of the
26 services provided by the organization or consortium is sup-

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

3 “(d) **TECHNICAL ASSISTANCE.**—The Secretary shall
4 reserve not more than 2 percent of the funds appropriated
5 under section 4506 to carry out this part to provide tech-
6 nical assistance, by competitive grant or contract, for the
7 establishment, development, and coordination of statewide
8 family engagement centers.

9 **“SEC. 4503. APPLICATIONS.**

10 “(a) **SUBMISSIONS.**—Each statewide organization, or
11 a consortium of such organizations, that desires a grant
12 under this part shall submit an application to the Sec-
13 retary at such time and in such manner as the Secretary
14 may require, which shall include the information described
15 in subsection (b).

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

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

20 “(2) A description of how the State educational
21 agency and any partner organization will support
22 the statewide family engagement center that will be
23 operated by the applicant including a description of
24 the State educational agency and any partner orga-
25 nization’s commitment of such support.

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

4 “(A) management and governance;

5 “(B) statewide leadership; or

6 “(C) systemic services for family engage-
7 ment in education.

8 “(4) A description of the applicant’s dem-
9 onstrated experience in providing training, informa-
10 tion, and support to State educational agencies, local
11 educational agencies, schools, educators, parents,
12 and organizations on family engagement in edu-
13 cation policies and practices that are effective for
14 parents (including low-income parents) and families,
15 parents of English learners, minorities, students
16 with disabilities, homeless children and youth, chil-
17 dren and youth in foster care, and migrant students,
18 including evaluation results, reporting, or other data
19 exhibiting such demonstrated experience.

20 “(5) A description of the steps the applicant
21 will take to target services to low-income students
22 and parents.

23 “(6) An assurance that the applicant will—

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

1 “(i) parents, who shall constitute a
2 majority of the members of the special ad-
3 visory committee;

4 “(ii) representatives of education pro-
5 fessionals with expertise in improving serv-
6 ices for disadvantaged children;

7 “(iii) representatives of local elemen-
8 tary schools and secondary schools, includ-
9 ing students;

10 “(iv) representatives of the business
11 community; and

12 “(v) representatives of State edu-
13 cational agencies and local educational
14 agencies;

15 “(B) use not less than 65 percent of the
16 funds received under this part in each fiscal
17 year to serve local educational agencies, schools,
18 and community-based organizations that serve
19 high concentrations of disadvantaged students,
20 including students who are English learners,
21 minorities, students with disabilities, homeless
22 children and youth, children and youth in foster
23 care, and migrant students;

24 “(C) operate a statewide family engage-
25 ment center of sufficient size, scope, and quality

1 to ensure that the center is adequate to serve
2 the State educational agency, local educational
3 agencies, and community-based organizations;

4 “(D) ensure that the statewide family en-
5 gagement center will retain staff with the req-
6 uisite training and experience to serve parents
7 in the State;

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

10 “(F) work with—

11 “(i) other statewide family engage-
12 ment centers assisted under this part; and

13 “(ii) parent training and information
14 centers and community parent resource
15 centers assisted under sections 671 and
16 672 of the Individuals with Disabilities
17 Education Act (20 U.S.C. 1471; 1472);

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

22 “(H) provide assistance to State edu-
23 cational agencies, local educational agencies,
24 and community-based organizations that sup-

1 port family members in supporting student aca-
2 demic achievement;

3 “(I) work with State educational agencies,
4 local educational agencies, schools, educators,
5 and parents to determine parental needs and
6 the best means for delivery of services to ad-
7 dress such needs;

8 “(J) conduct sufficient outreach to assist
9 parents, including parents who the applicant
10 may have a difficult time engaging with a
11 school or local educational agency; and

12 “(K) conduct outreach to low-income stu-
13 dents and parents, including low-income stu-
14 dents and parents who are not proficient in
15 English.

16 “(7) An assurance that the applicant will con-
17 duct training programs in the community to improve
18 adult literacy, including financial literacy.

19 “(c) PRIORITY.—In awarding grants for activities de-
20 scribed in this part, the Secretary shall give priority to
21 statewide family engagement centers that will use funds
22 under section 4504 for evidence-based activities, which,
23 for the purposes of this part is defined as activities meet-
24 ing the requirements of section 8101(21)(A)(i).

1 **“SEC. 4504. USES OF FUNDS.**

2 “(a) IN GENERAL.—Each statewide organization or
3 consortium receiving a grant under this part shall use the
4 grant funds, based on the needs determined under section
5 4503(b)(6)(I), to provide training and technical assistance
6 to State educational agencies, local educational agencies,
7 and organizations that support family-school partnerships,
8 and activities, services, and training for local educational
9 agencies, school leaders, educators, and parents—

10 “(1) to assist parents in participating effectively
11 in their children’s education and to help their chil-
12 dren meet challenging State academic standards,
13 such as by assisting parents—

14 “(A) to engage in activities that will im-
15 prove student academic achievement, including
16 understanding how parents can support learn-
17 ing in the classroom with activities at home and
18 in after school and extracurricular programs;

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

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

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

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

6 “(F) to train other parents; and

7 “(G) in learning and using technology ap-
8 plied in their children’s education;

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

15 “(3) to develop and implement parental involve-
16 ment policies under this Act.

17 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to prohibit a statewide family en-
19 gagement center from—

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

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

24 “(c) PARENTAL RIGHTS.—Notwithstanding any
25 other provision of this section—

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

6 “(2) no program or center assisted under this
7 section shall take any action that infringes in any
8 manner on the right of parents to direct the edu-
9 cation of their children.

10 **“SEC. 4505. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

11 “The Secretary of the Interior, in consultation with
12 the Secretary of Education, shall establish, or enter into
13 contracts and cooperative agreements with, local tribes,
14 tribal organizations, or Indian nonprofit parent organiza-
15 tions to establish and operate family engagement centers.

16 **“SEC. 4506. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated to carry out
18 this part \$10,000,000 for each of fiscal years 2017
19 through 2020.”.”.

20 **PART F—NATIONAL ACTIVITIES**

21 **SEC. 4601. NATIONAL ACTIVITIES.**

22 Title IV (20 U.S.C. 7101 et seq.), as amended by
23 the previous provisions of this title, is further amended
24 by adding at the end the following:

1 **“PART F—NATIONAL ACTIVITIES**

2 **“SEC. 4601. AUTHORIZATION OF APPROPRIATIONS; RES-**
3 **ERVATIONS.**

4 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this part—

6 “(1) \$200,741,000 for each of fiscal years 2017
7 and 2018; and

8 “(2) \$220,741,000 for each of fiscal years 2019
9 and 2020.

10 “(b) RESERVATIONS.—From the amounts appro-
11 priated under subsection (a) for a fiscal year, the Sec-
12 retary shall—

13 “(1) reserve \$5,000,000 to carry out activities
14 authorized under subpart 3; and

15 “(2) from the amounts remaining after the res-
16 ervation under paragraph (1)—

17 “(A) carry out activities authorized under
18 subpart 1 using—

19 “(i) 36 percent of such remainder for
20 each of fiscal years 2017 and 2018; and

21 “(ii) 42 percent of such remainder for
22 each of fiscal years 2019 and 2020;

23 “(B) carry out activities authorized under
24 subpart 2 using—

25 “(i) 36 percent of such remainder for
26 each of fiscal years 2017 and 2018; and

1 “(ii) 32 percent of such remainder for
2 each of fiscal years 2019 and 2020; and

3 “(C) to carry out activities authorized
4 under subpart 4—

5 “(i) 28 percent of such remainder for
6 each of fiscal years 2017 and 2018; and

7 “(ii) 26 percent of such remainder for
8 each of fiscal years 2019 and 2020.

9 **“Subpart 1—Education Innovation and Research**

10 **“SEC. 4611. GRANTS FOR EDUCATION INNOVATION AND RE-**
11 **SEARCH.**

12 “(a) PROGRAM AUTHORIZED.—

13 “(1) IN GENERAL.—From funds reserved under
14 section 4601(b)(2)(A), the Secretary shall make
15 grants to eligible entities to enable the eligible enti-
16 ties to—

17 “(A) create, develop, implement, replicate,
18 or take to scale entrepreneurial, evidence-based,
19 field-initiated innovations to improve student
20 achievement and attainment for high-need stu-
21 dents; and

22 “(B) rigorously evaluate such innovations,
23 in accordance with subsection (e).

24 “(2) DESCRIPTION OF GRANTS.—The grants
25 described in paragraph (1) shall include—

1 “(A) early-phase grants to fund the devel-
2 opment, implementation, and feasibility testing
3 of a program, which prior research suggests has
4 promise, for the purpose of determining wheth-
5 er the program can successfully improve stu-
6 dent achievement or attainment for high-need
7 students;

8 “(B) mid-phase grants to fund implemen-
9 tation and a rigorous evaluation of a program
10 that has been successfully implemented under
11 an early-phase grant described in subparagraph
12 (A) or other effort meeting similar criteria, for
13 the purpose of measuring the program’s impact
14 and cost effectiveness, if possible using existing
15 administrative data; and

16 “(C) expansion grants to fund implementa-
17 tion and a rigorous replication evaluation of a
18 program that has been found to produce siz-
19 able, important impacts under a mid-phase
20 grant described in subparagraph (B) or other
21 effort meeting similar criteria, for the purposes
22 of—

23 “(i) determining whether such impacts
24 can be successfully reproduced and sus-
25 tained over time; and

1 “(ii) identifying the conditions in
2 which the program is most effective.

3 “(b) ELIGIBLE ENTITY.—In this subpart, the term
4 ‘eligible entity’ means any of the following:

5 “(1) A local educational agency.

6 “(2) A State educational agency.

7 “(3) The Bureau of Indian Education.

8 “(4) A consortium of State educational agencies
9 or local educational agencies.

10 “(5) A nonprofit organization.

11 “(6) A State educational agency, a local edu-
12 cational agency, a consortium described in para-
13 graph (4), or the Bureau of Indian Education, in
14 partnership with—

15 “(A) a nonprofit organization;

16 “(B) a business;

17 “(C) an educational service agency; or

18 “(D) an institution of higher education.

19 “(c) RURAL AREAS.—

20 “(1) IN GENERAL.—In awarding grants under
21 subsection (a), the Secretary shall ensure that not
22 less than 25 percent of the funds made available for
23 any fiscal year are awarded for programs that meet
24 both of the following requirements:

25 “(A) The grantee is—

1 “(i) a local educational agency with
2 an urban-centric district locale code of 32,
3 33, 41, 42, or 43, as determined by the
4 Secretary;

5 “(ii) a consortium of such local edu-
6 cational agencies;

7 “(iii) an educational service agency or
8 a nonprofit organization in partnership
9 with such a local educational agency; or

10 “(iv) a grantee described in clause (i)
11 or (ii) in partnership with a State edu-
12 cational agency.

13 “(B) A majority of the schools to be served
14 by the program are designated with a locale
15 code of 32, 33, 41, 42, or 43, or a combination
16 of such codes, as determined by the Secretary.

17 “(2) EXCEPTION.—Notwithstanding paragraph
18 (1), the Secretary shall reduce the amount of funds
19 made available under such paragraph if the Sec-
20 retary does not receive a sufficient number of appli-
21 cations of sufficient quality.

22 “(d) MATCHING FUNDS.—In order to receive a grant
23 under subsection (a), an eligible entity shall demonstrate
24 that the eligible entity will provide matching funds, in cash
25 or through in-kind contributions, from Federal, State,

1 local, or private sources in an amount equal to 10 percent
2 of the funds provided under such grant, except that the
3 Secretary may waive the matching funds requirement, on
4 a case-by-case basis, upon a showing of exceptional cir-
5 cumstances, such as—

6 “(1) the difficulty of raising matching funds for
7 a program to serve a rural area;

8 “(2) the difficulty of raising matching funds in
9 areas with a concentration of local educational agen-
10 cies or schools with a high percentage of students
11 aged 5 through 17—

12 “(A) who are in poverty, as counted in the
13 most recent census data approved by the Sec-
14 retary;

15 “(B) who are eligible for a free or reduced
16 price lunch under the Richard B. Russell Na-
17 tional School Lunch Act (42 U.S.C. 1751 et
18 seq.);

19 “(C) whose families receive assistance
20 under the State program funded under part A
21 of title IV of the Social Security Act (42 U.S.C.
22 601 et seq.); or

23 “(D) who are eligible to receive medical as-
24 sistance under the Medicaid program; and

1 “(3) the difficulty of raising funds on tribal
2 land.

3 “(e) EVALUATION.—Each recipient of a grant under
4 this section shall conduct an independent evaluation of the
5 effectiveness of the program carried out under such grant.

6 “(f) TECHNICAL ASSISTANCE.—The Secretary may
7 reserve not more than 5 percent of the funds appropriated
8 under section 4601(b)(2)(A) for each fiscal year to—

9 “(1) provide technical assistance for eligibility
10 entities, which may include pre-application work-
11 shops, web-based seminars, and evaluation support;
12 and

13 “(2) to disseminate best practices.

14 **“Subpart 2—Community Support for School Success**

15 **“SEC. 4621. PURPOSES.**

16 “The purposes of this subpart are to—

17 “(1) significantly improve the academic and de-
18 velopmental outcomes of children living in the most
19 distressed communities of the United States, includ-
20 ing ensuring school readiness, high school gradua-
21 tion, and access to a community-based continuum of
22 high-quality services; and

23 “(2) provide support for the planning, imple-
24 mentation, and operation of full-service community
25 schools that improve the coordination and integra-

1 tion, accessibility, and effectiveness of services for
2 children and families, particularly for children at-
3 tending high-poverty schools, including high-poverty
4 rural schools.

5 **“SEC. 4622. DEFINITIONS.**

6 “In this subpart:

7 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
8 tity’ means the following:

9 “(A) With respect to a grant for activities
10 described in section 4623(a)(1)(A)—

11 “(i) an institution of higher education,
12 as defined in section 102 of the Higher
13 Education Act of 1965 (20 U.S.C. 1002);

14 “(ii) an Indian tribe or tribal organi-
15 zation, as defined in section 4 of the In-
16 dian Self-Determination and Education
17 Assistance Act (25 U.S.C. 450b); or

18 “(iii) one or more nonprofit entities
19 working in formal partnership with not less
20 than 1 of the following entities:

21 “(I) A high-need local edu-
22 cational agency.

23 “(II) An institution of higher
24 education, as defined in section 102 of

1 the Higher Education Act of 1965 (20
2 U.S.C. 1002).

3 “(III) The office of a chief elect-
4 ed official of a unit of local govern-
5 ment.

6 “(IV) An Indian tribe or tribal
7 organization, as defined under section
8 4 of the Indian Self-Determination
9 and Education Assistance Act (25
10 U.S.C. 450b).

11 “(B) With respect to a grant for activities
12 described in section 4623(a)(1)(B), a consor-
13 tium of—

14 “(i)(I) 1 or more local educational
15 agencies; or

16 “(II) the Bureau of Indian Education;
17 and

18 “(ii) 1 or more community-based or-
19 ganizations, nonprofit organizations, or
20 other public or private entities.

21 “(2) FULL-SERVICE COMMUNITY SCHOOL.—The
22 term ‘full-service community school’ means a public
23 elementary school or secondary school that—

24 “(A) participates in a community-based ef-
25 fort to coordinate and integrate educational, de-

1 velopmental, family, health, and other com-
2 prehensive services through community-based
3 organizations and public and private partner-
4 ships; and

5 “(B) provides access to such services in
6 school to students, families, and the community,
7 such as access during the school year (including
8 before- and after-school hours and weekends),
9 as well as during the summer.

10 “(3) PIPELINE SERVICES.—The term ‘pipeline
11 services’ means a continuum of coordinated sup-
12 ports, services, and opportunities for children from
13 birth through entry into and success in postsec-
14 ondary education, and career attainment. Such serv-
15 ices shall include, at a minimum, strategies to ad-
16 dress through services or programs (including inte-
17 grated student supports) the following:

18 “(A) High-quality early childhood edu-
19 cation programs.

20 “(B) High-quality school and out-of-school-
21 time programs and strategies.

22 “(C) Support for a child’s transition to ele-
23 mentary school, from elementary school to mid-
24 dle school, from middle school to high school,
25 and from high school into and through postsec-

1 ondary education and into the workforce, in-
2 cluding any comprehensive readiness assess-
3 ment determined necessary.

4 “(D) Family and community engagement
5 and supports, which may include engaging or
6 supporting families at school or at home.

7 “(E) Activities that support postsecondary
8 and workforce readiness, which may include job
9 training, internship opportunities, and career
10 counseling.

11 “(F) Community-based support for stu-
12 dents who have attended the schools in the area
13 served by the pipeline, or students who are
14 members of the community, facilitating their
15 continued connection to the community and
16 success in postsecondary education and the
17 workforce.

18 “(G) Social, health, nutrition, and mental
19 health services and supports.

20 “(H) Juvenile crime prevention and reha-
21 bilitation programs.

22 **“SEC. 4623. PROGRAM AUTHORIZED.**

23 “(a) PROGRAM AUTHORIZED.—

24 “(1) IN GENERAL.—The Secretary shall use not
25 less than 95 percent of the amounts made available

1 under section 4601(b)(2)(B) to award grants, on a
2 competitive basis and subject to subsection (e), to el-
3 igible entities for the following activities:

4 “(A) PROMISE NEIGHBORHOODS.—The im-
5 plementation of a comprehensive, effective con-
6 tinuum of coordinated services that meets the
7 purpose described in section 4621(1) by car-
8 rying out activities in neighborhoods with—

9 “(i) high concentrations of low-income
10 individuals;

11 “(ii) multiple signs of distress, which
12 may include high rates of poverty, child-
13 hood obesity, academic failure, and juvenile
14 delinquency, adjudication, or incarceration;
15 and

16 “(iii) schools implementing com-
17 prehensive support and improvement ac-
18 tivities or targeted support and improve-
19 ment activities under section 1111(d).

20 “(B) FULL-SERVICE COMMUNITY
21 SCHOOLS.—The provision of assistance to pub-
22 lic elementary schools or secondary schools to
23 function as full-service community schools.

24 “(2) SUFFICIENT SIZE AND SCOPE.—Each
25 grant awarded under this subpart shall be of suffi-

1 cient size and scope to allow the eligible entity to
2 carry out the applicable purposes of this subpart.

3 “(b) DURATION.—A grant awarded under this sub-
4 part shall be for a period of not more than 5 years, and
5 may be extended for an additional period of not more than
6 2 years.

7 “(c) CONTINUED FUNDING.—Continued funding of a
8 grant under this subpart, including a grant extended
9 under subsection (b), after the third year of the initial
10 grant period shall be contingent on the eligible entity’s
11 progress toward meeting—

12 “(1) with respect to a grant for activities de-
13 scribed in section 4624, the performance metrics de-
14 scribed in section 4624(h); and

15 “(2) with respect to a grant for activities de-
16 scribed in section 4625, annual performance objec-
17 tives and outcomes under section 4625(a)(4)(C).

18 “(d) MATCHING REQUIREMENTS.—

19 “(1) PROMISE NEIGHBORHOOD ACTIVITIES.—

20 “(A) MATCHING FUNDS.—Each eligible en-
21 tity receiving a grant under this subpart for ac-
22 tivities described in section 4624 shall con-
23 tribute matching funds in an amount equal to
24 not less than 100 percent of the amount of the

1 grant. Such matching funds shall come from
2 Federal, State, local, and private sources.

3 “(B) PRIVATE SOURCES.—The Secretary
4 shall require that a portion of the matching
5 funds come from private sources, which may in-
6 clude in-kind contributions.

7 “(C) ADJUSTMENT.—The Secretary may
8 adjust the matching funds requirement under
9 this paragraph for applicants that demonstrate
10 high need, including applicants from rural areas
11 and applicants that wish to provide services on
12 tribal lands.

13 “(D) FINANCIAL HARDSHIP WAIVER.—The
14 Secretary may waive or reduce, on a case-by-
15 case basis, the matching requirement under this
16 paragraph, including the requirement for funds
17 from private sources, for a period of 1 year at
18 a time, if the eligible entity demonstrates sig-
19 nificant financial hardship.

20 “(2) FULL-SERVICE COMMUNITY SCHOOLS AC-
21 TIVITIES.—

22 “(A) IN GENERAL.—Each eligible entity
23 receiving a grant under this subpart for activi-
24 ties described in section 4625 shall provide
25 matching funds from non-Federal sources,

1 which may be provided in part with in-kind con-
2 tributions.

3 “(B) SPECIAL RULE.—The Bureau of In-
4 dian Education may meet the requirement of
5 subparagraph (A) using funds from other Fed-
6 eral sources.

7 “(3) SPECIAL RULES.—

8 “(A) IN GENERAL.—The Secretary may
9 not require any eligible entity receiving a grant
10 under this subpart to provide matching funds in
11 an amount that exceeds the amount of the
12 grant award.

13 “(B) CONSIDERATION.—Notwithstanding
14 this subsection, the Secretary shall not consider
15 the ability of an eligible entity to match funds
16 when determining which applicants will receive
17 grants under this subpart.

18 “(e) RESERVATION FOR RURAL AREAS.—

19 “(1) IN GENERAL.—From the amounts allo-
20 cated under subsection (a) for grants to eligible enti-
21 ties, the Secretary shall use not less than 15 percent
22 of such amounts to award grants to eligible entities
23 that propose to carry out the activities described in
24 such subsection in rural areas.

1 “(2) EXCEPTION.—The Secretary shall reduce
2 the amount described in paragraph (1) if the Sec-
3 retary does not receive a sufficient number of appli-
4 cations of sufficient quality.

5 “(f) MINIMUM NUMBER OF GRANTS.—For each fis-
6 cal year, the Secretary shall award under this subpart not
7 fewer than 3 grants for activities described in section 4624
8 and not fewer than 10 grants for activities described in
9 section 4625, subject to the availability of appropriations,
10 the requirements of subsection (a)(2), and the number and
11 quality of applications.

12 **“SEC. 4624. PROMISE NEIGHBORHOODS.**

13 “(a) APPLICATION REQUIREMENTS.—An eligible en-
14 tity desiring a grant under this subpart for activities de-
15 scribed in this section shall submit an application to the
16 Secretary at such time and in such manner as the Sec-
17 retary may require, including, at a minimum, all of the
18 following:

19 “(1) A plan to significantly improve the aca-
20 demic outcomes of children living in a neighborhood
21 that is served by the eligible entity—

22 “(A) by providing pipeline services that ad-
23 dress the needs of children in the neighborhood,
24 as identified by the needs analysis described in
25 paragraph (4); and

1 “(B) that is supported by effective prac-
2 tices.

3 “(2) A description of the neighborhood that the
4 eligible entity will serve.

5 “(3) Measurable annual objectives and out-
6 comes for the grant, in accordance with the metrics
7 described in subsection (h), for each year of the
8 grant.

9 “(4) An analysis of the needs and assets of the
10 neighborhood identified in paragraph (1), includ-
11 ing—

12 “(A) the size and scope of the population
13 affected;

14 “(B) a description of the process through
15 which the needs analysis was produced, includ-
16 ing a description of how parents, families, and
17 community members were engaged in such
18 analysis;

19 “(C) an analysis of community assets and
20 collaborative efforts (including programs al-
21 ready provided from Federal and non-Federal
22 sources) within, or accessible to, the neighbor-
23 hood, including, at a minimum, early learning
24 opportunities, family and student supports,

1 local businesses, local educational agencies, and
2 institutions of higher education;

3 “(D) the steps that the eligible entity is
4 taking, at the time of the application, to ad-
5 dress the needs identified in the needs analysis;
6 and

7 “(E) any barriers the eligible entity, public
8 agencies, and other community-based organiza-
9 tions have faced in meeting such needs.

10 “(5) A description of—

11 “(A) all information that the entity used to
12 identify the pipeline services to be provided,
13 which shall not include information that is more
14 than 3 years old; and

15 “(B) how the eligible entity will—

16 “(i) collect data on children served by
17 each pipeline service; and

18 “(ii) increase the percentage of chil-
19 dren served over time.

20 “(6) A description of the process used to de-
21 velop the application, including the involvement of
22 family and community members.

23 “(7) A description of how the pipeline services
24 will facilitate the coordination of the following activi-
25 ties:

1 “(A) Providing early learning opportunities
2 for children, including by—

3 “(i) providing opportunities for fami-
4 lies to acquire the skills to promote early
5 learning and child development; and

6 “(ii) ensuring appropriate diagnostic
7 assessments and referrals for children with
8 disabilities and children aged 3 through 9
9 experiencing developmental delays, con-
10 sistent with the Individuals with Disabil-
11 ities Education Act (20 U.S.C. 1400 et
12 seq.), where applicable.

13 “(B) Supporting, enhancing, operating, or
14 expanding rigorous, comprehensive, effective
15 educational improvements, which may include
16 high-quality academic programs, expanded
17 learning time, and programs and activities to
18 prepare students for postsecondary education
19 admissions and success.

20 “(C) Supporting partnerships between
21 schools and other community resources with an
22 integrated focus on academics and other social,
23 health, and familial supports.

24 “(D) Providing social, health, nutrition,
25 and mental health services and supports, for

1 children, family members, and community mem-
2 bers, which may include services provided with-
3 in the school building.

4 “(E) Supporting evidence-based programs
5 that assist students through school transitions,
6 which may include expanding access to postsec-
7 ondary education courses and postsecondary
8 education enrollment aid or guidance, and other
9 supports for at-risk youth.

10 “(8) A description of the strategies that will be
11 used to provide pipeline services (including a de-
12 scription of which programs and services will be pro-
13 vided to children, family members, community mem-
14 bers, and children within the neighborhood) to sup-
15 port the purpose described in section 4621(1).

16 “(9) An explanation of the process the eligible
17 entity will use to establish and maintain family and
18 community engagement, including—

19 “(A) involving representative participation
20 by the members of such neighborhood in the
21 planning and implementation of the activities of
22 each grant awarded under this subpart for ac-
23 tivities described in this section;

24 “(B) the provision of strategies and prac-
25 tices to assist family and community members

1 in actively supporting student achievement and
2 child development;

3 “(C) providing services for students, fami-
4 lies, and communities within the school build-
5 ing; and

6 “(D) collaboration with institutions of
7 higher education, workforce development cen-
8 ters, and employers to align expectations and
9 programming with postsecondary education and
10 workforce readiness,

11 “(10) An explanation of how the eligible entity
12 will continuously evaluate and improve the con-
13 tinuum of high-quality pipeline services to provide
14 for continuous program improvement and potential
15 expansion.

16 “(b) PRIORITY.—In awarding grants for activities de-
17 scribed in this section, the Secretary shall give priority to
18 eligible entities that will use funds under subsection (d)
19 for evidence-based activities, which, for purposes of this
20 subsection, is defined as activities meeting the require-
21 ments of section 8101(21)(A)(i).

22 “(c) MEMORANDUM OF UNDERSTANDING.—As eligi-
23 ble entity shall, as part of the application described in sub-
24 section (a), submit a preliminary memorandum of under-
25 standing, signed by each partner entity or agency de-

1 scribed in section 4622(1)(A)(3) (if applicable) and detail-
2 ing each partner’s financial, programmatic, and long-term
3 commitment with respect to the strategies described in the
4 application.

5 “(d) USES OF FUNDS.—Each eligible entity that re-
6 ceives a grant under this subpart to carry out a program
7 of activities described in this section shall use the grant
8 funds to—

9 “(1) support planning activities to develop and
10 implement pipeline services;

11 “(2) implement the pipeline services; and

12 “(3) continuously evaluate the success of the
13 program and improve the program based on data
14 and outcomes.

15 “(e) SPECIAL RULES.—

16 “(1) FUNDS FOR PIPELINE SERVICES.—Each
17 eligible entity that receives a grant under this sub-
18 part for activities described in this section shall, for
19 the first year of the grant, use not less than 50 per-
20 cent of the grant funds, and, for the second year of
21 the grant, use not less than 25 percent of the grant
22 funds, to carry out the activities described in sub-
23 section (d)(1).

24 “(2) OPERATIONAL FLEXIBILITY.—Each eligi-
25 ble entity that operates a school in a neighborhood

1 served by a grant program under this subpart for
2 activities described in this section shall provide such
3 school with the operational flexibility, including au-
4 tonomy over staff, time, and budget, needed to effec-
5 tively carry out the activities described in the appli-
6 cation under subsection (a).

7 “(3) LIMITATION ON USE OF FUNDS FOR
8 EARLY CHILDHOOD EDUCATION PROGRAMS.—Funds
9 provided under this subpart for activities described
10 in this section that are used to improve early child-
11 hood education programs shall not be used to carry
12 out any of the following activities:

13 “(A) Assessments that provide rewards or
14 sanctions for individual children or teachers.

15 “(B) A single assessment that is used as
16 the primary or sole method for assessing pro-
17 gram effectiveness.

18 “(C) Evaluating children, other than for
19 the purposes of improving instruction, class-
20 room environment, professional development, or
21 parent and family engagement, or program im-
22 provement.

23 “(f) REPORT.—Each eligible entity that receives a
24 grant under this subpart for activities described in this

1 section shall prepare and submit an annual report to the
2 Secretary, which shall include—

3 “(1) information about the number and per-
4 centage of children in the neighborhood who are
5 served by the grant program, including a description
6 of the number and percentage of children accessing
7 each support or service offered as part of the pipe-
8 line services; and

9 “(2) information relating to the performance
10 metrics described in subsection (h).

11 “(g) PUBLICLY AVAILABLE DATA.—Each eligible en-
12 tity that receives a grant under this subpart for activities
13 described in this section shall make publicly available, in-
14 cluding through electronic means, the information de-
15 scribed in subsection (f). To the extent practicable, such
16 information shall be provided in a form and language ac-
17 cessible to parents and families in the neighborhood served
18 under the grant, and such information shall be a part of
19 statewide longitudinal data systems.

20 “(h) PERFORMANCE INDICATORS.—

21 “(1) IN GENERAL.—The Secretary shall estab-
22 lish performance indicators under paragraph (2) and
23 corresponding metrics to be used for the purpose of
24 reporting under paragraph (3) and program evalua-
25 tion under subsection (i).

1 “(2) INDICATORS.—The performance indicators
2 established by the Secretary under paragraph (1)
3 shall be indicators of improved academic and devel-
4 opmental outcomes for children, including indicators
5 of school readiness, high school graduation, postsec-
6 ondary education and career readiness, and other
7 academic and developmental outcomes, to promote—

8 “(A) data-driven decision-making by eligi-
9 ble entities receiving funds under this subpart;
10 and

11 “(B) access to a community-based con-
12 tinuum of high-quality services for children liv-
13 ing in the most distressed communities of the
14 United States, beginning at birth.

15 “(3) REPORTING.—Each eligible entity that re-
16 ceives a grant under this subpart for activities de-
17 scribed in this section shall annually collect and re-
18 port to the Secretary data on the performance indi-
19 cators described in paragraph (2) for use by the Sec-
20 retary in making a determination concerning con-
21 tinuation funding and grant extension under section
22 4623(b) for each eligible entity.

23 “(i) EVALUATION.—The Secretary shall reserve not
24 more than 5 percent of the funds made available under
25 section 4601(b)(2)(A) to provide technical assistance and

1 evaluate the implementation and impact of the activities
2 funded under this section, in accordance with section
3 8601.

4 **“SEC. 4625. FULL-SERVICE COMMUNITY SCHOOLS.**

5 “(a) APPLICATION.—An eligible entity that desires a
6 grant under this subpart for activities described in this
7 section shall submit an application to the Secretary at
8 such time and in such manner as the Secretary may re-
9 quire. The Secretary shall require that each such applica-
10 tion include the following:

11 “(1) A description of the eligible entity.

12 “(2) A memorandum of understanding among
13 all partner entities in the eligible entity that will as-
14 sist the eligible entity to coordinate and provide
15 pipeline services and that describes the roles the
16 partner entities will assume.

17 “(3) A description of the capacity of the eligible
18 entity to coordinate and provide pipeline services at
19 2 or more full-service community schools.

20 “(4) A comprehensive plan that includes de-
21 scriptions of the following:

22 “(A) The student, family, and school com-
23 munity to be served, including demographic in-
24 formation.

1 “(B) A needs assessment that identifies
2 the academic, physical, nonacademic, health,
3 mental health, and other needs of students,
4 families, and community residents.

5 “(C) Annual measurable performance ob-
6 jectives and outcomes, including an increase in
7 the number and percentage of families and stu-
8 dents targeted for services each year of the pro-
9 gram, in order to ensure that children are—

10 “(i) prepared for kindergarten;

11 “(ii) achieving academically; and

12 “(iii) safe, healthy, and supported by
13 engaged parents.

14 “(D) Pipeline services, including existing
15 and additional pipeline services, to be coordi-
16 nated and provided by the eligible entity and its
17 partner entities, including an explanation of—

18 “(i) why such services have been se-
19 lected;

20 “(ii) how such services will improve
21 student academic achievement; and

22 “(iii) how such services will address
23 the annual measurable performance objec-
24 tives and outcomes established under sub-
25 paragraph (C).

1 “(E) Plans to ensure that each full-service
2 community school site has a full-time coordi-
3 nator of pipeline services at such school, includ-
4 ing a description of the applicable funding
5 sources, plans for professional development for
6 the personnel managing, coordinating, or deliv-
7 ering pipeline services, and plans for joint utili-
8 zation and management of school facilities.

9 “(F) Plans for annual evaluation based
10 upon attainment of the performance objectives
11 and outcomes described in subparagraph (C).

12 “(G) Plans for sustaining the programs
13 and services described in this subsection after
14 the grant period.

15 “(5) An assurance that the eligible entity and
16 its partner entities will focus services on schools eli-
17 gible for a schoolwide program under section
18 1114(b).

19 “(b) PRIORITY.—In awarding grants under this sub-
20 part for activities described in this section, the Secretary
21 shall give priority to eligible entities that—

22 “(1)(A) will serve a minimum of 2 or more full-
23 service community schools eligible for a schoolwide
24 program under section 1114(b), as part of a
25 community- or district-wide strategy; or

1 “(B) include a local educational agency that
2 satisfies the requirements of—

3 “(i) subparagraph (A), (B), or (C) of sec-
4 tion 5211(b)(1); or

5 “(ii) subparagraphs (A) and (B) of section
6 5221(b)(1);

7 “(2) are consortiums comprised of a broad rep-
8 resentation of stakeholders or consortiums dem-
9 onstrating a history of effectiveness; and

10 “(3) will use funds for evidence-based activities
11 described in subsection (e), defined for purposes of
12 this paragraph as activities meeting the require-
13 ments of section 8101(21)(A)(i).

14 “(c) PLANNING.—The Secretary may authorize an el-
15 igible entity receiving a grant under this subpart for ac-
16 tivities described in this section to use not more than 10
17 percent of the total amount of grant funds for planning
18 purposes during the first year of the grant.

19 “(d) MINIMUM AMOUNT.—The Secretary may not
20 award a grant under this subpart for activities described
21 in this section to an eligible entity in an amount that is
22 less than \$75,000 for each year of the grant period, sub-
23 ject to the availability of appropriations.

1 “(e) USE OF FUNDS.—Grants awarded under this
2 subpart for activities described in this section shall be used
3 to—

4 “(1) coordinate not less than 3 existing pipeline
5 services, as of the date of the grant award, and pro-
6 vide not less than 2 additional pipeline services, at
7 2 or more public elementary schools or secondary
8 schools;

9 “(2) to the extent practicable, integrate mul-
10 tiple pipeline services into a comprehensive, coordi-
11 nated continuum to achieve the annual measurable
12 performance objectives and outcomes under sub-
13 section (a)(4)(C) to meet the holistic needs of chil-
14 dren; and

15 “(3) if applicable, coordinate and integrate
16 services provided by community-based organizations
17 and government agencies with services provided by
18 specialized instructional support personnel.

19 “(f) EVALUATIONS BY THE INSTITUTE OF EDU-
20 CATION SCIENCES.—The Secretary, acting through the
21 Director of the Institute of Education Sciences, shall con-
22 duct evaluations of the effectiveness of grants under this
23 subpart for activities described in this section in achieving
24 the purpose described in section 4621(2).

1 “(g) EVALUATIONS BY GRANTEES.—The Secretary
2 shall require each eligible entity receiving a grant under
3 this subpart for activities described in this section to—

4 “(1) conduct annual evaluations of the progress
5 achieved with the grant toward the purpose de-
6 scribed in section 4621(2);

7 “(2) use such evaluations to refine and improve
8 activities carried out through the grant and the an-
9 nual measurable performance objectives and out-
10 comes under subsection (a)(4)(C); and

11 “(3) make the results of such evaluations pub-
12 licly available, including by providing public notice of
13 such availability.

14 “(h) CONSTRUCTION CLAUSE.—Nothing in this sec-
15 tion shall be construed to alter or otherwise affect the
16 rights, remedies, and procedures afforded school or local
17 educational agency employees under Federal, State, or
18 local laws (including applicable regulations or court or-
19 ders) or under the terms of collective bargaining agree-
20 ments, memoranda of understanding, or other agreements
21 between such employees and their employers.

22 “(i) SUPPLEMENT, NOT SUPPLANT.—Funds made
23 available to an eligible entity through a grant under this
24 subpart for activities described in this section may be used
25 only to supplement, and not supplant, any other Federal,

1 State, or local funds that would otherwise be available to
2 carry out the activities assisted under this section.

3 **“Subpart 3—National Activities for School Safety**

4 **“SEC. 4631. NATIONAL ACTIVITIES FOR SCHOOL SAFETY.**

5 “(a) PROGRAM AUTHORIZED.—

6 “(1) IN GENERAL.—From the funds reserved
7 under section 4601(b)(1), the Secretary—

8 “(A) shall use a portion of such funds for
9 the Project School Emergency Response to Vio-
10 lence program (in this section referred to as
11 ‘Project SERV’), in order to provide education-
12 related services to eligible entities; and

13 “(B) may use a portion of such funds to
14 carry out other activities to improve students’
15 safety and well-being, during and after the
16 school day, under this section directly or
17 through grants, contracts, or cooperative agree-
18 ments with public or private entities or individ-
19 uals, or other Federal agencies, such as pro-
20 viding technical assistance to States and local
21 educational agencies carrying out activities
22 under this section or conducting a national
23 evaluation.

24 “(2) AVAILABILITY.—Amounts reserved under
25 section 4601(b)(1) for Project SERV are authorized

1 to remain available until expended for Project
2 SERV.

3 “(b) PROJECT SERV.—

4 “(1) ADDITIONAL USE OF FUNDS.—Funds
5 made available under subsection (a) for extended
6 services grants under Project SERV may be used by
7 an eligible entity to initiate or strengthen violence
8 prevention activities as part of the activities de-
9 signed to restore the learning environment that was
10 disrupted by the violent or traumatic crisis in re-
11 sponse to which the grant was awarded.

12 “(2) APPLICATION PROCESS.—

13 “(A) IN GENERAL.—An eligible entity de-
14 siring to use a portion of extended services
15 grant funds under Project SERV to initiate or
16 strengthen a violence prevention activity shall—

17 “(i) submit, in an application that
18 meets all requirements of the Secretary for
19 Project SERV, the information described
20 in subparagraph (B); or

21 “(ii) in the case of an eligible entity
22 that has already received an extended serv-
23 ices grant under Project SERV, submit an
24 addition to the original application that in-

1 cludes the information described in sub-
2 paragraph (B).

3 “(B) APPLICATION REQUIREMENTS.—An
4 application, or addition to an application, for an
5 extended services grant pursuant to subpara-
6 graph (A) shall include the following:

7 “(i) A demonstration of the need for
8 funds due to a continued disruption or a
9 substantial risk of disruption to the learn-
10 ing environment.

11 “(ii) An explanation of the proposed
12 activities that are designed to restore and
13 preserve the learning environment.

14 “(iii) A budget and budget narrative
15 for the proposed activities.

16 “(3) AWARD BASIS.—Any award of funds under
17 Project SERV for violence prevention activities
18 under this section shall be subject to the discretion
19 of the Secretary and the availability of funds.

20 “(4) PROHIBITED USE.—No funds provided to
21 an eligible entity for violence prevention activities
22 may be used for construction, renovation, or repair
23 of a facility or for the permanent infrastructure of
24 the eligible entity.

1 “(c) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
2 tion, the term ‘eligible entity’ means—

3 “(1) a local educational agency, as defined in
4 subparagraph (A), (B), or (C) of section 8101(30),
5 or institution of higher education in which the learn-
6 ing environment has been disrupted due to a violent
7 or traumatic crisis; or

8 “(2) the Bureau of Indian Education in a case
9 where the learning environment of a school operated
10 or funded by the Bureau, including a school meeting
11 the definition of a local educational agency under
12 section 8101(30)(C), has been disrupted due to a
13 violent or traumatic crisis.

14 **“Subpart 4—Academic Enrichment**

15 **“SEC. 4641. AWARDS FOR ACADEMIC ENRICHMENT.**

16 “(a) PROGRAM AUTHORIZED.—From funds reserved
17 under section 4601(b)(2)(C), the Secretary shall award
18 grants, contracts, or cooperative agreements, on a com-
19 petitive basis, to eligible entities for the purposes of en-
20 riching the academic experience of students by pro-
21 moting—

22 “(1) arts education for disadvantaged students
23 and students who are children with disabilities, as
24 described in section 4642;

1 “(2) school readiness through the development
2 and dissemination of accessible instructional pro-
3 gramming for preschool and elementary school chil-
4 dren and their families, as described in section 4643;
5 and

6 “(3) support for high-ability learners and high-
7 ability learning, as described in section 4644.

8 “(b) ANNUAL AWARDS.—The Secretary shall annu-
9 ally make awards to fulfill each of the purposes described
10 in paragraphs (1) through (3) of subsection (a).

11 **“SEC. 4642. ASSISTANCE FOR ARTS EDUCATION.**

12 “(a) AWARDS TO PROVIDE ASSISTANCE FOR ARTS
13 EDUCATION.—

14 “(1) IN GENERAL.—Awards made to eligible en-
15 tities to fulfill the purpose described in section
16 4641(a)(1), shall be used for a program (to be
17 known as the ‘Assistance for Arts Education pro-
18 gram’) to promote arts education for students, in-
19 cluding disadvantaged students and students who
20 are children with disabilities, through activities such
21 as—

22 “(A) professional development for arts
23 educators, teachers, and principals;

24 “(B) development and dissemination of ac-
25 cessible instructional materials and arts-based

1 educational programming, including online re-
2 sources, in multiple arts disciplines; and

3 “(C) community and national outreach ac-
4 tivities that strengthen and expand partnerships
5 among schools, local educational agencies, com-
6 munities, or centers for the arts, including na-
7 tional centers for the arts.

8 “(b) CONDITIONS.—As conditions of receiving assist-
9 ance made available under this section, the Secretary shall
10 require each eligible entity receiving such assistance—

11 “(1) to coordinate, to the extent practicable,
12 each project or program carried out with such assist-
13 ance with appropriate activities of public or private
14 cultural agencies, institutions, and organizations, in-
15 cluding museums, arts education associations, librar-
16 ies, and theaters; and

17 “(2) to use such assistance only to supplement,
18 and not to supplant, any other assistance or funds
19 made available from non-Federal sources for the ac-
20 tivities assisted under this subpart.

21 “(c) CONSULTATION.—In carrying out this section,
22 the Secretary shall consult with Federal agencies or insti-
23 tutions, arts educators (including professional arts edu-
24 cation associations), and organizations representing the

1 arts (including State and local arts agencies involved in
2 arts education).

3 “(d) PRIORITY.—In awarding grants under this sec-
4 tion, the Secretary shall give priority to eligible entities
5 that are eligible national nonprofit organizations.

6 “(e) DEFINITIONS.—In this section:

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

9 “(A) a local educational agency in which
10 20 percent or more of the students served by
11 the local educational agency are from families
12 with an income below the poverty line;

13 “(B) a consortium of such local edu-
14 cational agencies;

15 “(C) a State educational agency;

16 “(D) an institution of higher education;

17 “(E) a museum or cultural institution;

18 “(F) the Bureau of Indian Education;

19 “(G) an eligible national nonprofit organi-
20 zation; or

21 “(H) another private agency, institution,
22 or organization.

23 “(2) ELIGIBLE NATIONAL NONPROFIT ORGANI-
24 ZATION.—The term ‘eligible national nonprofit orga-

1 nization’ means an organization of national scope
2 that—

3 “(A) is supported by staff, which may in-
4 clude volunteers, or affiliates at the State and
5 local levels; and

6 “(B) demonstrates effectiveness or high-
7 quality plans for addressing arts education ac-
8 tivities for disadvantaged students or students
9 who are children with disabilities.

10 **“SEC. 4643. READY TO LEARN PROGRAMMING.**

11 “(a) AWARDS TO PROMOTE SCHOOL READINESS
12 THROUGH READY TO LEARN PROGRAMMING.—

13 “(1) IN GENERAL.—Awards made to eligible en-
14 tities described in paragraph (3) to fulfill the pur-
15 pose described in section 4641(a)(2) shall—

16 “(A) be known as ‘Ready to Learn Pro-
17 gramming awards’; and

18 “(B) be used to—

19 “(i) develop, produce, and distribute
20 accessible educational and instructional
21 video programming for preschool and ele-
22 mentary school children and their parents
23 in order to facilitate student academic
24 achievement;

1 “(ii) facilitate the development, di-
2 rectly or through contracts with producers
3 of children’s and family educational tele-
4 vision programming, of educational pro-
5 gramming for preschool and elementary
6 school children, and the accompanying sup-
7 port materials and services that promote
8 the effective use of such programming;

9 “(iii) facilitate the development of
10 programming and digital content con-
11 taining Ready-to-Learn programming and
12 resources for parents and caregivers that is
13 specially designed for nationwide distribu-
14 tion over public television stations’ digital
15 broadcasting channels and the Internet;

16 “(iv) contract with entities (such as
17 public telecommunications entities) so that
18 programming developed under this section
19 is disseminated and distributed to the
20 widest possible audience appropriate to be
21 served by the programming, and through
22 the use of the most appropriate distribu-
23 tion technologies; and

24 “(v) develop and disseminate edu-
25 cation and training materials, including

1 interactive programs and programs adapt-
2 able to distance learning technologies, that
3 are designed—

4 “(I) to promote school readiness;
5 and

6 “(II) to promote the effective use
7 of materials developed under clauses
8 (ii) and (iii) among parents, family
9 members, teachers, principals and
10 other school leaders, Head Start pro-
11 viders, providers of family literacy
12 services, child care providers, early
13 childhood educators, elementary
14 school teachers, public libraries, and
15 after-school program personnel caring
16 for preschool and elementary school
17 children.

18 “(2) AVAILABILITY.—In awarding or entering
19 into grants, contracts, or cooperative agreements
20 under this section, the Secretary shall ensure that
21 eligible entities described in paragraph (3) make
22 programming widely available, with support mate-
23 rials as appropriate, to young children, parents,
24 child care workers, Head Start providers, and pro-

1 viders of family literacy services to increase the ef-
2 fective use of such programming.

3 “(3) ELIGIBLE ENTITIES.—To be eligible to re-
4 ceive a grant, contract, or cooperative agreement
5 under this section, an entity shall be a public tele-
6 communications entity that is able to demonstrate
7 each of the following:

8 “(A) A capacity for the development and
9 national distribution of educational and instruc-
10 tional television programming of high quality
11 that is accessible by a large majority of dis-
12 advantaged preschool and elementary school
13 children.

14 “(B) A capacity to contract with the pro-
15 ducers of children’s television programming for
16 the purpose of developing educational television
17 programming of high quality.

18 “(C) A capacity, consistent with the enti-
19 ty’s mission and nonprofit nature, to negotiate
20 such contracts in a manner that returns to the
21 entity an appropriate share of any ancillary in-
22 come from sales of any program-related prod-
23 ucts.

24 “(D) A capacity to localize programming
25 and materials to meet specific State and local

1 needs and to provide educational outreach at
2 the local level.

3 “(4) COORDINATION OF ACTIVITIES.—An entity
4 receiving a grant, contract, or cooperative agreement
5 under this section shall consult with the Secretary
6 and the Secretary of Health and Human Services—

7 “(A) to maximize the use of high-quality
8 educational programming by preschool and ele-
9 mentary school children, and make such pro-
10 gramming widely available to Federally funded
11 programs serving such populations; and

12 “(B) to coordinate activities with Federal
13 programs that have major training components
14 for early childhood development, including pro-
15 grams under the Head Start Act (42 U.S.C.
16 9831 et seq.) and State training activities fund-
17 ed under the Child Care and Development
18 Block Grant Act of 1990 (42 U.S.C. 9858 et
19 seq.), regarding the availability and utilization
20 of materials developed under paragraph
21 (1)(B)(v) to enhance parent and child care pro-
22 vider skills in early childhood development and
23 education.

24 “(b) APPLICATIONS.—To be eligible to receive a
25 grant, contract, or cooperative agreement under sub-

1 section (a), an entity shall submit to the Secretary an ap-
2 plication at such time and in such manner as the Sec-
3 retary may reasonably require. The application shall in-
4 clude—

5 “(1) a description of the activities to be carried
6 out under this section;

7 “(2) a list of the types of entities with which
8 such entity will enter into contracts under subsection
9 (a)(1)(B)(iv);

10 “(3) a description of the activities the entity
11 will undertake widely to disseminate the content de-
12 veloped under this section; and

13 “(4) a description of how the entity will comply
14 with subsection (a)(2).

15 “(c) REPORTS AND EVALUATIONS.—

16 “(1) ANNUAL REPORT TO SECRETARY.—An en-
17 tity receiving a grant, contract, or cooperative agree-
18 ment under this section shall prepare and submit to
19 the Secretary an annual report. The report shall de-
20 scribe the program activities undertaken with funds
21 received under the grant, contract, or cooperative
22 agreement, including each of the following:

23 “(A) The programming that has been de-
24 veloped, directly or indirectly, by the eligible en-

1 tity, and the target population of the program-
2 ming.

3 “(B) The support and training materials
4 that have been developed to accompany the pro-
5 gramming, and the method by which the mate-
6 rials are distributed to consumers and users of
7 the programming.

8 “(C) The means by which programming
9 developed under this section has been distrib-
10 uted, including the distance learning tech-
11 nologies that have been utilized to make pro-
12 gramming available, and the geographic dis-
13 tribution achieved through such technologies.

14 “(D) The initiatives undertaken by the en-
15 tity to develop public-private partnerships to se-
16 cure non-Federal support for the development,
17 distribution, and broadcast of educational and
18 instructional programming.

19 “(2) REPORT TO CONGRESS.—The Secretary
20 shall prepare and submit to the Committee on
21 Health, Education, Labor, and Pensions of the Sen-
22 ate and the Committee on Education and the Work-
23 force of the House of Representatives a biannual re-
24 port that includes the following:

1 Education Program’, of evidence-based research, dem-
2 onstration projects, innovative strategies, and similar ac-
3 tivities designed to build and enhance the ability of ele-
4 mentary schools and secondary schools nationwide to iden-
5 tify gifted and talented students and meet their special
6 educational needs.

7 “(b) PROGRAM AUTHORIZED.—

8 “(1) IN GENERAL.—The Secretary (after con-
9 sultation with experts in the field of the education
10 of gifted and talented students) shall make awards
11 to, or enter into contracts with, State educational
12 agencies, local educational agencies, the Bureau of
13 Indian Education, institutions of higher education,
14 other public agencies, and other private agencies and
15 organizations to assist such agencies, institutions, or
16 organizations, or the Bureau, in carrying out pro-
17 grams or projects to fulfill the purpose described in
18 section 4641(a)(3), including the training of per-
19 sonnel in the identification and education of gifted
20 and talented students and in the use, where appro-
21 priate, of gifted and talented services, materials, and
22 methods for all students.

23 “(2) APPLICATION.—Each entity seeking assist-
24 ance under this section shall submit an application
25 to the Secretary at such time and in such manner

1 as the Secretary may reasonably require. Each appli-
2 cation shall describe how—

3 “(A) the proposed identification methods,
4 as well as gifted and talented services, mate-
5 rials, and methods, can be adapted, if appro-
6 priate, for use by all students; and

7 “(B) the proposed programs can be evalu-
8 ated.

9 “(c) USES OF FUNDS.—Programs and projects as-
10 sisted under this section may include any of the following:

11 “(1) Conducting evidence-based research on
12 methods and techniques for identifying and teaching
13 gifted and talented students and for using gifted and
14 talented programs and methods to identify and pro-
15 vide the opportunity for all students to be served,
16 particularly low-income and at-risk students.

17 “(2) Establishing and operating programs and
18 projects for identifying and serving gifted and tal-
19 ented students, including innovative methods and
20 strategies (such as summer programs, mentoring
21 programs, peer tutoring programs, service learning
22 programs, and cooperative learning programs involv-
23 ing business, industry and education) for identifying
24 and educating students who may not be served by
25 traditional gifted and talented programs.

1 “(3) Providing technical assistance and dissemi-
2 nating information, which may include how gifted
3 and talented programs and methods may be adapted
4 for use by all students, particularly low-income and
5 at-risk students.

6 “(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

7 “(1) IN GENERAL.—The Secretary (after con-
8 sultation with experts in the field of the education
9 of gifted and talented students) shall establish a Na-
10 tional Research Center for the Education of Gifted
11 and Talented Children and Youth through grants to,
12 or contracts with, one or more institutions of higher
13 education or State educational agencies, or a com-
14 bination or consortium of such institutions and
15 agencies and other public or private agencies and or-
16 ganizations, for the purpose of carrying out activities
17 described in subsection (c).

18 “(2) DIRECTOR.—The National Center shall be
19 headed by a Director. The Secretary may authorize
20 the Director to carry out such functions of the Na-
21 tional Center as may be agreed upon through ar-
22 rangements with institutions of higher education,
23 State educational agencies, local educational agen-
24 cies, or other public or private agencies and organi-
25 zations.

1 “(e) COORDINATION.—Evidence-based activities sup-
2 ported under this section—

3 “(1) shall be carried out in consultation with
4 the Institute of Education Sciences to ensure that
5 such activities are coordinated with and enhance the
6 research and development activities supported by the
7 Institute; and

8 “(2) may include collaborative evidence-based
9 activities that are jointly funded and carried out
10 with such Institute.

11 “(f) GENERAL PRIORITY.—In carrying out this sec-
12 tion, the Secretary shall give highest priority to programs
13 and projects designed to—

14 “(1) develop new information that—

15 “(A) improves the capability of schools to
16 plan, conduct, and improve programs to identify
17 and serve gifted and talented students; or

18 “(B) assists schools in the identification of,
19 and provision of services to, gifted and talented
20 students (including economically disadvantaged
21 individuals, individuals who are English learn-
22 ers, and children with disabilities) who may not
23 be identified and served through traditional as-
24 sessment methods; or

1 “(2) implement evidence-based activities, de-
2 fined in this paragraph as activities meeting the re-
3 quirements of section 8101(21)(A)(i).

4 “(g) PARTICIPATION OF PRIVATE SCHOOL CHIL-
5 DREN AND TEACHERS.—In making grants and entering
6 into contracts under this section, the Secretary shall en-
7 sure, where appropriate, that provision is made for the eq-
8 uitable participation of students and teachers in private
9 nonprofit elementary schools and secondary schools, in-
10 cluding the participation of teachers and other personnel
11 in professional development programs serving such stu-
12 dents.

13 “(h) REVIEW, DISSEMINATION, AND EVALUATION.—
14 The Secretary shall—

15 “(1) use a peer-review process in reviewing ap-
16 plications under this section;

17 “(2) ensure that information on the activities
18 and results of programs and projects funded under
19 this section is disseminated to appropriate State
20 educational agencies, local educational agencies, and
21 other appropriate organizations, including private
22 nonprofit organizations; and

23 “(3) evaluate the effectiveness of programs
24 under this section in accordance with section 8601,
25 in terms of the impact on students traditionally

1 served in separate gifted and talented programs and
2 on other students, and submit the results of such
3 evaluation to Congress not later than 2 years after
4 the date of enactment of the Every Student Succeeds Act.
5

6 “(i) PROGRAM OPERATIONS.—The Secretary shall
7 ensure that the programs under this section are administered within the Department by a person who has recognized professional qualifications and experience in the field
8 of the education of gifted and talented students and who
9 shall—
10
11

12 “(1) administer and coordinate the programs
13 authorized under this section;

14 “(2) serve as a focal point of national leadership and information on the educational needs of
15 gifted and talented students and the availability of
16 educational services and programs designed to meet
17 such needs;
18

19 “(3) assist the Director of the Institute of Education Sciences in identifying research priorities that
20 reflect the needs of gifted and talented students; and
21

22 “(4) disseminate, and consult on, the information developed under this section with other offices
23 within the Department.”.
24

1 **TITLE V—STATE INNOVATION**
2 **AND LOCAL FLEXIBILITY**

3 **SEC. 5001. GENERAL PROVISIONS.**

4 (a) TITLE VI REDESIGNATIONS.—Title VI (20
5 U.S.C. 7301 et seq.) is redesignated as title V and further
6 amended—

7 (1) by redesignating sections 6121 through
8 6123 as sections 5101 through 5103, respectively;

9 (2) by redesignating sections 6201 and 6202 as
10 sections 5201 and 5202, respectively;

11 (3) by redesignating sections 6211 through
12 6213 as sections 5211 through 5213, respectively;

13 (4) by redesignating sections 6221 through
14 6224 as sections 5221 through 5224, respectively;
15 and

16 (5) by redesignating sections 6231 through
17 6234 as sections 5231 through 5234, respectively.

18 (b) STRUCTURAL AND CONFORMING AMEND-
19 MENTS.—Title V (as redesignated by subsection (a) of this
20 section) is further amended—

21 (1) in part A, by striking subparts 1, 3, and 4;

22 (2) by striking “section 6212” each place it ap-
23 pears and inserting “section 5212”;

24 (3) by striking “section 6223” each place it ap-
25 pears and inserting “section 5223”; and

1 (4) by striking “section 6234” each place it ap-
2 pears and inserting “section 5234”.

3 **SEC. 5002. FUNDING TRANSFERABILITY FOR STATE AND**
4 **LOCAL EDUCATIONAL AGENCIES.**

5 Part A of title V, as redesignated and amended by
6 section 5001 of this Act, is further amended—

7 (1) in the part heading, by striking “**IMPROV-**
8 **ING ACADEMIC ACHIEVEMENT**” and inserting
9 “**FUNDING TRANSFERABILITY FOR STATE AND**
10 **LOCAL EDUCATIONAL AGENCIES**”;

11 (2) by striking “**Subpart 2—Funding**
12 **Transferability for State and Local Edu-**
13 **cational Agencies**”;

14 (3) by striking “subpart” each place it appears
15 and inserting “part”;

16 (4) by amending section 5102 to read as fol-
17 lows:

18 **“SEC. 5102. PURPOSE.**

19 “The purpose of this part is to allow States and local
20 educational agencies the flexibility to target Federal funds
21 to the programs and activities that most effectively ad-
22 dress the unique needs of States and localities.”;

23 (5) in section 5103—

24 (A) in subsection (a)—

25 (i) in paragraph (1)—

1 (I) in the matter preceding sub-
2 paragraph (A), by striking “not more
3 than 50 percent of the nonadministra-
4 tive State funds” and inserting “all,
5 or any lesser amount, of State funds”;
6 and

7 (II) by striking subparagraphs
8 (A) through (D) and inserting the fol-
9 lowing:

10 “(A) Part A of title II.

11 “(B) Part A of title IV.

12 “(C) Section 4202(c)(3).”; and

13 (ii) by striking paragraph (2) and in-
14 serting the following;

15 “(2) ADDITIONAL FUNDS.—In accordance with
16 this part, a State may transfer any funds allotted to
17 the State under a provision listed in paragraph (1)
18 for a fiscal year to its allotment under any other of
19 the following provisions:

20 “(A) Part A of title I.

21 “(B) Part C of title I.

22 “(C) Part D of title I.

23 “(D) Part A of title III.

24 “(E) Part B.”.

25 (B) in subsection (b)—

1 (i) in paragraph (1)—

2 (I) in subparagraph (A), by strik-
3 ing “(except” and all that follows
4 through “subparagraph (C))” and in-
5 serting “may transfer all, or any less-
6 er amount, of the funds allocated to
7 it”;

8 (II) by striking subparagraphs
9 (B) and (C) and inserting:

10 “(B) ADDITIONAL FUNDS.—In accordance
11 with this part, a local educational agency may
12 transfer any funds allotted to such agency
13 under a provision listed in paragraph (2) for a
14 fiscal year to its allotment under any other of
15 the following provisions:

16 “(i) Part A of title I.

17 “(ii) Part C of title I.

18 “(iii) Part D of title I.

19 “(iv) Part A of title III.

20 “(v) Part B.”;

21 (ii) in paragraph (2)—

22 (I) in the matter preceding sub-
23 paragraph (A), by striking “subpara-
24 graph (A), (B), or (C)” and inserting
25 “subparagraph (A) or (B)”; and

1 (II) by striking subparagraphs
2 (A) through (D) and inserting the fol-
3 lowing:

4 “(A) Part A of title II.

5 “(B) Part A of title IV.”;

6 (C) by striking subsection (c) and inserting
7 the following:

8 “(c) NO TRANSFER OF CERTAIN FUNDING.—A State
9 or local educational agency may not transfer under this
10 part to any other program any funds allotted or allocated
11 to it for the following provisions:

12 “(1) Part A of title I.

13 “(2) Part C of title I.

14 “(3) Part D of title I.

15 “(4) Part A of title III.

16 “(5) Part B.”; and

17 (D) in subsection (e)(2), by striking “sec-
18 tion 9501” and inserting “section 8501”.

19 **SEC. 5003. RURAL EDUCATION INITIATIVE.**

20 Part B of title V, as redesignated and amended by
21 section 5001 of this Act, is further amended—

22 (1) in section 5211—

23 (A) in subsection (a)(1), by striking sub-
24 paragraphs (A) through (E) and inserting the
25 following:

1 “(A) Part A of title I.

2 “(B) Part A of title II.

3 “(C) Title III.

4 “(D) Part A or B of title IV.”;

5 (B) in subsection (b)(1)—

6 (i) in subparagraph (A)(ii)—

7 (I) by striking “school” before

8 “locale code”; and

9 (II) by striking “7 or 8, as deter-
10 mined by the Secretary; or” and in-
11 sserting “41, 42, or 43, as determined
12 by the Secretary;”;

13 (ii) in subparagraph (B), by striking
14 the period at the end and inserting “; or”;
15 and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(C) the local educational agency is a
19 member of an educational service agency that
20 does not receive funds under this subpart and
21 the local educational agency meets the require-
22 ments of this part.”; and

23 (C) in subsection (e), by striking para-
24 graphs (1) through (3) and inserting the fol-
25 lowing:

1 “(1) Part A of title II.

2 “(2) Part A of title IV.”;

3 (2) in section 5212—

4 (A) in subsection (a), by striking para-
5 graphs (1) through (5) and inserting the fol-
6 lowing:

7 “(1) Part A of title I.

8 “(2) Part A of title II.

9 “(3) Title III.

10 “(4) Part A or B of title IV.”;

11 (B) in subsection (b)—

12 (i) by striking paragraph (1) and in-
13 serting the following:

14 “(1) ALLOCATION.—

15 “(A) IN GENERAL.—Except as provided in
16 paragraphs (3) and (4), the Secretary shall
17 award a grant under subsection (a) to a local
18 educational agency eligible under section
19 5211(b) for a fiscal year in an amount equal to
20 the initial amount determined under paragraph
21 (2) for the fiscal year minus the total amount
22 received by the agency under the provisions of
23 law described in section 5211(c) for the pre-
24 ceding fiscal year.

1 “(B) SPECIAL DETERMINATION.—For a
2 local educational agency that is eligible under
3 section 5211(b)(1)(C) and is a member of an
4 educational service agency, the Secretary may
5 determine the award amount by subtracting
6 from the initial amount determined under para-
7 graph (2), an amount that is equal to that local
8 educational agency’s per-pupil share of the total
9 amount received by the educational service
10 agency under the provisions described in section
11 5211(c), as long as a determination under this
12 subparagraph would not disproportionately af-
13 fect any State.”;

14 (ii) by striking paragraph (2) and in-
15 serting the following:

16 “(2) DETERMINATION OF INITIAL AMOUNT.—

17 “(A) IN GENERAL.—The initial amount re-
18 ferred to in paragraph (1) is equal to \$100
19 multiplied by the total number of students in
20 excess of 50 students, in average daily attend-
21 ance at the schools served by the local edu-
22 cational agency, plus \$20,000, except that the
23 initial amount may not exceed \$60,000.

24 “(B) SPECIAL RULE.—For any fiscal year
25 for which the amount made available to carry

1 out this part is \$265,000,000 or more, subpara-
2 graph (A) shall be applied—

3 “(i) by substituting ‘\$25,000’ for
4 ‘\$20,000’; and

5 “(ii) by substituting ‘\$80,000’ for
6 ‘\$60,000.’”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(4) HOLD HARMLESS.—For a local edu-
10 cational agency that is not eligible under this sub-
11 part due to amendments made by the Every Student
12 Succeeds Act to section 5211(b)(1)(A)(ii) but met
13 the eligibility requirements under section 6211(b) as
14 such section was in effect on the day before the date
15 of enactment of the Every Student Succeeds Act, the
16 agency shall receive—

17 “(A) for fiscal year 2017, 75 percent of
18 the amount such agency received for fiscal year
19 2015;

20 “(B) for fiscal year 2018, 50 percent of
21 the amount such agency received for fiscal year
22 2015; and

23 “(C) for fiscal year 2019, 25 percent of
24 the amount such agency received for fiscal year
25 2015.”; and

- 1 (C) by striking subsection (d);
- 2 (3) by striking section 5213;
- 3 (4) in section 5221—
- 4 (A) in subsection (a), by striking “section
- 5 6222(a)” and inserting “section 5222(a)”;
- 6 (B) in subsection (b)—
- 7 (i) in paragraph (1)—
- 8 (I) by striking “(A) 20 percent”
- 9 and inserting “(A)(i) 20 percent”;
- 10 (II) by redesignating subpara-
- 11 graph (B) as clause (ii);
- 12 (III) in clause (ii) (as redesign-
- 13 nated by subclause (II))—
- 14 (aa) by striking “school” be-
- 15 fore “locale code”;
- 16 (bb) by striking “6, 7, or 8”
- 17 and inserting “32, 33, 41, 42, or
- 18 43”; and
- 19 (cc) by striking the period at
- 20 the end and inserting “; or”; and
- 21 (IV) by adding at the end the fol-
- 22 lowing:
- 23 “(B) the agency meets the criteria estab-
- 24 lished in clause (i) of subparagraph (A) and the
- 25 Secretary, in accordance with paragraph (2),

1 grants the local educational agency’s request to
2 waive the criteria described in clause (ii) of
3 such subparagraph.”;

4 (ii) by redesignating paragraph (2) as
5 paragraph (3); and

6 (iii) by inserting after paragraph (1)
7 the following:

8 “(2) CERTIFICATION.—The Secretary shall de-
9 termine whether to waive the criteria described in
10 paragraph (1)(A)(ii) based on a demonstration by
11 the local educational agency, and concurrence by the
12 State educational agency, that the local educational
13 agency is located in an area defined as rural by a
14 governmental agency of the State.”;

15 (C) in subsection (c)(1) by striking “Bu-
16 reau of Indian Affairs” and inserting “Bureau
17 of Indian Education”;

18 (5) in section 5222(a), by striking paragraphs
19 (1) through (7) and inserting the following:

20 “(1) Activities authorized under part A of title
21 I.

22 “(2) Activities authorized under part A of title
23 II.

24 “(3) Activities authorized under title III.

1 “(4) Activities authorized under part A of title
2 IV.

3 “(5) Parental involvement activities.”;

4 (6) in section 5223—

5 (A) in subsection (a), by striking “at such
6 time, in such manner, and accompanied by such
7 information” and inserting “at such time and
8 in such manner”; and

9 (B) by striking subsection (b) and insert-
10 ing the following:

11 “(b) CONTENTS.—Each application submitted under
12 subsection (a) shall include information on—

13 “(1) program objectives and outcomes for ac-
14 tivities under this subpart, including how the State
15 educational agency or specially qualified agency will
16 use funds to help all students meet the challenging
17 State academic standards;

18 “(2) if the State educational agency will com-
19 petitively award grants to eligible local educational
20 agencies, as described in section 5221(b)(3)(A), the
21 application under the section shall include—

22 “(A) the methods and criteria the State
23 educational agency will use to review applica-
24 tions and award funds to local educational
25 agencies on a competitive basis; and

1 “(B) how the State educational agency will
2 notify eligible local educational agencies of the
3 grant competition; and

4 “(3) a description of how the State educational
5 agency will provide technical assistance to eligible
6 local educational agencies to help such agencies im-
7 plement the activities described in section 5222.”;

8 (7) in section 5224—

9 (A) by striking the section heading and all
10 that follows through “Each” and inserting the
11 following: “**REPORT.**—Each”;

12 (B) by striking subsections (b) through (e);

13 (C) in the matter preceding paragraph (1),
14 by inserting “or specially qualified agency”
15 after “Each State educational agency”;

16 (D) by striking paragraph (1) and insert-
17 ing the following:

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;” and

23 (E) by striking paragraph (3) and insert-
24 ing the following:

1 “(3) the degree to which progress has been
2 made toward meeting the objectives and outcomes
3 described in the application submitted under section
4 5223, including having all students in the State or
5 the area served by the specially qualified agency, as
6 applicable, meet the challenging State academic
7 standards.”;

8 (8) by inserting after section 5224 the fol-
9 lowing:

10 **“SEC. 5225. CHOICE OF PARTICIPATION.**

11 “(a) IN GENERAL.—If a local educational agency is
12 eligible for funding under both this subpart and subpart
13 1, such local educational agency may receive funds under
14 either this subpart or subpart 1 for a fiscal year, but may
15 not receive funds under both subparts for such fiscal year.

16 “(b) NOTIFICATION.—A local educational agency eli-
17 gible for funding under both this subpart and subpart 1
18 shall notify the Secretary and the State educational agen-
19 cy under which of such subparts the local educational
20 agency intends to receive funds for a fiscal year by a date
21 that is established by the Secretary for the notification.”;

22 and

23 (9) in section 5234, by striking “\$300,000,000
24 for fiscal year 2002 and such sums as may be nec-
25 essary for each of the 5 succeeding fiscal years,”

1 and inserting “\$169,840,000 for each of the fiscal
2 years 2017 through 2020,”.

3 **SEC. 5004. GENERAL PROVISIONS.**

4 Part C of title V, as redesignated by section 5001
5 of this Act, is amended to read as follows:

6 **“PART C—GENERAL PROVISIONS**

7 **“SEC. 5301. PROHIBITION AGAINST FEDERAL MANDATES,**
8 **DIRECTION, OR CONTROL.**

9 “Nothing in this title shall be construed to authorize
10 an officer or employee of the Federal Government to man-
11 date, direct, or control a State, local educational agency,
12 or school’s specific instructional content, academic stand-
13 ards and assessments, curriculum, or program of instruc-
14 tion, as a condition of eligibility to receive funds under
15 this Act.

16 **“SEC. 5302. RULE OF CONSTRUCTION ON EQUALIZED**
17 **SPENDING.**

18 “Nothing in this title shall be construed to mandate
19 equalized spending per pupil for a State, local educational
20 agency, or school.”.

21 **SEC. 5005. REVIEW RELATING TO RURAL LOCAL EDU-**
22 **CATIONAL AGENCIES.**

23 (a) REVIEW AND REPORT.—Not later than 18
24 months after the date of enactment of this Act, the Sec-
25 retary of Education shall—

1 (1) review the organization, structure, and
2 process and procedures of the Department of Edu-
3 cation for administering its programs and developing
4 policy and regulations, in order to—

5 (A) assess the methods and manner
6 through which, and the extent to which, the De-
7 partment of Education takes into account, con-
8 siders input from, and addresses the unique
9 needs and characteristics of rural schools and
10 rural local educational agencies; and

11 (B) determine actions that the Department
12 of Education can take to meaningfully increase
13 the consideration and participation of rural
14 schools and rural local educational agencies in
15 the development and execution of the processes,
16 procedures, policies, and regulations of the De-
17 partment of Education;

18 (2) make public a preliminary report containing
19 the information described in paragraph (1) and pro-
20 vide Congress and the public with 60 days to com-
21 ment on the proposed actions described in paragraph
22 (1)(B); and

23 (3) issue a final report to the Committee on
24 Health, Education, Labor, and Pensions of the Sen-
25 ate, and the Committee on Education and the Work-

1 force of the House of Representatives, which shall
2 describe the final actions developed pursuant to
3 paragraph (1)(B) after taking into account the com-
4 ments submitted under paragraph (2).

5 (b) IMPLEMENTATION.—Not later than 2 years after
6 the date of enactment of this Act, the Secretary of Edu-
7 cation shall—

8 (1) carry out each action described in the re-
9 port under subsection (a)(3); or

10 (2) in a case in which an action is not carried
11 out, provide a written explanation to the Committee
12 on Health, Education, Labor, and Pensions of the
13 Senate and the Committee on Education and the
14 Workforce of the House of Representatives of why
15 the action was not carried out.

16 **TITLE VI—INDIAN, NATIVE HA-**
17 **WAIAN, AND ALASKA NATIVE**
18 **EDUCATION**

19 **SEC. 6001. CONFORMING AMENDMENTS.**

20 (a) REDESIGNATION OF TITLE.—Title VII (20
21 U.S.C. 7401 et seq.) is redesignated as title VI.

22 (b) REDESIGNATIONS AND CONFORMING AMEND-
23 MENTS.—The Act (20 U.S.C. 6301 et seq.) is amended—

24 (1) by redesignating sections 7101, 7102, 7111,
25 7112, 7113, 7114, 7115, 7116, 7117, 7118, 7119,

1 7121, 7122, 7131, 7132, 7133, 7134, 7135, 7136,
2 7141, 7142, 7143, 7144, 7151, 7152, 7201, 7202,
3 7203, 7204, 7205, 7206, 7207, 7301, 7302, 7303,
4 7304, 7305, and 7306, as sections 6101, 6102,
5 6111, 6112, 6113, 6114, 6115, 6116, 6117, 6118,
6 6119, 6121, 6122, 6131, 6132, 6133, 6134, 6135,
7 6136, 6141, 6142, 6143, 6144, 6151, 6152, 6201,
8 6202, 6203, 6204, 6205, 6206, 6207, 6301, 6302,
9 6303, 6304, 6305, and 6306, respectively;

10 (2) in section 6112 (as so redesignated), in sub-
11 section (b)(1), by striking “section 7117” and in-
12 serting “section 6117”;

13 (3) in section 6113 (as so redesignated)—

14 (A) in subsection (a)(1)(A), is amended by
15 striking “section 7117” and inserting “section
16 6117”;

17 (B) in subsection (b)(1), by striking “sec-
18 tion 7112” and inserting “section 6112”;

19 (C) in subsection (d)(2)—

20 (i) by striking “section 7114” the
21 first place it appears and inserting “sec-
22 tion 6114”; and

23 (ii) by striking “section 7114(c)(4),
24 section 7118(c), or section 7119” and in-

1 serting “section 6114(c)(4), section
2 6118(c), or section 6119”; and

3 (D) in subsection (e), by striking “section
4 7152(a)” and inserting “6152(a)”;
5 (4) in section 6114 (as so redesignated)—

6 (A) in subsection (b)(4), by striking “sec-
7 tion 7115” and inserting “section 6115”; and

8 (B) in subsection (c)(4)(D), by striking
9 “section 7115(c)” and inserting “section
10 6115(c)”;

11 (5) in section 6115 (as so redesignated)—

12 (A) in subsection (a)—

13 (i) in the matter preceding paragraph
14 (1), by striking “section 7111” and insert-
15 ing “section 6111”; and

16 (ii) in paragraph (1), by striking “sec-
17 tion 7114(a)” and inserting “section
18 6114(a)”;

19 (B) in subsection (c)—

20 (i) in paragraph (1), by striking “sec-
21 tion 7114(c)(4)” and inserting “section
22 6114(c)(4)”;

23 (ii) in paragraph (2), by striking “sec-
24 tion 7111” and inserting “section 6111”;

1 (6) in section 6116 (as so redesignated), in sub-
2 section (d)(9), by striking “section 7114(c)(4)” and
3 inserting “section 6114(c)(4)”;

4 (7) in section 6117 (as so redesignated)—

5 (A) in subsection (b)(1)(A)(i), by striking
6 “section 7151” and inserting “section 6151”;

7 (B) in subsection (c), by striking “section
8 7151” and inserting “section 6151”;

9 (C) in subsection (f)(3), by striking “sec-
10 tion 7113” and inserting “section 6113”; and

11 (D) in subsection (h)(1), by striking “sec-
12 tion 7114” and inserting “section 6114”;

13 (8) in section 6118 (as so redesignated), in sub-
14 section (a), by striking “section 7113” and inserting
15 “section 6113”;

16 (9) in section 6119 (as so redesignated), by
17 striking “section 7114” and inserting “section
18 6114”; and

19 (10) in section 6205 (as so redesignated), in
20 subsection (c)—

21 (A) in paragraph (1), by striking “section
22 7204” and inserting “section 6204”; and

23 (B) in paragraph (2), by striking “section
24 7204” and inserting “section 6204”.

1 **SEC. 6002. INDIAN EDUCATION.**

2 (a) STATEMENT OF POLICY.—Section 6101 (20
3 U.S.C. 7401) (as redesignated by section 6001) is amend-
4 ed by adding at the end the following: “It is further the
5 policy of the United States to ensure that Indian children
6 do not attend school in buildings that are dilapidated or
7 deteriorating, which may negatively affect the academic
8 success of such children.”.

9 (b) PURPOSE.—Section 6102 (20 U.S.C. 7402) (as
10 redesignated by section 6001) is amended to read as fol-
11 lows:

12 **“SEC. 6102. PURPOSE.**

13 “It is the purpose of this part to support the efforts
14 of local educational agencies, Indian tribes and organiza-
15 tions, postsecondary institutions, and other entities—

16 “(1) to meet the unique educational and cul-
17 turally related academic needs of Indian students, so
18 that such students can meet the challenging State
19 academic standards;

20 “(2) to ensure that Indian students gain knowl-
21 edge and understanding of Native communities, lan-
22 guages, tribal histories, traditions, and cultures; and

23 “(3) to ensure that teachers, principals, other
24 school leaders, and other staff who serve Indian stu-
25 dents have the ability to provide culturally appro-

1 appropriate and effective instruction and supports to such
2 students.”.

3 (c) PURPOSE.—Section 6111 (20 U.S.C. 7421) (as
4 redesignated by section 6001) is amended to read as fol-
5 lows:

6 **“SEC. 6111. PURPOSE.**

7 “It is the purpose of this subpart to support the ef-
8 forts of local educational agencies, Indian tribes and orga-
9 nizations, and other entities in developing elementary
10 school and secondary school programs for Indian students
11 that are designed to—

12 “(1) meet the unique cultural, language, and
13 educational needs of such students; and

14 “(2) ensure that all students meet the chal-
15 lenging State academic standards.”.

16 (d) GRANTS TO LOCAL EDUCATIONAL AGENCIES AND
17 TRIBES.—Section 6112 (20 U.S.C. 7422) (as redesign-
18 nated by section 6001) is amended—

19 (1) by striking subsection (a) and inserting the
20 following:

21 “(a) IN GENERAL.—The Secretary may make grants,
22 from allocations made under section 6113, and in accord-
23 ance with this section and section 6113, to—

24 “(1) local educational agencies;

1 “(2) Indian tribes, as provided under subsection
2 (c)(1);

3 “(3) Indian organizations, as provided under
4 subsection (c)(1);

5 “(4) consortia of 2 or more local educational
6 agencies, Indian tribes, Indian organizations, or In-
7 dian community-based organizations, if each local
8 educational agency participating in such a consor-
9 tium, if applicable—

10 “(A) provides an assurance that the eligi-
11 ble Indian children served by such local edu-
12 cational agency will receive the services of the
13 programs funded under this subpart; and

14 “(B) is subject to all the requirements, as-
15 surances, and obligations applicable to local
16 educational agencies under this subpart; and

17 “(5) Indian community-based organizations, as
18 provided under subsection (d)(1).”;

19 (2) in subsection (b)—

20 (A) in paragraph (1), by striking “A local
21 educational agency shall” and inserting “Sub-
22 ject to paragraph (2), a local educational agen-
23 cy shall”;

24 (B) by redesignating paragraph (2) as
25 paragraph (3); and

1 (C) by inserting after paragraph (1) the
2 following:

3 “(2) COOPERATIVE AGREEMENTS.—A local edu-
4 cational agency may enter into a cooperative agree-
5 ment with an Indian tribe under this subpart if such
6 Indian tribe—

7 “(A) represents not less than 25 percent of
8 the eligible Indian children who are served by
9 such local educational agency; and

10 “(B) requests that the local educational
11 agency enter into a cooperative agreement
12 under this subpart.”; and

13 (3) by striking subsection (c) and inserting the
14 following:

15 “(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

16 “(1) IN GENERAL.—If a local educational agen-
17 cy that is otherwise eligible for a grant under this
18 subpart does not establish a committee under section
19 6114(e)(4) for such grant, an Indian tribe, an In-
20 dian organization, or a consortium of such entities,
21 that represents more than one-half of the eligible In-
22 dian children who are served by such local edu-
23 cational agency may apply for such grant.

24 “(2) SPECIAL RULE.—

1 “(A) IN GENERAL.—The Secretary shall
2 treat each Indian tribe, Indian organization, or
3 consortium of such entities applying for a grant
4 pursuant to paragraph (1) as if such tribe, In-
5 dian organization, or consortium were a local
6 educational agency for purposes of this subpart.

7 “(B) EXCEPTIONS.—Notwithstanding sub-
8 paragraph (A), such Indian tribe, Indian orga-
9 nization, or consortium shall not be subject to
10 the requirements of subsections (b)(7) or (c)(4)
11 of section 6114 or section 6118(c) or 6119.

12 “(3) ASSURANCE TO SERVE ALL INDIAN CHIL-
13 DREN.—An Indian tribe, Indian organization, or
14 consortium of such entities that is eligible to apply
15 for a grant under paragraph (1) shall include, in the
16 application required under section 6114, an assur-
17 ance that the entity will use the grant funds to pro-
18 vide services to all Indian students served by the
19 local educational agency.

20 “(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

21 “(1) IN GENERAL.—If no local educational
22 agency pursuant to subsection (b), and no Indian
23 tribe, Indian organization, or consortium pursuant
24 to subsection (c), applies for a grant under this sub-
25 part in a particular community, an Indian commu-

1 nity-based organization serving the community of
2 the local educational agency may apply for such
3 grant.

4 “(2) APPLICABILITY OF SPECIAL RULE.—The
5 Secretary shall apply the special rule in subsection
6 (c)(2) to an Indian community-based organization
7 applying for a grant under paragraph (1) in the
8 same manner as such rule applies to an Indian tribe,
9 Indian organization, or consortium described in that
10 subsection.

11 “(3) DEFINITION OF INDIAN COMMUNITY-
12 BASED ORGANIZATION.—In this subsection, the term
13 ‘Indian community-based organization’ means any
14 organization that—

15 “(A) is composed primarily of Indian par-
16 ents, family members, and community mem-
17 bers, tribal government education officials, and
18 tribal members, from a specific community;

19 “(B) assists in the social, cultural, and
20 educational development of Indians in such
21 community;

22 “(C) meets the unique cultural, language,
23 and academic needs of Indian students; and

24 “(D) demonstrates organizational and ad-
25 ministrative capacity to manage the grant.”.

1 (e) AMOUNT OF GRANTS.—Section 6113 (20 U.S.C.
2 7423) (as redesignated by section 6001) is amended—

3 (1) in subsection (b)(1), by striking “Bureau of
4 Indian Affairs” and inserting “Bureau of Indian
5 Education”; and

6 (2) in subsection (d)—

7 (A) in the subsection heading, by striking
8 “INDIAN AFFAIRS” and inserting “INDIAN
9 EDUCATION”; and

10 (B) in paragraph (1)(A)(i), by striking
11 “Bureau of Indian Affairs” and inserting “Bu-
12 reau of Indian Education”.

13 (f) APPLICATIONS.—Section 6114 (20 U.S.C. 7424)
14 (as redesignated by section 6001) is amended—

15 (1) in subsection (a), by striking “Each local
16 educational agency” and inserting “Each entity de-
17 scribed in section 6112(a)”;

18 (2) in subsection (b)—

19 (A) in paragraph (1), by striking “Amer-
20 ican Indian and Alaska Native” and inserting
21 “Indian”;

22 (B) in paragraph (2)—

23 (i) in subparagraph (A), by striking
24 “is consistent with the State and local

1 plans” and inserting “is consistent with
2 the State, tribal, and local plans”; and

3 (ii) by striking subparagraph (B) and
4 inserting the following:

5 “(B) includes program objectives and outcomes
6 for activities under this subpart that are based on
7 the same challenging State academic standards de-
8 veloped by the State under title I for all students;”;

9 (C) by striking paragraph (3) and insert-
10 ing the following:

11 “(3) explains how the grantee will use funds
12 made available under this subpart to supplement
13 other Federal, State, and local programs that meet
14 the needs of Indian students;”;

15 (D) in paragraph (5)(B), by striking
16 “and” after the semicolon;

17 (E) in paragraph (6)—

18 (i) in subparagraph (B)—

19 (I) in clause (i), by striking
20 “and” after the semicolon; and

21 (II) by adding at the end the fol-
22 lowing:

23 “(iii) the Indian tribes whose children
24 are served by the local educational agency,
25 consistent with section 444 of the General

1 Education Provisions Act (20 U.S.C.
2 1232g) (commonly referred to as the
3 ‘Family Educational Rights and Privacy
4 Act of 1974’); and”;

5 (ii) in subparagraph (C), by striking
6 the period at the end and inserting “;
7 and”;

8 (F) by adding at the end the following:

9 “(7) describes the process the local educational
10 agency used to meaningfully collaborate with Indian
11 tribes located in the community in a timely, active,
12 and ongoing manner in the development of the com-
13 prehensive program and the actions taken as a re-
14 sult of such collaboration.”;

15 (3) in subsection (c)—

16 (A) in paragraph (1), by striking “for the
17 education of Indian children,” and inserting
18 “for services described in this subsection,”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (A), by striking
21 “and” after the semicolon;

22 (ii) in subparagraph (B), by striking
23 “served by such agency;” and inserting
24 “served by such agency, and meet program

1 objectives and outcomes for activities
2 under this subpart; and”;

3 (iii) by adding at the end the fol-
4 lowing:

5 “(C) determine the extent to which such
6 activities by the local educational agency ad-
7 dress the unique cultural, language, and edu-
8 cational needs of Indian students;”;

9 (C) in paragraph (3)—

10 (i) in subparagraph (A), by striking
11 “American Indian and Alaska Native” and
12 inserting “Indian”; and

13 (ii) in subparagraph (C)—

14 (I) by inserting “representatives
15 of Indian tribes on Indian lands lo-
16 cated within 50 miles of any school
17 that the agency will serve if such
18 tribes have any children in such
19 school, Indian organizations,” after
20 “parents of Indian children and teach-
21 ers,”; and

22 (II) by striking “and” after the
23 semicolon;

24 (D) in paragraph (4)—

25 (i) in subparagraph (A)—

1 (I) in clause (i), by inserting
2 “and family members” after “par-
3 ents”;

4 (II) by redesignating clauses (ii)
5 and (iii) as clauses (iii) and (iv), re-
6 spectively; and

7 (III) by inserting after clause (i)
8 the following:

9 “(ii) representatives of Indian tribes
10 on Indian lands located within 50 miles of
11 any school that the agency will serve if
12 such tribes have any children in such
13 school;”;

14 (ii) by striking subparagraph (B) and
15 inserting the following:

16 “(B) a majority of whose members are
17 parents and family members of Indian chil-
18 dren;”;

19 (iii) by striking subparagraph (C);

20 (iv) by redesignating subparagraphs
21 (D) and (E) as subparagraphs (C) and
22 (D), respectively; and

23 (v) in subparagraph (C) (as redesign-
24 nated by clause (iv))—

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

3 (II) in clause (ii), by striking
4 “American Indian and Alaska Native”
5 and inserting “Indian”; and

6 (III) by adding at the end the
7 following:

8 “(iii) determined that the program
9 will directly enhance the educational expe-
10 rience of Indian students; and”; and

11 (vi) in subparagraph (D), as redesign-
12 nated by clause (iv), by striking the period
13 at the end and inserting a semicolon; and

14 (E) by adding at the end the following:

15 “(5) the local educational agency will coordinate
16 activities under this title with other Federal pro-
17 grams supporting educational and related services
18 administered by such agency;

19 “(6) the local educational agency conducted
20 outreach to parents and family members to meet the
21 requirements under this paragraph;

22 “(7) the local educational agency will use funds
23 received under this subpart only for activities de-
24 scribed and authorized in this subpart; and

1 “(8) the local educational agency has set forth
2 such policies and procedures, including policies and
3 procedures relating to the hiring of personnel, as will
4 ensure that the program for which assistance is
5 sought will be operated and evaluated in consulta-
6 tion with, and with the involvement of, parents and
7 family members of the children, and representatives
8 of the area, to be served.”; and

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

10 “(d) TECHNICAL ASSISTANCE.—The Secretary shall,
11 directly or by contract, provide technical assistance to a
12 local educational agency or Bureau of Indian Education
13 school upon request (in addition to any technical assist-
14 ance available under other provisions of this Act or avail-
15 able through the Institute of Education Sciences) to sup-
16 port the services and activities provided under this sub-
17 part, including technical assistance for—

18 “(1) the development of applications under this
19 subpart, including identifying eligible entities that
20 have not applied for such grants and undertaking
21 appropriate activities to encourage such entities to
22 apply for grants under this subpart;

23 “(2) improvement in the quality of implementa-
24 tion, content, and evaluation of activities supported
25 under this subpart; and

1 “(3) integration of activities under this subpart
2 with other educational activities carried out by the
3 local educational agency.”.

4 (g) AUTHORIZED SERVICES AND ACTIVITIES.—Sec-
5 tion 6115 (20 U.S.C. 7425) (as redesignated by section
6 6001) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by inserting “solely
9 for the services and activities described in such
10 application” before the semicolon; and

11 (B) in paragraph (2), by striking “with
12 special regard for” and inserting “to be respon-
13 sive to”;

14 (2) by striking subsection (b) and inserting the
15 following:

16 “(b) PARTICULAR ACTIVITIES.—The services and ac-
17 tivities referred to in subsection (a) may include—

18 “(1) activities that support Native American
19 language programs and Native American language
20 restoration programs, which may be taught by tradi-
21 tional leaders;

22 “(2) culturally related activities that support
23 the program described in the application submitted
24 by the local educational agency;

1 “(3) early childhood and family programs that
2 emphasize school readiness;

3 “(4) enrichment programs that focus on prob-
4 lem solving and cognitive skills development and di-
5 rectly support the attainment of challenging State
6 academic standards;

7 “(5) integrated educational services in combina-
8 tion with other programs that meet the needs of In-
9 dian children and their families, including programs
10 that promote parental involvement in school activi-
11 ties and increase student achievement;

12 “(6) career preparation activities to enable In-
13 dian students to participate in programs such as the
14 programs supported by the Carl D. Perkins Career
15 and Technical Education Act of 2006 (20 U.S.C.
16 2301 et seq.), including programs for tech-prep edu-
17 cation, mentoring, and apprenticeship;

18 “(7) activities to educate individuals so as to
19 prevent violence, suicide, and substance abuse;

20 “(8) the acquisition of equipment, but only if
21 the acquisition of the equipment is essential to
22 achieve the purpose described in section 6111;

23 “(9) activities that promote the incorporation of
24 culturally responsive teaching and learning strategies

1 into the educational program of the local educational
2 agency;

3 “(10) family literacy services;

4 “(11) activities that recognize and support the
5 unique cultural and educational needs of Indian chil-
6 dren, and incorporate appropriately qualified tribal
7 elders and seniors;

8 “(12) dropout prevention strategies for Indian
9 students; and

10 “(13) strategies to meet the educational needs
11 of at-risk Indian students in correctional facilities,
12 including such strategies that support Indian stu-
13 dents who are transitioning from such facilities to
14 schools served by local educational agencies.”;

15 (3) in subsection (c)—

16 (A) in paragraph (1), by striking “and”
17 after the semicolon;

18 (B) in paragraph (2), by striking the pe-
19 riod at the end and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(3) the local educational agency identifies in
22 its application how the use of such funds in a
23 schoolwide program will produce benefits to Indian
24 students that would not be achieved if the funds
25 were not used in a schoolwide program.”; and

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

2 “(e) LIMITATION ON THE USE OF FUNDS.—Funds
3 provided to a grantee under this subpart may not be used
4 for long-distance travel expenses for training activities
5 that are available locally or regionally.”.

6 (h) INTEGRATION OF SERVICES AUTHORIZED.—Sec-
7 tion 6116 (20 U.S.C. 7426) (as redesignated by section
8 6001) is amended—

9 (1) in subsection (g), in the matter preceding
10 paragraph (1)—

11 (A) by striking “No Child Left Behind Act
12 of 2001” and inserting “Every Student Suc-
13 ceeds Act”;

14 (B) by inserting “the Secretary of Health
15 and Human Services,” after “the Secretary of
16 the Interior,”; and

17 (C) by inserting “and coordination” after
18 “providing for the implementation”; and

19 (2) in subsection (o)—

20 (A) in paragraph (1), by striking “the No
21 Child Left Behind Act of 2001” and inserting
22 “the Every Student Succeeds Act”; and

23 (B) in paragraph (2)—

1 (i) by striking “the No Child Left Be-
2 hind Act of 2001” and inserting “the
3 Every Student Succeeds Act”; and

4 (ii) by striking the second sentence.

5 (i) STUDENT ELIGIBILITY FORMS.—Section 6117
6 (20 U.S.C. 7427) (as redesignated by section 6001) is
7 amended—

8 (1) in subsection (a), by adding at the end the
9 following: “All individual data collected shall be pro-
10 tected by the local educational agencies and only ag-
11 gregated data shall be reported to the Secretary.”;

12 (2) by striking subsection (d);

13 (3) by redesignating subsections (e), (f), (g),
14 and (h), as subsections (d), (e), (f), and (g), respec-
15 tively;

16 (4) by striking subsection (d), as redesignated
17 by paragraph (4), and inserting the following:

18 “(d) DOCUMENTATION AND TYPES OF PROOF.—

19 “(1) TYPES OF PROOF.—For purposes of deter-
20 mining whether a child is eligible to be counted for
21 the purpose of computing the amount of a grant
22 award under section 6113, the membership of the
23 child, or any parent or grandparent of the child, in
24 a tribe or band of Indians (as so defined) may be
25 established by proof other than an enrollment num-

1 ber, notwithstanding the availability of an enroll-
2 ment number for a member of such tribe or band.
3 Nothing in subsection (b) shall be construed to re-
4 quire the furnishing of an enrollment number.

5 “(2) NO NEW OR DUPLICATIVE DETERMINA-
6 TIONS.—Once a child is determined to be an Indian
7 eligible to be counted for such grant award, the local
8 educational agency shall maintain a record of such
9 determination and shall not require a new or dupli-
10 cate determination to be made for such child for a
11 subsequent application for a grant under this sub-
12 part.

13 “(3) PREVIOUSLY FILED FORMS.—An Indian
14 student eligibility form that was on file as required
15 by this section on the day before the date of enact-
16 ment of the Every Student Succeeds Act and that
17 met the requirements of this section, as this section
18 was in effect on the day before the date of the enact-
19 ment of such Act, shall remain valid for such Indian
20 student.”;

21 (5) in subsection (f), as redesignated by para-
22 graph (4), by striking “Bureau of Indian Affairs”
23 and inserting “Bureau of Indian Education”; and

1 (6) in subsection (g), as redesignated by para-
2 graph (4), by striking “subsection (g)(1)” and in-
3 serting “subsection (f)(1)”.

4 (j) PAYMENTS.—Section 6118 (20 U.S.C. 7428) (as
5 redesignated by section 6001) is amended, by striking sub-
6 section (c) and inserting the following:

7 “(c) REDUCTION OF PAYMENT FOR FAILURE TO
8 MAINTAIN FISCAL EFFORT.—Each local educational
9 agency shall maintain fiscal effort in accordance with sec-
10 tion 8521 or be subject to reduced payments under this
11 subpart in accordance with such section 8521.”.

12 (k) IMPROVEMENT OF EDUCATIONAL OPPORTUNI-
13 TIES FOR INDIAN CHILDREN AND YOUTH.—Section 6121
14 (20 U.S.C. 7441) (as redesignated by section 6001) is
15 amended—

16 (1) by striking the section header and inserting
17 the following:

18 **“SEC. 6121. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-
19 TIES FOR INDIAN CHILDREN AND YOUTH.”;**

20 (2) in subsection (a)—

21 (A) in paragraph (1), by inserting “and
22 youth” after “Indian children”; and

23 (B) in paragraph (2)(B), by striking
24 “American Indian and Alaska Native children”
25 and inserting “Indian children and youth”;

1 (3) in subsection (b), by striking “Indian insti-
2 tution (including an Indian institution of higher edu-
3 cation)” and inserting “a Tribal College or Univer-
4 sity (as defined in section 316(b) of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1059c(b)))”;

6 (4) by striking subsection (c) and inserting the
7 following:

8 “(c) GRANTS AUTHORIZED.—The Secretary shall
9 award grants to eligible entities to enable such entities to
10 carry out activities that meet the purpose of this section,
11 including—

12 “(1) innovative programs related to the edu-
13 cational needs of educationally disadvantaged Indian
14 children and youth;

15 “(2) educational services that are not available
16 to such children and youth in sufficient quantity or
17 quality, including remedial instruction, to raise the
18 achievement of Indian children in one or more of the
19 subjects of English, mathematics, science, foreign
20 languages, art, history, and geography;

21 “(3) bilingual and bicultural programs and
22 projects;

23 “(4) special health and nutrition services, and
24 other related activities, that address the special

1 health, social, and psychological problems of Indian
2 children and youth;

3 “(5) special compensatory and other programs
4 and projects designed to assist and encourage Indian
5 children and youth to enter, remain in, or reenter
6 school, and to increase the rate of high school grad-
7 uation for Indian children and youth;

8 “(6) comprehensive guidance, counseling, and
9 testing services;

10 “(7) early childhood education programs that
11 are effective in preparing young children to make
12 sufficient academic growth by the end of grade 3, in-
13 cluding kindergarten and pre-kindergarten pro-
14 grams, family-based preschool programs that empha-
15 size school readiness, screening and referral, and the
16 provision of services to Indian children and youth
17 with disabilities;

18 “(8) partnership projects between local edu-
19 cational agencies and institutions of higher edu-
20 cation that allow secondary school students to enroll
21 in courses at the postsecondary level to aid such stu-
22 dents in the transition from secondary to postsec-
23 ondary education;

24 “(9) partnership projects between schools and
25 local businesses for career preparation programs de-

1 signed to provide Indian youth with the knowledge
2 and skills such youth need to make an effective tran-
3 sition from school to a high-skill career;

4 “(10) programs designed to encourage and as-
5 sist Indian students to work toward, and gain en-
6 trance into, institutions of higher education;

7 “(11) family literacy services;

8 “(12) activities that recognize and support the
9 unique cultural and educational needs of Indian chil-
10 dren and youth, and incorporate traditional leaders;

11 “(13) high-quality professional development of
12 teaching professionals and paraprofessionals; or

13 “(14) other services that meet the purpose de-
14 scribed in this section.”; and

15 (5) in subsection (d)—

16 (A) in paragraph (1)(C), by striking
17 “make a grant payment for a grant described
18 in this paragraph to an eligible entity after the
19 initial year of the multiyear grant only if the
20 Secretary determines” and inserting “award
21 grants for an initial period of not more than 3
22 years and may renew such grants for not more
23 than an additional 2 years if the Secretary de-
24 termines”; and

25 (B) in paragraph (3)(B)—

1 (i) in clause (i), by striking “parents
2 of Indian children” and inserting “parents
3 and family of Indian children”; and

4 (ii) in clause (iii), by striking “infor-
5 mation demonstrating that the proposed
6 program for the activities is a scientifically
7 based research program” and inserting
8 “information demonstrating that the pro-
9 posed program is an evidence-based pro-
10 gram”.

11 (l) PROFESSIONAL DEVELOPMENT FOR TEACHERS
12 AND EDUCATION PROFESSIONALS.—Section 6122 (20
13 U.S.C. 7442) (as redesignated by section 6001) is amend-
14 ed—

15 (1) in subsection (a)—

16 (A) by striking paragraph (1) and insert-
17 ing the following:

18 “(1) to increase the number of qualified Indian
19 teachers and administrators serving Indian stu-
20 dents;”;

21 (B) by striking paragraph (2) and insert-
22 ing the following:

23 “(2) to provide pre- and in-service training and
24 support to qualified Indian individuals to enable
25 such individuals to become effective teachers, prin-

1 principals, other school leaders, administrators, para-
2 professionals, counselors, social workers, and special-
3 ized instructional support personnel;”;

4 (C) in paragraph (3), by striking the pe-
5 riod at the end and inserting “; and”; and

6 (D) by adding at the end the following:

7 “(4) to develop and implement initiatives to
8 promote retention of effective teachers, principals,
9 and school leaders who have a record of success in
10 helping low-achieving Indian students improve their
11 academic achievement, outcomes, and preparation
12 for postsecondary education or employment.”;

13 (2) in subsection (b)—

14 (A) in paragraph (1), by striking “includ-
15 ing an Indian institution of higher education”
16 and inserting “including a Tribal College or
17 University, as defined in section 316(b) of the
18 Higher Education Act of 1965 (20 U.S.C.
19 1059c(b))”; and

20 (B) in paragraph (4), by inserting “in a
21 consortium with at least one Tribal College or
22 University, as defined in section 316(b) of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1059c(b)), where feasible” before the period at
25 the end;

1 (3) in subsection (d)(1)—

2 (A) in the first sentence, by striking “pur-
3 poses” and inserting “purpose”; and

4 (B) by striking the second sentence and in-
5 serting “Such activities may include—

6 “(A) continuing education programs,
7 symposia, workshops, and conferences;

8 “(B) teacher mentoring programs, profes-
9 sional guidance, and instructional support pro-
10 vided by educators, local traditional leaders, or
11 cultural experts, as appropriate for teachers
12 during their first 3 years of employment as
13 teachers;

14 “(C) direct financial support; and

15 “(D) programs designed to train tradi-
16 tional leaders and cultural experts to assist
17 those personnel referenced in subsection (a)(2),
18 as appropriate, with relevant Native language
19 and cultural mentoring, guidance, and sup-
20 port.”; and

21 (4) by striking subsection (e) and inserting the
22 following:

23 “(e) APPLICATION.—Each eligible entity desiring a
24 grant under this section shall submit an application to the
25 Secretary at such time and in such manner as the Sec-

1 retary may reasonably require. At a minimum, an applica-
2 tion under this section shall describe how the eligible enti-
3 ty will—

4 “(1) recruit qualified Indian individuals, such
5 as students who may not be of traditional college
6 age, to become teachers, principals, or school lead-
7 ers;

8 “(2) use funds made available under the grant
9 to support the recruitment, preparation, and profes-
10 sional development of Indian teachers or principals
11 in local educational agencies that serve a high pro-
12 portion of Indian students; and

13 “(3) assist participants in meeting the require-
14 ments under subsection (h).”;

15 (5) in subsection (f)—

16 (A) by redesignating paragraphs (1) and
17 (2) as paragraphs (2) and (3), respectively;

18 (B) by inserting before paragraph (2), as
19 redesignated by subparagraph (A), the fol-
20 lowing:

21 “(1) may give priority to Tribal Colleges and
22 Universities;”; and

23 (C) in paragraph (3), as redesignated by
24 subparagraph (A), by striking “basis of” and
25 all that follows through the period at the end

1 and inserting “basis of the length of any period
2 for which the eligible entity has received a
3 grant.”;

4 (6) by striking subsection (g) and inserting the
5 following:

6 “(g) GRANT PERIOD.—The Secretary shall award
7 grants under this section for an initial period of not more
8 than 3 years, and may renew such grants for an additional
9 period of not more than 2 years if the Secretary finds that
10 the grantee is achieving the objectives of the grant.”; and

11 (7) in subsection (h)(1)(A)(ii), by striking “peo-
12 ple” and inserting “students in a local educational
13 agency that serves a high proportion of Indian stu-
14 dents”.

15 (m) NATIONAL RESEARCH ACTIVITIES.—Section
16 6131 (20 U.S.C. 7451) (as redesignated by section 6001)
17 is amended—

18 (1) in subsection (a), by striking “under section
19 7152(b)” and inserting “to carry out this subpart”;
20 and

21 (2) in subsection (c)(2), by inserting “, the Bu-
22 reau of Indian Education,” after “Office of Indian
23 Education Programs”.

24 (n) IN-SERVICE TRAINING FOR TEACHERS OF INDIAN
25 CHILDREN; FELLOWSHIPS FOR INDIAN STUDENTS; GIFT-

1 ED AND TALENTED INDIAN STUDENTS.—Title VI (20
2 U.S.C. 7401 et seq.) (as redesignated by section 6001)
3 is amended—

4 (1) by striking sections 6132, 6133, and 6134
5 (as redesignated by section 6001); and

6 (2) by redesignating section 6135 (as redesignig-
7 nated by section 6001) as section 6132.

8 (o) NATIVE AMERICAN LANGUAGE.—Title VI (20
9 U.S.C. 7401 et seq.) (as redesignated by section 6001)
10 is amended by inserting after section 6132 (as redesignig-
11 nated by subsection (n)(2)) the following:

12 **“SEC. 6133. NATIVE AMERICAN AND ALASKA NATIVE LAN-**
13 **GUAGE IMMERSION SCHOOLS AND PRO-**
14 **GRAMS.**

15 “(a) PURPOSES.—The purposes of this section are—

16 “(1) to establish a grant program to support
17 schools that use Native American and Alaska Native
18 languages as the primary language of instruction;

19 “(2) to maintain, protect, and promote the
20 rights and freedom of Native Americans and Alaska
21 Natives to use, practice, maintain, and revitalize
22 their languages, as envisioned in the Native Amer-
23 ican Languages Act (25 U.S.C. 2901 et seq.); and

24 “(3) to support the Nation’s First Peoples’ ef-
25 forts to maintain and revitalize their languages and

1 cultures, and to improve educational opportunities
2 and student outcomes within Native American and
3 Alaska Native communities.

4 “(b) PROGRAM AUTHORIZED.—

5 “(1) IN GENERAL.—From funds reserved under
6 section 6152(c), the Secretary shall reserve 20 per-
7 cent to make grants to eligible entities to develop
8 and maintain, or to improve and expand, programs
9 that support schools, including elementary school
10 and secondary school education sites and streams,
11 using Native American and Alaska Native languages
12 as the primary languages of instruction.

13 “(2) ELIGIBLE ENTITIES.—In this subsection,
14 the term ‘eligible entity’ means any of the following
15 entities that has a plan to develop and maintain, or
16 to improve and expand, programs that support the
17 entity’s use of a Native American or Alaska Native
18 language as the primary language of instruction in
19 elementary schools or secondary schools, or both:

20 “(A) An Indian tribe.

21 “(B) A Tribal College or University (as de-
22 fined in section 316 of the Higher Education
23 Act of 1965 (20 U.S.C. 1059c)).

24 “(C) A tribal education agency.

1 “(D) A local educational agency, including
2 a public charter school that is a local edu-
3 cational agency under State law.

4 “(E) A school operated by the Bureau of
5 Indian Education.

6 “(F) An Alaska Native Regional Corpora-
7 tion (as described in section 3(g) of the Alaska
8 Native Claims Settlement Act (43 U.S.C.
9 1602(g))).

10 “(G) A private, tribal, or Alaska Native
11 nonprofit organization.

12 “(H) A nontribal for-profit organization.

13 “(c) APPLICATION.—

14 “(1) IN GENERAL.—An eligible entity that de-
15 sires to receive a grant under this section shall sub-
16 mit an application to the Secretary at such time and
17 in such manner as the Secretary may require, in-
18 cluding the following:

19 “(A) The name of the Native American or
20 Alaska Native language to be used for instruc-
21 tion at the school supported by the eligible enti-
22 ty.

23 “(B) The number of students attending
24 such school.

1 “(C) The number of hours of instruction in
2 or through 1 or more Native American or Alas-
3 ka Native languages being provided to targeted
4 students at such school, if any.

5 “(D) A description of how the eligible enti-
6 ty will—

7 “(i) use the funds provided to meet
8 the purposes of this section;

9 “(ii) implement the activities de-
10 scribed in subsection (e);

11 “(iii) ensure the implementation of
12 rigorous academic content; and

13 “(iv) ensure that students progress to-
14 ward high-level fluency goals.

15 “(E) Information regarding the school’s
16 organizational governance or affiliations, includ-
17 ing information about—

18 “(i) the school governing entity (such
19 as a local educational agency, tribal edu-
20 cation agency or department, charter orga-
21 nization, private organization, or other
22 governing entity);

23 “(ii) the school’s accreditation status;

24 “(iii) any partnerships with institu-
25 tions of higher education; and

1 “(iv) any indigenous language school-
2 ing and research cooperatives.

3 “(F) An assurance that—

4 “(i) the school is engaged in meeting
5 State or tribally designated long-term goals
6 for students, as may be required by appli-
7 cable Federal, State, or tribal law;

8 “(ii) the school provides assessments
9 of students using the Native American or
10 Alaska Native language of instruction,
11 where possible;

12 “(iii) the qualifications of all instruc-
13 tional and leadership personnel at such
14 school is sufficient to deliver high-quality
15 education through the Native American or
16 Alaska Native language used in the school;
17 and

18 “(iv) the school will collect and report
19 to the public data relative to student
20 achievement and, if appropriate, rates of
21 high school graduation, career readiness,
22 and enrollment in postsecondary education
23 or workforce development programs, of
24 students who are enrolled in the school’s
25 programs.

1 “(2) LIMITATION.—The Secretary shall not give
2 a priority in awarding grants under this section
3 based on the information described in paragraph
4 (1)(E).

5 “(3) SUBMISSION OF CERTIFICATION.—

6 “(A) IN GENERAL.—An eligible entity that
7 is a public elementary school or secondary
8 school (including a public charter school or a
9 school operated by the Bureau of Indian Edu-
10 cation) or a nontribal for-profit or nonprofit or-
11 ganization shall submit, along with the applica-
12 tion requirements described in paragraph (1), a
13 certification described in subparagraph (B) in-
14 dicating that—

15 “(i) the school or organization has the
16 capacity to provide education primarily
17 through a Native American or an Alaska
18 Native language; and

19 “(ii) there are sufficient speakers of
20 the target language at the school or avail-
21 able to be hired by the school or organiza-
22 tion.

23 “(B) CERTIFICATION.—The certification
24 described in subparagraph (A) shall be from
25 one of the following entities, on whose land the

1 school or program is located, that is an entity
2 served by such school, or that is an entity
3 whose members (as defined by that entity) are
4 served by the school:

5 “(i) A Tribal College or University (as
6 defined in section 316 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1059c)).

8 “(ii) A Federally recognized Indian
9 tribe or tribal organization.

10 “(iii) An Alaska Native Regional Cor-
11 poration or an Alaska Native nonprofit or-
12 ganization.

13 “(iv) A Native Hawaiian organization.

14 “(d) AWARDING OF GRANTS.—In awarding grants
15 under this section, the Secretary shall—

16 “(1) determine the amount of each grant and
17 the duration of each grant, which shall not exceed
18 3 years; and

19 “(2) ensure, to the maximum extent feasible,
20 that diversity in languages is represented.

21 “(e) ACTIVITIES AUTHORIZED.—

22 “(1) REQUIRED ACTIVITIES.—An eligible entity
23 that receives a grant under this section shall use
24 such funds to carry out the following activities:

1 “(A) Supporting Native American or Alas-
2 ka Native language education and development.

3 “(B) Providing professional development
4 for teachers and, as appropriate, staff and ad-
5 ministrators to strengthen the overall language
6 and academic goals of the school that will be
7 served by the grant program.

8 “(2) ALLOWABLE ACTIVITIES.—An eligible enti-
9 ty that receives a grant under this section may use
10 such funds to carry out the following activities:

11 “(A) Developing or refining curriculum, in-
12 cluding teaching materials and activities, as ap-
13 propriate.

14 “(B) Creating or refining assessments
15 written in the Native American or Alaska Na-
16 tive language of instruction that measure stu-
17 dent proficiency and that are aligned with State
18 or tribal academic standards.

19 “(C) Carrying out other activities that pro-
20 mote the maintenance and revitalization of the
21 Native American or Alaska Native language rel-
22 evant to the grant program.

23 “(f) REPORT TO SECRETARY.—Each eligible entity
24 that receives a grant under this section shall prepare and

1 submit an annual report to the Secretary, which shall in-
2 clude—

3 “(1) the activities the entity carried out to meet
4 the purposes of this section; and

5 “(2) the number of children served by the pro-
6 gram and the number of instructional hours in the
7 Native American or Alaska Native language.

8 “(g) ADMINISTRATIVE COSTS.—Not more than 5 per-
9 cent of the funds provided to a grantee under this section
10 for any fiscal year may be used for administrative pur-
11 poses.”.

12 (p) GRANTS TO TRIBES FOR EDUCATION ADMINIS-
13 TRATIVE PLANNING, DEVELOPMENT, AND COORDINA-
14 TION.—Section 6132 (20 U.S.C. 7455) (as redesignated
15 by subsection (n)) is amended to read as follows:

16 **“SEC. 6132. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**
17 **TRATIVE PLANNING, DEVELOPMENT, AND CO-**
18 **ORDINATION.**

19 “(a) IN GENERAL.—The Secretary may award grants
20 under this section to eligible applicants to enable the eligi-
21 ble applicants to—

22 “(1) promote tribal self-determination in edu-
23 cation;

24 “(2) improve the academic achievement of In-
25 dian children and youth; and

1 “(3) promote the coordination and collaboration
2 of tribal educational agencies with State educational
3 agencies and local educational agencies to meet the
4 unique educational and culturally related academic
5 needs of Indian students.

6 “(b) DEFINITIONS.—In this section:

7 “(1) ELIGIBLE APPLICANT.—In this section,
8 the term ‘eligible applicant’ means—

9 “(A) an Indian tribe or tribal organization
10 approved by an Indian tribe; or

11 “(B) a tribal educational agency.

12 “(2) INDIAN TRIBE.—The term ‘Indian tribe’
13 means a federally recognized tribe or a State-recog-
14 nized tribe.

15 “(3) TRIBAL EDUCATIONAL AGENCY.—The
16 term ‘tribal educational agency’ means the agency,
17 department, or instrumentality of an Indian tribe
18 that is primarily responsible for supporting tribal
19 students’ elementary and secondary education.

20 “(c) GRANT PROGRAM.—The Secretary may award
21 grants to—

22 “(1) eligible applicants described under sub-
23 section (b)(1)(A) to plan and develop a tribal edu-
24 cational agency, if the tribe or organization has no

1 current tribal educational agency, for a period of not
2 more than 1 year; and

3 “(2) eligible applicants described under sub-
4 section (b)(1)(B), for a period of not more than 3
5 years, in order to—

6 “(A) directly administer education pro-
7 grams, including formula grant programs under
8 this Act, consistent with State law and under a
9 written agreement between the parties;

10 “(B) build capacity to administer and co-
11 ordinate such education programs, and to im-
12 prove the relationship and coordination between
13 such applicants and the State educational agen-
14 cies and local educational agencies that educate
15 students from the tribe;

16 “(C) receive training and support from the
17 State educational agency and local educational
18 agency, in areas such as data collection and
19 analysis, grants management and monitoring,
20 fiscal accountability, and other areas as needed;

21 “(D) train and support the State edu-
22 cational agency and local educational agency in
23 areas related to tribal history, language, or cul-
24 ture;

1 “(E) build on existing activities or re-
2 sources rather than replacing other funds; and

3 “(F) carry out other activities, consistent
4 with the purposes of this section.

5 “(d) GRANT APPLICATION.—

6 “(1) IN GENERAL.—Each eligible applicant de-
7 siring a grant under this section shall submit an ap-
8 plication to the Secretary at such time and in such
9 manner as the Secretary may reasonably prescribe.

10 “(2) CONTENTS.—Each application described in
11 paragraph (1) shall contain—

12 “(A) a statement describing the activities
13 to be conducted, and the objectives to be
14 achieved, under the grant;

15 “(B) a description of the method to be
16 used for evaluating the effectiveness of the ac-
17 tivities for which assistance is sought and for
18 determining whether such objectives are
19 achieved; and

20 “(C) for applications for activities under
21 subsection (c)(2), evidence of—

22 “(i) a preliminary agreement with the
23 appropriate State educational agency, 1 or
24 more local educational agencies, or both

1 the State educational agency and a local
2 educational agency; and

3 “(ii) existing capacity as a tribal edu-
4 cational agency.

5 “(3) APPROVAL.—The Secretary may approve
6 an application submitted by an eligible applicant
7 under this subsection if the application, including
8 any documentation submitted with the application—

9 “(A) demonstrates that the eligible appli-
10 cant has consulted with other education enti-
11 ties, if any, within the territorial jurisdiction of
12 the applicant that will be affected by the activi-
13 ties to be conducted under the grant;

14 “(B) provides for consultation with such
15 other education entities in the operation and
16 evaluation of the activities conducted under the
17 grant; and

18 “(C) demonstrates that there will be ade-
19 quate resources provided under this section or
20 from other sources to complete the activities for
21 which assistance is sought.

22 “(e) RESTRICTIONS.—

23 “(1) IN GENERAL.—An Indian tribe may not
24 receive funds under this section if the tribe receives

1 funds under section 1140 of the Education Amend-
2 ments of 1978 (20 U.S.C. 2020).

3 “(2) DIRECT SERVICES.—No funds under this
4 section may be used to provide direct services.

5 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds under
6 this section shall be used to supplement, and not supplant,
7 other Federal, State, and local programs that meet the
8 needs of tribal students.”.

9 (q) IMPROVEMENT OF EDUCATIONAL OPPORTUNI-
10 TIES FOR ADULT INDIANS.—Title VI (20 U.S.C. 7401 et
11 seq.) (as redesignated by section 6001) is amended by
12 striking section 6136.

13 (r) NATIONAL ADVISORY COUNCIL ON INDIAN EDU-
14 CATION.—Section 6141(b)(1) (20 U.S.C. 7471(b)(1)) (as
15 redesignated by section 6001) is amended by inserting
16 “and the Secretary of the Interior” after “advise the Sec-
17 retary”.

18 (s) DEFINITIONS.—Section 6151 (20 U.S.C. 7491)
19 (as redesignated by section 6001) is amended by adding
20 at the end the following:

21 “(4) TRADITIONAL LEADERS.—The term ‘tradi-
22 tional leaders’ has the meaning given the term in
23 section 103 of the Native American Languages Act
24 (25 U.S.C. 2902).”.

1 (t) AUTHORIZATIONS OF APPROPRIATIONS.—Section
2 6152 (20 U.S.C. 7492) (as redesignated by section 6001)
3 is amended—

4 (1) in subsection (a), by striking “\$96,400,000
5 for fiscal year 2002 and such sums as may be nec-
6 essary for each of the 5 succeeding fiscal years” and
7 inserting “\$100,381,000 for fiscal year 2017,
8 \$102,388,620 for fiscal year 2018, \$104,436,392 for
9 fiscal year 2019, and \$106,525,120 for fiscal year
10 2020”;

11 (2) in subsection (b)—

12 (A) in the subsection heading, by striking
13 “SUBPARTS 2 AND 3” and inserting “SUBPART
14 2”;

15 (B) by striking “subparts 2 and 3” and in-
16 serting “subpart 2”; and

17 (C) by striking “\$24,000,000 for fiscal
18 year 2002 and such sums as may be necessary
19 for each of the 5 succeeding fiscal years” and
20 inserting “\$17,993,000 for each of fiscal years
21 2017 through 2020”; and

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

23 “(c) SUBPART 3.—For the purpose of carrying out
24 subpart 3, there are authorized to be appropriated
25 \$5,565,000 for each of fiscal years 2017 through 2020.”.

1 **SEC. 6003. NATIVE HAWAIIAN EDUCATION.**

2 (a) FINDINGS.—Section 6202 (20 U.S.C. 7512) (as
3 redesignated by section 6001) is amended by striking
4 paragraphs (14) through (21).

5 (b) NATIVE HAWAIIAN EDUCATION COUNCIL.—Sec-
6 tion 6204 (20 U.S.C. 7514) (as redesignated by section
7 6001) is amended to read as follows:

8 **“SEC. 6204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

9 “(a) GRANT AUTHORIZED.—In order to better effec-
10 tuate the purposes of this part through the coordination
11 of educational and related services and programs available
12 to Native Hawaiians, including those programs that re-
13 ceive funding under this part, the Secretary shall award
14 a grant to the education council described under sub-
15 section (b).

16 “(b) EDUCATION COUNCIL.—

17 “(1) ELIGIBILITY.—To be eligible to receive the
18 grant under subsection (a), the council shall be an
19 education council (referred to in this section as the
20 ‘Education Council’) that meets the requirements of
21 this subsection.

22 “(2) COMPOSITION.—The Education Council
23 shall consist of 15 members, of whom—

24 “(A) 1 shall be the President of the Uni-
25 versity of Hawaii (or a designee);

1 “(B) 1 shall be the Governor of the State
2 of Hawaii (or a designee);

3 “(C) 1 shall be the Superintendent of the
4 State of Hawaii Department of Education (or a
5 designee);

6 “(D) 1 shall be the chairperson of the Of-
7 fice of Hawaiian Affairs (or a designee);

8 “(E) 1 shall be the executive director of
9 Hawaii’s Charter School Network (or a des-
10 igned);

11 “(F) 1 shall be the chief executive officer
12 of the Kamehameha Schools (or a designee);

13 “(G) 1 shall be the Chief Executive Officer
14 of the Queen Liliuokalani Trust (or a designee);

15 “(H) 1 shall be appointed by the Sec-
16 retary, in a timely manner, and chosen from a
17 list of 5 individuals who represent one or more
18 private grant-making entities that is submitted
19 to the Secretary by the Education Council;

20 “(I) 1 shall be the Mayor of the County of
21 Hawaii (or a designee);

22 “(J) 1 shall be the Mayor of Maui County
23 (or a designee from the Island of Maui);

24 “(K) 1 shall be the Mayor of the County
25 of Kauai (or a designee);

1 “(L) 1 shall be appointed by the Secretary,
2 in a timely manner, and chosen from a list of
3 5 individuals who are from the Island of
4 Molokai or the Island of Lanai that is sub-
5 mitted to the Secretary by the Mayor of Maui
6 County;

7 “(M) 1 shall be the Mayor of the City and
8 County of Honolulu (or a designee);

9 “(N) 1 shall be the chairperson of the Ha-
10 waiian Homes Commission (or a designee); and

11 “(O) 1 shall be the chairperson of the Ha-
12 waii Workforce Development Council (or a des-
13 ignee representing the private sector).

14 “(3) REQUIREMENTS.—Any designee serving on
15 the Education Council shall demonstrate, as deter-
16 mined by the individual who appointed such designee
17 with input from the Native Hawaiian community,
18 not less than 5 years of experience as a consumer
19 or provider of Native Hawaiian educational or cul-
20 tural activities, with traditional cultural experience
21 given due consideration.

22 “(4) LIMITATION.—A member (including a des-
23 ignee), while serving on the Education Council, shall
24 not be a direct recipient or administrator of grant
25 funds that are awarded under this part.

1 “(5) TERM OF MEMBERS.—A member who is a
2 designee shall serve for a term of not more than 4
3 years.

4 “(6) CHAIR; VICE CHAIR.—

5 “(A) SELECTION.—The Education Council
6 shall select a Chairperson and a Vice Chair-
7 person from among the members of the Edu-
8 cation Council.

9 “(B) TERM LIMITS.—The Chairperson and
10 Vice Chairperson shall each serve for a 2-year
11 term.

12 “(7) ADMINISTRATIVE PROVISIONS RELATING
13 TO EDUCATION COUNCIL.—The Education Council
14 shall meet at the call of the Chairperson of the
15 Council, or upon request by a majority of the mem-
16 bers of the Education Council, but in any event not
17 less often than every 120 days.

18 “(8) NO COMPENSATION.—None of the funds
19 made available through the grant may be used to
20 provide compensation to any member of the Edu-
21 cation Council or member of a working group estab-
22 lished by the Education Council, for functions de-
23 scribed in this section.

24 “(c) USE OF FUNDS FOR COORDINATION ACTIVI-
25 TIES.—The Education Council shall use funds made avail-

1 able through a grant under subsection (a) to carry out
2 each of the following activities:

3 “(1) Providing advice about the coordination of,
4 and serving as a clearinghouse for, the educational
5 and related services and programs available to Na-
6 tive Hawaiians, including the programs assisted
7 under this part.

8 “(2) Assessing the extent to which such services
9 and programs meet the needs of Native Hawaiians,
10 and collecting data on the status of Native Hawaiian
11 education.

12 “(3) Providing direction and guidance, through
13 the issuance of reports and recommendations, to ap-
14 propriate Federal, State, and local agencies in order
15 to focus and improve the use of resources, including
16 resources made available under this part, relating to
17 Native Hawaiian education, and serving, where ap-
18 propriate, in an advisory capacity.

19 “(4) Awarding grants, if such grants enable the
20 Education Council to carry out the activities de-
21 scribed in paragraphs (1) through (3).

22 “(5) Hiring an executive director, who shall as-
23 sist in executing the duties and powers of the Edu-
24 cation Council, as described in subsection (d).

1 “(d) USE OF FUNDS FOR TECHNICAL ASSIST-
2 ANCE.—The Education Council shall use funds made
3 available through a grant under subsection (a) to—

4 “(1) provide technical assistance to Native Ha-
5 waiian organizations that are grantees or potential
6 grantees under this part;

7 “(2) obtain from such grantees information and
8 data regarding grants awarded under this part, in-
9 cluding information and data about—

10 “(A) the effectiveness of such grantees in
11 meeting the educational priorities established by
12 the Education Council, as described in para-
13 graph (6)(D), using metrics related to these
14 priorities; and

15 “(B) the effectiveness of such grantees in
16 carrying out any of the activities described in
17 paragraph (3) of section 6205(a) that are re-
18 lated to the specific goals and purposes of each
19 grantee’s grant project, using metrics related to
20 these goals and purposes;

21 “(3) assess and define the educational needs of
22 Native Hawaiians;

23 “(4) assess the programs and services available
24 to address the educational needs of Native Hawai-
25 ians;

1 “(5) assess and evaluate the individual and ag-
2 gregate impact achieved by grantees under this part
3 in improving Native Hawaiian educational perform-
4 ance and meeting the goals of this part, using
5 metrics related to these goals; and

6 “(6) prepare and submit to the Secretary, at
7 the end of each calendar year, an annual report that
8 contains—

9 “(A) a description of the activities of the
10 Education Council during the calendar year;

11 “(B) a description of significant barriers to
12 achieving the goals of this part;

13 “(C) a summary of each community con-
14 sultation session described in subsection (e);
15 and

16 “(D) recommendations to establish prior-
17 ities for funding under this part, based on an
18 assessment of—

19 “(i) the educational needs of Native
20 Hawaiians;

21 “(ii) programs and services available
22 to address such needs;

23 “(iii) the effectiveness of programs in
24 improving the educational performance of
25 Native Hawaiian students to help such stu-

1 dents meet challenging State academic
2 standards under section 1111(b)(1); and
3 “(iv) priorities for funding in specific
4 geographic communities.

5 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
6 TIONS.—The Education Council shall use funds made
7 available through the grant under subsection (a) to hold
8 not less than 1 community consultation each year on each
9 of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and
10 Kauai, at which—

11 “(1) not fewer than 3 members of the Edu-
12 cation Council shall be in attendance;

13 “(2) the Education Council shall gather com-
14 munity input regarding—

15 “(A) current grantees under this part, as
16 of the date of the consultation;

17 “(B) priorities and needs of Native Hawai-
18 ians; and

19 “(C) other Native Hawaiian education
20 issues; and

21 “(3) the Education Council shall report to the
22 community on the outcomes of the activities sup-
23 ported by grants awarded under this part.

24 “(f) FUNDING.—For each fiscal year, the Secretary
25 shall use the amount described in section 6205(c)(2), to

1 make a payment under the grant. Funds made available
2 through the grant shall remain available until expended.”.

3 (c) PROGRAM AUTHORIZED.—Section 6205 (20
4 U.S.C. 7515) (as redesignated by section 6001) is amend-
5 ed—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (C), by striking
9 “and” after the semicolon;

10 (ii) by redesignating subparagraph
11 (D) as subparagraph (E); and

12 (iii) by inserting after subparagraph
13 (C) the following:

14 “(D) charter schools; and”;

15 (B) in paragraph (3)—

16 (i) in subparagraph (C)—

17 (I) by striking “third grade” and
18 inserting “grade 3”; and

19 (II) by striking “fifth and sixth
20 grade” and inserting “grades 5 and
21 6”;

22 (ii) in subparagraph (D)(ii), by strik-
23 ing “of those students” and inserting “of
24 such students”;

1 (iii) in subparagraph (E)(ii), by strik-
2 ing “students’ educational progress” and
3 inserting “educational progress of such
4 students”;

5 (iv) in subparagraph (G)(ii), by strik-
6 ing “concentrations” and all that follows
7 through “; and” and inserting “high con-
8 centrations of Native Hawaiian students to
9 meet the unique needs of such students;
10 and”;

11 (v) in subparagraph (H)—

12 (I) in the matter preceding clause
13 (i), by striking “families” and insert-
14 ing “students, parents, families,”;

15 (II) in clause (i), by striking
16 “preschool programs” and inserting
17 “early childhood education programs”;

18 (III) by striking clause (ii) and
19 inserting the following:

20 “(ii) before, after, and summer school
21 programs, expanded learning time, or
22 weekend academies;”;

23 (IV) in clause (iii), by striking
24 “vocational and adult education pro-

1 grams” and inserting “career and
2 technical education programs”; and
3 (vi) by striking clauses (i) through (v)
4 of subparagraph (I) and inserting the fol-
5 lowing:

6 “(i) family literacy services; and
7 “(ii) counseling, guidance, and sup-
8 port services for students;”; and

9 (C) by striking paragraph (4); and
10 (2) in subsection (c)—

11 (A) in paragraph (1), by striking “such
12 sums as may be necessary for fiscal year 2002
13 and each of the 5 succeeding fiscal years” and
14 inserting “\$32,397,000 for each of fiscal years
15 2017 through 2020”; and

16 (B) in paragraph (2), by striking “for fis-
17 cal year 2002 and each of the 5 succeeding fis-
18 cal years” and inserting “for each of fiscal
19 years 2017 through 2020”.

20 (d) DEFINITIONS.—Section 6207 (20 U.S.C. 7517)
21 (as redesignated by section 6001) is amended—

22 (1) by redesignating paragraphs (1) through
23 (6) as paragraphs (2) through (7), respectively; and

24 (2) by inserting before paragraph (2), as redesi-
25 gnated by paragraph (1), the following:

1 “(1) COMMUNITY CONSULTATION.—The term
2 ‘community consultation’ means a public gath-
3 ering—

4 “(A) to discuss Native Hawaiian education
5 concerns; and

6 “(B) about which the public has been given
7 not less than 30 days notice.”.

8 **SEC. 6004. ALASKA NATIVE EDUCATION.**

9 (a) FINDINGS.—Section 6302 (20 U.S.C. 7542) (as
10 redesignated by section 6001) is amended by striking
11 paragraphs (1) through (7) and inserting the following:

12 “(1) It is the policy of the Federal Government
13 to maximize the leadership of and participation by
14 Alaska Natives in the planning and the management
15 of Alaska Native education programs and to support
16 efforts developed by and undertaken within the Alas-
17 ka Native community to improve educational oppor-
18 tunity for all students.

19 “(2) Many Alaska Native children enter and
20 exit school with serious educational disadvantages.

21 “(3) Overcoming the magnitude of the geo-
22 graphic challenges, historical inequities, and other
23 barriers to successfully improving educational out-
24 comes for Alaska Native students in rural, village,
25 and urban settings is challenging. Significant dis-

1 parities between academic achievement of Alaska
2 Native students and non-Native students continue,
3 including lower graduation rates, increased school
4 dropout rates, and lower achievement scores on
5 standardized tests.

6 “(4) The preservation of Alaska Native cultures
7 and languages and the integration of Alaska Native
8 cultures and languages into education, positive iden-
9 tity development for Alaska Native students, and
10 local, place-based, and culture-based programming
11 are critical to the attainment of educational success
12 and the long-term well-being of Alaska Native stu-
13 dents.

14 “(5) Improving educational outcomes for Alaska
15 Native students increases access to employment op-
16 portunities.

17 “(6) The Federal Government should lend sup-
18 port to efforts developed by and undertaken within
19 the Alaska Native community to improve educational
20 opportunity for Alaska Native students. In 1983,
21 pursuant to Public Law 98–63, Alaska ceased to re-
22 ceive educational funding from the Bureau of Indian
23 Affairs. The Bureau of Indian Education does not
24 operate any schools in Alaska, nor operate or fund
25 Alaska Native education programs. The program

1 under this part supports the Federal trust responsi-
2 bility of the United States to Alaska Natives.”.

3 (b) PURPOSES.—Section 6303 (20 U.S.C. 7543) (as
4 redesignated by section 6001) is amended—

5 (1) in paragraph (1), by inserting “and ad-
6 dress” after “To recognize”;

7 (2) by striking paragraph (3);

8 (3) by redesignating paragraphs (2) and (4) as
9 paragraphs (4) and (5), respectively;

10 (4) by inserting after paragraph (1) the fol-
11 lowing:

12 “(2) To recognize the role of Alaska Native lan-
13 guages and cultures in the educational success and
14 long-term well-being of Alaska Native students.

15 “(3) To integrate Alaska Native cultures and
16 languages into education, develop Alaska Native stu-
17 dents’ positive identity, and support local place-
18 based and culture-based curriculum and program-
19 ming.”;

20 (5) in paragraph (4), as redesignated by para-
21 graph (3), by striking “of supplemental educational
22 programs to benefit Alaska Natives.” and inserting
23 “, management, and expansion of effective supple-
24 mental educational programs to benefit Alaska Na-
25 tives.”; 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, implementation, management, and
5 evaluation of programs designed to serve Alaska Na-
6 tive students.”.

7 (c) PROGRAM AUTHORIZED.—Section 6304 (20
8 U.S.C. 7544) (as redesignated by section 6001) is amend-
9 ed to read as follows:

10 **“SEC. 6304. PROGRAM AUTHORIZED.**

11 “(a) GENERAL AUTHORITY.—

12 “(1) GRANTS AND CONTRACTS.—The Secretary
13 is authorized to make grants to, or enter into con-
14 tracts with—

15 “(A) Alaska Native organizations with ex-
16 perience operating programs that fulfill the pur-
17 poses of this part;

18 “(B) Alaska Native organizations that do
19 not have the experience described in subpara-
20 graph (A) but are in partnership with—

21 “(i) a State educational agency or a
22 local educational agency; or

23 “(ii) an Alaska Native organization
24 that operates a program that fulfills the
25 purposes of this part;

1 “(C) an entity located in Alaska, and pre-
2 dominately governed by Alaska Natives, that
3 does not meet the definition of an Alaska Na-
4 tive organization under this part but—

5 “(i) has experience operating pro-
6 grams that fulfill the purposes of this part;
7 and

8 “(ii) is granted an official charter or
9 sanction, as described in the definition of
10 a tribal organization under section 4 of the
11 Indian Self-Determination and Education
12 Assistance Act (25 U.S.C. 450b), from at
13 least one Alaska Native tribe or Alaska
14 Native organization to carry out programs
15 that meet the purposes of this part.

16 “(2) MANDATORY ACTIVITIES.—Activities pro-
17 vided through the programs carried out under this
18 part shall include the following:

19 “(A) The development and implementation
20 of plans, methods, strategies, and activities to
21 improve the educational outcomes of Alaska
22 Natives.

23 “(B) The collection of data to assist in the
24 evaluation of the programs carried out under
25 this part.

1 “(3) PERMISSIBLE ACTIVITIES.—Activities pro-
2 vided through programs carried out under this part
3 may include the following:

4 “(A) The development of curricula and
5 programs that address the educational needs of
6 Alaska Native students, including the following:

7 “(i) Curriculum materials that are
8 culturally informed and reflect the cultural
9 diversity, languages, history, or the con-
10 tributions of Alaska Native people, includ-
11 ing curricula intended to preserve and pro-
12 mote Alaska Native culture.

13 “(ii) Instructional programs that
14 make use of Alaska Native languages and
15 cultures.

16 “(iii) Networks that develop, test, and
17 disseminate best practices and introduce
18 successful programs, materials, and tech-
19 niques to meet the educational needs of
20 Alaska Native students in urban and rural
21 schools.

22 “(B) Training and professional develop-
23 ment activities for educators, including the fol-
24 lowing:

1 “(i) Pre-service and in-service training
2 and professional development programs to
3 prepare teachers to develop appreciation
4 for, and understanding of, Alaska Native
5 history, cultures, values, and ways of
6 knowing and learning in order to effec-
7 tively address the cultural diversity and
8 unique needs of Alaska Native students
9 and improve the teaching methods of edu-
10 cators.

11 “(ii) Recruitment and preparation of
12 Alaska Native teachers.

13 “(iii) Programs that will lead to the
14 certification and licensing of Alaska Native
15 teachers, principals, other school leaders,
16 and superintendents.

17 “(C) Early childhood and parenting edu-
18 cation activities designed to improve the school
19 readiness of Alaska Native children, including—

20 “(i) the development and operation of
21 home visiting programs for Alaska Native
22 preschool children, to ensure the active in-
23 volvement of parents in their children’s
24 education from the earliest ages;

- 1 “(ii) training, education, and support,
2 including in-home visitation, for parents
3 and caregivers of Alaska Native children to
4 improve parenting and caregiving skills
5 (including skills relating to discipline and
6 cognitive development, reading readiness,
7 observation, storytelling, and critical think-
8 ing);
- 9 “(iii) family literacy services;
- 10 “(iv) activities carried out under the
11 Head Start Act (42 U.S.C. 9831 et seq.);
- 12 “(v) programs for parents and their
13 infants, from the prenatal period of the in-
14 fant through age 3;
- 15 “(vi) early childhood education pro-
16 grams; and
- 17 “(vii) native language immersion with-
18 in early childhood education programs,
19 Head Start, or preschool programs.
- 20 “(D) The development and operation of
21 student enrichment programs, including pro-
22 grams in science, technology, engineering, and
23 mathematics that—
- 24 “(i) are designed to prepare Alaska
25 Native students to excel in such subjects;

1 “(ii) provide appropriate support serv-
2 ices to enable such students to benefit
3 from the programs; and

4 “(iii) include activities that recognize
5 and support the unique cultural and edu-
6 cational needs of Alaska Native children
7 and incorporate appropriately qualified
8 Alaska Native elders and other tradition
9 bearers.

10 “(E) Research and data collection activi-
11 ties to determine the educational status and
12 needs of Alaska Native children and adults and
13 other such research and evaluation activities re-
14 lated to programs funded under this part.

15 “(F) Activities designed to enable Alaska
16 Native students served under this part to meet
17 the challenging State academic standards or in-
18 crease the graduation rates of Alaska Native
19 students, such as—

20 “(i) remedial and enrichment pro-
21 grams;

22 “(ii) culturally based education pro-
23 grams, such as—

24 “(I) programs of study and other
25 instruction in Alaska Native history

1 and ways of living to share the rich
2 and diverse cultures of Alaska Natives
3 among Alaska Native youth and el-
4 ders, non-Native students and teach-
5 ers, and the larger community;

6 “(II) instructing Alaska Native
7 youth in leadership, communication,
8 and Alaska Native culture, arts, his-
9 tory, and languages;

10 “(III) intergenerational learning
11 and internship opportunities to Alaska
12 Native youth and young adults;

13 “(IV) providing cultural immer-
14 sion activities aimed at Alaska Native
15 cultural preservation;

16 “(V) native language instruction
17 and immersion activities, including
18 native language immersion nests or
19 schools;

20 “(VI) school-within-a-school
21 model programs; and

22 “(VII) preparation for postsec-
23 ondary education and career planning;
24 and

1 “(iii) comprehensive school or commu-
2 nity-based support services, including serv-
3 ices that—

4 “(I) address family instability
5 and trauma; and

6 “(II) improve conditions for
7 learning at home, in the community,
8 and at school.

9 “(G) Student and teacher exchange pro-
10 grams, cross-cultural immersion programs, and
11 culture camps designed to build mutual respect
12 and understanding among participants.

13 “(H) Education programs for at-risk
14 urban Alaska Native students that are designed
15 to improve academic proficiency and graduation
16 rates, use strategies otherwise permissible
17 under this part, and incorporate a strong data
18 collection and continuous evaluation component.

19 “(I) Strategies designed to increase the in-
20 volvement of parents in their children’s edu-
21 cation.

22 “(J) Programs and strategies that increase
23 connections between and among schools, fami-
24 lies, and communities, including positive youth-
25 adult relationships, to—

1 “(i) promote the academic progress
2 and positive development of Alaska Native
3 children and youth; and

4 “(ii) improve conditions for learning
5 at home, in the community, and at school.

6 “(K) Career preparation activities to en-
7 able Alaska Native children and adults to pre-
8 pare for meaningful employment, including pro-
9 grams providing tech-prep, mentoring, training,
10 and apprenticeship activities.

11 “(L) Support for the development and
12 operational activities of regional vocational
13 schools in rural areas of Alaska to provide stu-
14 dents with necessary resources to prepare for
15 skilled employment opportunities.

16 “(M) Regional leadership academies that
17 demonstrate effectiveness in building respect
18 and understanding, and fostering a sense of
19 Alaska Native identity in Alaska Native stu-
20 dents to promote their pursuit of and success in
21 completing higher education or career training.

22 “(N) Other activities, consistent with the
23 purposes of this part, to meet the educational
24 needs of Alaska Native children and adults.

1 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$31,453,000 for each of fiscal years 2017 through 2020.”.

4 (d) ADMINISTRATIVE PROVISIONS.—Section 6305
5 (20 U.S.C. 7545) (as redesignated by section 6001) is
6 amended to read as follows:

7 **“SEC. 6305. ADMINISTRATIVE PROVISIONS.**

8 “Not more than 5 percent of funds provided to an
9 award recipient under this part for any fiscal year may
10 be used for administrative purposes.”.

11 (e) DEFINITIONS.—Section 6306 (20 U.S.C. 7546)
12 (as redesignated by section 6001) is amended—

13 (1) in paragraph (1), by inserting “(43 U.S.C.
14 1602(b)) and includes the descendants of individuals
15 so defined” after “Settlement Act”;

16 (2) by striking paragraph (2) and inserting the
17 following:

18 “(2) ALASKA NATIVE ORGANIZATION.—The
19 term ‘Alaska Native organization’ means an organi-
20 zation that has or commits to acquire expertise in
21 the education of Alaska Natives and is—

22 “(A) an Indian tribe, as defined in section
23 4 of the Indian Self-Determination and Edu-
24 cation Assistance Act (25 U.S.C. 450b), that is
25 an Indian tribe located in Alaska;

1 “(B) a ‘tribal organization’, as defined in
2 section 4 of such Act (25 U.S.C. 450b), that is
3 a tribal organization located in Alaska; or

4 “(C) an organization listed in clauses (i)
5 through (xii) of section 419(4)(B) of the Social
6 Security Act (42 U.S.C. 619(4)(B)(i) through
7 (xii)), or the successor of an entity so listed.”.

8 **SEC. 6005. REPORT ON NATIVE AMERICAN LANGUAGE ME-**
9 **DIUM EDUCATION.**

10 (a) DEFINITIONS.—In this section:

11 (1) INSTITUTION OF HIGHER EDUCATION.—The
12 term “institution of higher education” has the
13 meaning given such term in section 8101 of the Ele-
14 mentary and Secondary Education Act of 1965.

15 (2) LOCAL EDUCATIONAL AGENCY.—The term
16 “local educational agency” has the meaning given
17 such term in section 8101 of the Elementary and
18 Secondary Education Act of 1965.

19 (3) NATIVE AMERICAN; NATIVE AMERICAN LAN-
20 GUAGE.—The terms “Native American” and “Native
21 American language” have the meanings given such
22 terms in section 103 of the Native American Lan-
23 guages Act of 1990 (25 U.S.C. 2902).

24 (4) STATE EDUCATIONAL AGENCY.—The term
25 “State educational agency” has the meaning given

1 such term in section 8101 of the Elementary and
2 Secondary Education Act of 1965.

3 (b) STUDY.—By not later than 18 months after the
4 date of enactment of this Act, the Secretary of Education,
5 in collaboration with the Secretary of the Interior, shall—

6 (1) conduct a study to evaluate all levels of edu-
7 cation being provided primarily through the medium
8 of Native American languages; and

9 (2) report on the findings of such study.

10 (c) CONSULTATION.—In carrying out the study con-
11 ducted under subsection (b), the Secretary shall consult
12 with—

13 (1) institutions of higher education that con-
14 duct Native American language immersion pro-
15 grams, including teachers of such programs;

16 (2) State educational agencies and local edu-
17 cational agencies;

18 (3) Indian tribes and tribal organizations, as
19 such terms are defined by section 4 of the Indian
20 Self-Determination and Education Assistance Act
21 (25 U.S.C. 450b) that sponsor Native American lan-
22 guage immersion schools; and

23 (4) experts in the fields of Native American or
24 Alaska Native language and Native American lan-

1 guage medium education, including scholars who are
2 fluent in Native American languages.

3 (d) SCOPE OF STUDY.—The study conducted under
4 subsection (b) shall evaluate the components, policies, and
5 practices of successful Native American language immer-
6 sion schools and programs, including—

7 (1) the level of expertise in educational peda-
8 gogy, Native American language fluency, and experi-
9 ence of the principal, teachers, paraprofessionals,
10 and other educational staff;

11 (2) how such schools and programs are using
12 Native American languages to provide instruction in
13 reading, language arts, mathematics, science, and,
14 as applicable, other academic subjects;

15 (3) how such schools and programs assess the
16 academic proficiency of the students, including—

17 (A) whether the school administers assess-
18 ments of language arts, mathematics, science,
19 and other academic subjects in the Native
20 American language of instruction;

21 (B) whether the school administers assess-
22 ments of language arts, mathematics, science,
23 and other academic subjects in English; and

1 (C) how the standards measured by the as-
2 sessments in the Native American language of
3 instruction and in English compare; and

4 (4) the academic outcomes, graduation rate,
5 and other outcomes of students who have completed
6 the highest grade taught primarily through such
7 schools or programs, including, when available, col-
8 lege attendance rates compared with demographi-
9 cally similar students who did not attend a school in
10 which the language of instruction was a Native
11 American language.

12 (e) RECOMMENDATIONS.—Not later than 18 months
13 after the date of enactment of this Act, the Secretary of
14 Education, in collaboration with the Secretary of the Inte-
15 rior, shall—

16 (1) develop a report that includes findings and
17 conclusions regarding the study conducted under
18 subsection (b), including recommendations for such
19 legislative and administrative actions as the Sec-
20 retary of Education considers to be appropriate;

21 (2) consult with the entities described in sub-
22 section (c) in reviewing such findings and conclu-
23 sions; and

24 (3) submit the report described in paragraph

25 (1) to each of the following:

1 (A) The Committee on Health, Education,
2 Labor, and Pensions of the Senate.

3 (B) The Committee on Education and the
4 Workforce of the House of Representatives.

5 (C) The Committee on Indian Affairs of
6 the Senate.

7 (D) The Subcommittee on Indian, Insular
8 and Alaska Native Affairs of the House of Rep-
9 resentatives.

10 **SEC. 6006. REPORT ON RESPONSES TO INDIAN STUDENT**
11 **SUICIDES.**

12 (a) PREPARATION.—

13 (1) IN GENERAL.—The Secretary of Education,
14 in coordination with the Secretary of the Interior
15 and the Secretary of Health and Human Services,
16 shall prepare a report on efforts to address out-
17 breaks of suicides among elementary school and sec-
18 ondary school students (referred to in this section as
19 “student suicides”) that occurred within 1 year prior
20 to the date of enactment of this Act in Indian coun-
21 try (as defined in section 1151 of title 18, United
22 States Code).

23 (2) CONTENTS.—The report described in para-
24 graph (1) shall include information on—

1 (A) the Federal response to the occurrence
2 of high numbers of student suicides in Indian
3 country (as so defined);

4 (B) a list of Federal resources available to
5 prevent and respond to outbreaks of student
6 suicides, including the availability and use of
7 tele-behavioral health care;

8 (C) any barriers to timely implementation
9 of programs or interagency collaboration re-
10 garding student suicides;

11 (D) interagency collaboration efforts to
12 streamline access to programs regarding stu-
13 dent suicides, including information on how the
14 Department of Education, the Department of
15 the Interior, and the Department of Health and
16 Human Services work together on administra-
17 tion of such programs;

18 (E) recommendations to improve or con-
19 solidate resources or programs described in sub-
20 paragraph (B) or (D); and

21 (F) feedback from Indian tribes to the
22 Federal response described in subparagraph
23 (A).

24 (b) SUBMISSION.—Not later than 270 days after the
25 date of enactment of this Act, the Secretary of Education

1 shall submit the report described in subsection (a) to the
2 appropriate committees of Congress.

3 **TITLE VII—IMPACT AID**

4 **SEC. 7001. GENERAL PROVISIONS.**

5 (a) **IMPACT AID IMPROVEMENT ACT OF 2012.**—Sec-
6 tion 563(c) of National Defense Authorization Act for Fis-
7 cal Year 2013 (Public Law 112–239; 126 Stat. 1748; 20
8 U.S.C. 6301 note) (also known as the “Impact Aid Im-
9 provement Act of 2012”), as amended by section 563 of
10 division A of Public Law 113–291, is amended—

11 (1) by striking paragraphs (1) and (4); and

12 (2) by redesignating paragraphs (2) and (3), as
13 paragraphs (1) and (2), respectively.

14 (b) **REPEAL.**—Section 309 of division H of the Con-
15 solidated Appropriations Act, 2014 (Public Law 113–76;
16 20 U.S.C. 7702 note) is repealed.

17 (c) **TITLE VII REDESIGNATIONS.**—Title VIII (20
18 U.S.C. 7701 et seq.) is redesignated as title VII and fur-
19 ther amended—

20 (1) by redesignating sections 8001 through
21 8005 as sections 7001 through 7005, respectively;
22 and

23 (2) by redesignating sections 8007 through
24 8014 as sections 7007 through 7014, respectively.

1 (d) CONFORMING AMENDMENTS.—Title VII (as re-
2 designated by subsection (c) of this section) is further
3 amended—

4 (1) by striking “section 8002” each place it ap-
5 pears and inserting “section 7002”;

6 (2) by striking “section 8003” each place it ap-
7 pears and inserting “section 7003”;

8 (3) by striking “section 8003(a)(1)” each place
9 it appears and inserting “section 7003(a)(1)”;

10 (4) by striking “section 8003(a)(1)(C)” each
11 place it appears and inserting “section
12 7003(a)(1)(C)”;

13 (5) by striking “section 8003(a)(2)” each place
14 it appears and inserting “section 7003(a)(2)”;

15 (6) by striking “section 8003(b)” each place it
16 appears and inserting “section 7003(b)”;

17 (7) by striking “section 8003(b)(1)” each place
18 it appears and inserting “section 7003(b)(1)”;

19 (8) by striking “section 8003(b)(2)” each place
20 it appears and inserting “section 7003(b)(2)”;

21 (9) by striking “section 8014(a)” each place it
22 appears and inserting “section 7014(a)”;

23 (10) by striking “section 8014(b)” each place it
24 appears and inserting “section 7014(b)”;

1 (11) by striking “section 8014(e)” each place it
2 appears and inserting “section 7014(d)”.

3 **SEC. 7002. PURPOSE.**

4 Section 7001, as redesignated by section 7001 of this
5 Act, is amended in the matter preceding paragraph (1),
6 by striking “challenging State standards” and inserting
7 “the same challenging State academic standards”.

8 **SEC. 7003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.**

9
10 Section 7002, as redesignated and amended by section 7001 of this Act, is further amended—

11
12 (1) in subsection (a)(1)(C), by striking the matter preceding clause (i) and inserting the following:

13 “(C) had an assessed value according to
14 original records (including facsimiles or other
15 reproductions of those records) documenting
16 the assessed value of such property (determined
17 as of the time or times when so acquired) prepared by the local officials referred to in subsection (b)(3) or, when such original records
18 are not available due to unintentional destruction (such as natural disaster, fire, flooding, pest infestation, or deterioration due to age),
19 other records, including Federal agency records,
20 local historical records, or other records that
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1 the Secretary determines to be appropriate and
2 reliable, aggregating 10 percent or more of the
3 assessed value of—”;

4 (2) in subsection (b)—

5 (A) in paragraph (1)(C) by striking “sec-
6 tion 8003(b)(1)(C)” and inserting “section
7 7003(b)(1)(C)”;

8 (B) in paragraph (3), by striking subpara-
9 graph (B) and inserting the following:

10 “(B) SPECIAL RULE.—In the case of Fed-
11 eral property eligible under this section that is
12 within the boundaries of 2 or more local edu-
13 cational agencies that are eligible under this
14 section, any of such agencies may ask the Sec-
15 retary to calculate (and the Secretary shall cal-
16 culate) the taxable value of the eligible Federal
17 property that is within its boundaries by—

18 “(i) first calculating the per-acre
19 value of the eligible Federal property sepa-
20 rately for each eligible local educational
21 agency that shared the Federal property,
22 as provided in subparagraph (A)(ii);

23 “(ii) then averaging the resulting per-
24 acre values of the eligible Federal property

1 from each eligible local educational agency
2 that shares the Federal property; and

3 “(iii) then applying the average per-
4 acre value to determine the total taxable
5 value of the eligible Federal property under
6 subparagraph (A)(iii) for the requesting
7 local educational agency.”;

8 (3) in subsection (e)(2), by adding at the end
9 the following: “For each fiscal year beginning on or
10 after the date of enactment of the Every Student
11 Succeeds Act, the Secretary shall treat local edu-
12 cational agencies chartered in 1871 having more
13 than 70 percent of the county in Federal ownership
14 as meeting the eligibility requirements of subpara-
15 graphs (A) and (C) of subsection (a)(1).”;

16 (4) by striking subsection (f) and inserting the
17 following:

18 “(f) SPECIAL RULE.—For each fiscal year beginning
19 on or after the date of enactment of the Every Student
20 Succeeds Act, a local educational agency shall be deemed
21 to meet the requirements of subsection (a)(1)(C) if the
22 agency was eligible under paragraph (1) or (3) of section
23 8002(f) as such section was in effect on the day before
24 the date of enactment of the Every Student Succeeds
25 Act.”;

1 (5) by striking subsection (g) and inserting the
2 following:

3 “(g) FORMER DISTRICTS.—

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

14 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
15 CIES.—A local educational agency referred to in
16 paragraph (1) is—

17 “(A) any local educational agency that, for
18 fiscal year 1994 or any preceding fiscal year,
19 applied, and was determined to be eligible
20 under, section 2(c) of the Act of September 30,
21 1950 (Public Law 874, 81st Congress) as that
22 section was in effect for that fiscal year; or

23 “(B) a local educational agency—

24 “(i) that was formed by the consolida-
25 tion of 2 or more districts, at least 1 of

1 which was eligible for assistance under this
2 section for the fiscal year preceding the
3 year of the consolidation; and

4 “(ii) which includes the designation
5 referred to in paragraph (1) in its applica-
6 tion under section 7005 for a fiscal year
7 beginning on or after the date of enact-
8 ment of the Every Student Succeeds Act
9 or any timely amendment to such applica-
10 tion.

11 “(3) AMOUNT.—A local educational agency eli-
12 gible under paragraph (1) shall receive a foundation
13 payment as provided for under subparagraphs (A)
14 and (B) of subsection (h)(1), except that the founda-
15 tion payment shall be calculated based on the most
16 recent payment received by the local educational
17 agency based on its status prior to consolidation.”;

18 (6) in subsection (h)(4), by striking “For each
19 local educational agency that received a payment
20 under this section for fiscal year 2010 through the
21 fiscal year in which the Impact Aid Improvement
22 Act of 2012 is enacted” and inserting “For each
23 local educational agency that received a payment
24 under this section for fiscal year 2010 or any suc-
25 ceeding fiscal year”;

1 (7) by repealing subsections (k) and (m);

2 (8) by redesignating subsection (l) as subsection
3 (j);

4 (9) in subsection (j) (as redesignated by para-
5 graph (8)), by striking “(h)(4)(B)” and inserting
6 “(h)(2)”;

7 (10) by redesignating subsection (n) as sub-
8 section (k); and

9 (11) in subsection (k)(1) (as redesignated by
10 paragraph (10)), by striking “section
11 8013(5)(C)(iii)” and inserting “section
12 7013(5)(C)(iii)”.

13 **SEC. 7004. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
14 **NECTED CHILDREN.**

15 Section 7003, as redesignated and amended by sec-
16 tion 7001 of this Act, is further amended—

17 (1) in subsection (a)(5)(A), by striking “to be
18 children” and all that follows through the period at
19 the end and inserting “or under lease of off-base
20 property under subchapter IV of chapter 169 of title
21 10, United States Code, to be children described
22 under paragraph (1)(B), if the property described
23 is—

24 “(i) within the fenced security perim-
25 eter of the military facility; or

1 “(ii) attached to, and under any type
2 of force protection agreement with, the
3 military installation upon which such hous-
4 ing is situated.”;

5 (2) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) by striking subparagraph (E); and

8 (ii) by redesignating subparagraphs
9 (F) and (G) as subparagraphs (E) and
10 (F), respectively;

11 (B) in paragraph (2), by striking subpara-
12 graphs (B) through (H) and inserting the fol-
13 lowing:

14 “(B) ELIGIBILITY FOR HEAVILY IMPACTED
15 LOCAL EDUCATIONAL AGENCIES.—

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

22 “(I) is a local educational agen-
23 cy—

24 “(aa) whose boundaries are
25 the same as a Federal military

1 installation or an island property
2 designated by the Secretary of
3 the Interior to be property that is
4 held in trust by the Federal Gov-
5 ernment; and

6 “(bb) that has no taxing au-
7 thority;

8 “(II) is a local educational agen-
9 cy that—

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

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

18 “(AA) for an agency
19 that has a total student en-
20 rollment of 500 or more stu-
21 dents, 125 percent of the av-
22 erage per-pupil expenditure
23 of the State in which the
24 agency is located; or

1 “(BB) for any agency
2 that has a total student en-
3 rollment of less than 500
4 students, 150 percent of the
5 average per-pupil expendi-
6 ture of the State in which
7 the agency is located or the
8 average per-pupil expendi-
9 ture of 3 or more com-
10 parable local educational
11 agencies in the State in
12 which the agency is located;
13 and

14 “(cc) is an agency that has
15 a tax rate for general fund pur-
16 poses that is not less than 95
17 percent of the average tax rate
18 for general fund purposes of
19 comparable local educational
20 agencies in the State;

21 “(III) is a local educational agen-
22 cy that—

23 “(aa) has a tax rate for gen-
24 eral fund purposes which is not
25 less than 125 percent of the aver-

1 age tax rate for general fund
2 purposes for comparable local
3 educational agencies in the State;
4 and

5 “(bb)(AA) has an enrollment
6 of children described in sub-
7 section (a)(1) that constitutes a
8 percentage of the total student
9 enrollment of the agency that is
10 not less than 30 percent; or

11 “(BB) has an enrollment of
12 children described in subsection
13 (a)(1) that constitutes a percent-
14 age of the total student enroll-
15 ment of the agency that is not
16 less than 20 percent, and for the
17 3 fiscal years preceding the fiscal
18 year for which the determination
19 is made, the average enrollment
20 of children who are not described
21 in subsection (a)(1) and who are
22 eligible for a free or reduced
23 price lunch under the Richard B.
24 Russell National School Lunch
25 Act constitutes a percentage of

1 the total student enrollment of
2 the agency that is not less than
3 65 percent;

4 “(IV) is a local educational agen-
5 cy that has a total student enrollment
6 of not less than 25,000 students, of
7 which—

8 “(aa) not less than 50 per-
9 cent are children described in
10 subsection (a)(1); and

11 “(bb) not less than 5,000 of
12 such children are children de-
13 scribed in subparagraphs (A) and
14 (B) of subsection (a)(1); or

15 “(V) is a local educational agency
16 that—

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

1 “(bb) has a per-pupil ex-
2 penditure described in subclause
3 (II)(bb) (except that a local edu-
4 cational agency with a total stu-
5 dent enrollment of less than 350
6 students shall be deemed to have
7 satisfied such per-pupil expendi-
8 ture requirement) and has a tax
9 rate for general fund purposes
10 which is not less than 95 percent
11 of the average tax rate for gen-
12 eral fund purposes for com-
13 parable local educational agencies
14 in the State; and

15 “(cc) was eligible to receive
16 assistance under subparagraph
17 (A) for fiscal year 2001.

18 “(ii) LOSS OF ELIGIBILITY.—

19 “(I) IN GENERAL.—Subject to
20 subclause (II), a heavily impacted
21 local educational agency that met the
22 requirements of clause (i) for a fiscal
23 year shall be ineligible to receive a
24 basic support payment under subpara-
25 graph (A) if the agency fails to meet

1 the requirements of clause (i) for a
2 subsequent fiscal year, except that
3 such agency shall continue to receive
4 a basic support payment under this
5 paragraph for the fiscal year for
6 which the ineligibility determination is
7 made.

8 “(II) LOSS OF ELIGIBILITY DUE
9 TO FALLING BELOW 95 PERCENT OF
10 THE AVERAGE TAX RATE FOR GEN-
11 ERAL FUND PURPOSES.—In the case
12 of a heavily impacted local educational
13 agency described in subclause (II) or
14 (V) of clause (i) that is eligible to re-
15 ceive a basic support payment under
16 subparagraph (A), but that has had,
17 for 2 consecutive fiscal years, a tax
18 rate for general fund purposes that
19 falls below 95 percent of the average
20 tax rate for general fund purposes of
21 comparable local educational agencies
22 in the State, such agency shall be de-
23 termined to be ineligible under clause
24 (i) and ineligible to receive a basic
25 support payment under subparagraph

1 (A) for each fiscal year succeeding
2 such 2 consecutive fiscal years for
3 which the agency has such a tax rate
4 for general fund purposes, and until
5 the fiscal year for which the agency
6 resumes such eligibility in accordance
7 with clause (iii).

8 “(III) TAKEN OVER BY STATE
9 BOARD OF EDUCATION.—In the case
10 of a heavily impacted local educational
11 agency that is eligible to receive a
12 basic support payment under subpara-
13 graph (A), but that has been taken
14 over by a State board of education in
15 any 2 previous years, such agency
16 shall be deemed to maintain heavily
17 impacted status for 2 fiscal years fol-
18 lowing the date of enactment of the
19 Every Student Succeeds Act.

20 “(iii) RESUMPTION OF ELIGIBILITY.—
21 A heavily impacted local educational agen-
22 cy described in clause (i) that becomes in-
23 eligible under such clause for 1 or more
24 fiscal years may resume eligibility for a
25 basic support payment under this para-

1 graph for a subsequent fiscal year only if
2 the agency meets the requirements of
3 clause (i) for that subsequent fiscal year,
4 except that such agency shall not receive a
5 basic support payment under this para-
6 graph until the fiscal year succeeding the
7 fiscal year for which the eligibility deter-
8 mination is made.

9 “(C) MAXIMUM AMOUNT FOR HEAVILY IM-
10 PACTED LOCAL EDUCATIONAL AGENCIES.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in subparagraph (D), the maximum
13 amount that a heavily impacted local edu-
14 cational agency is eligible to receive under
15 this paragraph for any fiscal year is the
16 sum of the total weighted student units, as
17 computed under subsection (a)(2) and sub-
18 ject to clause (ii), multiplied by the greater
19 of—

20 “(I) four-fifths of the average
21 per-pupil expenditure of the State in
22 which the local educational agency is
23 located for the third fiscal year pre-
24 ceding the fiscal year for which the
25 determination is made; or

1 “(II) four-fifths of the average
2 per-pupil expenditure of all of the
3 States for the third fiscal year pre-
4 ceding the fiscal year for which the
5 determination is made.

6 “(ii) CALCULATION OF WEIGHTED
7 STUDENT UNITS.—

8 “(I) IN GENERAL.—

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

1 (E) of such subsection by multi-
2 plying the number of such chil-
3 dren by a factor of 0.55.

4 “(bb) EXCEPTION.—Not-
5 withstanding item (aa), a local
6 educational agency that received
7 a payment under this paragraph
8 for fiscal year 2013 shall not be
9 required to have an enrollment of
10 children described in subpara-
11 graph (A), (B), or (C) of sub-
12 section (a)(1) equal to at least 10
13 percent of the agency’s total en-
14 rollment and shall be eligible for
15 the student weight as provided
16 for in item (aa).

17 “(II) ENROLLMENT OF 100 OR
18 FEWER CHILDREN.—For a local edu-
19 cational agency that has an enroll-
20 ment of 100 or fewer children de-
21 scribed in subsection (a)(1), the Sec-
22 retary shall calculate the total number
23 of weighted student units for purposes
24 of subsection (a)(2) by multiplying the

1 number of such children by a factor of
2 1.75.

3 “(III) ENROLLMENT OF MORE
4 THAN 100 CHILDREN BUT LESS THAN
5 1000.—For a local educational agency
6 that is not described under subpara-
7 graph (B)(i)(I) and has an enrollment
8 of more than 100 but not more than
9 1,000 children described in subsection
10 (a)(1), the Secretary shall calculate
11 the total number of weighted student
12 units for purposes of subsection (a)(2)
13 by multiplying the number of such
14 children by a factor of 1.25.

15 “(D) MAXIMUM AMOUNT FOR LARGE
16 HEAVILY IMPACTED LOCAL EDUCATIONAL
17 AGENCIES.—

18 “(i) IN GENERAL.—

19 “(I) FORMULA.—Subject to
20 clause (ii), the maximum amount that
21 a heavily impacted local educational
22 agency described in subclause (II) is
23 eligible to receive under this para-
24 graph for any fiscal year shall be de-

1 terminated in accordance with the for-
2 mula described in paragraph (1)(C).

3 “(II) HEAVILY IMPACTED LOCAL
4 EDUCATIONAL AGENCY.—A heavily
5 impacted local educational agency de-
6 scribed in this subclause is a local
7 educational agency that has a total
8 student enrollment of not less than
9 25,000 students, of which not less
10 than 50 percent are children described
11 in subsection (a)(1) and not less than
12 5,000 of such children are children
13 described in subparagraphs (A) and
14 (B) of subsection (a)(1).

15 “(ii) FACTOR.—For purposes of calcu-
16 lating the maximum amount described in
17 clause (i), the factor used in determining
18 the weighted student units under sub-
19 section (a)(2) with respect to children de-
20 scribed in subparagraphs (A) and (B) of
21 subsection (a)(1) shall be 1.35.

22 “(E) DATA.—For purposes of providing
23 assistance under this paragraph, the Secretary
24 shall use student, revenue, expenditure, and tax
25 data from the third fiscal year preceding the

1 fiscal year for which the local educational agen-
2 cy is applying for assistance under this para-
3 graph.

4 “(F) DETERMINATION OF AVERAGE TAX
5 RATES FOR GENERAL FUND PURPOSES.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in clause (ii), for the purpose of de-
8 termining the average tax rates for general
9 fund purposes for local educational agen-
10 cies in a State under this paragraph, the
11 Secretary shall use either—

12 “(I) the average tax rate for gen-
13 eral fund purposes for comparable
14 local educational agencies, as deter-
15 mined by the Secretary in regulations;
16 or

17 “(II) the average tax rate of all
18 the local educational agencies in the
19 State.

20 “(ii) FISCAL YEARS 2010–2015.—

21 “(I) IN GENERAL.—For fiscal
22 years 2010 through 2015, any local
23 educational agency that was found in-
24 eligible to receive a payment under
25 subparagraph (A) because the Sec-

1 retary determined that it failed to
2 meet the average tax rate requirement
3 for general fund purposes in subpara-
4 graph (B)(i)(II)(cc), shall be consid-
5 ered to have met that requirement, if
6 its State determined, through an al-
7 ternate calculation of average tax
8 rates for general fund purposes, that
9 such local educational agency met
10 that requirement.

11 “(II) SUBSEQUENT FISCAL
12 YEARS AFTER 2015.—For any suc-
13 ceeding fiscal year after 2015, any
14 local educational agency identified in
15 subclause (I) may continue to have its
16 State use that alternate methodology
17 to calculate whether the average tax
18 rate requirement for general fund
19 purposes under subparagraph
20 (B)(i)(II)(cc) is met.

21 “(III) AVAILABILITY OF
22 FUNDS.—Notwithstanding any other
23 provision of law limiting the period
24 during which the Secretary may obli-
25 gate funds appropriated for any fiscal

1 year after 2012, the Secretary shall
2 reserve a total of \$14,000,000 from
3 funds that remain unobligated under
4 this section from fiscal years 2015 or
5 2016 in order to make payments
6 under this clause for fiscal years 2011
7 through 2014.

8 “(G) ELIGIBILITY FOR HEAVILY IMPACTED
9 LOCAL EDUCATIONAL AGENCIES AFFECTED BY
10 PRIVATIZATION OF MILITARY HOUSING.—

11 “(i) ELIGIBILITY.—For any fiscal
12 year, a heavily impacted local educational
13 agency that received a basic support pay-
14 ment under this paragraph for the prior
15 fiscal year, but is ineligible for such pay-
16 ment for the current fiscal year under sub-
17 paragraph (B) due to the conversion of
18 military housing units to private housing
19 described in clause (iii), or as the direct re-
20 sult of base realignment and closure or
21 modularization as determined by the Sec-
22 retary of Defense and force structure
23 change or force relocation, shall be deemed
24 to meet the eligibility requirements under
25 subparagraph (B) for the period during

1 which the housing units are undergoing
2 such conversion or during such time as ac-
3 tivities associated with base closure and re-
4 alignment, modularization, force structure
5 change, or force relocation are ongoing.

6 “(ii) AMOUNT OF PAYMENT.—The
7 amount of a payment to a heavily impacted
8 local educational agency for a fiscal year
9 by reason of the application of clause (i),
10 and calculated in accordance with subpara-
11 graph (C) or (D), as the case may be, shall
12 be based on the number of children in av-
13 erage daily attendance in the schools of
14 such agency for the fiscal year and under
15 the same provisions of subparagraph (C)
16 or (D) under which the agency was paid
17 during the prior fiscal year.

18 “(iii) CONVERSION OF MILITARY
19 HOUSING UNITS TO PRIVATE HOUSING DE-
20 SCRIBED.—For purposes of clause (i),
21 ‘conversion of military housing units to
22 private housing’ means the conversion of
23 military housing units to private housing
24 units pursuant to subchapter IV of chapter
25 169 of title 10, United States Code, or

1 pursuant to any other related provision of
2 law.”;

3 (C) in paragraph (3)—

4 (i) in subparagraph (B), by striking
5 clause (iii) and inserting the following:

6 “(iii) In the case of a local educational
7 agency providing a free public education to stu-
8 dents enrolled in kindergarten through grade
9 12, that enrolls students described in subpara-
10 graphs (A), (B), and (D) of subsection (a)(1)
11 only in grades 9 through 12, and that received
12 a final payment for fiscal year 2009 calculated
13 under section 8003(b)(3) (as such section was
14 in effect on the day before the date of enact-
15 ment of the Every Student Succeeds Act) for
16 students in grades 9 through 12, the Secretary
17 shall, in calculating the agency’s payment, con-
18 sider only that portion of such agency’s total
19 enrollment of students in grades 9 through 12
20 when calculating the percentage under clause
21 (i)(I) and only that portion of the total current
22 expenditures attributed to the operation of
23 grades 9 through 12 in such agency when cal-
24 culating the percentage under clause (i)(II).”;

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

6 (iii) by striking subparagraph (D) and
7 inserting the following:

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

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

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

3 “(ii) the difference between the full
4 amount computed under paragraph (1) or
5 (2) (as the case may be) for the agency
6 and the amount of the threshold payment
7 (as calculated under subparagraphs (B) or
8 (C)) of the agency, except that no local
9 educational agency shall receive more than
10 100 percent of the maximum payment cal-
11 culated under subparagraph (C) or (D) of
12 paragraph (2).

13 “(E) INSUFFICIENT PAYMENTS.—For each
14 fiscal year described in subparagraph (A) for
15 which the sums appropriated are insufficient to
16 pay each local educational agency all of the
17 local educational agency’s threshold payment
18 described in subparagraph (B), the Secretary
19 shall ratably reduce the payment to each local
20 educational agency under this paragraph.

21 “(F) INCREASES.—

22 “(i) INCREASES BASED ON INSUFFI-
23 CIENT FUNDS.—If additional funds become
24 available under 7014(b) for making pay-
25 ments under paragraphs (1) and (2) and

1 those funds are not sufficient to increase
2 each local educational agency's threshold
3 payment above 100 percent of its threshold
4 payment described in subparagraph (B),
5 payments that were reduced under sub-
6 paragraph (E) shall be increased by the
7 Secretary on the same basis as such pay-
8 ments were reduced.

9 “(ii) INCREASES BASED ON SUFFI-
10 CIENT FUNDS.—If additional funds become
11 available under section 7014(b) for making
12 payments under paragraphs (1) and (2)
13 and those funds are sufficient to increase
14 each local educational agency's threshold
15 payment above 100 percent of its threshold
16 payment described in subparagraph (B),
17 the payment for each local educational
18 agency shall be 100 percent of its thresh-
19 old payment. The Secretary shall then dis-
20 tribute the excess sums to each eligible
21 local educational agency in accordance with
22 subparagraph (D).

23 “(G) PROVISION OF TAX RATE AND RE-
24 SULTING PERCENTAGE.—As soon as practicable
25 following the payment of funds under para-

1 graph (2) to an eligible local educational agen-
2 cy, the Secretary shall provide the local edu-
3 cational agency with a description of—

4 “(i) the tax rate of the local edu-
5 cational agency; and

6 “(ii) the percentage such tax rate rep-
7 resents of the average tax rate for general
8 fund purposes of comparable local edu-
9 cational agencies in the State as deter-
10 mined under subclauses (II)(cc), III(aa),
11 or (V)(bb) of paragraph (2)(B)(i) (as the
12 case may be).”; and

13 (D) in paragraph (4)—

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

17 (ii) in subparagraph (B), by striking
18 “subparagraph (D) or (E)” and inserting
19 “subparagraph (C) or (D)”;

20 (3) in subsection (c), by striking paragraph (2)
21 and inserting the following:

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

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

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

10 “(i)(I) of not less than 10 percent of
11 children described in—

12 “(aa) subparagraph (A),
13 (B), (C), or (D) of subsection
14 (a)(1); or

15 “(bb) subparagraphs (F)
16 and (G) of subsection (a)(1), but
17 only to the extent that such chil-
18 dren are civilian dependents of
19 employees of the Department of
20 Defense or the Department of
21 the Interior; or

22 “(II) of not less than 100 of such
23 children; and

24 “(ii) that is the direct result of closure
25 or realignment of military installations

1 under the base closure process or the relo-
2 cation of members of the Armed Forces
3 and civilian employees of the Department
4 of Defense as part of the force structure
5 changes or movements of units or per-
6 sonnel between military installations or be-
7 cause of actions initiated by the Secretary
8 of the Interior or the head of another Fed-
9 eral agency; or

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

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

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

21 (4) in subsection (d)(1), by striking “section
22 8014(e)” and inserting “section 7014(c)”;

23 (5) in subsection (e)—

24 (A) by redesignating paragraph (3) as
25 paragraph (4);

1 (B) by striking paragraphs (1) and (2) and
2 inserting the following:

3 “(1) IN GENERAL.—In the case of any local
4 educational agency eligible to receive a payment
5 under subsection (b) whose calculated payment
6 amount for a fiscal year is reduced by 20 percent,
7 as compared to the amount received for the previous
8 fiscal year, the Secretary shall pay the local edu-
9 cational agency, for the year of the reduction and
10 the following 2 years, the amount determined under
11 paragraph (2).

12 “(2) AMOUNT OF REDUCTION.—Subject to
13 paragraph (3), A local educational agency described
14 in paragraph (1) shall receive—

15 “(A) for the first year for which the re-
16 duced payment is determined, an amount that
17 is not less than 90 percent of the total amount
18 that the local educational agency received under
19 subsection (b) for the previous fiscal year;

20 “(B) for the second year following such re-
21 duction, an amount that is not less than 85
22 percent of the total amount that the local edu-
23 cational agency received under subparagraph
24 (A); and

1 “(C) for the third year following such re-
2 duction, an amount that is not less than 80
3 percent of the total amount that the local edu-
4 cational agency received under subparagraph
5 (B).

6 “(3) SPECIAL RULE.—For any fiscal year for
7 which a local educational agency would receive a
8 payment under subsection (b) in excess of the
9 amount determined under paragraph (2), the pay-
10 ment received by the local educational agency for
11 such fiscal year shall be calculated under paragraph
12 (1) or (2) of subsection (b).”; and

13 (6) by striking subsection (g).

14 **SEC. 7005. POLICIES AND PROCEDURES RELATING TO**
15 **CHILDREN RESIDING ON INDIAN LANDS.**

16 Section 7004(e)(9), as redesignated and amended by
17 section 7001 of this Act, is further amended by striking
18 “Affairs” both places the term appears and inserting
19 “Education”.

20 **SEC. 7006. APPLICATION FOR PAYMENTS UNDER SECTIONS**
21 **7002 AND 7003.**

22 Section 7005, as redesignated and amended by sec-
23 tion 7001 of this Act, is further amended—

24 (1) in the section heading, by striking “**8002**
25 **AND 8003**” and inserting “**7002 AND 7003**”;

1 (2) by striking “or 8003” each place it appears
2 and inserting “or 7003”;

3 (3) in subsection (b)—

4 (A) in the matter preceding paragraph (1),
5 by striking “, and shall contain such informa-
6 tion,”; and

7 (B) by striking “section 8004” and insert-
8 ing “section 7004”; and

9 (4) in subsection (d)(2), by striking “section
10 8003(e)” and inserting “section 7003(e)”;

11 **SEC. 7007. CONSTRUCTION.**

12 Section 7007, as redesignated and amended by sec-
13 tion 7001 of this Act, is further amended—

14 (1) in subsection (a)—

15 (A) in paragraph (3)(A)(i)—

16 (i) by redesignating the first subclause
17 (II) as subclause (I);

18 (ii) in subclause (II), by striking “sec-
19 tion 8008(a)” and inserting “section
20 7008(a)”;

21 (B) in paragraph (4), by striking “section
22 8013(3)” and inserting “section 7013(3)”;

23 (2) in subsection (b)—

24 (A) in paragraph (3)(C)(i)(I), by adding at
25 the end the following:

1 “(cc) Not less than 10 percent of
2 the property acreage in the agency is
3 exempt from State and local taxation
4 under Federal law.”; and

5 (B) in paragraph (6)—

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

10 (ii) in subparagraph (A), by inserting
11 before the period at the end the following:
12 “, and containing such additional informa-
13 tion as may be necessary to meet any
14 award criteria for a grant under this sub-
15 section as provided by any other Act”; and

16 (iii) by striking subparagraph (F).

17 **SEC. 7008. FACILITIES.**

18 Section 7008(a), as redesignated by section 7001 of
19 this Act, is amended by striking “section 8014(f)” and
20 inserting “section 7014(e)”.

21 **SEC. 7009. STATE CONSIDERATION OF PAYMENTS IN PRO-**
22 **VIDING STATE AID.**

23 Section 7009, as redesignated and amended by sec-
24 tion 7001 of this Act, is further amended—

- 1 (1) by striking “section 8011(a)” each place it
2 appears and inserting “section 7011(a)”;
- 3 (2) in subsection (b)(1)—
- 4 (A) by striking “or 8003(b)” and inserting
5 “or 7003(b)”;
- 6 (B) by striking “section 8003(a)(2)(B)”
7 and inserting “section 7003(a)(2)(B)”;
- 8 (3) in subsection (c)(1)(B), by striking “and
9 contain the information” and inserting “that” after
10 “form”.

11 **SEC. 7010. FEDERAL ADMINISTRATION.**

12 Section 7010, as redesignated and amended by sec-
13 tion 7001 of this Act, is further amended—

- 14 (1) in subsection (c)—
- 15 (A) in paragraph (1), in the paragraph
16 heading, by striking “8003(a)(1)” and inserting
17 “7003(a)(1)”;
- 18 (B) in paragraph (2)(D), by striking “sec-
19 tion 8009(b)” and inserting “section 7009(b)”;
20 and
- 21 (2) in subsection (d)(2), by striking “section
22 8014” and inserting “section 7014”.

1 **SEC. 7011. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
2 **VIEW.**

3 Section 7011(a), as redesignated by section 7001 of
4 this Act, is amended by striking “or under the Act” and
5 all that follows through “1994”).

6 **SEC. 7012. DEFINITIONS.**

7 Section 7013, as redesignated by section 7001 of this
8 Act, is amended—

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

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

13 (3) in paragraph (5)(A)—

14 (A) in clause (ii), by striking subclause
15 (III) and inserting the following:

16 “(III) conveyed at any time
17 under the Alaska Native Claims Set-
18 tlement Act to a Native individual,
19 Native group, or village or regional
20 corporation (including single family
21 occupancy properties that may have
22 been subsequently sold or leased to a
23 third party), except that property that
24 is conveyed under such Act—

25 “(aa) that is not taxed is,
26 for the purposes of this para-

1 graph, considered tax-exempt due
2 to Federal law; and

3 “(bb) is considered Federal
4 property for the purpose of this
5 paragraph if the property is lo-
6 cated within a Regional Edu-
7 cational Attendance Area that
8 has no taxing power;”; and

9 (B) in clause (iii)—

10 (i) in subclause (II), by striking
11 “Stewart B. McKinney Homeless Assist-
12 ance Act” and inserting “McKinney-Vento
13 Homeless Assistance Act (42 U.S.C.
14 11411)”; and

15 (ii) by striking subclause (III) and in-
16 serting the following:

17 “(III) used for affordable housing as-
18 sisted under the Native American Housing
19 Assistance and Self-Determination Act of
20 1996 (25 U.S.C. 4101 et seq.); or”.

21 **SEC. 7013. AUTHORIZATION OF APPROPRIATIONS.**

22 Section 7014, as amended and redesignated by sec-
23 tion 7001 of this Act, is further amended—

24 (1) in subsection (a), by striking “\$32,000,000
25 for fiscal year 2000 and such sums as may be nec-

1 essary for each of the seven succeeding fiscal years”
2 and inserting “\$66,813,000 for each of fiscal years
3 2017 through 2019, and \$71,997,917 for fiscal year
4 2020”;

5 (2) in subsection (b), by striking
6 “\$809,400,000 for fiscal year 2000 and such sums
7 as may be necessary for each of the seven succeeding
8 fiscal years” and inserting “\$1,151,233,000 for each
9 of fiscal years 2017 through 2019, and
10 \$1,240,572,618 for fiscal year 2020”;

11 (3) in subsection (c)—

12 (A) by striking “section 8003(d)” and in-
13 serting “section 7003(d)”; and

14 (B) by striking “\$50,000,000 for fiscal
15 year 2000 and such sums as may be necessary
16 for each of the seven succeeding fiscal years”
17 and inserting “\$48,316,000 for each of fiscal
18 years 2017 through 2019, and \$52,065,487 for
19 fiscal year 2020”;

20 (4) by redesignating subsections (e) and (f) as
21 subsections (d) and (e), respectively;

22 (5) in subsection (d) (as redesignated by para-
23 graph (4))—

24 (A) by striking “section 8007” and insert-
25 ing “section 7007”; and

1 (B) by striking “\$10,052,000 for fiscal
2 year 2000 and such sums as may be necessary
3 for fiscal year 2001, \$150,000,000 for fiscal
4 year 2002, and such sums as may be necessary
5 for each of the five succeeding fiscal years” and
6 inserting “\$17,406,000 for each of fiscal years
7 2017 through 2019, and \$18,756,765 for fiscal
8 year 2020”; and

9 (6) in subsection (e) (as redesignated by para-
10 graph (4))—

11 (A) by striking “section 8008” and insert-
12 ing “section 7008”; and

13 (B) by striking “\$5,000,000 for fiscal year
14 2000 and such sums as may be necessary for
15 each of the seven succeeding fiscal years” and
16 inserting “\$4,835,000 for each of fiscal years
17 2017 through 2019, and \$5,210,213 for fiscal
18 year 2020”.

19 **TITLE VIII—GENERAL** 20 **PROVISIONS**

21 **SEC. 8001. GENERAL PROVISIONS.**

22 (a) **TITLE IX REDESIGNATIONS.**—Title IX (20
23 U.S.C. 7801 et seq.) (as amended by sections 2001 and
24 4001 of this Act) is redesignated as title VIII and further
25 amended—

1 (1) by redesignating sections 9101 through
2 9103 as sections 8101 through 8103, respectively;

3 (2) by redesignating sections 9201 through
4 9204 as sections 8201 through 8204, respectively;

5 (3) by redesignating sections 9301 through
6 9306 as sections 8301 through 8306, respectively;

7 (4) by redesignating section 9401 as section
8 8401;

9 (5) by redesignating sections 9501 through
10 9506 as sections 8501 through 8506, respectively;

11 (6) by redesignating sections 9521 through
12 9537 as sections 8521 through 8537, respectively;

13 (7) by redesignating sections 9541 through
14 9548 as sections 8551 through 8558, respectively;

15 (8) by redesignating section 9551 as 8561;

16 (9) by redesignating sections 9561 through
17 9564 as sections 8571 through 8574, respectively;

18 and

19 (10) by redesignating section 9601 as section
20 8601.

21 (b) STRUCTURAL AND CONFORMING AMEND-
22 MENTS.—Title VIII (as redesignated by subsection (a) of
23 this section) is further amended—

24 (1) by redesignating parts E and F as parts F
25 and G, respectively;

1 (2) by striking “9305” each place it appears
2 and inserting “8305”;

3 (3) by striking “9302” each place it appears
4 and inserting “8302”; and

5 (4) by striking “9501” each place it appears
6 and inserting “8501”.

7 **SEC. 8002. DEFINITIONS.**

8 Section 8101, as redesignated and amended by sec-
9 tion 8001 of this Act, is further amended—

10 (1) by striking paragraphs (3), (11), (19), (23),
11 (35), (36), (37), and (42);

12 (2) by redesignating paragraphs (4), (5), (6),
13 (7), (8), (9), (10), (12), (13), (14), (15), (16), (17),
14 (18), (20), (21), (22), (24), (25), (26), (27), (28),
15 (29), (30), (31), (32), (33), (34), (38), (39), (41),
16 and (43) as paragraphs (3), (4), (5), (6), (7), (8),
17 (9), (10), (11), (12), (13), (14), (18), (19), (24),
18 (26), (27), (29), (20), (30), (31), (34), (35), (36),
19 (38), (39), (41), (42), (45), (46), (49), and (50), re-
20 spectively, and by transferring such paragraph (20)
21 (as so redesignated) so as to follow such paragraph
22 (19) (as so redesignated);

23 (3) by striking paragraphs (11) and (12) (as so
24 redesignated by paragraph (2)) and inserting the
25 following:

1 “(11) COVERED PROGRAM.—The term ‘covered
2 program’ means each of the programs authorized
3 by—

4 “(A) part A of title I;

5 “(B) part C of title I;

6 “(C) part D of title I;

7 “(D) part A of title II;

8 “(E) part A of title III;

9 “(F) part A of title IV;

10 “(G) part B of title IV; and

11 “(H) subpart 2 of part B of title V.

12 “(12) CURRENT EXPENDITURES.—The term
13 ‘current expenditures’ means expenditures for free
14 public education—

15 “(A) including expenditures for adminis-
16 tration, instruction, attendance and health serv-
17 ices, pupil transportation services, operation
18 and maintenance of plant, fixed charges, and
19 net expenditures to cover deficits for food serv-
20 ices and student body activities; but

21 “(B) not including expenditures for com-
22 munity services, capital outlay, and debt serv-
23 ice, or any expenditures made from funds re-
24 ceived under title I.”;

1 (4) by inserting after paragraph (14) (as so re-
2 designated by paragraph (2)) the following:

3 “(15) DUAL OR CONCURRENT ENROLLMENT
4 PROGRAM.—The term ‘dual or concurrent enrollment
5 program’ means a program offered by a partnership
6 between at least one institution of higher education
7 and at least one local educational agency through
8 which a secondary school student who has not grad-
9 uated from high school with a regular high school di-
10 ploma is able to enroll in one or more postsecondary
11 courses and earn postsecondary credit that—

12 “(A) is transferable to the institutions of
13 higher education in the partnership; and

14 “(B) applies toward completion of a degree
15 or recognized educational credential as de-
16 scribed in the Higher Education Act of 1965
17 (20 U.S.C. 1001 et seq.).

18 “(16) EARLY CHILDHOOD EDUCATION PRO-
19 GRAM.—The term ‘early childhood education pro-
20 gram’ has the meaning given the term in section 103
21 of the Higher Education Act of 1965 (20 U.S.C.
22 1003).

23 “(17) EARLY COLLEGE HIGH SCHOOL.—The
24 term ‘early college high school’ means a partnership
25 between at least one local educational agency and at

1 least one institution of higher education that allows
2 participants to simultaneously complete require-
3 ments toward earning a regular high school diploma
4 and earn not less than 12 credits that are transfer-
5 able to the institutions of higher education in the
6 partnership as part of an organized course of study
7 toward a postsecondary degree or credential at no
8 cost to the participant or participant’s family.”;

9 (5) in paragraph (20) (as so redesignated and
10 transferred by paragraph (2))—

11 (A) in the paragraph heading, by striking
12 “LIMITED ENGLISH PROFICIENT” and inserting
13 “ENGLISH LEARNER”;

14 (B) in the matter preceding subparagraph
15 (A), by striking “limited English proficient”
16 and inserting “English learner”; and

17 (C) in subparagraph (D)(i), by striking
18 “State’s proficient level of achievement on State
19 assessments described in section 1111(b)(3)”
20 and inserting “challenging State academic
21 standards”;

22 (6) by inserting after paragraph (20) (as so re-
23 designated and transferred by paragraph (2)), the
24 following:

25 “(21) EVIDENCE-BASED.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the term ‘evidence-based’,
3 when used with respect to a State, local edu-
4 cational agency, or school activity, means an ac-
5 tivity, strategy, or intervention that—

6 “(i) demonstrates a statistically sig-
7 nificant effect on improving student out-
8 comes or other relevant outcomes based
9 on—

10 “(I) strong evidence from at least
11 1 well-designed and well-implemented
12 experimental study;

13 “(II) moderate evidence from at
14 least 1 well-designed and well-imple-
15 mented quasi-experimental study; or

16 “(III) promising evidence from at
17 least 1 well-designed and well-imple-
18 mented correlational study with statis-
19 tical controls for selection bias; or

20 “(ii)(I) demonstrates a rationale
21 based on high-quality research findings or
22 positive evaluation that such activity, strat-
23 egy, or intervention is likely to improve
24 student outcomes or other relevant out-
25 comes; and

1 “(II) includes ongoing efforts to
2 examine the effects of such activity,
3 strategy, or intervention.

4 “(B) DEFINITION FOR SPECIFIC ACTIVI-
5 TIES FUNDED UNDER THIS ACT.—When used
6 with respect to interventions or improvement
7 activities or strategies funded under section
8 1003, the term ‘evidence-based’ means a State,
9 local educational agency, or school activity,
10 strategy, or intervention that meets the require-
11 ments of subclause (I), (II), or (III) of subpara-
12 graph (A)(i).

13 “(22) EXPANDED LEARNING TIME.—The term
14 ‘expanded learning time’ means using a longer
15 school day, week, or year schedule to significantly
16 increase the total number of school hours, in order
17 to include additional time for—

18 “(A) activities and instruction for enrich-
19 ment as part of a well-rounded education; and

20 “(B) instructional and support staff to col-
21 laborate, plan, and engage in professional devel-
22 opment (including professional development on
23 family and community engagement) within and
24 across grades and subjects.

1 “(23) EXTENDED-YEAR ADJUSTED COHORT
2 GRADUATION RATE.—

3 “(A) IN GENERAL.—The term ‘extended-
4 year adjusted cohort graduation rate’ means the
5 fraction—

6 “(i) the denominator of which consists
7 of the number of students who form the
8 original cohort of entering first-time stu-
9 dents in grade 9 enrolled in the high school
10 no later than the date by which student
11 membership data must be collected annu-
12 ally by State educational agencies for sub-
13 mission to the National Center for Edu-
14 cation Statistics under section 153 of the
15 Education Sciences Reform Act of 2002
16 (20 U.S.C. 9543), adjusted by—

17 “(I) adding the students who
18 joined that cohort, after the date of
19 the determination of the original co-
20 hort; and

21 “(II) subtracting only those stu-
22 dents who left that cohort, after the
23 date of the determination of the origi-
24 nal cohort, as described in subpara-
25 graph (B); and

1 “(ii) the numerator of which—
2 “(I) consists of the sum of—
3 “(aa) the number of stu-
4 dents in the cohort, as adjusted
5 under clause (i), who earned a
6 regular high school diploma be-
7 fore, during, or at the conclusion
8 of—
9 “(AA) one or more ad-
10 ditional years beyond the
11 fourth year of high school;
12 or
13 “(BB) a summer ses-
14 sion immediately following
15 the additional year of high
16 school; and
17 “(bb) all students with the
18 most significant cognitive disabil-
19 ities in the cohort, as adjusted
20 under clause (i), assessed using
21 the alternate assessment aligned
22 to alternate academic achieve-
23 ment standards under section
24 1111(b)(2)(D) and awarded a

1 State-defined alternate diploma
2 that is—

3 “(AA) standards-based;
4 “(BB) aligned with the
5 State requirements for the
6 regular high school diploma;
7 and

8 “(CC) obtained within
9 the time period for which
10 the State ensures the avail-
11 ability of a free appropriate
12 public education under sec-
13 tion 612(a)(1) of the Indi-
14 viduals with Disabilities
15 Education Act (20 U.S.C.
16 1412(a)(1)); and

17 “(II) shall not include any stu-
18 dent awarded a recognized equivalent
19 of a diploma, such as a general
20 equivalency diploma, certificate of
21 completion, certificate of attendance,
22 or similar lesser credential.

23 “(B) COHORT REMOVAL.—To remove a
24 student from a cohort, a school or local edu-
25 cational agency shall require documentation, or

1 obtain documentation from the State edu-
2 cational agency, to confirm that the student has
3 transferred out, emigrated to another country,
4 or transferred to a prison or juvenile facility, or
5 is deceased.

6 “(C) TRANSFERRED OUT.— For purposes
7 of this paragraph, the term ‘transferred out’
8 has the meaning given the term in clauses (i),
9 (ii), and (iii) of paragraph (25)(C).

10 “(D) SPECIAL RULES.—

11 “(i) SCHOOLS STARTING AFTER
12 GRADE 9.—For those high schools that
13 start after grade 9, the original cohort
14 shall be calculated for the earliest high
15 school grade students attend no later than
16 the date by which student membership
17 data is collected annually by State edu-
18 cational agencies for submission to the Na-
19 tional Center for Education Statistics pur-
20 suant to section 153 of the Education
21 Sciences Reform Act of 2002 (20 U.S.C.
22 9543).

23 “(ii) VERY SMALL SCHOOLS.—A State
24 educational agency may calculate the ex-
25 tended year adjusted cohort graduation

1 rate described under this paragraph for a
2 high school with an average enrollment
3 over a 4-year period of less than 100 stu-
4 dents for the purposes of section
5 1111(c)(4) by—

6 “(I) averaging the extended-year
7 adjusted cohort graduation rate of the
8 school over a period of three years; or

9 “(II) establishing a minimum
10 number of students that must be in-
11 cluded in the cohort described in
12 clause (i) of subparagraph (A) that
13 will provide a valid graduation rate
14 calculation as determined by the Sec-
15 retary, below which the school shall be
16 exempt from differentiation and iden-
17 tification under such section.”;

18 (7) by inserting after paragraph (24) (as so re-
19 designated by paragraph (2)) the following:

20 “(25) FOUR-YEAR ADJUSTED COHORT GRADUA-
21 TION RATE.—

22 “(A) IN GENERAL.—The term ‘four-year
23 adjusted cohort graduation rate’ means the
24 fraction—

1 “(i) the denominator of which consists
2 of the number of students who form the
3 original cohort of entering first-time stu-
4 dents in grade 9 enrolled in the high school
5 no later than the date by which student
6 membership data is collected annually by
7 State educational agencies for submission
8 to the National Center for Education Sta-
9 tistics pursuant to section 153 of the Edu-
10 cation Sciences Reform Act of 2002 (20
11 U.S.C. 9543), adjusted by—

12 “(I) adding the students who
13 joined that cohort, after the date of
14 the determination of the original co-
15 hort; and

16 “(II) subtracting only those stu-
17 dents who left that cohort, after the
18 date of the determination of the origi-
19 nal cohort, as described in subpara-
20 graph (B); and

21 “(ii) the numerator of which—

22 “(I) consists of the sum of—

23 “(aa) the number of stu-
24 dents in the cohort, as adjusted
25 under clause (i), who earned a

1 regular high school diploma be-
2 fore, during, or at the conclusion
3 of—

4 “(AA) the fourth year
5 of high school; or

6 “(BB) a summer ses-
7 sion immediately following
8 the fourth year of high
9 school; and

10 “(bb) all students with the
11 most significant cognitive disabil-
12 ities in the cohort, as adjusted
13 under clause (i), assessed using
14 the alternate assessment aligned
15 to alternate academic achieve-
16 ment standards under section
17 1111(b)(2)(D) and awarded a
18 State-defined alternate diploma
19 that is—

20 “(AA) standards-based;

21 “(BB) aligned with the
22 State requirements for the
23 regular high school diploma;
24 and

1 “(CC) obtained within
2 the time period for which
3 the State ensures the avail-
4 ability of a free appropriate
5 public education under sec-
6 tion 612(a)(1) of the Indi-
7 viduals with Disabilities
8 Education Act (20 U.S.C.
9 1412(a)(1); and

10 “(II) shall not include any stu-
11 dent awarded a recognized equivalent
12 of a diploma, such as a general
13 equivalency diploma, certificate of
14 completion, certificate of attendance,
15 or similar lesser credential.

16 “(B) COHORT REMOVAL.—To remove a
17 student from a cohort, a school or local edu-
18 cational agency shall require documentation, or
19 obtain documentation from the State edu-
20 cational agency, to confirm that the student has
21 transferred out, emigrated to another country,
22 or transferred to a prison or juvenile facility, or
23 is deceased.

24 “(C) TRANSFERRED OUT.—

1 “(i) IN GENERAL.—For purposes of
2 this paragraph, the term ‘transferred out’
3 means that a student, as confirmed by the
4 high school or local educational agency in
5 accordance with clause (ii), has transferred
6 to—

7 “(I) another school from which
8 the student is expected to receive a
9 regular high school diploma; or

10 “(II) another educational pro-
11 gram from which the student is ex-
12 pected to receive a regular high school
13 diploma or an alternate diploma that
14 meets the requirements of subpara-
15 graph (A)(ii)(I)(bb).

16 “(ii) CONFIRMATION REQUIRE-
17 MENTS.—

18 “(I) DOCUMENTATION RE-
19 QUIRED.—The confirmation of a stu-
20 dent’s transfer to another school or
21 educational program described in
22 clause (i) requires documentation of
23 such transfer from the receiving
24 school or program in which the stu-
25 dent enrolled.

1 “(II) LACK OF CONFIRMATION.—

2 A student who was enrolled in a high
3 school, but for whom there is no con-
4 firmation of the student having trans-
5 ferred out, shall remain in the ad-
6 justed cohort.

7 “(iii) PROGRAMS NOT PROVIDING
8 CREDIT.—Except as provided in subpara-
9 graph (A)(ii)(I)(bb), a student who is re-
10 tained in grade or who is enrolled in a pro-
11 gram leading to a general equivalency di-
12 ploma, or other alternative educational
13 program that does not issue or provide
14 credit toward the issuance of a regular
15 high school diploma, shall not be consid-
16 ered transferred out and shall remain in
17 the adjusted cohort.

18 “(D) SPECIAL RULES.—

19 “(i) SCHOOLS STARTING AFTER
20 GRADE 9.—For those high schools that
21 start after grade 9, the original cohort
22 shall be calculated for the earliest high
23 school grade students attend no later than
24 the date by which student membership
25 data must be collected annually by State

1 educational agencies for submission to the
2 National Center for Education Statistics
3 pursuant to section 153 of the Education
4 Sciences Reform Act of 2002 (20 U.S.C.
5 9543).

6 “(ii) VERY SMALL SCHOOLS.—A State
7 educational agency may calculate the four-
8 year adjusted cohort graduation rate de-
9 scribed under this paragraph for a high
10 school with an average enrollment over a
11 4-year period of less than 100 students for
12 the purposes of section 1111(c)(4) by—

13 “(I) averaging the four-year ad-
14 justed cohort graduation rate of the
15 school over a period of three years; or

16 “(II) establishing a minimum
17 number of students that must be in-
18 cluded in the cohort described in
19 clause (i) of subparagraph (A) that
20 will provide a valid graduation rate
21 calculation as determined by the Sec-
22 retary, below which the school shall be
23 exempt from differentiation and iden-
24 tification under such section.”;

1 (8) by inserting after paragraph (27) (as so re-
2 designated by paragraph (2)) the following:

3 “(28) HIGH SCHOOL.—The term ‘high school’
4 means a secondary school that—

5 “(A) grants a diploma, as defined by the
6 State; and

7 “(B) includes, at least, grade 12.”;

8 (9) in paragraph (30) (as so redesignated by
9 paragraph (2)), in subparagraph (C)—

10 (A) by striking the subparagraph designa-
11 tion and heading and inserting “(C) BUREAU
12 OF INDIAN EDUCATION SCHOOLS.—”; and

13 (B) by striking “Affairs” both places the
14 term appears and inserting “Education”;

15 (10) by inserting after paragraph (31) (as re-
16 designated by paragraph (2)) the following:

17 “(32) MIDDLE GRADES.—The term middle
18 grades means any of grades 5 through 8.

19 “(33) MULTI-TIER SYSTEM OF SUPPORTS.—The
20 term ‘multi-tier system of supports’ means a com-
21 prehensive continuum of evidence-based, systemic
22 practices to support a rapid response to students’
23 needs, with regular observation to facilitate data-
24 based instructional decisionmaking.”;

1 (11) in paragraph (35) (as so redesignated by
2 paragraph (2)), by striking “pupil services” and in-
3 serting “specialized instructional support”;

4 (12) by striking paragraph (36) (as so redesign-
5 ated by paragraph (2)) and inserting the following:

6 “(36) OUTLYING AREA.—The term ‘outlying
7 area’—

8 “(A) means American Samoa, the Com-
9 monwealth of the Northern Mariana Islands,
10 Guam, and the United States Virgin Islands;

11 “(B) means the Republic of Palau, to the
12 extent permitted under section 105(f)(1)(B)(ix)
13 of the Compact of Free Association Amend-
14 ments Act of 2003 (Public Law 108-188; 117
15 Stat. 2751) and until an agreement for the ex-
16 tension of United States education assistance
17 under the Compact of Free Association becomes
18 effective for the Republic of Palau; and

19 “(C) for the purpose of any discretionary
20 grant program under this Act, includes the Re-
21 public of the Marshall Islands and the Fed-
22 erated States of Micronesia, to the extent per-
23 mitted under section 105(f)(1)(B)(viii) of the
24 Compact of Free Association Amendments Act

1 of 2003 (Public Law 108–188; 117 Stat.
2 2751).”;

3 (13) by inserting after paragraph (36) (as so
4 redesignated by paragraph (2)), the following:

5 “(37) PARAPROFESSIONAL.—The term ‘para-
6 professional’, also known as a ‘paraeducator’, in-
7 cludes an education assistant and instructional as-
8 sistant.”;

9 (14) in paragraph (39) (as so redesignated by
10 paragraph (2))—

11 (A) in subparagraph (C), by inserting
12 “and” after the semicolon; and

13 (B) in subparagraph (D), by striking “sec-
14 tion 1118” and inserting “section 1116”;

15 (15) by inserting after paragraph (39) (as so
16 redesignated by paragraph (2)) the following:

17 “(40) PAY FOR SUCCESS INITIATIVE.—The
18 term ‘pay for success initiative’ means a perform-
19 ance-based grant, contract, or cooperative agreement
20 awarded by a public entity in which a commitment
21 is made to pay for improved outcomes that result in
22 social benefit and direct cost savings or cost avoid-
23 ance to the public sector. Such an initiative shall in-
24 clude—

1 “(A) a feasibility study on the initiative de-
2 scribing how the proposed intervention is based
3 on evidence of effectiveness;

4 “(B) a rigorous, third-party evaluation
5 that uses experimental or quasi-experimental
6 design or other research methodologies that
7 allow for the strongest possible causal infer-
8 ences to determine whether the initiative has
9 met its proposed outcomes;

10 “(C) an annual, publicly available report
11 on the progress of the initiative; and

12 “(D) a requirement that payments are
13 made to the recipient of a grant, contract, or
14 cooperative agreement only when agreed upon
15 outcomes are achieved, except that the entity
16 may make payments to the third party con-
17 ducting the evaluation described in subpara-
18 graph (B).”;

19 (16) by striking paragraph (42) (as so redesign-
20 nated by paragraph (2)) and inserting the following:

21 “(42) PROFESSIONAL DEVELOPMENT.—The
22 term ‘professional development’ means activities
23 that—

24 “(A) are an integral part of school and
25 local educational agency strategies for providing

1 educators (including teachers, principals, other
2 school leaders, specialized instructional support
3 personnel, paraprofessionals, and, as applicable,
4 early childhood educators) with the knowledge
5 and skills necessary to enable students to suc-
6 ceed in a well-rounded education and to meet
7 the challenging State academic standards; and
8 “(B) are sustained (not stand-alone, 1-day,
9 or short term workshops), intensive, collabo-
10 rative, job-embedded, data-driven, and class-
11 room-focused, and may include activities that—
12 “(i) improve and increase teachers’—
13 “(I) knowledge of the academic
14 subjects the teachers teach;
15 “(II) understanding of how stu-
16 dents learn; and
17 “(III) ability to analyze student
18 work and achievement from multiple
19 sources, including how to adjust in-
20 structional strategies, assessments,
21 and materials based on such analysis;
22 “(ii) are an integral part of broad
23 schoolwide and districtwide educational im-
24 provement plans;

1 “(iii) allow personalized plans for each
2 educator to address the educator’s specific
3 needs identified in observation or other
4 feedback;

5 “(iv) improve classroom management
6 skills;

7 “(v) support the recruitment, hiring,
8 and training of effective teachers, including
9 teachers who became certified through
10 State and local alternative routes to certifi-
11 cation;

12 “(vi) advance teacher understanding
13 of—

14 “(I) effective instructional strate-
15 gies that are evidence-based; and

16 “(II) strategies for improving
17 student academic achievement or sub-
18 stantially increasing the knowledge
19 and teaching skills of teachers;

20 “(vii) are aligned with, and directly
21 related to, academic goals of the school or
22 local educational agency;

23 “(viii) are developed with extensive
24 participation of teachers, principals, other
25 school leaders, parents, representatives of

1 Indian tribes (as applicable), and adminis-
2 trators of schools to be served under this
3 Act;

4 “(ix) are designed to give teachers of
5 English learners, and other teachers and
6 instructional staff, the knowledge and
7 skills to provide instruction and appro-
8 priate language and academic support
9 services to those children, including the ap-
10 propriate use of curricula and assessments;

11 “(x) to the extent appropriate, provide
12 training for teachers, principals, and other
13 school leaders in the use of technology (in-
14 cluding education about the harms of copy-
15 right piracy), so that technology and tech-
16 nology applications are effectively used in
17 the classroom to improve teaching and
18 learning in the curricula and academic
19 subjects in which the teachers teach;

20 “(xi) as a whole, are regularly evalu-
21 ated for their impact on increased teacher
22 effectiveness and improved student aca-
23 demic achievement, with the findings of
24 the evaluations used to improve the quality
25 of professional development;

1 “(xii) are designed to give teachers of
2 children with disabilities or children with
3 developmental delays, and other teachers
4 and instructional staff, the knowledge and
5 skills to provide instruction and academic
6 support services, to those children, includ-
7 ing positive behavioral interventions and
8 supports, multi-tier system of supports,
9 and use of accommodations;

10 “(xiii) include instruction in the use of
11 data and assessments to inform and in-
12 struct classroom practice;

13 “(xiv) include instruction in ways that
14 teachers, principals, other school leaders,
15 specialized instructional support personnel,
16 and school administrators may work more
17 effectively with parents and families;

18 “(xv) involve the forming of partner-
19 ships with institutions of higher education,
20 including, as applicable, Tribal Colleges
21 and Universities as defined in section
22 316(b) of the Higher Education Act of
23 1965 (20 U.S.C. 1059c(b)), to establish
24 school-based teacher, principal, and other
25 school leader training programs that pro-

1 vide prospective teachers, novice teachers,
2 principals, and other school leaders with an
3 opportunity to work under the guidance of
4 experienced teachers, principals, other
5 school leaders, and faculty of such institu-
6 tions;

7 “(xvi) create programs to enable para-
8 professionals (assisting teachers employed
9 by a local educational agency receiving as-
10 sistance under part A of title I) to obtain
11 the education necessary for those para-
12 professionals to become certified and li-
13 censed teachers;

14 “(xvii) provide follow-up training to
15 teachers who have participated in activities
16 described in this paragraph that are de-
17 signed to ensure that the knowledge and
18 skills learned by the teachers are imple-
19 mented in the classroom; and

20 “(xviii) where practicable, provide
21 jointly for school staff and other early
22 childhood education program providers, to
23 address the transition to elementary
24 school, including issues related to school
25 readiness.”;

1 (17) by inserting after paragraph (42) (as so
2 redesignated by paragraph (2)) the following:

3 “(43) REGULAR HIGH SCHOOL DIPLOMA.—The
4 term ‘regular high school diploma’—

5 “(A) means the standard high school di-
6 ploma awarded to the preponderance of stu-
7 dents in the State that is fully aligned with
8 State standards, or a higher diploma, except
9 that a regular high school diploma shall not be
10 aligned to the alternate academic achievement
11 standards described in section 1111(b)(1)(E);
12 and

13 “(B) does not include a recognized equiva-
14 lent of a diploma, such as a general equivalency
15 diploma, certificate of completion, certificate of
16 attendance, or similar lesser credential.

17 “(44) SCHOOL LEADER.—The term ‘school
18 leader’ means a principal, assistant principal, or
19 other individual who is—

20 “(A) an employee or officer of an elemen-
21 tary school or secondary school, local edu-
22 cational agency, or other entity operating an el-
23 elementary school or secondary school; and

1 “(B) responsible for the daily instructional
2 leadership and managerial operations in the ele-
3 mentary school or secondary school building.”;
4 (18) by inserting after paragraph (46) (as so
5 redesignated by paragraph (2)) the following:

6 “(47) SPECIALIZED INSTRUCTIONAL SUPPORT
7 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
8 SERVICES.—

9 “(A) SPECIALIZED INSTRUCTIONAL SUP-
10 PORT PERSONNEL.—The term ‘specialized in-
11 structional support personnel’ means—

12 “(i) school counselors, school social
13 workers, and school psychologists; and

14 “(ii) other qualified professional per-
15 sonnel, such as school nurses, speech lan-
16 guage pathologists, and school librarians,
17 involved in providing assessment, diag-
18 nosis, counseling, educational, therapeutic,
19 and other necessary services (including re-
20 lated services as that term is defined in
21 section 602 of the Individuals with Disabil-
22 ities Education Act (20 U.S.C. 1401)) as
23 part of a comprehensive program to meet
24 student needs.

1 “(B) SPECIALIZED INSTRUCTIONAL SUP-
2 PORT SERVICES.—The term ‘specialized instruc-
3 tional support services’ means the services pro-
4 vided by specialized instructional support per-
5 sonnel.”;

6 (19) by striking the undesignated paragraph be-
7 tween paragraph (47) (as inserted by paragraph
8 (18)) and paragraph (49) (as so redesignated by
9 paragraph (2)) and inserting the following:

10 “(48) STATE.—The term ‘State’ means each of
11 the 50 States, the District of Columbia, the Com-
12 monwealth of Puerto Rico, and each of the outlying
13 areas.”;

14 (20) by striking paragraph (50) (as so redesign-
15 ated by paragraph (2)) and inserting the following:

16 “(50) TECHNOLOGY.—The term ‘technology’
17 means modern information, computer and commu-
18 nication technology products, services, or tools, in-
19 cluding, the Internet and other communications net-
20 works, computer devices and other computer and
21 communications hardware, software applications,
22 data systems, and other electronic content (including
23 multimedia content) and data storage.”; and

24 (21) by adding at the end the following:

1 “(51) UNIVERSAL DESIGN FOR LEARNING.—
2 The term ‘universal design for learning’ has the
3 meaning given the term in section 103 of the Higher
4 Education Act of 1965 (20 U.S.C. 1003).

5 “(52) WELL-ROUNDED EDUCATION.—The term
6 ‘well-rounded education’ means courses, activities,
7 and programming in subjects such as English, read-
8 ing or language arts, writing, science, technology,
9 engineering, mathematics, foreign languages, civics
10 and government, economics, arts, history, geography,
11 computer science, music, career and technical edu-
12 cation, health, physical education, and any other
13 subject, as determined by the State or local edu-
14 cational agency, with the purpose of providing all
15 students access to an enriched curriculum and edu-
16 cational experience.”.

17 **SEC. 8003. APPLICABILITY OF TITLE.**

18 Section 8102, as redesignated by section 8001 of this
19 Act, is further amended by striking “Parts B, C, D, and
20 E of this title do not apply to title VIII” and inserting
21 “Parts B, C, D, E, and F of this title do not apply to
22 title VII”.

1 **SEC. 8004. APPLICABILITY TO BUREAU OF INDIAN EDU-**
2 **CATION OPERATED SCHOOLS.**

3 Section 8103, as redesignated by section 8001 of this
4 Act, is amended—

5 (1) in the section heading, by striking “**BU-**
6 **REAU OF INDIAN AFFAIRS**” and inserting “**BU-**
7 **REAU OF INDIAN EDUCATION**”; and

8 (2) by striking “Bureau of Indian Affairs” each
9 place the term appears and inserting “Bureau of In-
10 dian Education”.

11 **SEC. 8005. CONSOLIDATION OF STATE ADMINISTRATIVE**
12 **FUNDS FOR ELEMENTARY AND SECONDARY**
13 **EDUCATION PROGRAMS.**

14 Section 8201(b)(2), as redesignated by section 8001
15 of this Act, is amended—

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

18 (2) in subparagraph (H), by striking the period
19 and inserting “; and”; and

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

21 “(I) implementation of fiscal support
22 teams that provide technical fiscal support as-
23 sistance, which shall include evaluating fiscal,
24 administrative, and staffing functions, and any
25 other key operational function.”.

1 **SEC. 8006. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**
2 **ISTRATION.**

3 Section 8203, as redesignated by section 8001 of this
4 Act, is amended—

5 (1) in subsection (b), by striking “Within 1
6 year after the date of enactment of the No Child
7 Left Behind Act of 2001, a State” and inserting “A
8 State”; and

9 (2) by striking subsection (d) and inserting the
10 following:

11 “(d) USES OF ADMINISTRATIVE FUNDS.—

12 “(1) IN GENERAL.—A local educational agency
13 that consolidates administrative funds under this
14 section may use the consolidated funds for the ad-
15 ministration of the programs and for uses, at the
16 school district and school levels, comparable to those
17 described in section 8201(b)(2).

18 “(2) FISCAL SUPPORT TEAMS.—A local edu-
19 cational agency that uses funds as described in sec-
20 tion 8201(b)(2)(I) may contribute State or local
21 funds to expand the reach of such support without
22 violating any supplement, not supplant requirement
23 of any program contributing administrative funds.”.

1 **SEC. 8007. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
2 **OF THE INTERIOR FUNDS.**

3 Section 8204, as redesignated and amended by sec-
4 tion 8001 of this Act, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by striking “part A
7 of title VII” and inserting “part A of title VI”;
8 and

9 (B) in paragraph (2), by striking subpara-
10 graph (B) and inserting the following:

11 “(B) CONTENTS.—The agreement shall—

12 “(i) set forth the plans of the Sec-
13 retary of the Interior for the use of the
14 amount transferred and the achievement
15 measures to assess program effectiveness,
16 including program objectives; and

17 “(ii) be developed in consultation with
18 Indian tribes.”; and

19 (2) by adding at the end the following:

20 “(c) ACCOUNTABILITY SYSTEM.—

21 “(1) For the purposes of part A of title I, the
22 Secretary of Interior, in consultation with the Sec-
23 retary, if the Secretary of the Interior requests the
24 consultation, using a negotiated rulemaking process
25 to develop regulations for implementation no later
26 than the 2017-2018 academic year, shall define the

1 standards, assessments, and accountability system
2 consistent with section 1111, for the schools funded
3 by the Bureau of Indian Education on a national,
4 regional, or tribal basis, as appropriate, taking into
5 account the unique circumstances and needs of such
6 schools and the students served by such schools.

7 “(2) The tribal governing body or school board
8 of a school funded by the Bureau of Indian Affairs
9 may waive, in part or in whole, the requirements es-
10 tablished pursuant to paragraph (1) where such re-
11 quirements are determined by such body or school
12 board to be inappropriate. If such requirements are
13 waived, the tribal governing body or school board
14 shall, within 60 days, submit to the Secretary of In-
15 terior a proposal for alternative standards, assess-
16 ments, and an accountability system, if applicable,
17 consistent with section 1111, that takes into account
18 the unique circumstances and needs of such school
19 or schools and the students served. The Secretary of
20 the Interior and the Secretary shall approve such
21 standards, assessments, and accountability system
22 unless the Secretary determines that the standards,
23 assessments, and accountability system do not meet
24 the requirements of section 1111, taking into ac-

1 count the unique circumstances and needs of such
2 school or schools and the students served.

3 “(3) TECHNICAL ASSISTANCE.—The Secretary
4 of Interior and the Secretary shall, either directly or
5 through a contract, provide technical assistance,
6 upon request, to a tribal governing body or school
7 board of a school funded by the Bureau of Indian
8 Affairs that seeks a waiver under paragraph (2).”.

9 **SEC. 8008. DEPARTMENT STAFF.**

10 Title VIII, as redesignated and amended by section
11 8001 of this Act, is further amended by adding after sec-
12 tion 8204 the following:

13 **“SEC. 8205. DEPARTMENT STAFF.**

14 “The Secretary shall—

15 “(1) not later than 60 days after the date of
16 enactment of the Every Student Succeeds Act, iden-
17 tify the number of Department full-time equivalent
18 employees who worked on or administered each edu-
19 cation program or project authorized under this Act,
20 as such program or project was in effect on the day
21 before such date of enactment, and publish such in-
22 formation on the Department’s website;

23 “(2) not later than 60 days after such date of
24 enactment, identify the number of full-time equiva-
25 lent employees who worked on or administered each

1 program or project authorized under this Act, as
2 such program or project was in effect on the day be-
3 fore such date of enactment, that has been elimi-
4 nated or consolidated since such date of enactment;

5 “(3) not later than 1 year after such date of en-
6 actment, reduce the workforce of the Department by
7 the number of full-time equivalent employees the De-
8 partment identified under paragraph (2); and

9 “(4) not later than 1 year after such date of en-
10 actment, report to Congress on—

11 “(A) the number of full-time equivalent
12 employees associated with each program or
13 project authorized under this Act and adminis-
14 tered by the Department;

15 “(B) the number of full-time equivalent
16 employees who were determined to be associated
17 with eliminated or consolidated programs or
18 projects described in paragraph (2);

19 “(C) how the Secretary has reduced the
20 number of full-time equivalent employees as de-
21 scribed in paragraph (3);

22 “(D) the average salary of the full-time
23 equivalent employees described in subparagraph
24 (B) whose positions were eliminated; and

1 “(E) the average salary of the full-time
2 equivalent employees who work on or admin-
3 ister a program or project authorized by the
4 Department under this Act, disaggregated by
5 employee function within each such program or
6 project.”.

7 **SEC. 8009. OPTIONAL CONSOLIDATED STATE PLANS OR AP-**
8 **PLICATIONS.**

9 Section 8302(b)(1), as redesignated by section 8001
10 of this Act, is amended by striking “nonprofit”.

11 **SEC. 8010. GENERAL APPLICABILITY OF STATE EDU-**
12 **CATIONAL AGENCY ASSURANCES.**

13 Section 8304(a)(2), as redesignated by section 8001
14 of this Act, is amended by striking “nonprofit” and insert-
15 ing “eligible” each place the term appears.

16 **SEC. 8011. RURAL CONSOLIDATED PLAN.**

17 Section 8305, as redesignated and amended by sec-
18 tion 8001 of this Act, is amended by adding at the end
19 the following:

20 “(e) RURAL CONSOLIDATED PLAN.—

21 “(1) IN GENERAL.—Two or more eligible local
22 educational agencies, a consortium of eligible local
23 educational service agencies, or an educational serv-
24 ice agency on behalf of eligible local educational
25 agencies may submit plans or applications for 1 or

1 more covered programs to the State educational
2 agency on a consolidated basis, if each eligible local
3 educational agency impacted elects to participate in
4 the joint application or elects to allow the edu-
5 cational service agency to apply on its behalf.

6 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
7 CY.—For the purposes of this subsection, the term
8 ‘eligible local educational agency’ means a local edu-
9 cational agency that is an eligible local educational
10 agency under part B of title V.”

11 **SEC. 8012. OTHER GENERAL ASSURANCES.**

12 Section 8306(a), as redesignated and amended by
13 section 8001 of this Act, is further amended—

14 (1) in the matter preceding paragraph (1), by
15 striking “whether separately or pursuant to section
16 8305,”; and

17 (2) in paragraph (2), by striking “nonprofit”
18 each place it appears and inserting “eligible”.

19 **SEC. 8013. WAIVERS OF STATUTORY AND REGULATORY RE-**
20 **QUIREMENTS.**

21 Section 8401, as redesignated by section 8001 of this
22 Act, is amended—

23 (1) by striking subsection (a) and inserting the
24 following:

25 “(a) IN GENERAL.—

1 “(1) REQUEST FOR WAIVER BY STATE OR IN-
2 DIAN TRIBE.—A State educational agency or Indian
3 tribe that receives funds under a program authorized
4 under this Act may submit a request to the Sec-
5 retary to waive any statutory or regulatory require-
6 ment of this Act.

7 “(2) LOCAL EDUCATIONAL AGENCY AND
8 SCHOOL REQUESTS SUBMITTED THROUGH THE
9 STATE.—

10 “(A) REQUEST FOR WAIVER BY LOCAL
11 EDUCATIONAL AGENCY.—A local educational
12 agency that receives funds under a program au-
13 thorized under this Act and desires a waiver of
14 any statutory or regulatory requirement of this
15 Act shall submit a request containing the infor-
16 mation described in subsection (b)(1) to the ap-
17 propriate State educational agency. The State
18 educational agency may then submit the request
19 to the Secretary if the State educational agency
20 determines the waiver appropriate.

21 “(B) REQUEST FOR WAIVER BY SCHOOL.—
22 An elementary school or secondary school that
23 desires a waiver of any statutory or regulatory
24 requirement of this Act shall submit a request
25 containing the information described in sub-

1 section (b)(1) to the local educational agency
2 serving the school. The local educational agency
3 may then submit the request to the State edu-
4 cational agency in accordance with subpara-
5 graph (A) if the local educational agency deter-
6 mines the waiver appropriate.

7 “(3) RECEIPT OF WAIVER.—Except as provided
8 in subsection (b)(4) or (c), the Secretary may waive
9 any statutory or regulatory requirement of this Act
10 for which a waiver request is submitted to the Sec-
11 retary pursuant to this subsection.”;

12 (2) in subsection (b)—

13 (A) in paragraph (1)—

14 (i) in the matter preceding subpara-
15 graph (A)—

16 (I) by striking “, local edu-
17 cational agency,” and inserting “, act-
18 ing on its own behalf or on behalf of
19 a local educational agency in accord-
20 ance with subsection (a)(2),”; and

21 (II) by inserting “, which shall
22 include a plan” after “to the Sec-
23 retary”;

24 (ii) by redesignating subparagraph
25 (E) as subparagraph (F);

1 (iii) by striking subparagraphs (B),
2 (C), and (D) and inserting the following:

3 “(B) describes which Federal statutory or
4 regulatory requirements are to be waived;

5 “(C) describes how the waiving of such re-
6 quirements will advance student academic
7 achievement;

8 “(D) describes the methods the State edu-
9 cational agency, local educational agency,
10 school, or Indian tribe will use to monitor and
11 regularly evaluate the effectiveness of the imple-
12 mentation of the plan;

13 “(E) includes only information directly re-
14 lated to the waiver request; and”;

15 (iv) in subparagraph (F), as redesign-
16 nated by clause (ii), by inserting “and, if
17 the waiver relates to provisions of sub-
18 sections (b) or (h) of section 1111, de-
19 scribes how the State educational agency,
20 local educational agency, school, or Indian
21 tribe will maintain or improve trans-
22 parency in reporting to parents and the
23 public on student achievement and school
24 performance, including the achievement of
25 the subgroups of students identified in sec-

1 tion 1111(b)(2)(B)(xi)” after “waivers are
2 requested”;

3 (B) in paragraph (2)(B)(i)(II), by striking
4 “(on behalf of, and based on the requests of,
5 local educational agencies)” and inserting “(on
6 behalf of those agencies or on behalf of, and
7 based on the requests of, local educational
8 agencies in the State)”;

9 (C) in paragraph (3)—

10 (i) in subparagraph (A)—

11 (I) in the matter preceding clause
12 (i), by inserting “or on behalf of local
13 educational agencies in the State
14 under subsection (a)(2),” after “act-
15 ing on its own behalf,”; and

16 (II) by striking clauses (i)
17 through (iii) and inserting the fol-
18 lowing:

19 “(i) provide the public and any inter-
20 ested local educational agency in the State
21 with notice and a reasonable opportunity
22 to comment and provide input on the re-
23 quest, to the extent that the request im-
24 pacts the local educational agency;

1 “(ii) submit the comments and input
2 to the Secretary, with a description of how
3 the State addressed the comments and
4 input; and

5 “(iii) provide notice and a reasonable
6 time to comment to the public and local
7 educational agencies in the manner in
8 which the applying agency customarily pro-
9 vides similar notice and opportunity to
10 comment to the public.”; and

11 (ii) in subparagraph (B), by striking
12 clauses (i) and (ii) and inserting the fol-
13 lowing:

14 “(i) the request shall be reviewed and
15 approved by the State educational agency
16 in accordance with subsection (a)(2) before
17 being submitted to the Secretary and be
18 accompanied by the comments, if any, of
19 the State educational agency and the pub-
20 lic; and

21 “(ii) notice and a reasonable oppor-
22 tunity to comment regarding the waiver re-
23 quest shall be provided to the State edu-
24 cational agency and the public by the agen-
25 cy requesting the waiver in the manner in

1 which that agency customarily provides
2 similar notice and opportunity to comment
3 to the public.”.

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

5 “(4) WAIVER DETERMINATION, DEMONSTRATION,
6 AND REVISION.—

7 “(A) IN GENERAL.—The Secretary shall
8 issue a written determination regarding the ini-
9 tial approval or disapproval of a waiver request
10 not more than 120 days after the date on which
11 such request is submitted. Initial disapproval of
12 such request shall be based on the determina-
13 tion of the Secretary that—

14 “(i) the waiver request does not meet
15 the requirements of this section;

16 “(ii) the waiver is not permitted under
17 subsection (c);

18 “(iii) the description required under
19 paragraph (1)(C) in the plan provides in-
20 sufficient information to demonstrate that
21 the waiving of such requirements will ad-
22 vance student academic achievement con-
23 sistent with the purposes of this Act; or

24 “(iv) the waiver request does not pro-
25 vide for adequate evaluation to ensure re-

1 view and continuous improvement of the
2 plan.

3 “(B) WAIVER DETERMINATION AND REVI-
4 SION.—Upon the initial determination of dis-
5 approval under subparagraph (A), the Secretary
6 shall—

7 “(i) immediately—

8 “(I) notify the State educational
9 agency, local educational agency
10 (through the State educational agen-
11 cy), school (through the local edu-
12 cational agency), or Indian tribe, as
13 applicable, of such determination; and

14 “(II) provide detailed reasons for
15 such determination in writing to the
16 applicable entity under subclause (I)
17 to the public, such as posting in a
18 clear and easily accessible format to
19 the Department’s website;

20 “(ii) offer the State educational agen-
21 cy, local educational agency (through the
22 State educational agency), school (through
23 the local educational agency), or Indian
24 tribe an opportunity to revise and resubmit
25 the waiver request by a date that is not

1 more than 60 days after the date of such
2 determination; and

3 “(iii) if the Secretary determines that
4 the resubmission under clause (ii) does not
5 meet the requirements of this section, at
6 the request of the State educational agen-
7 cy, local educational agency, school, or In-
8 dian tribe, conduct a hearing not more
9 than 30 days after the date of such resub-
10 mission.

11 “(C) WAIVER DISAPPROVAL.—The Sec-
12 retary may ultimately disapprove a waiver re-
13 quest if—

14 “(i) the State educational agency,
15 local educational agency, school, or Indian
16 tribe has been notified and offered an op-
17 portunity to revise and resubmit the waiver
18 request, as described under clauses (i) and
19 (ii) of subparagraph (B); and

20 “(ii) the State educational agency,
21 local educational agency (through the State
22 educational agency), school (through the
23 local educational agency), or Indian tribe—

24 “(I) does not revise and resubmit
25 the waiver request; or

1 “(II) revises and resubmits the
2 waiver request, and the Secretary de-
3 termines that such waiver request
4 does not meet the requirements of this
5 section after a hearing conducted
6 under subparagraph (B)(iii), if such a
7 hearing is requested.

8 “(D) EXTERNAL CONDITIONS.—The Sec-
9 retary shall not disapprove a waiver request
10 under this section based on conditions outside
11 the scope of the waiver request.”;

12 (3) in subsection (c)—

13 (A) in paragraph (1), by inserting “, In-
14 dian tribes” after “local educational agencies”;

15 (B) in paragraph (8), by striking “subpart
16 1 of part B of title V” and inserting “part C
17 of title IV”; and

18 (C) by striking paragraph (9) and insert-
19 ing the following:

20 “(9) the prohibitions—

21 “(A) in subpart 2 of part F;

22 “(B) regarding use of funds for religious
23 worship or instruction in section 8505; and

24 “(C) regarding activities in section 8526;
25 or”;

1 (4) in subsection (d)—

2 (A) in the subsection heading, by adding “;
3 LIMITATIONS” after “WAIVER”;

4 (B) in paragraph (2), in the matter pre-
5 ceding subparagraph (A), by striking “Sec-
6 retary determines” and inserting “State dem-
7 onstrates”; and

8 (C) by adding at the end the following:

9 “(3) SPECIFIC LIMITATIONS.—The Secretary
10 shall not require a State educational agency, local
11 educational agency, school, or Indian tribe, as a con-
12 dition of approval of a waiver request, to—

13 “(A) include in, or delete from, such re-
14 quest, specific academic standards, such as the
15 Common Core State Standards developed under
16 the Common Core State Standards Initiative or
17 any other standards common to a significant
18 number of States;

19 “(B) use specific academic assessment in-
20 struments or items, including assessments
21 aligned to the standards described in subpara-
22 graph (A); or

23 “(C) include in, or delete from, such waiv-
24 er request any specific elements of—

25 “(i) State academic standards;

1 “(ii) academic assessments;

2 “(iii) State accountability systems; or

3 “(iv) teacher and school leader evaluation systems.”;

4
5 (5) by striking subsection (e) and inserting the
6 following:

7 “(e) REPORTS.—A State educational agency, local
8 educational agency, school, or Indian tribe receiving a
9 waiver under this section shall describe, as part of, and
10 pursuant to, the required annual reporting under section
11 1111(h)—

12 “(1) the progress of schools covered under the
13 provisions of such waiver toward improving student
14 academic achievement; and

15 “(2) how the use of the waiver has contributed
16 to such progress.”; and

17 (6) in subsection (f), by striking “if the Sec-
18 retary determines” and all that follows through the
19 period at the end and inserting the following: “if,
20 after notice and an opportunity for a hearing, the
21 Secretary—

22 “(A) presents a rationale and supporting
23 information that clearly demonstrates that the
24 waiver is not contributing to the progress of
25 schools described in subsection (e)(1); or

1 “(B) determines that the waiver is no
2 longer necessary to achieve its original pur-
3 poses.”.

4 **SEC. 8014. APPROVAL AND DISAPPROVAL OF STATE PLANS**
5 **AND LOCAL APPLICATIONS.**

6 Title VIII, as amended and redesignated by section
7 8001 of this Act, is further amended by inserting after
8 section 8401 the following:

9 **“PART E—APPROVAL AND DISAPPROVAL OF**
10 **STATE PLANS AND LOCAL APPLICATIONS**
11 **“SEC. 8451. APPROVAL AND DISAPPROVAL OF STATE**
12 **PLANS.**

13 “(a) APPROVAL.—A plan submitted by a State pursu-
14 ant to section 2101(d), 4103(c), 4203, or 8302 shall be
15 approved by the Secretary unless the Secretary makes a
16 written determination (which shall include the supporting
17 information and rationale supporting such determination),
18 prior to the expiration of the 120-day period beginning
19 on the date on which the Secretary received the plan, that
20 the plan is not in compliance with section 2101(d),
21 4103(c), or 4203, or part C, respectively.

22 “(b) DISAPPROVAL PROCESS.—

23 “(1) IN GENERAL.—The Secretary shall not fi-
24 nally disapprove a plan submitted under section
25 2101(d), 4103(c), 4203, or 8302, except after giving

1 the State educational agency notice and an oppor-
2 tunity for a hearing.

3 “(2) NOTIFICATIONS.—If the Secretary finds
4 that the plan is not in compliance, in whole or in
5 part, with section 2101(d), 4103(c), or 4203, or part
6 C, as applicable, the Secretary shall—

7 “(A) immediately notify the State of such
8 determination;

9 “(B) provide a detailed description of the
10 specific provisions of the plan that the Sec-
11 retary determines fail to meet the requirements,
12 in whole or in part, of such section or part, as
13 applicable;

14 “(C) offer the State an opportunity to re-
15 vise and resubmit its plan within 45 days of
16 such determination, including the chance for
17 the State to present supporting information to
18 clearly demonstrate that the State plan meets
19 the requirements of such section or part, as ap-
20 plicable;

21 “(D) provide technical assistance, upon re-
22 quest of the State, in order to assist the State
23 to meet the requirements of such section or
24 part, as applicable;

1 “(E) conduct a hearing within 30 days of
2 the plan’s resubmission under subparagraph
3 (C), unless a State declines the opportunity for
4 such hearing; and

5 “(F) request additional information, only
6 as to the noncompliant provisions, needed to
7 make the plan compliant.

8 “(3) RESPONSE.—If the State educational
9 agency responds to the Secretary’s notification de-
10 scribed in paragraph (2)(A) prior to the expiration
11 of the 45-day period beginning on the date on which
12 the State educational agency received the notifica-
13 tion, and resubmits the plan as described in para-
14 graph (2)(C), the Secretary shall approve such plan
15 unless the Secretary determines the plan does not
16 meet the requirements of section 2101(d), 4103(c),
17 or 4203, or part C, as applicable.

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)(A) prior to
21 the expiration of the 45-day period beginning on the
22 date on which the State educational agency received
23 the notification, such plan shall be deemed to be dis-
24 approved.

1 “(1) IN GENERAL.—The State educational
2 agency shall not finally disapprove an application
3 submitted under section 2102(b), 4106, 4204(b) or
4 8305 except after giving the local educational agency
5 notice and opportunity for a hearing.

6 “(2) NOTIFICATIONS.—If the State educational
7 agency finds that the application submitted under
8 section 2102(b), 4106, 4204(b) or 8305 is not in
9 compliance, in whole or in part, with section
10 2102(b), 4106, or 4204(b), or part C, respectively,
11 the State educational agency shall—

12 “(A) immediately notify the local edu-
13 cational agency of such determination;

14 “(B) provide a detailed description of the
15 specific provisions of the application that the
16 State determines fail to meet the requirements,
17 in whole or in part, of such section or part, as
18 applicable;

19 “(C) offer the local educational agency an
20 opportunity to revise and resubmit its applica-
21 tion within 45 days of such determination, in-
22 cluding the chance for the local educational
23 agency to present supporting information to
24 clearly demonstrate that the application meets
25 the requirements of such section or part;

1 “(D) provide technical assistance, upon re-
2 quest of the local educational agency, in order
3 to assist the local educational agency to meet
4 the requirements of such section or part, as ap-
5 plicable;

6 “(E) conduct a hearing within 30 days of
7 the application’s resubmission under subpara-
8 graph (C), unless a local educational agency de-
9 clines the opportunity for such a hearing; and

10 “(F) request additional information, only
11 as to the noncompliant provisions, needed to
12 make the application compliant.

13 “(3) RESPONSE.—If the local educational agen-
14 cy responds to the State educational agency’s notifi-
15 cation described in paragraph (2)(A) prior to the ex-
16 piration of the 45-day period beginning on the date
17 on which the local educational agency received the
18 notification, and resubmits the application as de-
19 scribed in paragraph (2)(C), the State educational
20 agency shall approve such application unless the
21 State educational agency determines the application
22 does not meet the requirements of this part.

23 “(4) FAILURE TO RESPOND.—If the local edu-
24 cational agency does not respond to the State edu-
25 cational agency’s notification described in paragraph

1 (2)(A) prior to the expiration of the 45-day period
2 beginning on the date on which the local educational
3 agency received the notification, such application
4 shall be deemed to be disapproved.”.

5 **SEC. 8015. PARTICIPATION BY PRIVATE SCHOOL CHILDREN**
6 **AND TEACHERS.**

7 Section 8501, as redesignated by section 8001 of this
8 Act, is amended—

9 (1) in subsection (a)—

10 (A) by striking paragraph (3) and insert-
11 ing the following:

12 “(3) SPECIAL RULE.—

13 “(A) IN GENERAL.—Educational services
14 and other benefits provided under this section
15 for private school children, teachers, and other
16 educational personnel shall be equitable in com-
17 parison to services and other benefits for public
18 school children, teachers, and other educational
19 personnel participating in the program and
20 shall be provided in a timely manner.

21 “(B) OMBUDSMAN.—To help ensure equi-
22 table services are provided to private school
23 children, teachers, and other educational per-
24 sonnel under this section, the State educational
25 agency involved shall direct the ombudsman

1 designated by the agency under section 1117 to
2 monitor and enforce the requirements of this
3 section.”; and

4 (B) by striking paragraph (4) and insert-
5 ing the following:

6 “(4) EXPENDITURES.—

7 “(A) IN GENERAL.—Expenditures for edu-
8 cational services and other benefits provided
9 under this section for eligible private school
10 children, their teachers, and other educational
11 personnel serving those children shall be equal,
12 taking into account the number and educational
13 needs of the children to be served, to the ex-
14 penditures for participating public school chil-
15 dren.

16 “(B) OBLIGATION OF FUNDS.—Funds allo-
17 cated to a local educational agency for edu-
18 cational services and other benefits to eligible
19 private school children shall be obligated in the
20 fiscal year for which the funds are received by
21 the agency.

22 “(C) NOTICE OF ALLOCATION.—Each
23 State educational agency shall provide notice in
24 a timely manner to the appropriate private
25 school officials in the State of the allocation of

1 funds for educational services and other bene-
2 fits under this subpart that the local edu-
3 cational agencies have determined are available
4 for eligible private school children.”.

5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking subpara-
7 graphs (A) through (H) and inserting the fol-
8 lowing:

9 “(A) part C of title I;

10 “(B) part A of title II;

11 “(C) part A of title III;

12 “(D) part A of title IV; and

13 “(E) part B of title IV.”; and

14 (B) by striking paragraph (3); and

15 (3) in subsection (c)—

16 (A) in the matter preceding subparagraph
17 (A), by striking “To ensure” and all that fol-
18 lows through “such as” and inserting “To en-
19 sure timely and meaningful consultation, a
20 State educational agency, local educational
21 agency, educational service agency, consortium
22 of those agencies, or entity shall consult with
23 appropriate private school officials. Such agency
24 and private school officials shall both have the
25 goal of reaching agreement on how to provide

1 equitable and effective programs for eligible pri-
2 vate school children, on issues such as”;

3 (B) in paragraph (1)—

4 (i) in subparagraph (E)—

5 (I) by striking “and the amount”
6 and inserting “, the amount”; and

7 (II) by striking “services; and”
8 and inserting “services, and how that
9 amount is determined;”;

10 (ii) in subparagraph (F)—

11 (I) by striking “contract” after
12 “provision of”; and

13 (II) by striking the period at the
14 end and inserting “; and”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(G) whether the agency, consortium, or
18 entity shall provide services directly or through
19 a separate government agency, consortium, or
20 entity, or through a third-party contractor; and

21 “(H) whether to provide equitable services
22 to eligible private school children—

23 “(i) by creating a pool or pools of
24 funds with all of the funds allocated under
25 subsection (a)(4)(C) based on all the chil-

1 dren from low-income families in a partici-
2 pating school attendance area who attend
3 private schools; or

4 “(ii) in the agency’s participating
5 school attendance area who attend private
6 schools with the proportion of funds allo-
7 cated under subsection (a)(4)(C) based on
8 the number of children from low-income
9 families who attend private schools.”; and

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

11 “(5) DOCUMENTATION.—Each local educational
12 agency shall maintain in the agency’s records, and
13 provide to the State educational agency involved, a
14 written affirmation signed by officials of each par-
15 ticipating private school that the meaningful con-
16 sultation required by this section has occurred. The
17 written affirmation shall provide the option for pri-
18 vate school officials to indicate such officials’ belief
19 that timely and meaningful consultation has not oc-
20 curred or that the program design is not equitable
21 with respect to eligible private school children. If
22 such officials do not provide such affirmation within
23 a reasonable period of time, the local educational
24 agency shall forward the documentation that such

1 consultation has, or attempts at such consultation
2 have, taken place to the State educational agency.

3 “(6) COMPLIANCE.—

4 “(A) IN GENERAL.—If the consultation re-
5 quired under this section is with a local edu-
6 cational agency or educational service agency, a
7 private school official shall have the right to file
8 a complaint with the State educational agency
9 that the consultation required under this sec-
10 tion was not meaningful and timely, did not
11 give due consideration to the views of the pri-
12 vate school official, or did not make a decision
13 that treats the private school or its students eq-
14 uitably as required by this section.

15 “(B) PROCEDURE.—If the private school
16 official wishes to file a complaint, the private
17 school official shall provide the basis of the non-
18 compliance and all parties shall provide the ap-
19 propriate documentation to the appropriate offi-
20 cials.

21 “(C) SERVICES.—A State educational
22 agency shall provide services under this section
23 directly or through contracts with public and
24 private agencies, organizations, and institutions,
25 if the appropriate private school officials have—

1 “(i) requested that the State edu-
2 cational agency provide such services di-
3 rectly; and

4 “(ii) demonstrated that the local edu-
5 cational agency involved has not met the
6 requirements of this section in accordance
7 with the procedures for making such a re-
8 quest, as prescribed by the State edu-
9 cational agency.”.

10 **SEC. 8016. STANDARDS FOR BY-PASS.**

11 Section 8502(a)(2), as redesignated and amended by
12 section 8001 of this Act, is further amended by striking
13 “9503, and 9504” and inserting “8503, and 8504”.

14 **SEC. 8017. COMPLAINT PROCESS FOR PARTICIPATION OF**
15 **PRIVATE SCHOOL CHILDREN.**

16 Section 8503, as redesignated and amended by sec-
17 tion 8001 of this Act, is further amended by striking sub-
18 sections (a) and (b) and inserting the following:

19 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-
20 retary shall develop and implement written procedures for
21 receiving, investigating, and resolving complaints from
22 parents, teachers, or other individuals and organizations
23 concerning violations of section 8501 by a State edu-
24 cational agency, local educational agency, educational
25 service agency, consortium of those agencies, or entity.

1 The individual or organization shall submit the complaint
2 to the State educational agency for a written resolution
3 by the State educational agency within 45 days.

4 “(b) APPEALS TO SECRETARY.—The resolution may
5 be appealed by an interested party to the Secretary not
6 later than 30 days after the State educational agency re-
7 solves the complaint or fails to resolve the complaint with-
8 in the 45-day time limit. The appeal shall be accompanied
9 by a copy of the State educational agency’s resolution,
10 and, if there is one, a complete statement of the reasons
11 supporting the appeal. The Secretary shall investigate and
12 resolve the appeal not later than 90 days after receipt of
13 the appeal.”.

14 **SEC. 8018. BY-PASS DETERMINATION PROCESS.**

15 Section 8504(a)(1)(A), as redesignated by section
16 8001 of this Act, is amended by striking “9502” and in-
17 serting “8502”.

18 **SEC. 8019. MAINTENANCE OF EFFORT.**

19 Section 8521, as redesignated by section 8001 of this
20 Act, is amended—

21 (1) in subsection (a), by inserting “, subject to
22 the requirements of subsection (b)” after “for the
23 second preceding fiscal year”;

24 (2) in subsection (b)(1), by inserting before the
25 period at the end the following: “, if such local edu-

1 cational agency has also failed to meet such require-
2 ment (as determined using the measure most favor-
3 able to the local agency) for 1 or more of the 5 im-
4 mediately preceding fiscal years”; and

5 (3) in subsection (c)(1), by inserting “or a
6 change in the organizational structure of the local
7 educational agency” after “, such as a natural dis-
8 aster”.

9 **SEC. 8020. PROHIBITION REGARDING STATE AID.**

10 Section 8522, as redesignated by section 8001 of this
11 Act, is amended by striking “title VIII” and inserting
12 “title VII”.

13 **SEC. 8021. SCHOOL PRAYER.**

14 Section 8524(a), as redesignated by section 8001 of
15 this Act, is amended by striking “on the Internet” and
16 inserting “by electronic means, including by posting the
17 guidance on the Department’s website in a clear and easily
18 accessible manner”.

19 **SEC. 8022. PROHIBITED USES OF FUNDS.**

20 Section 8526, as redesignated by section 8001 of this
21 Act, is amended—

22 (1) by striking the section heading and insert-
23 ing “**PROHIBITED USES OF FUNDS**”;

24 (2) in subsection (a)—

1 (A) by redesignating paragraphs (1)
2 through (4) as paragraphs (3) through (6), re-
3 spectively; and

4 (B) by inserting before paragraph (3) (as
5 redesignated by subparagraph (A)) the fol-
6 lowing:

7 “(1) for construction, renovation, or repair of
8 any school facility, except as authorized under this
9 Act;

10 “(2) for transportation unless otherwise author-
11 ized under this Act;”;

12 (3) by striking “(a)PROHIBITION.—None of the
13 funds authorized under this Act shall be used” and
14 inserting “No funds under this Act may be used”;
15 and

16 (4) by striking subsection (b).

17 **SEC. 8023. PROHIBITIONS.**

18 Title VIII, as redesignated and amended by section
19 8001 of this Act, is further amended by inserting after
20 section 8526 the following:

21 **“SEC. 8526A. PROHIBITION AGAINST FEDERAL MANDATES,
22 DIRECTION, OR CONTROL.**

23 “(a) IN GENERAL.—No officer or employee of the
24 Federal Government shall, through grants, contracts, or
25 other cooperative agreements, mandate, direct, or control

1 a State, local educational agency, or school’s specific in-
2 structional content, academic standards and assessments,
3 curricula, or program of instruction developed and imple-
4 mented to meet the requirements of this Act (including
5 any requirement, direction, or mandate to adopt the Com-
6 mon Core State Standards developed under the Common
7 Core State Standards Initiative, any other academic
8 standards common to a significant number of States, or
9 any assessment, instructional content, or curriculum
10 aligned to such standards), nor shall anything in this Act
11 be construed to authorize such officer or employee to do
12 so.

13 “(b) FINANCIAL SUPPORT.—No officer or employee
14 of the Federal Government shall condition or incentivize
15 the receipt of any grant, contract, or cooperative agree-
16 ment, the receipt of any priority or preference under such
17 grant, contract, or cooperative agreement, or the receipt
18 of a waiver under section 8401 upon a State, local edu-
19 cational agency, or school’s adoption or implementation of
20 specific instructional content, academic standards and as-
21 sessments, curricula, or program of instruction developed
22 and implemented to meet the requirements of this Act (in-
23 cluding any condition, priority, or preference to adopt the
24 Common Core State Standards developed under the Com-
25 mon Core State Standards Initiative, any other academic

1 standards common to a significant number of States, or
2 any assessment, instructional content, or curriculum
3 aligned to such standards).”.

4 **SEC. 8024. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
5 **USE OF FEDERAL FUNDS.**

6 Section 8527, as redesignated by section 8001 of this
7 Act, is amended to read as follows:

8 **“SEC. 8527. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
9 **USE OF FEDERAL FUNDS.**

10 “(a) GENERAL PROHIBITION.—Nothing in this Act
11 shall be construed to authorize an officer or employee of
12 the Federal Government, including through a grant, con-
13 tract, or cooperative agreement, to mandate, direct, or
14 control a State, local educational agency, or school’s cur-
15 riculum, program of instruction, or allocation of State or
16 local resources, or mandate a State or any subdivision
17 thereof to spend any funds or incur any costs not paid
18 for under this Act.

19 “(b) PROHIBITION ON ENDORSEMENT OF CUR-
20 RICULUM.—Notwithstanding any other provision of Fed-
21 eral law, no funds provided to the Department under this
22 Act may be used by the Department, whether through a
23 grant, contract, or cooperative agreement, to endorse, ap-
24 prove, develop, require, or sanction any curriculum, in-
25 cluding any curriculum aligned to the Common Core State

1 Standards developed under the Common Core State
2 Standards Initiative or any other academic standards com-
3 mon to a significant number of States, designed to be used
4 in an elementary school or secondary school.

5 “(c) LOCAL CONTROL.—Nothing in this section shall
6 be construed to—

7 “(1) authorize an officer or employee of the
8 Federal Government, whether through a grant, con-
9 tract, or cooperative agreement to mandate, direct,
10 review, or control a State, local educational agency,
11 or school’s instructional content, curriculum, and re-
12 lated activities;

13 “(2) limit the application of the General Edu-
14 cation Provisions Act (20 U.S.C. 1221 et seq.);

15 “(3) require the distribution of scientifically or
16 medically false or inaccurate materials or to prohibit
17 the distribution of scientifically or medically true or
18 accurate materials; or

19 “(4) create any legally enforceable right.

20 “(d) PROHIBITION ON REQUIRING FEDERAL AP-
21 PROVAL OR CERTIFICATION OF STANDARDS.—

22 “(1) IN GENERAL.—Notwithstanding any other
23 provision of Federal law, no State shall be required
24 to have academic standards approved or certified by

1 the Federal Government, in order to receive assist-
2 ance under this Act.

3 “(2) RULE OF CONSTRUCTION.—Nothing in
4 this Act shall be construed to prohibit a State, local
5 educational agency, or school from using funds pro-
6 vided under this Act for the development or imple-
7 mentation of any instructional content, academic
8 standards, academic assessments, curriculum, or
9 program of instruction that a State, local edu-
10 cational agency, or school chooses, as permitted
11 under State and local law, as long as the use of such
12 funds is consistent with the terms of the grant, con-
13 tract, or cooperative agreement providing such
14 funds.

15 “(3) BUILDING STANDARDS.—Nothing in this
16 Act shall be construed to mandate national school
17 building standards for a State, local educational
18 agency, or school.”.

19 **SEC. 8025. ARMED FORCES RECRUITER ACCESS TO STU-**
20 **DENTS AND STUDENT RECRUITING INFORMA-**
21 **TION.**

22 Section 8528, as redesignated by section 8001 of this
23 Act, is amended by striking subsections (a) through (d)
24 and inserting the following:

25 “(a) POLICY.—

1 “(1) ACCESS TO STUDENT RECRUITING INFOR-
2 MATION.—Notwithstanding section 444(a)(5)(B) of
3 the General Education Provisions Act (20 U.S.C.
4 1232g(a)(5)(B)), each local educational agency re-
5 ceiving assistance under this Act shall provide, upon
6 a request made by a military recruiter or an institu-
7 tion of higher education, access to the name, ad-
8 dress, and telephone listing of each secondary school
9 student served by the local educational agency, un-
10 less the parent of such student has submitted the
11 prior consent request under paragraph (2).

12 “(2) CONSENT.—

13 “(A) OPT-OUT PROCESS.—A parent of a
14 secondary school student may submit a written
15 request, to the local educational agency, that
16 the student’s name, address, and telephone list-
17 ing not be released for purposes of paragraph
18 (1) without prior written consent of the parent.
19 Upon receiving such request, the local edu-
20 cational agency may not release the student’s
21 name, address, and telephone listing for such
22 purposes without the prior written consent of
23 the parent.

24 “(B) NOTIFICATION OF OPT-OUT PROC-
25 ESS.—Each local educational agency shall no-

1 tify the parents of the students served by the
2 agency of the option to make a request de-
3 scribed in subparagraph (A).

4 “(3) SAME ACCESS TO STUDENTS.—Each local
5 educational agency receiving assistance under this
6 Act shall provide military recruiters the same access
7 to secondary school students as is provided to insti-
8 tutions of higher education or to prospective employ-
9 ers of those students.

10 “(4) RULE OF CONSTRUCTION PROHIBITING
11 OPT-IN PROCESSES.—Nothing in this subsection
12 shall be construed to allow a local educational agen-
13 cy to withhold access to a student’s name, address,
14 and telephone listing from a military recruiter or in-
15 stitution of higher education by implementing an
16 opt-in process or any other process other than the
17 written consent request process under paragraph
18 (2)(A).

19 “(5) PARENTAL CONSENT.—For purposes of
20 this subsection, whenever a student has attained 18
21 years of age, the permission or consent required of
22 and the rights accorded to the parents of the stu-
23 dent shall only be required of and accorded to the
24 student.

1 “(b) NOTIFICATION.—The Secretary, in consultation
2 with the Secretary of Defense, shall, not later than 120
3 days after the date of the enactment of the Every Student
4 Succeeds Act, notify school leaders, school administrators,
5 and other educators about the requirements of this sec-
6 tion.

7 “(c) EXCEPTION.—The requirements of this section
8 do not apply to a private secondary school that maintains
9 a religious objection to service in the Armed Forces if the
10 objection is verifiable through the corporate or other orga-
11 nizational documents or materials of that school.”.

12 **SEC. 8026. PROHIBITION ON FEDERALLY SPONSORED TEST-**
13 **ING.**

14 Section 8529, as redesignated by section 8001 of this
15 Act, is amended to read as follows:

16 **“SEC. 8529. PROHIBITION ON FEDERALLY SPONSORED**
17 **TESTING.**

18 “(a) GENERAL PROHIBITION.—Notwithstanding any
19 other provision of Federal law and except as provided in
20 subsection (b), no funds provided under this Act to the
21 Secretary or to the recipient of any award may be used
22 to develop, incentivize, pilot test, field test, implement, ad-
23 minister, or distribute any federally sponsored national
24 test in reading, mathematics, or any other subject, unless
25 specifically and explicitly authorized by law, including any

1 assessment or testing materials aligned to the Common
2 Core State Standards developed under the Common Core
3 State Standards Initiative or any other academic stand-
4 ards common to a significant number of States.

5 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
6 international comparative assessments developed under
7 the authority of section 153(a)(6) of the Education
8 Sciences Reform Act of 2002 (20 U.S.C. 9543(a)(6)) and
9 administered to only a representative sample of pupils in
10 the United States and in foreign nations.”.

11 **SEC. 8027. LIMITATIONS ON NATIONAL TESTING OR CER-**
12 **TIFICATION FOR TEACHERS, PRINCIPALS, OR**
13 **OTHER SCHOOL LEADERS.**

14 Section 8530, as redesignated by section 8001 of this
15 Act, is amended—

16 (1) in the section heading, by inserting “,
17 **PRINCIPALS, OR OTHER SCHOOL LEADERS**”
18 after “**TEACHERS**”;

19 (2) in the subsection heading, by inserting “,
20 **PRINCIPALS, OR OTHER SCHOOL LEADERS**” after
21 “**TEACHERS**”; and

22 (3) in subsection (a)—

23 (A) by inserting “, principals, other school
24 leaders,” after “teachers”; and

1 (B) by inserting “, or incentive regarding,”
2 after “administration of”.

3 **SEC. 8028. PROHIBITION ON REQUIRING STATE PARTICIPA-**
4 **TION.**

5 Title VIII, as redesignated and amended by section
6 8001 of this Act, is further amended by inserting after
7 section 8530 the following:

8 **“SEC. 8530A. PROHIBITION ON REQUIRING STATE PARTICI-**
9 **PATION.**

10 “Any State that opts out of receiving funds, or that
11 has not been awarded funds, under one or more programs
12 under this Act shall not be required to carry out any of
13 the requirements of such program or programs, and noth-
14 ing in this Act shall be construed to require a State to
15 participate in any program under this Act.”.

16 **SEC. 8029. CIVIL RIGHTS.**

17 Section 8534(b), as redesignated by section 8001 of
18 this Act, is amended—

19 (1) by striking “as defined in section 1116 of
20 title I and part B of title V” and inserting “as de-
21 fined in section 1111(d) of title I and part C of title
22 IV”; and

23 (2) by striking “grant under section 1116 of
24 title I or part B of title V” and inserting “grant

1 under section 1111(d) of title I or part C of title
2 IV”.

3 **SEC. 8030. CONSULTATION WITH INDIAN TRIBES AND TRIB-**
4 **AL ORGANIZATIONS.**

5 Subpart 2 of part F of title VIII, as amended and
6 redesignated by section 8001 of this Act, is further
7 amended by adding at the end the following:

8 **“SEC. 8538. CONSULTATION WITH INDIAN TRIBES AND**
9 **TRIBAL ORGANIZATIONS.**

10 “(a) IN GENERAL.—To ensure timely and meaning-
11 ful consultation on issues affecting American Indian and
12 Alaska Native students, an affected local educational
13 agency shall consult with appropriate officials from Indian
14 tribes or tribal organizations approved by the tribes lo-
15 cated in the area served by the local educational agency
16 prior to the affected local educational agency’s submission
17 of a required plan or application for a covered program
18 under this Act or for a program under title VI of this
19 Act. Such consultation shall be done in a manner and in
20 such time that provides the opportunity for such appro-
21 priate officials from Indian tribes or tribal organizations
22 to meaningfully and substantively contribute to such plan.

23 “(b) DOCUMENTATION.—Each affected local edu-
24 cational agency shall maintain in the agency’s records and
25 provide to the State educational agency a written affirma-

1 tion signed by the appropriate officials of the participating
2 tribes or tribal organizations approved by the tribes that
3 the consultation required by this section has occurred. If
4 such officials do not provide such affirmation within a rea-
5 sonable period of time, the affected local educational agen-
6 cy shall forward documentation that such consultation has
7 taken place to the State educational agency.

8 “(c) DEFINITIONS.—In this section:

9 “(1) AFFECTED LOCAL EDUCATIONAL AGEN-
10 CY.—The term ‘affected local educational agency’
11 means a local educational agency—

12 “(A) with an enrollment of American In-
13 dian or Alaska Native students that is not less
14 than 50 percent of the total enrollment of the
15 local educational agency; or

16 “(B) that—

17 “(i) for fiscal year 2017, received a
18 grant in the previous year under subpart 1
19 of part A of title VII (as such subpart was
20 in effect on the day before the date of en-
21 actment of the Every Student Succeeds
22 Act) that exceeded \$40,000; or

23 “(ii) for any fiscal year following fis-
24 cal year 2017, received a grant in the pre-

1 **“SEC. 8539. OUTREACH AND TECHNICAL ASSISTANCE FOR**
2 **RURAL LOCAL EDUCATIONAL AGENCIES.**

3 “(a) **OUTREACH.**—The Secretary shall engage in out-
4 reach to rural local educational agencies regarding oppor-
5 tunities to apply for competitive grant programs under
6 this Act.

7 “(b) **TECHNICAL ASSISTANCE.**—If requested to do
8 so, the Secretary shall provide technical assistance to rural
9 local educational agencies with locale codes 32, 33, 41, 42,
10 or 43, or an educational service agency representing rural
11 local educational agencies with locale codes 32, 33, 41, 42,
12 or 43 on applications or pre-applications for any competi-
13 tive grant program under this Act. No rural local edu-
14 cational agency or educational service agency shall be re-
15 quired to request technical assistance or include any tech-
16 nical assistance provided by the Secretary in any applica-
17 tion.”.

18 **SEC. 8032. CONSULTATION WITH THE GOVERNOR.**

19 Subpart 2 of part F of title VIII, as amended and
20 redesignated by section 8001 of this Act, is further
21 amended by adding at the end the following:

22 **“SEC. 8540. CONSULTATION WITH THE GOVERNOR.**

23 “(a) **IN GENERAL.**—A State educational agency shall
24 consult in a timely and meaningful manner with the Gov-
25 ernor, or appropriate officials from the Governor’s office,

1 in the development of State plans under titles I and II
2 and section 8302.

3 “(b) **TIMING.**—The consultation described in sub-
4 section (a) shall include meetings of officials from the
5 State educational agency and the Governor’s office and
6 shall occur—

7 “(1) during the development of such plan; and

8 “(2) prior to submission of the plan to the Sec-
9 retary.

10 “(c) **JOINT SIGNATURE AUTHORITY.**—A Governor
11 shall have 30 days prior to the State educational agency
12 submitting the State plan under title I or II or section
13 8302 to the Secretary to sign such plan. If the Governor
14 has not signed the plan within 30 days of delivery by the
15 State educational agency to the Governor, the State edu-
16 cational agency shall submit the plan to the Secretary
17 without such signature.”.

18 **SEC. 8033. LOCAL GOVERNANCE.**

19 Subpart 2 of part F of title VIII, as amended and
20 redesignated by section 8001 of this Act, is further
21 amended by adding at the end the following:

22 **“SEC. 8541. LOCAL GOVERNANCE.**

23 “(a) **RULE OF CONSTRUCTION.**—Nothing in this Act
24 shall be construed to allow the Secretary to—

1 “(1) prohibit a child from traveling to and from
2 school on foot or by car, bus, or bike when the par-
3 ents of the child have given permission; or

4 “(2) expose parents to civil or criminal charges
5 for allowing their child to responsibly and safely
6 travel to and from school by a means the parents be-
7 lieve is age appropriate.

8 “(b) NO PREEMPTION OF STATE OR LOCAL LAWS.—
9 Notwithstanding subsection (a), nothing in this section
10 shall be construed to preempt State or local laws.”.

11 **SEC. 8035. LIMITATIONS ON SCHOOL-BASED HEALTH CEN-**
12 **TERS.**

13 Subpart 2 of part F of title VIII, as amended and
14 redesignated by section 8001 of this Act, is further
15 amended by adding at the end the following:

16 **“SEC. 8543. LIMITATIONS ON SCHOOL-BASED HEALTH CEN-**
17 **TERS.**

18 “Notwithstanding section 8102, funds used for activi-
19 ties under this Act shall be carried out in accordance with
20 the provision of section 399z-1(a)(3)(C) of the Public
21 Health Service Act (42 U.S.C. 280h-5(a)(3)(C)).”.

22 **SEC. 8036. STATE CONTROL OVER STANDARDS.**

23 Subpart 2 of part F of title VIII, as amended and
24 redesignated by section 8001 of this Act, is further
25 amended by adding at the end the following:

1 **“SEC. 8544. STATE CONTROL OVER STANDARDS.**

2 “(a) IN GENERAL.—Nothing in this Act shall be con-
3 strued to prohibit a State from withdrawing from the
4 Common Core State Standards or from otherwise revising
5 their standards.

6 “(b) PROHIBITION.—No officer or employee of the
7 Federal Government shall, directly or indirectly, through
8 grants, contracts or other cooperative agreements, through
9 waiver granted under section 8401 or through any other
10 authority, take any action against a State that exercises
11 its rights under subsection (a).”.

12 **SEC. 8037. SENSE OF CONGRESS ON PROTECTING STUDENT**
13 **PRIVACY.**

14 Subpart 2 of part F of title VIII, as amended and
15 redesignated by section 8001 of this Act, is further
16 amended by adding at the end the following:

17 **“SEC. 8545. SENSE OF CONGRESS ON PROTECTING STU-**
18 **DENT PRIVACY.**

19 “(a) FINDINGS.—The Congress finds as follows:

20 “(1) Students’ personally identifiable informa-
21 tion is important to protect.

22 “(2) Students’ information should not be
23 shared with individuals other than school officials in
24 charge of educating those students without clear no-
25 tice to parents.

1 **“SEC. 8546. PROHIBITION ON AIDING AND ABETTING SEX-**
2 **UAL ABUSE.**

3 “(a) IN GENERAL.—A State, State educational agen-
4 cy, or local educational agency in the case of a local edu-
5 cational agency that receives Federal funds under this Act
6 shall have laws, regulations, or policies that prohibit any
7 individual who is a school employee, contractor, or agent,
8 or any State educational agency or local educational agen-
9 cy, from assisting a school employee, contractor, or agent
10 in obtaining a new job, apart from the routine trans-
11 mission of administrative and personnel files, if the indi-
12 vidual or agency knows, or has probable cause to believe,
13 that such school employee, contractor, or agent engaged
14 in sexual misconduct regarding a minor or student in vio-
15 lation of the law.

16 “(b) EXCEPTION.—The requirements of subsection
17 (a) shall not apply if the information giving rise to prob-
18 able cause—

19 “(1)(A) has been properly reported to a law en-
20 forcement agency with jurisdiction over the alleged
21 misconduct; and

22 “(B) has been properly reported to any other
23 authorities as required by Federal, State, or local
24 law, including title IX of the Education Amend-
25 ments of 1972 (20 U.S.C. 1681 et seq.) and the reg-
26 ulations implementing such title under part 106 of

1 title 34, Code of Federal Regulations, or any suc-
2 ceeding regulations; and

3 “(2)(A) the matter has been officially closed or
4 the prosecutor or police with jurisdiction over the al-
5 leged misconduct has investigated the allegations
6 and notified school officials that there is insufficient
7 information to establish probable cause that the
8 school employee, contractor, or agent engaged in
9 sexual misconduct regarding a minor or student in
10 violation of the law;

11 “(B) the school employee, contractor, or agent
12 has been charged with, and acquitted or otherwise
13 exonerated of the alleged misconduct; or

14 “(C) the case or investigation remains open and
15 there have been no charges filed against, or indict-
16 ment of, the school employee, contractor, or agent
17 within 4 years of the date on which the information
18 was reported to a law enforcement agency.

19 “(c) PROHIBITION.—The Secretary shall not have the
20 authority to mandate, direct, or control the specific meas-
21 ures adopted by a State, State educational agency, or local
22 educational agency under this section.

23 “(d) CONSTRUCTION.—Nothing in this section shall
24 be construed to prevent a State from adopting, or to over-
25 ride a State law, regulation, or policy that provides, great-

1 er or additional protections to prohibit any individual who
2 is a school employee, contractor, or agent, or any State
3 educational agency or local educational agency, from as-
4 sisting a school employee who engaged in sexual mis-
5 conduct regarding a minor or student in violation of the
6 law in obtaining a new job.”.

7 **SEC. 8039. SENSE OF CONGRESS ON RESTORATION OF**
8 **STATE SOVEREIGNTY OVER PUBLIC EDU-**
9 **CATION.**

10 Subpart 2 of part F of title VIII, as amended and
11 redesignated by section 8001 of this Act, is further
12 amended by adding at the end the following:

13 **“SEC. 8547. SENSE OF CONGRESS ON RESTORATION OF**
14 **STATE SOVEREIGNTY OVER PUBLIC EDU-**
15 **CATION.**

16 “It is the Sense of Congress that State and local offi-
17 cials should be consulted and made aware of the require-
18 ments that accompany participation in activities author-
19 ized under this Act prior to a State or local educational
20 agency’s request to participate in such activities.”.

21 **SEC. 8040. PRIVACY.**

22 Subpart 2 of part F of title VIII, as amended and
23 redesignated by section 8001 of this Act, is further
24 amended by adding at the end the following:

1 **“SEC. 8548. PRIVACY.**

2 “The Secretary shall require an assurance that each
3 grantee receiving funds under this Act understands the
4 importance of privacy protections for students and is
5 aware of the responsibilities of the grantee under section
6 444 of the General Education Provisions Act (20 U.S.C.
7 1232g) (commonly known as the ‘Family Education
8 Rights and Privacy Act of 1974’).”.

9 **SEC. 8041. ANALYSIS AND PERIODIC REVIEW; SENSE OF**
10 **CONGRESS; TECHNICAL ASSISTANCE.**

11 Subpart 2 of part F of title VIII, as amended and
12 redesignated by section 8001 of this Act, is further
13 amended by adding at the end the following:

14 **“SEC. 8549. ANALYSIS AND PERIODIC REVIEW OF DEPART-**
15 **MENTAL GUIDANCE.**

16 “The Secretary shall develop procedures for the ap-
17 proval and periodic review of significant guidance docu-
18 ments that include—

19 “(1) appropriate approval processes within the
20 Department;

21 “(2) appropriate identification of the agency or
22 office issuing the documents, the activities to which
23 and the persons to whom the documents apply, and
24 the date of issuance;

1 “(3) a publicly available list to identify those
2 significant guidance documents that were issued, re-
3 vised, or withdrawn within the past year; and

4 “(4) an opportunity for the public to request
5 that an agency modify or rescind an existing signifi-
6 cant guidance document.

7 **“SEC. 8549A SENSE OF CONGRESS.**

8 “(a) FINDINGS.—The Congress finds as follows:

9 “(1) This Act prohibits the Federal Govern-
10 ment from mandating, directing, or controlling a
11 State, local educational agency, or school’s cur-
12 riculum, program of instruction, or allocation of
13 State and local resources, and from mandating a
14 State or any subdivision thereof to spend any funds
15 or incur any costs not paid for under this Act.

16 “(2) This Act prohibits the Federal Govern-
17 ment from funding the development, pilot testing,
18 field testing, implementation, administration, or dis-
19 tribution of any federally sponsored national test in
20 reading, mathematics, or any other subject, unless
21 specifically and explicitly authorized by law.

22 “(b) SENSE OF CONGRESS.—It is the sense of the
23 Congress that States and local educational agencies retain
24 the rights and responsibilities of determining educational

1 curriculum, programs of instruction, and assessments for
2 elementary and secondary education.

3 **“SEC. 8549B. SENSE OF CONGRESS ON EARLY LEARNING**
4 **AND CHILD CARE.**

5 “It is the Sense of the Congress that a State retains
6 the right to make decisions, free from Federal intrusion,
7 concerning its system of early learning and child care, and
8 whether or not to use funding under this Act to offer early
9 childhood education programs. Such systems should con-
10 tinue to include robust choice for parents through a mixed
11 delivery system of services so parents can determine the
12 right early learning and child care option for their chil-
13 dren. States, while protecting the rights of early learning
14 and child care providers, retain the right to make decisions
15 that shall include the age at which to set compulsory at-
16 tendance in school, the content of a State’s early learning
17 guidelines, and how to determine quality in programs.

18 **“SEC. 8549C. TECHNICAL ASSISTANCE.**

19 “If requested by a State or local educational agency,
20 a regional educational laboratory under part D of the
21 Education Sciences Reform Act of 2002 (20 U.S.C. 9561
22 et seq.) shall provide technical assistance to such State
23 or local educational agency in meeting the requirements
24 of section 8101(21).”.

1 **SEC. 8042. EVALUATIONS.**

2 Section 8601, as redesignated by section 8001 of this
3 Act, is amended to read as follows:

4 **“SEC. 8601. EVALUATIONS.**

5 “(a) **RESERVATION OF FUNDS.**—Except as provided
6 in subsection (b) and (e), the Secretary, in consultation
7 with the Director of the Institute of Education Sciences,
8 may reserve not more than 0.5 percent of the amount ap-
9 propriated for each program authorized under this Act to
10 carry out activities under this section. If the Secretary
11 elects to make a reservation under this subsection, the re-
12 served amounts—

13 “(1) shall first be used by the Secretary, acting
14 through the Director of the Institute of Education
15 Sciences, to—

16 “(A) conduct comprehensive, high-quality
17 evaluations of the programs that—

18 “(i) are consistent with the evaluation
19 plan under subsection (d); and

20 “(ii) primarily include impact evalua-
21 tions that use experimental or quasi-experi-
22 mental designs, where practicable and ap-
23 propriate, and other rigorous methodolo-
24 gies that permit the strongest possible
25 causal inferences;

1 “(B) conduct studies of the effectiveness of
2 the programs and the administrative impact of
3 the programs on schools and local educational
4 agencies; and

5 “(C) widely disseminate evaluation findings
6 under this section related to programs author-
7 ized under this Act—

8 “(i) in a timely fashion;

9 “(ii) in forms that are understand-
10 able, easily accessible, usable, and adapt-
11 able for use in the improvement of edu-
12 cational practice;

13 “(iii) through electronic transfer and
14 other means, such as posting, as available,
15 to the websites of State educational agen-
16 cies, local educational agencies, the Insti-
17 tute of Education Sciences, or the Depart-
18 ment, or in another relevant place; and

19 “(iv) in a manner that promotes the
20 utilization of such findings; and

21 “(2) may be used by the Secretary, acting
22 through the Director of the Institute of Education
23 Sciences—

24 “(A) to evaluate the aggregate short- and
25 long-term effects and cost efficiencies across—

1 “(i) Federal programs assisted or au-
2 thorized under this Act; and

3 “(ii) related Federal early childhood
4 education programs, preschool programs,
5 elementary school programs, and secondary
6 school programs, under any other Federal
7 law;

8 “(B) to increase the usefulness of the eval-
9 uations conducted under this section by improv-
10 ing the quality, timeliness, efficiency, and use of
11 information relating to performance to promote
12 continuous improvement of programs assisted
13 or authorized under this Act; and

14 “(C) to assist recipients of grants under
15 such programs in collecting and analyzing data
16 and other activities related to conducting high-
17 quality evaluations under paragraph (1).

18 “(b) TITLE I.—The Secretary, acting through the Di-
19 rector of the Institute of Education Sciences, shall use
20 funds authorized under section 1002(e) to carry out eval-
21 uation activities under this section related to title I, and
22 shall not reserve any other money from such title for eval-
23 uation.

24 “(c) CONSOLIDATION.—Notwithstanding any other
25 provision of this section or section 1002(e), the Secretary,

1 in consultation with the Director of the Institute of Edu-
2 cation Sciences—

3 “(1) may consolidate the funds reserved under
4 subsections (a) and (b) for purposes of carrying out
5 the activities under subsection (a)(1); and

6 “(2) shall not be required to evaluate under
7 subsection (a)(1) each program authorized under
8 this Act each year.

9 “(d) EVALUATION PLAN.—The Director of the Insti-
10 tute of Education Sciences, shall, on a biennial basis, de-
11 velop, submit to Congress, and make publicly available an
12 evaluation plan, that—

13 “(1) describes the specific activities that will be
14 carried out under subsection (a) for the 2-year pe-
15 riod applicable to the plan, and the timelines of such
16 activities;

17 “(2) contains the results of the activities car-
18 ried out under subsection (a) for the most recent 2-
19 year period; and

20 “(3) describes how programs authorized under
21 this Act will be regularly evaluated.

22 “(e) EVALUATION ACTIVITIES AUTHORIZED ELSE-
23 WHERE.—If, under any other provision of this Act, funds
24 are authorized to be reserved or used for evaluation activi-
25 ties with respect to a program, the Secretary may not re-

1 serve additional funds under this section for the evaluation
2 of that program.”.

3 **TITLE IX—EDUCATION FOR THE**
4 **HOMELESS AND OTHER LAWS**

5 **PART A—HOMELESS CHILDREN AND YOUTHS**

6 **SEC. 9101. STATEMENT OF POLICY.**

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

9 (1) in paragraph (2), by striking “In any
10 State” and all that follows through “will review”
11 and inserting “In any State where compulsory resi-
12 dency requirements or other requirements, in laws,
13 regulations, practices, or policies, may act as a bar-
14 rier to the identification of, or the enrollment, at-
15 tendance, or success in school of, homeless children
16 and youths, the State educational agency and local
17 educational agencies in the State will review”;

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

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

22 **SEC. 9102. GRANTS FOR STATE AND LOCAL ACTIVITIES.**

23 Section 722 of the McKinney-Vento Homeless Assist-
24 ance Act (42 U.S.C. 11432) is amended—

1 (1) by striking subsection (b) and inserting the
2 following:

3 “(b) GRANTS FROM ALLOTMENTS.—The Secretary
4 shall make the grants to States from the allotments made
5 under subsection (c)(1).”;

6 (2) in subsection (d)—

7 (A) in paragraph (2)—

8 (i) by striking “To provide” and all
9 that follows through “that enable” and in-
10 sserting “To provide services and activities
11 to improve the identification of homeless
12 children and youths (including preschool-
13 aged homeless children) and enable”;

14 (ii) by striking “or, if” and inserting
15 “including, if”;

16 (B) in paragraph (3), by striking “des-
17 ignate” and all that follows and inserting “des-
18 ignate in the State educational agency an Office
19 of the Coordinator for Education of Homeless
20 Children and Youths that can sufficiently carry
21 out the duties described for the Office in this
22 subtitle in accordance with subsection (f).”;

23 (C) by striking paragraph (5) and insert-
24 ing the following:

1 “(5) To develop and implement professional de-
2 velopment programs for liaisons designated under
3 subsection (g)(1)(J)(ii) and other local educational
4 agency personnel—

5 “(A) to improve their identification of
6 homeless children and youths; and

7 “(B) to heighten the awareness of the liai-
8 sons and personnel of, and their capacity to re-
9 spond to, specific needs in the education of
10 homeless children and youths.”;

11 (3) in subsection (e)—

12 (A) in paragraph (1), by inserting “a State
13 through grants under subsection (a) to” after
14 “each year to”;

15 (B) in paragraph (2), by striking “funds
16 made available for State use under this sub-
17 title” and inserting “the grant funds remaining
18 after the State educational agency distributes
19 subgrants under paragraph (1)”;

20 (C) in paragraph (3)—

21 (i) in subparagraph (C)(iv)(II), by
22 striking “sections 1111 and 1116” and in-
23 serting “section 1111”;

- 1 (ii) in subparagraph (E)(ii)(II), by
2 striking “subsection (g)(6)(A)(v)” and in-
3 serting “subsection (g)(6)(A)(vi)”;
- 4 (iii) in subparagraph (F)—
- 5 (I) in clause (i)—
- 6 (aa) by striking “and” at
7 the end of subclause (II);
- 8 (bb) by striking the period
9 at the end of subclause (III) and
10 inserting “; and”;
- 11 (cc) by adding at the end
12 the following:
- 13 “(IV) the progress the separate
14 schools are making in helping all stu-
15 dents meet the challenging State aca-
16 demic standards.”;
- 17 (II) in clause (iii), by striking
18 “Not later than 2 years after the date
19 of enactment of the McKinney-Vento
20 Homeless Education Assistance Im-
21 provements Act of 2001, the” and in-
22 serting “The”;
- 23 (4) by striking subsection (f) and inserting the
24 following:

1 “(f) FUNCTIONS OF THE OFFICE OF THE COORDI-
2 NATOR.—The Coordinator for Education of Homeless
3 Children and Youths established in each State shall—

4 “(1) gather and make publicly available reliable,
5 valid, and comprehensive information on—

6 “(A) the number of homeless children and
7 youths identified in the State, which shall be
8 posted annually on the State educational agen-
9 cy’s website;

10 “(B) the nature and extent of the problems
11 homeless children and youths have in gaining
12 access to public preschool programs and to pub-
13 lic elementary schools and secondary schools;

14 “(C) the difficulties in identifying the spe-
15 cial needs and barriers to the participation and
16 achievement of such children and youths;

17 “(D) any progress made by the State edu-
18 cational agency and local educational agencies
19 in the State in addressing such problems and
20 difficulties; and

21 “(E) the success of the programs under
22 this subtitle in identifying homeless children
23 and youths and allowing such children and
24 youths to enroll in, attend, and succeed in,
25 school;

1 “(2) develop and carry out the State plan de-
2 scribed in subsection (g);

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

10 “(4) in order to improve the provision of com-
11 prehensive education and related services to home-
12 less children and youths and their families, coordi-
13 nate activities and collaborate with—

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

17 “(B) providers of services to homeless chil-
18 dren and youths and their families, including
19 public and private child welfare and social serv-
20 ices agencies, law enforcement agencies, juvenile
21 and family courts, agencies providing mental
22 health services, domestic violence agencies, child
23 care providers, runaway and homeless youth
24 centers, and providers of services and programs

1 funded under the Runaway and Homeless
2 Youth Act (42 U.S.C. 5701 et seq.);

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

10 “(D) local educational agency liaisons des-
11 igned under subsection (g)(1)(J)(ii) for home-
12 less children and youths; and

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

16 “(5) provide technical assistance to and conduct
17 monitoring of local educational agencies in coordina-
18 tion with local educational agency liaisons designated
19 under subsection (g)(1)(J)(ii), to ensure that local
20 educational agencies comply with the requirements
21 of subsection (e)(3) and paragraphs (3) through (7)
22 of subsection (g);

23 “(6) provide professional development opportu-
24 nities for local educational agency personnel and the
25 local educational agency liaison designated under

1 subsection (g)(1)(J)(ii) to assist such personnel and
2 liaison in identifying and meeting the needs of home-
3 less children and youths, and provide training on the
4 definitions of terms related to homelessness specified
5 in sections 103, 401, and 725 to the liaison; and

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

12 (5) by striking subsection (g) and inserting the
13 following:

14 “(g) STATE PLAN.—

15 “(1) IN GENERAL.—For any State desiring to
16 receive a grant under this subtitle, the State edu-
17 cational agency shall submit to the Secretary a plan
18 to provide for the education of homeless children
19 and youths within the State. Such plan shall include
20 the following:

21 “(A) A description of how such children
22 and youths are (or will be) given the oppor-
23 tunity to meet the same challenging State aca-
24 demic standards as all students are expected to
25 meet.

1 “(B) A description of the procedures the
2 State educational agency will use to identify
3 such children and youths in the State and to
4 assess their needs.

5 “(C) A description of procedures for the
6 prompt resolution of disputes regarding the
7 educational placement of homeless children and
8 youths.

9 “(D) A description of programs for school
10 personnel (including liaisons designated under
11 subparagraph (J)(ii), principals and other
12 school leaders, attendance officers, teachers, en-
13 rollment personnel, and specialized instructional
14 support personnel) to heighten the awareness of
15 such school personnel of the specific needs of
16 homeless children and youths, including such
17 children and youths who are runaway and
18 homeless youths.

19 “(E) A description of procedures that en-
20 sure that homeless children and youths who
21 meet the relevant eligibility criteria are able to
22 participate in Federal, State, or local nutrition
23 programs.

24 “(F) A description of procedures that en-
25 sure that—

1 “(i) homeless children have access to
2 public preschool programs, administered by
3 the State educational agency or local edu-
4 cational agency, as provided to other chil-
5 dren in the State;

6 “(ii) youths described in section
7 725(2) and youths separated from public
8 schools are identified and accorded equal
9 access to appropriate secondary education
10 and support services, including by identi-
11 fying and removing barriers that prevent
12 youths described in this clause from receiv-
13 ing appropriate credit for full or partial
14 coursework satisfactorily completed while
15 attending a prior school, in accordance
16 with State, local, and school policies; and

17 “(iii) homeless children and youths
18 who meet the relevant eligibility criteria do
19 not face barriers to accessing academic and
20 extracurricular activities, including magnet
21 school, summer school, career and tech-
22 nical education, advanced placement, on-
23 line learning, and charter school programs,
24 if such programs are available at the State
25 and local levels.

1 “(G) Strategies to address problems identi-
2 fied in the report provided to the Secretary
3 under subsection (f)(3).

4 “(H) Strategies to address other problems
5 with respect to the education of homeless chil-
6 dren and youths, including problems resulting
7 from enrollment delays that are caused by—

8 “(i) requirements of immunization
9 and other required health records;

10 “(ii) residency requirements;

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

13 “(iv) guardianship issues; or

14 “(v) uniform or dress code require-
15 ments.

16 “(I) A demonstration that the State edu-
17 cational agency and local educational agencies
18 in the State have developed, and shall review
19 and revise, policies to remove barriers to the
20 identification of homeless children and youths,
21 and the enrollment and retention of homeless
22 children and youths in schools in the State, in-
23 cluding barriers to enrollment and retention due
24 to outstanding fees or fines, or absences.

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

3 “(i) The State educational agency and
4 local educational agencies in the State will
5 adopt policies and practices to ensure that
6 homeless children and youths are not stig-
7 matized or segregated on the basis of their
8 status as homeless.

9 “(ii) The local educational agencies
10 will designate an appropriate staff person,
11 able to carry out the duties described in
12 paragraph (6)(A), who may also be a coor-
13 dinator for other Federal programs, as a
14 local educational agency liaison for home-
15 less children and youths.

16 “(iii) The State and the local edu-
17 cational agencies in the State will adopt
18 policies and practices to ensure that trans-
19 portation is provided, at the request of the
20 parent or guardian (or in the case of an
21 unaccompanied youth, the liaison), to and
22 from the school of origin (as determined
23 under paragraph (3)), in accordance with
24 the following, as applicable:

1 “(I) If the child or youth con-
2 tinues to live in the area served by the
3 local educational agency in which the
4 school of origin is located, the child’s
5 or youth’s transportation to and from
6 the school of origin shall be provided
7 or arranged by the local educational
8 agency in which the school of origin is
9 located.

10 “(II) If the child’s or youth’s liv-
11 ing arrangements in the area served
12 by the local educational agency of ori-
13 gin terminate and the child or youth,
14 though continuing the child’s or
15 youth’s education in the school of ori-
16 gin, begins living in an area served by
17 another local educational agency, the
18 local educational agency of origin and
19 the local educational agency in which
20 the child or youth is living shall agree
21 upon a method to apportion the re-
22 sponsibility and costs for providing
23 the child or youth with transportation
24 to and from the school of origin. If
25 the local educational agencies are un-

1 able to agree upon such method, the
2 responsibility and costs for transpor-
3 tation shall be shared equally.

4 “(iv) The State and the local edu-
5 cational agencies in the State will adopt
6 policies and practices to ensure participa-
7 tion by liaisons described in clause (ii) in
8 professional development and other tech-
9 nical assistance activities provided pursu-
10 ant to paragraphs (5) and (6) of sub-
11 section (f), as determined appropriate by
12 the Office of the Coordinator.

13 “(K) A description of how youths described
14 in section 725(2) will receive assistance from
15 counselors to advise such youths, and prepare
16 and improve the readiness of such youths for
17 college.

18 “(2) COMPLIANCE.—

19 “(A) IN GENERAL.—Each plan adopted
20 under this subsection shall also describe how
21 the State will ensure that local educational
22 agencies in the State will comply with the re-
23 quirements of paragraphs (3) through (7).

24 “(B) COORDINATION.—Such plan shall in-
25 dicate what technical assistance the State will

1 furnish to local educational agencies and how
2 compliance efforts will be coordinated with the
3 local educational agency liaisons designated
4 under paragraph (1)(J)(ii).

5 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
6 MENTS.—

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

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

14 “(I) in any case in which a fam-
15 ily becomes homeless between aca-
16 demic years or during an academic
17 year; and

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

22 “(ii) enroll the child or youth in any
23 public school that nonhomeless students
24 who live in the attendance area in which

1 the child or youth is actually living are eli-
2 gible to attend.

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

7 “(i) presume that keeping the child or
8 youth in the school of origin is in the
9 child’s or youth’s best interest, except
10 when doing so is contrary to the request of
11 the child’s or youth’s parent or guardian,
12 or (in the case of an unaccompanied
13 youth) the youth;

14 “(ii) consider student-centered factors
15 related to the child’s or youth’s best inter-
16 est, including factors related to the impact
17 of mobility on achievement, education,
18 health, and safety of homeless children and
19 youth, giving priority to the request of the
20 child’s or youth’s parent or guardian or (in
21 the case of an unaccompanied youth) the
22 youth;

23 “(iii) if, after conducting the best in-
24 terest determination based on consider-
25 ation of the presumption in clause (i) and

1 the student-centered factors in clause (ii),
2 the local educational agency determines
3 that it is not in the child's or youth's best
4 interest to attend the school of origin or
5 the school requested by the parent or
6 guardian, or (in the case of an unaccom-
7 panied youth) the youth, provide the
8 child's or youth's parent or guardian or
9 the unaccompanied youth with a written
10 explanation of the reasons for its deter-
11 mination, in a manner and form under-
12 standable to such parent, guardian, or un-
13 accompanied youth, including information
14 regarding the right to appeal under sub-
15 paragraph (E); and

16 “(iv) in the case of an unaccompanied
17 youth, ensure that the local educational
18 agency liaison designated under paragraph
19 (1)(J)(ii) assists in placement or enroll-
20 ment decisions under this subparagraph,
21 gives priority to the views of such unac-
22 companied youth, and provides notice to
23 such youth of the right to appeal under
24 subparagraph (E).

25 “(C) IMMEDIATE ENROLLMENT.—

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

5 “(I) is unable to produce records
6 normally required for enrollment, such
7 as previous academic records, records
8 of immunization and other required
9 health records, proof of residency, or
10 other documentation; or

11 “(II) has missed application or
12 enrollment deadlines during any pe-
13 riod of homelessness.

14 “(ii) RELEVANT ACADEMIC
15 RECORDS.—The enrolling school shall im-
16 mediately contact the school last attended
17 by the child or youth to obtain relevant
18 academic and other records.

19 “(iii) RELEVANT HEALTH RECORDS.—
20 If the child or youth needs to obtain immu-
21 nizations or other required health records,
22 the enrolling school shall immediately refer
23 the parent or guardian of the child or
24 youth, or (in the case of an unaccompanied
25 youth) the youth, to the local educational

1 agency liaison designated under paragraph
2 (1)(J)(ii), who shall assist in obtaining
3 necessary immunizations or screenings, or
4 immunization or other required health
5 records, in accordance with subparagraph
6 (D).

7 “(D) RECORDS.—Any record ordinarily
8 kept by the school, including immunization or
9 other required health records, academic records,
10 birth certificates, guardianship records, and
11 evaluations for special services or programs, re-
12 garding each homeless child or youth shall be
13 maintained—

14 “(i) so that the records involved are
15 available, in a timely fashion, when a child
16 or youth enters a new school or school dis-
17 trict; and

18 “(ii) in a manner consistent with sec-
19 tion 444 of the General Education Provi-
20 sions Act (20 U.S.C. 1232g).

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

24 “(i) the child or youth shall be imme-
25 diately enrolled in the school in which en-

1 rollment is sought, pending final resolution
2 of the dispute, including all available ap-
3 peals;

4 “(ii) the parent or guardian of the
5 child or youth or (in the case of an unac-
6 companied youth) the youth shall be pro-
7 vided with a written explanation of any de-
8 cisions related to school selection or enroll-
9 ment made by the school, the local edu-
10 cational agency, or the State educational
11 agency involved, including the rights of the
12 parent, guardian, or unaccompanied youth
13 to appeal such decisions;

14 “(iii) the parent, guardian, or unac-
15 companied youth shall be referred to the
16 local educational agency liaison designated
17 under paragraph (1)(J)(ii), who shall carry
18 out the dispute resolution process as de-
19 scribed in paragraph (1)(C) as expedi-
20 tiously as possible after receiving notice of
21 the dispute; and

22 “(iv) in the case of an unaccompanied
23 youth, the liaison shall ensure that the
24 youth is immediately enrolled in the school

1 in which the youth seeks enrollment pend-
2 ing resolution of such dispute.

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

8 “(G) PRIVACY.—Information about a
9 homeless child’s or youth’s living situation shall
10 be treated as a student education record, and
11 shall not be deemed to be directory information,
12 under section 444 of the General Education
13 Provisions Act (20 U.S.C. 1232g).

14 “(H) CONTACT INFORMATION.—Nothing
15 in this subtitle shall prohibit a local educational
16 agency from requiring a parent or guardian of
17 a homeless child or youth to submit contact in-
18 formation.

19 “(I) SCHOOL OF ORIGIN DEFINED.—In
20 this paragraph:

21 “(i) IN GENERAL.—The term ‘school
22 of origin’ means the school that a child or
23 youth attended when permanently housed
24 or the school in which the child or youth
25 was last enrolled, including a preschool.

1 “(ii) RECEIVING SCHOOL.—When the
2 child or youth completes the final grade
3 level served by the school of origin, as de-
4 scribed in clause (i), the term “school of
5 origin” shall include the designated receiv-
6 ing school at the next grade level for all
7 feeder schools.

8 “(4) COMPARABLE SERVICES.—Each homeless
9 child or youth to be assisted under this subtitle shall
10 be provided services comparable to services offered
11 to other students in the school selected under para-
12 graph (3), including the following:

13 “(A) Transportation services.

14 “(B) Educational services for which the
15 child or youth meets the eligibility criteria, such
16 as services provided under title I of the Elemen-
17 tary and Secondary Education Act of 1965 (20
18 U.S.C. 6301 et seq.) or similar State or local
19 programs, educational programs for children
20 with disabilities, and educational programs for
21 English learners.

22 “(C) Programs in career and technical
23 education.

24 “(D) Programs for gifted and talented stu-
25 dents.

1 “(E) School nutrition programs.

2 “(5) COORDINATION.—

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

7 “(i) the provision of services under
8 this subtitle with local social services agen-
9 cies and other agencies or entities pro-
10 viding services to homeless children and
11 youths and their families, including serv-
12 ices and programs funded under the Run-
13 away and Homeless Youth Act (42 U.S.C.
14 5701 et seq.); and

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

18 “(B) HOUSING ASSISTANCE.—If applica-
19 ble, each State educational agency and local
20 educational agency that receives assistance
21 under this subtitle shall coordinate with State
22 and local housing agencies responsible for devel-
23 oping the comprehensive housing affordability
24 strategy described in section 105 of the Cran-
25 ston-Gonzalez National Affordable Housing Act

1 (42 U.S.C. 12705) to minimize educational dis-
2 ruption for children and youths who become
3 homeless.

4 “(C) COORDINATION PURPOSE.—The co-
5 ordination required under subparagraphs (A)
6 and (B) shall be designed to—

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

9 “(ii) ensure that all homeless children
10 and youths have access to, and are in rea-
11 sonable proximity to, available education
12 and related support services; and

13 “(iii) raise the awareness of school
14 personnel and service providers of the ef-
15 fects of short-term stays in a shelter and
16 other challenges associated with homeless-
17 ness.

18 “(D) HOMELESS CHILDREN AND YOUTHS
19 WITH DISABILITIES.—For children and youths
20 who are to be assisted both under this subtitle,
21 and under the Individuals with Disabilities
22 Education Act (20 U.S.C. 1400 et seq.) or sec-
23 tion 504 of the Rehabilitation Act of 1973 (29
24 U.S.C. 794), each local educational agency shall
25 coordinate the provision of services under this

1 subtitle with the provision of programs for chil-
2 dren with disabilities served by that local edu-
3 cational agency and other involved local edu-
4 cational agencies.

5 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

6 “(A) DUTIES.—Each local educational
7 agency liaison for homeless children and youths,
8 designated under paragraph (1)(J)(ii), shall en-
9 sure that—

10 “(i) homeless children and youths are
11 identified by school personnel through out-
12 reach and coordination activities with other
13 entities and agencies;

14 “(ii) homeless children and youths are
15 enrolled in, and have a full and equal op-
16 portunity to succeed in, schools of that
17 local educational agency;

18 “(iii) homeless families and homeless
19 children and youths have access to and re-
20 ceive educational services for which such
21 families, children, and youths are eligible,
22 including services through Head Start pro-
23 grams (including Early Head Start pro-
24 grams) under the Head Start Act (42
25 U.S.C. 9831 et seq.), early intervention

1 services under part C of the Individuals
2 with Disabilities Education Act (20 U.S.C.
3 1431 et seq.), and other preschool pro-
4 grams administered by the local edu-
5 cational agency;

6 “(iv) homeless families and homeless
7 children and youths receive referrals to
8 health care services, dental services, mental
9 health and substance abuse services, hous-
10 ing services, and other appropriate serv-
11 ices;

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

18 “(vi) public notice of the educational
19 rights of homeless children and youths is
20 disseminated in locations frequented by
21 parents or guardians of such children and
22 youths, and unaccompanied youths, includ-
23 ing schools, shelters, public libraries, and
24 soup kitchens, in a manner and form un-
25 derstandable to the parents and guardians

1 of homeless children and youths, and unac-
2 companied youths;

3 “(vii) enrollment disputes are medi-
4 ated in accordance with paragraph (3)(E);

5 “(viii) the parent or guardian of a
6 homeless child or youth, and any unaccom-
7 panied youth, is fully informed of all trans-
8 portation services, including transportation
9 to the school of origin, as described in
10 paragraph (1)(J)(iii), and is assisted in ac-
11 cessing transportation to the school that is
12 selected under paragraph (3)(A);

13 “(ix) school personnel providing serv-
14 ices under this subtitle receive professional
15 development and other support; and

16 “(x) unaccompanied youths—

17 “(I) are enrolled in school;

18 “(II) have opportunities to meet
19 the same challenging State academic
20 standards as the State establishes for
21 other children and youth, including
22 through implementation of the proce-
23 dures under paragraph (1)(F)(ii); and

24 “(III) are informed of their sta-
25 tus as independent students under

1 section 480 of the Higher Education
2 Act of 1965 (20 U.S.C. 1087vv) and
3 that the youths may obtain assistance
4 from the local educational agency liai-
5 son to receive verification of such sta-
6 tus for purposes of the Free Applica-
7 tion for Federal Student Aid de-
8 scribed in section 483 of such Act (20
9 U.S.C. 1090).

10 “(B) NOTICE.—State Coordinators estab-
11 lished under subsection (d)(3) and local edu-
12 cational agencies shall inform school personnel,
13 service providers, advocates working with home-
14 less families, parents and guardians of homeless
15 children and youths, and homeless children and
16 youths of the duties of the local educational
17 agency liaisons, and publish an annually up-
18 dated list of the liaisons on the State edu-
19 cational agency’s website.

20 “(C) LOCAL AND STATE COORDINATION.—
21 Local educational agency liaisons for homeless
22 children and youths shall, as a part of their du-
23 ties, coordinate and collaborate with State Co-
24 ordinators and community and school personnel
25 responsible for the provision of education and

1 related services to homeless children and
2 youths. Such coordination shall include col-
3 lecting and providing to the State Coordinator
4 the reliable, valid, and comprehensive data
5 needed to meet the requirements of paragraphs
6 (1) and (3) of subsection (f).

7 “(D) HOMELESS STATUS.—A local edu-
8 cational agency liaison designated under para-
9 graph (1)(J)(ii) who receives training described
10 in subsection (f)(6) may affirm, without further
11 agency action by the Department of Housing
12 and Urban Development, that a child or youth
13 who is eligible for and participating in a pro-
14 gram provided by the local educational agency,
15 or the immediate family of such a child or
16 youth, who meets the eligibility requirements of
17 this Act for a program or service authorized
18 under title IV, is eligible for such program or
19 service.

20 “(7) REVIEW AND REVISIONS.—

21 “(A) IN GENERAL.—Each State edu-
22 cational agency and local educational agency
23 that receives assistance under this subtitle shall
24 review and revise any policies that may act as
25 barriers to the identification of homeless chil-

1 dren and youths or the enrollment of homeless
2 children and youths in schools that are selected
3 under paragraph (3).

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

10 “(C) SPECIAL ATTENTION.—Special atten-
11 tion shall be given to ensuring the identifica-
12 tion, enrollment, and attendance of homeless
13 children and youths who are not currently at-
14 tending school.”; and

15 (6) by striking subsection (h).

16 **SEC. 9103. LOCAL EDUCATIONAL AGENCY SUBGRANTS.**

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

19 (1) in subsection (a)—

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

23 (B) in paragraph (2)(B), in the matter
24 preceding clause (i), by inserting “the related”
25 before “schools”; and

1 (C) by adding at the end the following:

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

5 (2) in subsection (b), by adding at the end the
6 following:

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

11 “(7) An assurance that the local educational
12 agency will meet the requirements of section
13 722(g)(3).”;

14 (3) in subsection (c)—

15 (A) in paragraph (2)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “preschool, elemen-
18 tary, and secondary schools” and inserting
19 “early childhood education and other pre-
20 school programs, elementary schools, and
21 secondary schools,”;

22 (ii) in subparagraph (A), by inserting
23 “identification,” before “enrollment,”;

24 (iii) in subparagraph (B), by striking
25 “application—” and all that follows and

1 inserting “application reflects coordination
2 with other local and State agencies that
3 serve homeless children and youths.”; and

4 (iv) in subparagraph (C), by inserting
5 “(as of the date of submission of the appli-
6 cation)” after “practice”;

7 (B) in paragraph (3)—

8 (i) in subparagraph (C), by inserting
9 “extent to which the applicant will promote
10 meaningful” after “The”;

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

13 (iii) by redesignating subparagraph
14 (G) as subparagraph (I);

15 (iv) by inserting after subparagraph
16 (F) the following:

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

23 “(H) How the local educational agency will
24 use funds to serve homeless children and youths
25 under section 1113(c)(3) of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.
2 6313(c)(3)).”; and

3 (v) in subparagraph (I), as redesign-
4 nated by clause (iii), by striking “Such”
5 and inserting “The extent to which the ap-
6 plicant’s program meets such”; and

7 (C) by striking paragraph (4); and

8 (4) in subsection (d)—

9 (A) in paragraph (1), by striking “the
10 same challenging State academic content stand-
11 ards and challenging State student academic
12 achievement standards” and inserting “the
13 same challenging State academic standards as”;

14 (B) in paragraph (2)—

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

18 (ii) by striking “vocational” and in-
19 serting “career”;

20 (C) in paragraph (3), by striking “pupil
21 services” and inserting “specialized instruc-
22 tional support”;

23 (D) in paragraph (7), by striking “and un-
24 accompanied youths,” and inserting “particu-

1 larly homeless children and youths who are not
2 enrolled in school,”;

3 (E) in paragraph (9) by striking “medical”
4 and inserting “other required health”;

5 (F) in paragraph (10)—

6 (i) by striking “parents” and inserting
7 “parents and guardians”; and

8 (ii) by inserting before the period at
9 the end “, and other activities designed to
10 increase the meaningful involvement of
11 parents and guardians of homeless children
12 or youths in the education of such children
13 or youths”;

14 (G) in paragraph (12), by striking “pupil
15 services” and inserting “specialized instruc-
16 tional support services”;

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

20 (I) in paragraph (16), by inserting before
21 the period at the end “and participate fully in
22 school activities”.

23 **SEC. 9104. SECRETARIAL RESPONSIBILITIES.**

24 Section 724 of the McKinney-Vento Homeless Assist-
25 ance Act (42 U.S.C. 11434) is amended—

1 (1) by striking subsection (c) and inserting the
2 following:

3 “(c) NOTICE.—

4 “(1) IN GENERAL.—The Secretary shall, before
5 the next school year that begins after the date of en-
6 actment of the Every Student Succeeds Act, update
7 and disseminate nationwide the public notice de-
8 scribed in this subsection (as in effect prior to such
9 date) of the educational rights of homeless children
10 and youths.

11 “(2) DISSEMINATION.—The Secretary shall dis-
12 seminate the notice nationwide to all Federal agen-
13 cies, and grant recipients, serving homeless families
14 or homeless children and youths.”;

15 (2) by striking subsection (d) and inserting the
16 following:

17 “(d) EVALUATION, DISSEMINATION, AND TECHNICAL
18 ASSISTANCE.—The Secretary shall conduct evaluation,
19 dissemination, and technical assistance activities for pro-
20 grams designed to meet the educational needs of homeless
21 elementary and secondary school students, and may use
22 funds appropriated under section 726 to conduct such ac-
23 tivities.”;

24 (3) in subsection (e)—

1 (A) by striking “60-day” and inserting
2 “120-day”; and

3 (B) by striking “120-day” and inserting
4 “180-day”;

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

10 (5) by striking subsection (g) and inserting the
11 following:

12 “(g) GUIDELINES.—The Secretary shall develop,
13 issue, and publish in the Federal Register, not later than
14 60 days after the date of enactment of the Every Student
15 Succeeds Act, guidelines concerning ways in which a
16 State—

17 “(1) may assist local educational agencies to
18 implement the provisions related to homeless chil-
19 dren and youths amended by that Act; and

20 “(2) may review and revise State policies and
21 procedures that may present barriers to the identi-
22 fication of homeless children and youths, and the en-
23 rollment, attendance, and success of homeless chil-
24 dren and youths in school.”;

25 (6) in subsection (h)(1)(A)—

1 (A) by striking “location” and inserting
2 “primary nighttime residence”; and

3 (B) by inserting “in all areas served by
4 local educational agencies” before the semicolon
5 at the end; and

6 (7) in subsection (i), by striking “McKinney-
7 Vento Homeless Education Assistance Improvements
8 Act of 2001” and inserting “Every Student Succeeds Act”.

10 **SEC. 9105. DEFINITIONS.**

11 (a) AMENDMENTS.—Section 725 of the McKinney-
12 Vento Homeless Assistance Act (42 U.S.C. 11434a) is
13 amended—

14 (1) in paragraph (2)(B)(i)—

15 (A) by inserting “or” before “are abandoned”; and

17 (B) by striking “or are awaiting foster
18 care placement;”;

19 (2) in paragraph (3), by striking “9101” and
20 inserting “8101”; and

21 (3) in paragraph (6), by striking “youth not”
22 and inserting “homeless child or youth not”.

23 (b) EFFECTIVE DATE.—

24 (1) IN GENERAL.—In the case of a State that
25 is not a covered State, the amendment made by sub-

1 section (a)(1) shall take effect on the date that is 1
2 year after the date of enactment of this Act.

3 (2) COVERED STATE.—In the case of a covered
4 State, the amendment made by subsection (a)(1)
5 shall take effect on the date that is 2 years after the
6 date of enactment of this Act.

7 (c) COVERED STATE.—For purposes of this section
8 the term “covered State” means a State that has a statu-
9 tory law that defines or describes the phrase “awaiting
10 foster care placement”, for purposes of a program under
11 subtitle B of title VII of the McKinney-Vento Homeless
12 Assistance Act (42 U.S.C. 11431 et seq.).

13 **SEC. 9106. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 726 of the McKinney-Vento Homeless Assist-
15 ance Act (42 U.S.C. 11435) is amended to read as follows:

16 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated to carry out
18 this subtitle \$85,000,000 for each of fiscal years 2017
19 through 2020.”.

20 **SEC. 9107. EFFECTIVE DATE.**

21 Except as provided in section 9105(b) or as otherwise
22 provided in this Act, this title and the amendments made
23 by this title take effect on October 1, 2016.

1 **PART B—MISCELLANEOUS; OTHER LAWS**

2 **SEC. 9201. FINDINGS AND SENSE OF CONGRESS ON SEXUAL**
3 **MISCONDUCT.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) There are significant anecdotal reports that
6 some schools and local educational agencies have
7 failed to properly report allegations of sexual mis-
8 conduct by employees, contractors, or agents.

9 (2) Instead of reporting alleged sexual mis-
10 conduct to the appropriate authorities, such as the
11 police or child welfare services, reports suggest that
12 some schools or local educational agencies have kept
13 information on allegations of sexual misconduct pri-
14 vate or have entered into confidentiality agreements
15 with the suspected employee, contractor, or agent
16 who agrees to terminate employment with or dis-
17 continue work for the school or local educational
18 agency.

19 (3) The practice of withholding information on
20 allegations of sexual misconduct can facilitate the
21 exposure of other students in other jurisdictions to
22 sexual misconduct.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) confidentiality agreements between local
2 educational agencies or schools and child predators
3 should be prohibited;

4 (2) local educational agencies or schools should
5 not facilitate the transfer of child predators to other
6 local educational agencies or schools; and

7 (3) States should require local educational
8 agencies and schools to report any and all informa-
9 tion regarding allegations of sexual misconduct to
10 law enforcement and other appropriate authorities.

11 **SEC. 9202. SENSE OF CONGRESS ON FIRST AMENDMENT**
12 **RIGHTS.**

13 It is the sense of Congress that a student, teacher,
14 school administrator, or other school employee of an ele-
15 mentary school or secondary school retains the individual's
16 rights under the First Amendment to the Constitution of
17 the United States during the school day or while on the
18 grounds of an elementary school or secondary school.

19 **SEC. 9203. PREVENTING IMPROPER USE OF TAXPAYER**
20 **FUNDS.**

21 To address the misuse of taxpayer funds, the Sec-
22 retary of Education shall—

23 (1) require that each recipient of a grant or
24 subgrant under the Elementary and Secondary Edu-
25 cation Act of 1965 (20 U.S.C. 6301 et seq.) display,

1 in a public place, the hotline contact information of
2 the Office of Inspector General of the Department of
3 Education so that any individual who observes, de-
4 tects, or suspects improper use of taxpayer funds
5 can easily report such improper use;

6 (2) annually notify employees of the Depart-
7 ment of Education of their responsibility to report
8 fraud; and

9 (3) require any applicant—

10 (A) for a grant under such Act to provide
11 an assurance to the Secretary that any informa-
12 tion submitted when applying for such grant
13 and responding to monitoring and compliance
14 reviews is truthful and accurate; and

15 (B) for a subgrant under such Act to pro-
16 vide the assurance described in subparagraph
17 (A) to the entity awarding the subgrant.

18 **SEC. 9204. ACCOUNTABILITY TO TAXPAYERS THROUGH**
19 **MONITORING AND OVERSIGHT.**

20 To improve monitoring and oversight of taxpayer
21 funds authorized for appropriation under the Elementary
22 and Secondary Education Act of 1965 (20 U.S.C. 6301
23 et seq.), and to deter and prohibit waste, fraud, and abuse
24 with respect to such funds, the Secretary of Education
25 shall—

1 (1) notify each recipient of a grant under such
2 Act (and, if applicable, require the grantee to inform
3 each subgrantee) of its responsibility to—

4 (A) comply with all monitoring require-
5 ments under the applicable program or pro-
6 grams; and

7 (B) monitor properly any subgrantee under
8 the applicable program or programs;

9 (2) review and analyze the results of monitoring
10 and compliance reviews—

11 (A) to understand trends and identify com-
12 mon issues; and

13 (B) to issue guidance to help grantees ad-
14 dress such issues before the loss or misuse of
15 taxpayer funding occurs;

16 (3) publicly report the work undertaken by the
17 Secretary to prevent fraud, waste, and abuse with
18 respect to such taxpayer funds; and

19 (4) work with the Office of Inspector General of
20 the Department of Education, as needed, to help en-
21 sure that employees of the Department understand
22 how to adequately monitor grantees and to help
23 grantees adequately monitor any subgrantees.

1 **SEC. 9205. REPORT ON DEPARTMENT ACTIONS TO ADDRESS**
2 **OFFICE OF INSPECTOR GENERAL REPORTS.**

3 (a) IN GENERAL.—Not later than 6 months after the
4 date of enactment of this Act, the Secretary of Education
5 shall prepare and submit to the Committee on Health,
6 Education, Labor, and Pensions of the Senate, the Com-
7 mittee on Education and the Workforce of the House of
8 Representatives, and the public through the website of the
9 Department of Education, a report containing an update
10 on the Department's implementation of recommendations
11 contained in reports from the Office of Inspector General
12 of the Department of Education.

13 (b) CONTENTS.—The report under subsection (a)
14 shall include—

15 (1) a general review of the work of the Depart-
16 ment of Education to implement or address findings
17 contained in reports from the Office of Inspector
18 General of the Department of Education to improve
19 monitoring and oversight of Federal programs, in-
20 cluding—

21 (A) the March 9, 2010, final management
22 information report of the Office of Inspector
23 General of the Department of Education ad-
24 dressing oversight by local educational agencies
25 and authorized public chartering agencies; and

1 (B) the September 2012 report of the Of-
2 fice of Inspector General of the Department of
3 Education entitled “The Office of Innovation
4 and Improvement’s Oversight and Monitoring
5 of the Charter Schools Program’s Planning and
6 Implementation Grants Final Audit Report”;
7 and

8 (2) a description of the actions the Department
9 of Education has taken to address the concerns de-
10 scribed in reports of the Office of Inspector General
11 of the Department of Education, including the re-
12 ports described in paragraph (1).

13 **SEC. 9206. POSTHUMOUS PARDON.**

14 (a) FINDINGS.—Congress finds the following:

15 (1) John Arthur “Jack” Johnson was a flam-
16 boyant, defiant, and controversial figure in the his-
17 tory of the United States who challenged racial bi-
18 ases.

19 (2) Jack Johnson was born in Galveston,
20 Texas, in 1878 to parents who were former slaves.

21 (3) Jack Johnson became a professional boxer
22 and traveled throughout the United States, fighting
23 White and African-American heavyweights.

24 (4) After being denied (on purely racial
25 grounds) the opportunity to fight 2 White cham-

1 pions, in 1908, Jack Johnson was granted an oppor-
2 tunity by an Australian promoter to fight the reign-
3 ing White title-holder, Tommy Burns.

4 (5) Jack Johnson defeated Tommy Burns to
5 become the first African-American to hold the title
6 of Heavyweight Champion of the World.

7 (6) The victory by Jack Johnson over Tommy
8 Burns prompted a search for a White boxer who
9 could beat Jack Johnson, a recruitment effort that
10 was dubbed the search for the “great white hope”.

11 (7) In 1910, a White former champion named
12 Jim Jeffries left retirement to fight Jack Johnson in
13 Reno, Nevada.

14 (8) Jim Jeffries lost to Jack Johnson in what
15 was deemed the “Battle of the Century”.

16 (9) The defeat of Jim Jeffries by Jack Johnson
17 led to rioting, aggression against African-Americans,
18 and the racially-motivated murder of African-Ameri-
19 cans throughout the United States.

20 (10) The relationships of Jack Johnson with
21 White women compounded the resentment felt to-
22 ward him by many Whites.

23 (11) Between 1901 and 1910, 754 African-
24 Americans were lynched, some simply for being “too
25 familiar” with White women.

1 (12) In 1910, Congress passed the Act of June
2 25, 1910 (commonly known as the “White Slave
3 Traffic Act” or the “Mann Act”) (18 U.S.C. 2421
4 et seq.), which outlawed the transportation of
5 women in interstate or foreign commerce “for the
6 purpose of prostitution or debauchery, or for any
7 other immoral purpose”.

8 (13) In October 1912, Jack Johnson became in-
9 volved with a White woman whose mother dis-
10 approved of their relationship and sought action
11 from the Department of Justice, claiming that Jack
12 Johnson had abducted her daughter.

13 (14) Jack Johnson was arrested by Federal
14 marshals on October 18, 1912, for transporting the
15 woman across State lines for an “immoral purpose”
16 in violation of the Mann Act.

17 (15) The Mann Act charges against Jack John-
18 son were dropped when the woman refused to co-
19 operate with Federal authorities, and then married
20 Jack Johnson.

21 (16) Federal authorities persisted and sum-
22 moned a White woman named Belle Schreiber, who
23 testified that Jack Johnson had transported her
24 across State lines for the purpose of “prostitution
25 and debauchery”.

1 (17) In 1913, Jack Johnson was convicted of
2 violating the Mann Act and sentenced to 1 year and
3 1 day in Federal prison.

4 (18) Jack Johnson fled the United States to
5 Canada and various European and South American
6 countries.

7 (19) Jack Johnson lost the Heavyweight Cham-
8 pionship title to Jess Willard in Cuba in 1915.

9 (20) Jack Johnson returned to the United
10 States in July 1920, surrendered to authorities, and
11 served nearly a year in the Federal penitentiary in
12 Leavenworth, Kansas.

13 (21) Jack Johnson subsequently fought in box-
14 ing matches, but never regained the Heavyweight
15 Championship title.

16 (22) Jack Johnson served the United States
17 during World War II by encouraging citizens to buy
18 war bonds and participating in exhibition boxing
19 matches to promote the war bond cause.

20 (23) Jack Johnson died in an automobile acci-
21 dent in 1946.

22 (24) In 1954, Jack Johnson was inducted into
23 the Boxing Hall of Fame.

24 (25) Senate Concurrent Resolution 29, 111th
25 Congress, agreed to July 29, 2009, expressed the

1 sense of the 111th Congress that Jack Johnson
2 should receive a posthumous pardon for his racially-
3 motivated 1913 conviction.

4 (b) RECOMMENDATIONS.—It remains the sense of
5 Congress that Jack Johnson should receive a posthumous
6 pardon—

7 (1) to expunge a racially-motivated abuse of the
8 prosecutorial authority of the Federal Government
9 from the annals of criminal justice in the United
10 States; and

11 (2) in recognition of the athletic and cultural
12 contributions of Jack Johnson to society.

13 **SEC. 9207. EDUCATION FLEXIBILITY PARTNERSHIP ACT OF**
14 **1999 REAUTHORIZATION.**

15 (a) DEFINITIONS.—Section 3(1) of the Education
16 Flexibility Partnership Act of 1999 (20 U.S.C. 5891a(1))
17 is amended—

18 (1) in the paragraph heading, by striking
19 “LOCAL” and inserting “EDUCATIONAL SERVICE
20 AGENCY; LOCAL”;

21 (2) by striking “The terms” and inserting “The
22 terms ‘educational service agency’,”; and

23 (3) by striking “section 9101” and inserting
24 “section 8101”.

1 (b) GENERAL PROVISIONS.—Section 4 of the Edu-
2 cation Flexibility Partnership Act of 1999 (20 U.S.C.
3 5891b) is amended to read as follows:

4 **“SEC. 4. EDUCATIONAL FLEXIBILITY PROGRAM.**

5 “(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

6 “(1) PROGRAM AUTHORIZED.—

7 “(A) IN GENERAL.—The Secretary may
8 carry out an educational flexibility program
9 under which the Secretary authorizes a State
10 educational agency that serves an eligible State
11 to waive statutory or regulatory requirements
12 applicable to one or more programs described in
13 subsection (b), other than requirements de-
14 scribed in subsection (c), for any local edu-
15 cational agency, educational service agency, or
16 school within the State.

17 “(B) DESIGNATION.—Each eligible State
18 participating in the program described in sub-
19 paragraph (A) shall be known as an ‘Ed-Flex
20 Partnership State’.

21 “(2) ELIGIBLE STATE.—For the purpose of this
22 section, the term ‘eligible State’ means a State
23 that—

24 “(A) has—

1 “(i) developed and implemented the
2 challenging State academic standards, and
3 aligned assessments, described in para-
4 graphs (1) and (2) of section 1111(b) of
5 the Elementary and Secondary Education
6 Act of 1965, and is producing the report
7 cards required by section 1111(h) of such
8 Act; or

9 “(ii) if the State has adopted new
10 challenging State academic standards
11 under section 1111(b)(1) of the Elemen-
12 tary and Secondary Education Act of
13 1965, as a result of the amendments made
14 to such Act by the Every Student Succeeds
15 Act, made substantial progress (as deter-
16 mined by the Secretary) toward developing
17 and implementing such standards and to-
18 ward producing the report cards required
19 under section 1111(h) of such Act;

20 “(B) will hold local educational agencies,
21 educational service agencies, and schools ac-
22 countable for meeting the educational goals de-
23 scribed in the local applications submitted
24 under paragraph (4) and for engaging in tech-
25 nical assistance and, as applicable and appro-

1 p riate, implementing comprehensive support
2 and improvement activities and targeted sup-
3 port and improvement activities under section
4 1111(d) of the Elementary and Secondary Edu-
5 cation Act of 1965; and

6 “(C) waives State statutory or regulatory
7 requirements relating to education while holding
8 local educational agencies, educational service
9 agencies, or schools within the State that are
10 affected by such waivers accountable for the
11 performance of the students who are affected
12 by such waivers.

13 “(3) STATE APPLICATION.—

14 “(A) IN GENERAL.—Each State edu-
15 cational agency desiring to participate in the
16 educational flexibility program under this sec-
17 tion shall submit an application to the Sec-
18 retary at such time, in such manner, and con-
19 taining such information as the Secretary may
20 reasonably require. Each such application shall
21 demonstrate that the eligible State has adopted
22 an educational flexibility plan for the State that
23 includes—

24 “(i) a description of the process the
25 State educational agency will use to evalu-

1 ate applications from local educational
2 agencies, educational service agencies, or
3 schools requesting waivers of—

4 “(I) Federal statutory or regu-
5 latory requirements as described in
6 paragraph (1)(A); and

7 “(II) State statutory or regu-
8 latory requirements relating to edu-
9 cation;

10 “(ii) a detailed description of the
11 State statutory and regulatory require-
12 ments relating to education that the State
13 educational agency will waive;

14 “(iii) a description of clear edu-
15 cational objectives the State intends to
16 meet under the educational flexibility plan,
17 which may include innovative methods to
18 leverage resources to improve program effi-
19 ciencies that benefit students;

20 “(iv) a description of how the edu-
21 cational flexibility plan is coordinated with
22 activities described in subsections (b), (c),
23 and (d) of section 1111 of the Elementary
24 and Secondary Education Act of 1965;

1 “(v) a description of how the State
2 educational agency will evaluate (consistent
3 with the requirements of title I of the Ele-
4 mentary and Secondary Education Act of
5 1965) the performance of students in the
6 schools, educational service agencies, and
7 local educational agencies affected by the
8 waivers; and

9 “(vi) a description of how the State
10 educational agency will meet the require-
11 ments of paragraph (7).

12 “(B) APPROVAL AND CONSIDERATIONS.—

13 “(i) IN GENERAL.—By not later than
14 90 days after the date on which a State
15 has submitted an application described in
16 subparagraph (A), the Secretary shall
17 issue a written decision that explains why
18 such application has been approved or dis-
19 approved, and the process for revising and
20 resubmitting the application for reconsider-
21 ation.

22 “(ii) APPROVAL.—The Secretary may
23 approve an application described in sub-
24 paragraph (A) only if the Secretary deter-
25 mines that such application demonstrates

1 substantial promise of assisting the State
2 educational agency and affected local edu-
3 cational agencies, educational service agen-
4 cies, and schools within the State in car-
5 rying out comprehensive educational re-
6 form, after considering—

7 “(I) the eligibility of the State as
8 described in paragraph (2);

9 “(II) the comprehensiveness and
10 quality of the educational flexibility
11 plan described in subparagraph (A);

12 “(III) the ability of the edu-
13 cational flexibility plan to ensure ac-
14 countability for the activities and
15 goals described in such plan;

16 “(IV) the degree to which the
17 State’s objectives described in sub-
18 paragraph (A)(iii)—

19 “(aa) are clear and have the
20 ability to be assessed; and

21 “(bb) take into account the
22 performance of local educational
23 agencies, educational service
24 agencies, or schools, and stu-

1 dents, particularly those affected
2 by waivers;

3 “(V) the significance of the State
4 statutory or regulatory requirements
5 relating to education that will be
6 waived; and

7 “(VI) the quality of the State
8 educational agency’s process for ap-
9 proving applications for waivers of
10 Federal statutory or regulatory re-
11 quirements as described in paragraph
12 (1)(A) and for monitoring and evalu-
13 ating the results of such waivers.

14 “(4) LOCAL APPLICATION.—

15 “(A) IN GENERAL.—Each local educational
16 agency, educational service agency, or school re-
17 questing a waiver of a Federal statutory or reg-
18 ulatory requirement as described in paragraph
19 (1)(A) and any relevant State statutory or reg-
20 ulatory requirement from a State educational
21 agency shall submit an application to the State
22 educational agency at such time, in such man-
23 ner, and containing such information as the
24 State educational agency may reasonably re-
25 quire. Each such application shall—

1 “(i) indicate each Federal program af-
2 fected and each statutory or regulatory re-
3 quirement that will be waived;

4 “(ii) describe the purposes and overall
5 expected results of waiving each such re-
6 quirement, which may include innovative
7 methods to leverage resources to improve
8 program efficiencies that benefit students;

9 “(iii) describe, for each school year,
10 specific, measurable, educational goals for
11 each local educational agency, educational
12 service agency, or school affected by the
13 proposed waiver, and for the students
14 served by the local educational agency,
15 educational service agency, or school who
16 are affected by the waiver;

17 “(iv) explain why the waiver will as-
18 sist the local educational agency, edu-
19 cational service agency, or school in reach-
20 ing such goals; and

21 “(v) in the case of an application from
22 a local educational agency or educational
23 service agency, describe how the agency
24 will meet the requirements of paragraph
25 (7).

1 “(B) EVALUATION OF APPLICATIONS.—A
2 State educational agency shall evaluate an ap-
3 plication submitted under subparagraph (A) in
4 accordance with the State’s educational flexi-
5 bility plan described in paragraph (3)(A).

6 “(C) APPROVAL.—A State educational
7 agency shall not approve an application for a
8 waiver under this paragraph unless—

9 “(i) the local educational agency, edu-
10 cational service agency, or school request-
11 ing such waiver has developed a local re-
12 form plan that—

13 “(I) is applicable to such agency
14 or school, respectively; and

15 “(II) may include innovative
16 methods to leverage resources to im-
17 prove program efficiencies that benefit
18 students;

19 “(ii) the waiver of Federal statutory
20 or regulatory requirements as described in
21 paragraph (1)(A) will assist the local edu-
22 cational agency, educational service agen-
23 cy, or school in reaching its educational
24 goals, particularly goals with respect to
25 school and student performance; and

1 “(iii) the State educational agency is
2 satisfied that the underlying purposes of
3 the statutory requirements of each pro-
4 gram for which a waiver is granted will
5 continue to be met.

6 “(D) TERMINATION.—The State edu-
7 cational agency shall annually review the per-
8 formance of any local educational agency, edu-
9 cational service agency, or school granted a
10 waiver of Federal statutory or regulatory re-
11 quirements as described in paragraph (1)(A) in
12 accordance with the evaluation requirement de-
13 scribed in paragraph (3)(A)(v), and shall termi-
14 nate or temporarily suspend any waiver granted
15 to the local educational agency, educational
16 service agency, or school if the State edu-
17 cational agency determines, after notice and an
18 opportunity for a hearing, that—

19 “(i) there is compelling evidence of
20 systematic waste, fraud, or abuse;

21 “(ii) the performance of the local edu-
22 cational agency, educational service agen-
23 cy, or school with respect to meeting the
24 accountability requirement described in
25 paragraph (2)(C) and the goals described

1 in subparagraph (A)(iii) has been inad-
2 equate to justify continuation of such waiv-
3 er;

4 “(iii) student achievement in the local
5 educational agency, educational service
6 agency, or school has decreased; or

7 “(iv) substantial progress has not
8 been made toward meeting the long-term
9 goals and measurements of interim
10 progress established by the State under
11 section 1111(c)(4)(A)(i) of the Elementary
12 and Secondary Education Act of 1965.

13 “(5) OVERSIGHT AND REPORTING.—

14 “(A) OVERSIGHT.—Each State educational
15 agency participating in the educational flexi-
16 bility program under this section shall annually
17 monitor the activities of local educational agen-
18 cies, educational service agencies, and schools
19 receiving waivers under this section.

20 “(B) STATE REPORTS.—

21 “(i) ANNUAL REPORTS.—The State
22 educational agency shall submit to the Sec-
23 retary an annual report on the results of
24 such oversight and the impact of the waiv-
25 ers on school and student performance.

1 “(ii) PERFORMANCE DATA.—Not later
2 than 2 years after the date a State is des-
3 ignated an Ed-Flex Partnership State,
4 each such State shall include, as part of
5 the State’s annual report submitted under
6 clause (i), data demonstrating the degree
7 to which progress has been made toward
8 meeting the State’s educational objectives.
9 The data, when applicable, shall include—
10 “(I) information on the total
11 number of waivers granted for Fed-
12 eral and State statutory and regu-
13 latory requirements under this sec-
14 tion, including the number of waivers
15 granted for each type of waiver;
16 “(II) information describing the
17 effect of the waivers on the implemen-
18 tation of State and local educational
19 reforms pertaining to school and stu-
20 dent performance;
21 “(III) information describing the
22 relationship of the waivers to the per-
23 formance of schools and students af-
24 fected by the waivers; and

1 “(IV) an assurance from State
2 program managers that the data re-
3 ported under this section are reliable,
4 complete, and accurate, as defined by
5 the State, or a description of a plan
6 for improving the reliability, complete-
7 ness, and accuracy of such data as de-
8 fined by the State.

9 “(C) SECRETARY’S REPORTS.—The Sec-
10 retary shall annually—

11 “(i) make each State report submitted
12 under subparagraph (B) available to Con-
13 gress and the public; and

14 “(ii) submit to Congress a report that
15 summarizes the State reports and de-
16 scribes the effects that the educational
17 flexibility program under this section had
18 on the implementation of State and local
19 educational reforms and on the perform-
20 ance of students affected by the waivers.

21 “(6) DURATION OF FEDERAL WAIVERS.—

22 “(A) IN GENERAL.—

23 “(i) DURATION.—The Secretary shall
24 approve the application of a State edu-

1 cational agency under paragraph (3) for a
2 period of not more than 5 years.

3 “(ii) AUTOMATIC EXTENSION DURING
4 REVIEW.—The Secretary shall automati-
5 cally extend the authority of a State to
6 continue as an Ed-Flex Partnership State
7 until the Secretary has—

8 “(I) completed the performance
9 review of the State educational agen-
10 cy’s educational flexibility plan as de-
11 scribed in subparagraph (B); and

12 “(II) issued a final decision on
13 any pending request for renewal that
14 was submitted by the State edu-
15 cational agency.

16 “(iii) EXTENSION OF APPROVAL.—
17 The Secretary may extend the authority of
18 a State to continue as an Ed-Flex Partner-
19 ship State if the Secretary determines that
20 the authority of the State educational
21 agency to grant waivers—

22 “(I) has been effective in ena-
23 bling such State or affected local edu-
24 cational agencies, educational service
25 agencies, or schools to carry out their

1 State or local reform plans and to
2 continue to meet the accountability re-
3 quirement described in paragraph
4 (2)(C); and

5 “(II) has improved student per-
6 formance.

7 “(B) PERFORMANCE REVIEW.—

8 “(i) IN GENERAL.—Following the ex-
9 piration of an approved educational flexi-
10 bility program for a State that is des-
11 ignated an Ed-Flex Partnership State, the
12 Secretary shall have not more than 180
13 days to complete a review of the perform-
14 ance of the State educational agency in
15 granting waivers of Federal statutory or
16 regulatory requirements as described in
17 paragraph (1)(A) to determine if the State
18 educational agency—

19 “(I) has achieved, or is making
20 substantial progress towards achiev-
21 ing, the objectives described in the ap-
22 plication submitted pursuant to para-
23 graph (3)(A)(iii) and the specific long-
24 term goals and measurements of in-
25 terim progress established under sec-

1 tion 1111(c)(4)(A)(i) of the Elemen-
2 tary and Secondary Education Act of
3 1965; and

4 “(II) demonstrates that local
5 educational agencies, educational serv-
6 ice agencies, or schools affected by the
7 waiver authority or waivers have
8 achieved, or are making progress to-
9 ward achieving, the desired goals de-
10 scribed in the application submitted
11 pursuant to paragraph (4)(A)(iii).

12 “(ii) TERMINATION OF AUTHORITY.—
13 The Secretary shall terminate the author-
14 ity of a State educational agency to grant
15 waivers of Federal statutory or regulatory
16 requirements as described in paragraph
17 (1)(A) if the Secretary determines, after
18 providing the State educational agency
19 with notice and an opportunity for a hear-
20 ing, that such agency’s performance has
21 been inadequate to justify continuation of
22 such authority based on such agency’s per-
23 formance against the specific long-term
24 goals and measurements of interim
25 progress established under section

1 1111(c)(4)(A)(i) of the Elementary and
2 Secondary Education Act of 1965.

3 “(C) RENEWAL.—

4 “(i) IN GENERAL.—Each State edu-
5 cational agency desiring to renew an ap-
6 proved educational flexibility program
7 under this section shall submit a request
8 for renewal to the Secretary not later than
9 the date of expiration of the approved edu-
10 cational flexibility program.

11 “(ii) TIMING FOR RENEWAL.—The
12 Secretary shall either approve or deny the
13 request for renewal by not later than 90
14 days after completing the performance re-
15 view of the State described in subpara-
16 graph (B).

17 “(iii) DETERMINATION.—In deciding
18 whether to extend a request of a State
19 educational agency for the authority to
20 issue waivers under this section, the Sec-
21 retary shall review the progress of the
22 State educational agency to determine if
23 the State educational agency—

24 “(I) has made progress toward
25 achieving the objectives described in

1 the State application submitted pursu-
2 ant to paragraph (3)(A)(iii); and

3 “(II) demonstrates in the request
4 that local educational agencies, edu-
5 cational service agencies, or schools
6 affected by the waiver authority or
7 waivers have made progress toward
8 achieving the desired goals described
9 in the local application submitted pur-
10 suant to paragraph (4)(A)(iii).

11 “(D) TERMINATION.—

12 “(i) IN GENERAL.—The Secretary
13 shall terminate or temporarily suspend the
14 authority of a State educational agency to
15 grant waivers under this section if the Sec-
16 retary determines that—

17 “(I) there is compelling evidence
18 of systematic waste, fraud or abuse;
19 or

20 “(II) after notice and an oppor-
21 tunity for a hearing, such agency’s
22 performance (including performance
23 with respect to meeting the objectives
24 described in paragraph (3)(A)(iii))

1 has been inadequate to justify con-
2 tinuation of such authority.

3 “(ii) LIMITED COMPLIANCE PERIOD.—

4 A State whose authority to grant such
5 waivers has been terminated shall have not
6 more than 1 additional fiscal year to come
7 into compliance in order to seek renewal of
8 the authority to grant waivers under this
9 section.

10 “(7) PUBLIC NOTICE AND COMMENT.—Each
11 State educational agency seeking waiver authority
12 under this section and each local educational agency,
13 educational service agency, or school seeking a waiv-
14 er under this section—

15 “(A) shall provide the public with adequate
16 and efficient notice of the proposed waiver au-
17 thority or waiver, consisting of a description of
18 the agency’s application for the proposed waiver
19 authority or waiver on each agency’s website,
20 including a description of any improved student
21 performance that is expected to result from the
22 waiver authority or waiver;

23 “(B) shall provide the opportunity for par-
24 ents, educators, school administrators, and all
25 other interested members of the community to

1 comment regarding the proposed waiver author-
2 ity or waiver;

3 “(C) shall provide the opportunity de-
4 scribed in subparagraph (B) in accordance with
5 any applicable State law specifying how the
6 comments may be received, and how the com-
7 ments may be reviewed by any member of the
8 public; and

9 “(D) shall submit the comments received
10 with the application of the agency or school to
11 the Secretary or the State educational agency,
12 as appropriate.

13 “(b) INCLUDED PROGRAMS.—The statutory or regu-
14 latory requirements referred to in subsection (a)(1)(A) are
15 any such requirements for programs that are authorized
16 under the following provisions and under which the Sec-
17 retary provides funds to State educational agencies on the
18 basis of a formula:

19 “(1) The following provisions of the Elementary
20 and Secondary Education Act of 1965:

21 “(A) Part A of title I (other than section
22 1111).

23 “(B) Part C of title I.

24 “(C) Part D of title I.

25 “(D) Part A of title II.

1 “(E) Part A of title IV.

2 “(2) The Carl D. Perkins Career and Technical
3 Education Act of 2006 (20 U.S.C. 2301 et seq.).

4 “(c) WAIVERS NOT AUTHORIZED.—The Secretary
5 and the State educational agency may not waive under
6 subsection (a)(1)(A) any statutory or regulatory require-
7 ment—

8 “(1) relating to—

9 “(A) maintenance of effort;

10 “(B) comparability of services;

11 “(C) equitable participation of students
12 and professional staff in private schools;

13 “(D) parental participation and involve-
14 ment;

15 “(E) distribution of funds to States or to
16 local educational agencies;

17 “(F) serving eligible school attendance
18 areas in rank order in accordance with section
19 1113(a)(3) of the Elementary and Secondary
20 Education Act of 1965;

21 “(G) the selection of a school attendance
22 area or school under subsections (a) and (b) of
23 section 1113 of the Elementary and Secondary
24 Education Act of 1965, except that a State
25 educational agency may grant a waiver to allow

1 a school attendance area or school to partici-
2 pate in activities under part A of title I of such
3 Act if the percentage of children from low-in-
4 come families in the school attendance area of
5 such school or who attend such school is not
6 less than 10 percentage points below the lowest
7 percentage of such children for any school at-
8 tendance area or school of the local educational
9 agency that meets the requirements of such
10 subsections;

11 “(H) use of Federal funds to supplement,
12 not supplant, non-Federal funds; and

13 “(I) applicable civil rights requirements;
14 and

15 “(2) unless the State educational agency can
16 demonstrate that the underlying purposes of the
17 statutory requirements of the program for which a
18 waiver is granted continue to be met to the satisfac-
19 tion of the Secretary.

20 “(d) TREATMENT OF EXISTING ED-FLEX PARTNER-
21 SHIP STATES.—

22 “(1) IN GENERAL.—Any designation of a State
23 as an Ed-Flex Partnership State that was in effect
24 on the date of enactment of the Every Student Suc-
25 ceeds Act shall be immediately extended for a period

1 of not more than 5 years, if the Secretary makes the
2 determination described in paragraph (2).

3 “(2) DETERMINATION.—The determination re-
4 ferred to in paragraph (1) is a determination that
5 the performance of the State educational agency, in
6 carrying out the programs for which the State has
7 received a waiver under the educational flexibility
8 program, justifies the extension of the designation.

9 “(e) PUBLICATION.—A notice of the Secretary’s deci-
10 sion to authorize State educational agencies to issue waiv-
11 ers under this section, including a description of the ra-
12 tionale the Secretary used to approve applications under
13 subsection (a)(3)(B), shall be published in the Federal
14 Register and the Secretary shall provide for the dissemina-
15 tion of such notice to State educational agencies, inter-
16 ested parties (including educators, parents, students, and
17 advocacy and civil rights organizations), and the public.”.

18 **SEC. 9208. REPORT ON THE REDUCTION OF THE NUMBER**
19 **AND PERCENTAGE OF STUDENTS WHO DROP**
20 **OUT OF SCHOOL.**

21 Not later than 5 years after the date of enactment
22 of this Act, the Director of the Institute of Education
23 Sciences shall evaluate the impact of section
24 1111(g)(1)(D) of the Elementary and Secondary Edu-
25 cation Act of 1965 (20 U.S.C. 6311(g)(1)(D)) on reducing

1 the number and percentage of students who drop out of
2 school.

3 **SEC. 9209. REPORT ON SUBGROUP SAMPLE SIZE.**

4 (a) REPORT.—Not later than 90 days after the date
5 of enactment of this Act, the Director of the Institute of
6 Education Sciences shall publish a report on—

7 (1) best practices for determining valid, reliable,
8 and statistically significant minimum numbers of
9 students for each of the subgroups of students, as
10 defined in section 1111(e)(2) of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C.
12 6311(e)(2)), as amended by this Act, for the pur-
13 poses of inclusion as subgroups of students in an ac-
14 countability system described in section 1111(e) of
15 such Act (20 U.S.C. 6311(e)), as amended by this
16 Act; and

17 (2) how such minimum number that is deter-
18 mined will not reveal personally identifiable informa-
19 tion about students.

20 (b) PUBLIC DISSEMINATION.—The Director of the
21 Institute of Education Sciences shall work with the De-
22 partment of Education’s technical assistance providers
23 and dissemination networks to ensure that such report is
24 widely disseminated—

1 (1) to the public, State educational agencies,
2 local educational agencies, and schools; and

3 (2) through electronic transfer and other
4 means, such as posting the report on the website of
5 the Institute of Education Sciences or in another
6 relevant place.

7 (c) PROHIBITION AGAINST RECOMMENDATION.—In
8 carrying out this section, the Director of the Institute of
9 Education Sciences shall not recommend any specific min-
10 imum number of students for each of the subgroups of
11 students, as defined in section 1111(c)(2) of the Elemen-
12 tary and Secondary Education Act of 1965 (20 U.S.C.
13 6311(c)(2)), as amended by this Act.

14 **SEC. 9210. REPORT ON STUDENT HOME ACCESS TO DIGITAL**
15 **LEARNING RESOURCES.**

16 (a) IN GENERAL.—Not later than 18 months after
17 the date of enactment of this Act, the Director of the In-
18 stitute of Education Sciences shall complete a study on
19 the educational impact of access to digital learning re-
20 sources outside of the classroom.

21 (b) CONTENTS.—The study described in subsection
22 (a) shall include—

23 (1) an analysis of student habits related to digi-
24 tal learning resources outside of the classroom, in-

1 including the location and types of devices and tech-
2 nologies that students use for educational purposes;

3 (2) an identification of the barriers students
4 face in accessing digital learning resources outside of
5 the classroom;

6 (3) a description of the challenges students who
7 lack home Internet access face, including challenges
8 related to—

9 (A) student participation and engagement
10 in the classroom; and

11 (B) homework completion;

12 (4) an analysis of how the barriers and chal-
13 lenges such students face impact the instructional
14 practice of educators; and

15 (5) a description of the ways in which State
16 educational agencies, local educational agencies,
17 schools, and other entities, including partnerships of
18 such entities, have developed effective means to ad-
19 dress the barriers and challenges students face in
20 accessing digital learning resources outside of the
21 classroom.

22 (c) PUBLIC DISSEMINATION.—The Director of the
23 Institute of Education Sciences shall widely disseminate
24 the findings of the study described in subsection (a)—

1 (1) in a timely fashion to the public and the
2 Committee on Education and the Workforce of the
3 House of Representatives and the Committee on
4 Health, Education, Labor, and Pensions of the Sen-
5 ate; and

6 (2) through electronic transfer and other
7 means, such as posting, as available, to the website
8 of the Institute of Education Sciences or the Depart-
9 ment of Education.

10 **SEC. 9211. STUDY ON THE TITLE I FORMULA.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) Part A of title I of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C. 6311 et
14 seq.) provides funding to local educational agencies
15 through four separate formulas that have been
16 added to the law over time, and which have “distinct
17 allocation patterns, providing varying shares of allo-
18 cated funds to different types of local educational
19 agencies or States,” according to a 2015 report from
20 the Congressional Research Service.

21 (2) Minimal effort has been made by the Fed-
22 eral Government to determine if the four formulas
23 are adequately delivering funds to local educational
24 agencies with the highest districtwide poverty aver-
25 ages.

1 (3) The formulas for distributing Targeted
2 Grants and Education Finance Incentive grants use
3 two weighting systems, one based on the percentage
4 of children included in the determination of grants
5 to local educational agencies (percentage weighting),
6 and another based on the absolute number of such
7 children (number weighting). Both weighting sys-
8 tems have five quintiles with a roughly equal number
9 of children in each quintile. Whichever of these
10 weighting systems results in the highest total
11 weighted formula child count for a local educational
12 agency is the weighting system used for that agency
13 in the final allocation of Targeted and Education Fi-
14 nance Incentive Grant funds.

15 (4) The Congressional Research Service has
16 also said the number weighting alternative is gen-
17 erally more favorable to large local educational agen-
18 cies with much larger geographic boundaries and
19 larger counts of eligible children than smaller local
20 educational agencies with smaller counts, but poten-
21 tially higher percentages, of eligible children, because
22 large local educational agencies have many more
23 children in the higher weighted quintiles.

24 (5) In local educational agencies that are classi-
25 fied by the National Center for Education Statistics

1 as “Large City”, 47 percent of all students attend
2 schools with 75 percent or higher poverty.

3 (b) STUDY.—

4 (1) IN GENERAL.—Not later than 18 months
5 after the date of enactment of this Act, the Director
6 of the Institute of Education Sciences shall complete
7 a study on the effectiveness of the four part A of
8 title I formulas, described in subsection (a), to de-
9 liver funds to the most economically disadvantaged
10 communities.

11 (2) CONTENTS.—The study described in para-
12 graph (1) shall include—

13 (A) an analysis of the distribution of part
14 A of title I funds under the four formulas;

15 (B) an analysis of how part A of title I
16 funds are distributed among local educational
17 agencies in each of the 12 locale types classified
18 by the National Center on Education Statistics.

19 (C) the extent to which the four formulas
20 unduly benefit or unduly disadvantage any of
21 the local educational agencies described in sub-
22 paragraph (B);

23 (D) the extent to which the four formulas
24 unduly benefit or unduly disadvantage high-pov-
25 erty eligible school attendance areas in the local

1 educational agencies described in subparagraph
2 (B);

3 (E) the extent to which the four formulas
4 unduly benefit or unduly disadvantage lower
5 population local educational agencies with rel-
6 atively high percentages of districtwide poverty;

7 (F) the impact of number weighting and
8 percentage weighting in the formulas for dis-
9 tributing Targeted Grants and Education Fi-
10 nance Incentive Grants on each of the local
11 educational agencies described in subparagraph
12 (B);

13 (G) the impact of number weighting and
14 percentage weighting on targeting part A of
15 title I funds to eligible school attendance areas
16 with the highest concentrations of poverty in
17 local educational agencies described in subpara-
18 graph (B), and local educational agencies de-
19 scribed in subparagraph (B) with higher per-
20 centages of districtwide poverty;

21 (H) an analysis of other studies and re-
22 ports produced by public and non-public entities
23 examining the distribution of part A of title I
24 funds under the four formulas; and

1 (I) recommendations, as appropriate, for
2 amending or consolidating the formulas to bet-
3 ter target part A of title I funds to the most
4 economically disadvantaged communities and
5 most economically disadvantaged eligible school
6 attendance areas.

7 (3) PUBLIC DISSEMINATION.—The Director of
8 the Institute of Education Sciences shall widely dis-
9 seminate the findings of the study conducted under
10 this section—

11 (A) in a timely fashion;

12 (B) to—

13 (i) the public; and

14 (ii) the Committee on Education and
15 the Workforce of the House of Representa-
16 tives and the Committee on Health, Edu-
17 cation, Labor, and Pensions of the Senate;
18 and

19 (C) through electronic transfer and other
20 means, such as posting to the website of the In-
21 stitute of Education Sciences or the Depart-
22 ment of Education.

23 **SEC. 9212. PRESCHOOL DEVELOPMENT GRANTS.**

24 (a) PURPOSES.—The purposes of this section are—

1 (1) to assist States to develop, update, or imple-
2 ment a strategic plan that facilitates collaboration
3 and coordination among existing programs of early
4 childhood care and education in a mixed delivery
5 system across the State designed to prepare low-in-
6 come and disadvantaged children to enter kinder-
7 garten and to improve transitions from such system
8 into the local educational agency or elementary
9 school that enrolls such children, by—

10 (A) more efficiently using existing Federal,
11 State, local, and non-governmental resources to
12 align and strengthen the delivery of existing
13 programs;

14 (B) coordinating the delivery models and
15 funding streams existing in the State's mixed
16 delivery system; and

17 (C) developing recommendations to better
18 use existing resources in order to improve—

19 (i) the overall participation of children
20 in a mixed delivery system of Federal,
21 State, and local early childhood education
22 programs;

23 (ii) program quality while maintaining
24 availability of services;

1 (iii) parental choice among existing
2 programs; and

3 (iv) school readiness for children from
4 low-income and disadvantaged families, in-
5 cluding during such children's transition
6 into elementary school;

7 (2) to encourage partnerships among Head
8 Start providers, State and local governments, Indian
9 tribes and tribal organizations, private entities (in-
10 cluding faith- and community-based entities), and
11 local educational agencies, to improve coordination,
12 program quality, and delivery of services; and

13 (3) to maximize parental choice among a mixed
14 delivery system of early childhood education program
15 providers.

16 (b) DEFINITIONS.—In this section:

17 (1) ESEA DEFINITIONS.—The terms “elemen-
18 tary school”, “local educational agency”, and
19 “State” have the meanings given the terms in sec-
20 tion 8101 of the Elementary and Secondary Edu-
21 cation Act of 1965.

22 (2) CENTER OF EXCELLENCE IN EARLY CHILD-
23 HOOD.—The term “Center of Excellence in Early
24 Childhood” means a Center of Excellence in Early

1 Childhood designated under section 657B(b) of the
2 Head Start Act (42 U.S.C. 9852b(b)).

3 (3) EARLY CHILDHOOD EDUCATION PRO-
4 GRAM.—The term “early childhood education pro-
5 gram” has the meaning given the term in section
6 103 of the Higher Education Act of 1965 (20
7 U.S.C. 1003).

8 (4) EXISTING PROGRAM.—The term “existing
9 program” means a Federal, State, local, or pri-
10 vately-funded early childhood education program
11 that—

12 (A) was operating in the State on the day
13 before the date of enactment of this Act; or

14 (B) began operating in the State at any
15 time on or after the date of enactment of this
16 Act through funds that were not provided by a
17 grant under this section.

18 (5) MIXED DELIVERY SYSTEM.—The term
19 “mixed delivery system” means a system—

20 (A) of early childhood education services
21 that are delivered through a combination of
22 programs, providers, and settings (such as
23 Head Start, licensed family and center-based
24 child care programs, public schools, and com-
25 munity-based organizations); and

1 (B) that is supported with a combination
2 of public funds and private funds.

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of Health and Human Services.

5 (7) STATE ADVISORY COUNCIL.—The term
6 “State Advisory Council” means a State Advisory
7 Council on Early Childhood Education and Care
8 designated or established under section
9 642B(b)(1)(A) of the Head Start Act (42 U.S.C.
10 9837b(b)(1)(A)).

11 (c) GRANTS AUTHORIZED.—

12 (1) IN GENERAL.—From amounts made avail-
13 able under subsection (k), the Secretary, jointly with
14 the Secretary of Education, shall award grants to
15 States to enable the States to carry out the activities
16 described in subsection (f).

17 (2) AWARD BASIS.—Grants under this sub-
18 section shall be awarded—

19 (A) on a competitive basis; and

20 (B) with priority for States that meet the
21 requirements of subsection (e)(3).

22 (3) DURATION OF GRANTS.—A grant awarded
23 under paragraph (1) shall be for a period of not
24 more than 1 year and may be renewed by the Sec-

1 retary, jointly with the Secretary of Education,
2 under subsection (g).

3 (4) MATCHING REQUIREMENT.—Each State
4 that receives a grant under this section shall provide
5 funds from non-Federal sources (which may be pro-
6 vided in cash or in kind) to carry out the activities
7 supported by the grant, in an amount equal to not
8 less than 30 percent of the amount of such grant.

9 (d) INITIAL APPLICATION.—A State desiring a grant
10 under subsection (c)(1) shall submit an application at such
11 time and in such manner as the Secretary may reasonably
12 require. The application shall contain—

13 (1) an identification of the State entity that the
14 Governor of the State has appointed to be respon-
15 sible for duties under this section;

16 (2) a description of how such State entity pro-
17 poses to accomplish the activities described in sub-
18 section (f) and meet the purposes of this section de-
19 scribed in subsection (a), including—

20 (A) a timeline for strategic planning activi-
21 ties; and

22 (B) a description of how the strategic plan-
23 ning activities and the proposed activities de-
24 scribed in subsection (f) will increase participa-
25 tion of children from low-income and disadvan-

1 tagged families in high-quality early childhood
2 education and preschool programs as a result of
3 the grant;

4 (3) a description of the Federal, State, and
5 local existing programs in the State for which such
6 State entity proposes to facilitate activities described
7 in subsection (f), including—

8 (A) programs carried out under the Head
9 Start Act (42 U.S.C. 9801 et seq.), including
10 the Early Head Start programs carried out
11 under such Act;

12 (B) child care programs carried out under
13 the Child Care and Development Block Grant
14 Act of 1990 (42 U.S.C. 9858 et seq.) or section
15 418 of the Social Security Act (42 U.S.C. 618);
16 and

17 (C) other Federal, State, and local pro-
18 grams of early learning and development, early
19 childhood education, and child care, operating
20 in the State (including programs operated by
21 Indian tribes and tribal organizations and pri-
22 vate entities, including faith- and community-
23 based entities), as of the date of the application
24 for the grant;

1 (4) a description of how the State entity, in col-
2 laboration with Centers of Excellence in Early Child-
3 hood, if appropriate, will provide technical assistance
4 and disseminate best practices;

5 (5) a description of how the State plans to sus-
6 tain the activities described in, and carried out in
7 accordance with, subsection (f) with non-Federal
8 sources after grant funds under this section are no
9 longer available, if the State plans to continue such
10 activities after such time; and

11 (6) a description of how the State entity will
12 work with the State Advisory Council and Head
13 Start collaboration offices.

14 (e) REVIEW PROCESS.—The Secretary shall review
15 the applications submitted under subsection (d) to—

16 (1) determine which applications satisfy the re-
17 quirements of such subsection;

18 (2) confirm that each State submitting an ap-
19 plication has, as of the date of the application, a
20 mixed delivery system in place; and

21 (3) determine if a priority is merited in accord-
22 ance with subsection (c)(2)(B) because the State has
23 never received—

24 (A) a grant under subsection (e); or

1 (B) a preschool development grant for de-
2 velopment or expansion under such program as
3 it existed on the day before the date of enact-
4 ment of this Act.

5 (f) USE OF FUNDS.—A State, acting through the
6 State entity appointed under subsection (d)(1), that re-
7 ceives a grant under subsection (c)(1) shall use the grant
8 funds for all of the following activities:

9 (1) Conducting a periodic statewide needs as-
10 sessment of—

11 (A) the availability and quality of existing
12 programs in the State, including such programs
13 serving the most vulnerable or underserved pop-
14 ulations and children in rural areas;

15 (B) to the extent practicable, the
16 unduplicated number of children being served in
17 existing programs; and

18 (C) to the extent practicable, the
19 unduplicated number of children awaiting serv-
20 ice in such programs.

21 (2) Developing a strategic plan that rec-
22 ommends collaboration, coordination, and quality
23 improvement activities (including activities to im-
24 prove children’s transition from early childhood edu-
25 cation programs into elementary schools) among ex-

1 isting programs in the State and local educational
2 agencies. Such plan shall include information that—

3 (A) identifies opportunities for, and bar-
4 riers to, collaboration and coordination among
5 existing programs in the State, including among
6 State, local, and tribal (if applicable) agencies
7 responsible for administering such programs;

8 (B) recommends partnership opportunities
9 among Head Start providers, local educational
10 agencies, State and local governments, Indian
11 tribes and tribal organizations, and private enti-
12 ties (including faith- and community-based enti-
13 ties) that would improve coordination, program
14 quality, and delivery of services;

15 (C) builds on existing plans and goals with
16 respect to early childhood education programs,
17 including improving coordination and collabora-
18 tion among such programs, of the State Advi-
19 sory Council while incorporating new or up-
20 dated Federal, State, and local statutory re-
21 quirements, including—

22 (i) the requirements of the Child Care
23 and Development Block Grant Act of 1990
24 (42 U.S.C. 9858 et seq.); and

1 (ii) when appropriate, information
2 found in the report required under section
3 13 of the Child Care and Development
4 Block Grant Act of 2014 (Public Law
5 113–186; 128 Stat. 2002); and

6 (D) describes how accomplishing the activi-
7 ties described in subparagraphs (A) through
8 (C) will better serve children and families in ex-
9 isting programs and how such activities will in-
10 crease the overall participation of children in
11 the State.

12 (3) Maximizing parental choice and knowledge
13 about the State’s mixed delivery system of existing
14 programs and providers by—

15 (A) ensuring that parents are provided in-
16 formation about the variety of early childhood
17 education programs for children from birth to
18 kindergarten entry in the State’s mixed delivery
19 system; and

20 (B) promoting and increasing involvement
21 by parents and family members, including fami-
22 lies of low-income and disadvantaged children,
23 in the development of their children and the
24 transition of such children from an early child-

1 hood education program into an elementary
2 school.

3 (4) Sharing best practices among early child-
4 hood education program providers in the State to in-
5 crease collaboration and efficiency of services, in-
6 cluding to improve transitions from such programs
7 to elementary school.

8 (5) After activities described in paragraphs (1)
9 and (2) have been completed, improving the overall
10 quality of early childhood education programs in the
11 State, including by developing and implementing evi-
12 dence-based practices that meet the requirements of
13 section 8101(21)(A)(i) of the Elementary and Sec-
14 ondary Education Act of 1965, to improve profes-
15 sional development for early childhood education
16 providers and educational opportunities for children.

17 (g) RENEWAL GRANTS.—

18 (1) IN GENERAL.—The Secretary, jointly with
19 the Secretary of Education, may use funds available
20 under subsection (k) to award renewal grants to
21 States described in paragraph (2) to enable such
22 States to continue activities described in subsection
23 (f) and to carry out additional activities described in
24 paragraph (6).

1 (2) ELIGIBLE STATES.—A State shall be eligi-
2 ble for a grant under paragraph (1) if—

3 (A) the State has received a grant under
4 subsection (c)(1) and the grant period has con-
5 cluded; or

6 (B)(i) the State has received a preschool
7 development grant for development or expan-
8 sion under such program as it existed on the
9 day before the date of enactment of this Act,
10 and the grant period for such grant has con-
11 cluded; and

12 (ii) the Secretary allows such State to
13 apply directly for a renewal grant under this
14 subsection, rather than an initial grant under
15 subsection (c)(1), and the State submits with
16 its application the needs assessment completed
17 under the preschool development grant (up-
18 dated as necessary to reflect the needs of the
19 State as of the time of the application) in place
20 of the activity described in subsection (f)(1).

21 (3) DURATION OF GRANTS.—A grant awarded
22 under this subsection shall be for a period of not
23 more than 3 years and shall not be renewed.

24 (4) MATCHING REQUIREMENT.—Each State
25 that receives a grant under this subsection shall pro-

1 vide funds from non-Federal sources (which may be
2 provided in cash or in kind) to carry out the activi-
3 ties supported by the grant, in an amount equal to
4 not less than 30 percent of the amount of the grant.

5 (5) APPLICATION.—A State described in para-
6 graph (2) that desires a grant under this subsection
7 shall submit an application for renewal at such time
8 and in such manner as the Secretary may reason-
9 ably require. The application shall contain—

10 (A) applicable information required in the
11 application described in subsection (d), and in
12 the case of a State described in paragraph
13 (2)(A), updated as the State determines nec-
14 essary;

15 (B) in the case of a State described in
16 paragraph (2)(A), a description of how funds
17 were used for the activities described in sub-
18 section (f) in the initial grant period and the
19 extent to which such activities will continue to
20 be supported in the renewal period;

21 (C) in the case of a State described in
22 paragraph (2)(B), how a needs assessment com-
23 pleted prior to the date of the application, such
24 as the needs assessment completed under the
25 preschool development grant program (as such

1 program existed prior to the date of enactment
2 of this Act), and updated as necessary in ac-
3 cordance with paragraph (2)(B)(ii), will be suf-
4 ficient information to inform the use of funds
5 under this subsection, and a copy of such needs
6 assessment;

7 (D) a description of how funds will be used
8 for the activities described in paragraph (6)
9 during the renewal grant period, if the State
10 proposes to use grant funds for such activities;
11 and

12 (E) in the case of a State that proposes to
13 carry out activities described in paragraph (6)
14 and to continue such activities after grant
15 funds under this subsection are no longer avail-
16 able, a description of how such activities will be
17 sustained with non-Federal sources after such
18 time.

19 (6) ADDITIONAL ACTIVITIES.—

20 (A) IN GENERAL.—Each State that re-
21 ceives a grant under this subsection may use
22 grant funds to award subgrants to programs in
23 a mixed delivery system across the State de-
24 signed to benefit low-income and disadvantaged
25 children prior to entering kindergarten, to—

1 (i)(I) enable programs to implement
2 activities addressing areas in need of im-
3 provement as determined by the State,
4 through the use of funds for the activities
5 described in paragraph (5)(C) or sub-
6 section (f), as applicable; and

7 (II) as determined through the activi-
8 ties described in paragraph (5)(C) or sub-
9 section (f), as applicable, expand access to
10 such existing programs; or

11 (ii) develop new programs to address
12 the needs of children and families eligible
13 for, but not served by, such programs, if
14 the State ensures that—

15 (I) the distribution of subgrants
16 under this subparagraph supports a
17 mixed delivery system; and

18 (II) funds made available under
19 this subparagraph will be used to sup-
20 plement, and not supplant, any other
21 Federal, State, or local funds that
22 would otherwise be available to carry
23 out the activities assisted under this
24 section.

1 (B) PRIORITY.—In awarding subgrants
2 under subparagraph (A), a State shall prioritize
3 activities to improve areas in which there are
4 State-identified needs that would improve serv-
5 ices for low-income and disadvantaged children
6 living in rural areas.

7 (C) SPECIAL RULE.—A State receiving a
8 renewal grant under this subsection that elects
9 to award subgrants under subparagraph (A)
10 shall not—

11 (i) for the first year of the renewal
12 grant, use more than 60 percent of the
13 grant funds available for such year to
14 award such subgrants; and

15 (ii) for each of the second and third
16 years of the renewal grant, use more than
17 75 percent of the grant funds available for
18 such year to award such subgrants.

19 (h) STATE REPORTING.—

20 (1) INITIAL GRANTS.—A State that receives an
21 initial grant under subsection (c)(1) shall submit a
22 final report to the Secretary not later than 6 months
23 after the end of the grant period. The report shall
24 include a description of—

1 (A) how, and to what extent, the grant
2 funds were utilized for activities described in
3 subsection (f), and any other activities through
4 which funds were used to meet the purposes of
5 this section, as described in subsection (a);

6 (B) strategies undertaken at the State
7 level and, if applicable, local or program level,
8 to implement recommendations in the strategic
9 plan developed under subsection (f)(2);

10 (C)(i) any new partnerships among Head
11 Start providers, State and local governments,
12 Indian tribes and tribal organizations, and pri-
13 vate entities (including faith- and community-
14 based entities); and

15 (ii) how these partnerships improve coordi-
16 nation and delivery of services;

17 (D) if applicable, the degree to which the
18 State used information from the report required
19 under section 13 of the Child Care and Devel-
20 opment Block Grant Act of 2014 to inform ac-
21 tivities under this section, and how this infor-
22 mation was useful in coordinating, and collabo-
23 rating among, programs and funding sources;

1 (E) the extent to which activities funded
2 by the initial grant led to the blending or braid-
3 ing of other public and private funding;

4 (F) how information about available exist-
5 ing programs for children from birth to kinder-
6 garten entry was disseminated to parents and
7 families, and how involvement by parents and
8 family was improved; and

9 (G) other State-determined and voluntarily
10 provided information to share best practices re-
11 garding early childhood education programs and
12 the coordination of such programs.

13 (2) RENEWAL GRANTS.—A State receiving a re-
14 newal grant under subsection (g) shall submit a fol-
15 low-up report to the Secretary not later than 6
16 months after the end of the grant period that in-
17 cludes—

18 (A) information described in subpara-
19 graphs (A) through (G) of paragraph (1), as
20 applicable and updated for the period covered
21 by the renewal grant; and

22 (B) if applicable, information on how the
23 State was better able to serve children through
24 the distribution of funds in accordance with
25 subsection (g)(5), through—

1 (i) a description of the activities con-
2 ducted through the use of subgrant funds,
3 including, where appropriate, measurable
4 areas of program improvement and better
5 use of existing resources; and

6 (ii) best practices from the use of
7 subgrant funds, including how to better
8 serve the most vulnerable, underserved,
9 and rural populations.

10 (i) RULES OF CONSTRUCTION.—

11 (1) LIMITATIONS ON FEDERAL INTER-
12 FERENCE.—Nothing in this section shall be con-
13 strued to authorize the Secretary or the Secretary of
14 Education to establish any criterion for grants made
15 under this section that specifies, defines, or pre-
16 scribes—

17 (A) early learning and development guide-
18 lines, standards, or specific assessments, includ-
19 ing the standards or measures that States use
20 to develop, implement, or improve such guide-
21 lines, standards, or assessments;

22 (B) specific measures or indicators of qual-
23 ity early learning and care, including—

24 (i) the systems that States use to as-
25 sess the quality of early childhood edu-

1 cation programs and providers, school
2 readiness, and achievement; and

3 (ii) the term “high-quality” as it re-
4 lates to early learning, development, or
5 care;

6 (C) early learning or preschool curriculum,
7 programs of instruction, or instructional con-
8 tent;

9 (D) teacher and staff qualifications and
10 salaries;

11 (E) class sizes and ratios of children to in-
12 structional staff;

13 (F) any new requirement that an early
14 childhood education program is required to
15 meet that is not explicitly authorized in this
16 section;

17 (G) the scope of programs, including
18 length of program day and length of program
19 year; and

20 (H) any aspect or parameter of a teacher,
21 principal, other school leader, or staff evalua-
22 tion system within a State, local educational
23 agency, or early childhood education program.

24 (2) LIMITATION ON GOVERNMENTAL REQUIRE-
25 MENTS.—Nothing in this section shall be construed

1 to authorize the Secretary, Secretary of Education,
2 the State, or any other governmental agency to alter
3 requirements for existing programs for which coordi-
4 nation and alignment activities are recommended
5 under this section, or to force programs to adhere to
6 any recommendations developed through this pro-
7 gram. The Secretary, Secretary of Education, State,
8 or other governmental agency may only take an ac-
9 tion described in the preceding sentence as otherwise
10 authorized under Federal, State, or local law.

11 (3) SECRETARY OF EDUCATION.—Nothing in
12 this section shall be construed to authorize the Sec-
13 retary of Education to have sole decision-making or
14 regulatory authority in carrying out the program au-
15 thORIZED under this section.

16 (j) PLANNING AND TRANSITION.—

17 (1) IN GENERAL.—The recipient of an award
18 for a preschool development grant for development
19 or expansion under such program as it existed on
20 the day before the date of enactment of this Act may
21 continue to receive funds in accordance with the
22 terms of such existing award.

23 (2) TRANSITION.—The Secretary, jointly with
24 the Secretary of Education, shall take such steps as
25 are necessary to ensure an orderly transition to, and

1 implementation of, the program under this section
2 from the preschool development grants for develop-
3 ment or expansion program as such program was
4 operating prior to the date of enactment of this Act,
5 in accordance with subsection (k).

6 (k) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Secretary of
8 Health and Human Services to carry out this section
9 \$250,000,000 for each of fiscal years 2017 through 2020.

10 **SEC. 9213. USE OF THE TERM “HIGHLY QUALIFIED” IN**
11 **OTHER LAWS.**

12 (a) REFERENCES.—Beginning on the date of enact-
13 ment of this Act—

14 (1) any reference in sections 420N, 428J,
15 428K, and 460 of the Higher Education Act of 1965
16 (20 U.S.C. 1070g–2, 1078–10, 1078–11, and 1087j)
17 to the term “highly qualified” as defined in section
18 9101 of the Elementary and Secondary Education
19 Act of 1965 shall be treated as a reference to such
20 term under such section 9101 as in effect on the day
21 before the date of enactment of this Act; and

22 (2) any reference in section 6112 of the Amer-
23 ica COMPETES Act (20 U.S.C. 9812), section 553
24 of the America COMPETES Reauthorization Act of
25 2010 (20 U.S.C. 9903), and section 9 of the Na-

1 tional Science Foundation Authorization Act of 2002
2 (42 U.S.C. 1862n), to “highly qualified”, as defined
3 in section 9101 of the Elementary and Secondary
4 Education Act of 1965, with respect to a teacher,
5 means that the teacher meets applicable State cer-
6 tification and licensure requirements, including any
7 requirements for certification obtained through alter-
8 native routes to certification.

9 (b) EDUCATION SCIENCES REFORM ACT OF 2002.—
10 Section 153(a)(1)(F)(ii) of the Education Sciences Re-
11 form Act of 2002 (20 U.S.C. 9543(a)(1)(F)(ii)) is amend-
12 ed by striking “teachers who are highly qualified (as such
13 term is defined in section 9101 of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C. 7801))” and
15 inserting “teachers who meet the applicable State certifi-
16 cation and licensure requirements, including any require-
17 ments for certification obtained through alternative routes
18 to certification, or, with regard to special education teach-
19 ers, the qualifications described in section 612(a)(14)(C)
20 of the Individuals with Disabilities Education Act (20
21 U.S.C. 1412(a)(14)(C)).”.

22 (c) HIGHER EDUCATION ACT OF 1965.—The Higher
23 Education Act of 1965 (20 U.S.C. 1001 et seq.) is amend-
24 ed—

25 (1) in section 200—

1 (A) by striking paragraph (13);

2 (B) in paragraph (17)(B)(ii), by striking
3 “to become highly qualified” and inserting
4 “who meets the applicable State certification
5 and licensure requirements, including any re-
6 quirements for certification obtained through
7 alternative routes to certification, or, with re-
8 gard to special education teachers, the quali-
9 fications described in section 612(a)(14)(C) of
10 the Individuals with Disabilities Education
11 Act”; and

12 (C) in paragraph (22)(D)(i), by striking
13 “becomes highly qualified” and inserting “,
14 with respect to special education teachers,
15 meets the qualifications described in section
16 612(a)(14)(C) of the Individuals with Disabil-
17 ities Education Act”;

18 (2) in section 201(3), by striking “highly quali-
19 fied teachers” and inserting “teachers who meet the
20 applicable State certification and licensure require-
21 ments, including any requirements for certification
22 obtained through alternative routes to certification,
23 or, with regard to special education teachers, the
24 qualifications described in section 612(a)(14)(C) of
25 the Individuals with Disabilities Education Act”;

1 (3) in section 202—

2 (A) in subsection (b)(6)(H), by striking
3 “highly qualified teachers” and inserting
4 “teachers who meet the applicable State certifi-
5 cation and licensure requirements, including
6 any requirements for certification obtained
7 through alternative routes to certification, or,
8 with regard to special education teachers, the
9 qualifications described in section
10 612(a)(14)(C) of the Individuals with Disabil-
11 ities Education Act,”;

12 (B) subsection (d)—

13 (i) in paragraph (1)—

14 (I) in subparagraph (A)(i)(I), by
15 striking “be highly qualified (includ-
16 ing teachers in rural school districts
17 who may teach multiple subjects, spe-
18 cial educators, and teachers of stu-
19 dents who are limited English pro-
20 ficient who may teach multiple sub-
21 jects)” and inserting “meet the appli-
22 cable State certification and licensure
23 requirements, including any require-
24 ments for certification obtained
25 through alternative routes to certifi-

1 cation, or, with regard to special edu-
2 cation teachers, the qualifications de-
3 scribed in section 612(a)(14)(C) of
4 the Individuals with Disabilities Edu-
5 cation Act (including teachers in rural
6 school districts, special educators, and
7 teachers of students who are limited
8 English proficient)”; and

9 (II) in subparagraph (B)(iii), by
10 striking “become highly qualified,
11 which may include training in multiple
12 subjects to teach multiple grade levels
13 as may be needed for individuals pre-
14 paring to teach in rural communities
15 and for individuals preparing to teach
16 students with disabilities as described
17 in section 602(10)(D) of the Individ-
18 uals with Disabilities Education Act”
19 and inserting “meet the applicable
20 State certification and licensure re-
21 quirements, including any require-
22 ments for certification obtained
23 through alternative routes to certifi-
24 cation, or, with regard to special edu-
25 cation teachers, the qualifications de-

1 scribed in section 612(a)(14)(C) of
2 the Individuals with Disabilities Edu-
3 cation Act, which may include train-
4 ing in multiple subjects to teach mul-
5 tiple grade levels as may be needed
6 for individuals preparing to teach in
7 rural communities and for individuals
8 preparing to teach students with dis-
9 abilities”; and

10 (ii) in paragraph (5), by striking “be-
11 come highly qualified teachers” and insert-
12 ing “become teachers who meet the appli-
13 cable State certification and licensure re-
14 quirements, including any requirements for
15 certification obtained through alternative
16 routes to certification, or, with regard to
17 special education teachers, the qualifica-
18 tions described in section 612(a)(14)(C) of
19 the Individuals with Disabilities Education
20 Act”; and

21 (C) in subsection (e)(2)(C)(iii), by striking
22 subclause (IV) and inserting the following:

23 “(IV) meet the applicable State
24 certification and licensure require-
25 ments, including any requirements for

1 certification obtained through alter-
2 native routes to certification, or, with
3 regard to special education teachers,
4 the qualifications described in section
5 612(a)(14)(C) of the Individuals with
6 Disabilities Education Act, when the
7 applicant begins to fulfill the service
8 obligation under this clause; and”;

9 (4) in section 204, by striking “highly qualified
10 teachers” each place it appears and inserting
11 “teachers who meet the applicable State certification
12 and licensure requirements, including any require-
13 ments for certification obtained through alternative
14 routes to certification, or, with regard to special edu-
15 cation teachers, the qualifications described in sec-
16 tion 612(a)(14)(C) of the Individuals with Disabil-
17 ities Education Act (20 U.S.C. 1412(a)(14)(C)),”;

18 (5) in section 205(b)(1)(I), by striking “highly
19 qualified teachers” and inserting “teachers who meet
20 the applicable State certification and licensure re-
21 quirements, including any requirements for certifi-
22 cation obtained through alternative routes to certifi-
23 cation, or, with regard to special education teachers,
24 the qualifications described in section 612(a)(14)(C)
25 of the Individuals with Disabilities Education Act”;

1 (6) in section 207(a)(1), by striking “highly
2 qualified teachers” and inserting “teachers who meet
3 the applicable State certification and licensure re-
4 quirements, including any requirements for certifi-
5 cation obtained through alternative routes to certifi-
6 cation, or, with regard to special education teachers,
7 the qualifications described in section 612(a)(14)(C)
8 of the Individuals with Disabilities Education Act,”;

9 (7) in section 208(b)—

10 (A) , by striking “are highly qualified, as
11 required under section 1119 of the Elementary
12 and Secondary Education Act of 1965,” and in-
13 serting “meet the applicable State certification
14 and licensure requirements, including any re-
15 quirements for certification obtained through
16 alternative routes to certification,”; and

17 (B) by striking “is highly qualified by the
18 deadline, as required under section
19 612(a)(14)(C) of the Individuals with Disabil-
20 ities Education Act” and inserting “meets the
21 qualifications described in section
22 612(a)(14)(C) of the Individuals with Disabil-
23 ities Education Act”;

24 (8) in section 242(b)—

1 (A) in the matter preceding paragraph (1),
2 by striking “are highly qualified” and inserting
3 “meet the applicable State certification and li-
4 censure requirements, including any require-
5 ments for certification obtained through alter-
6 native routes to certification, or, with regard to
7 special education teachers, the qualifications de-
8 scribed in section 612(a)(14)(C) of the Individ-
9 uals with Disabilities Education Act,”;

10 (B) in paragraph (1), by striking “are
11 highly qualified,” and inserting “meet the appli-
12 cable State certification and licensure require-
13 ments, including any requirements for certifi-
14 cation obtained through alternative routes to
15 certification, or, with regard to special edu-
16 cation teachers, the qualifications described in
17 section 612(a)(14)(C) of the Individuals with
18 Disabilities Education Act,”; and

19 (C) in paragraph (3), by striking “highly
20 qualified teachers and principals” and inserting
21 “teachers who meet the applicable State certifi-
22 cation and licensure requirements, including
23 any requirements for certification obtained
24 through alternative routes to certification, or,
25 with regard to special education teachers, the

1 qualifications described in section
2 612(a)(14)(C) of the Individuals with Disabil-
3 ities Education Act, and highly qualified prin-
4 cipals”;

5 (9) in section 251(b)(1)(A)(iii), by striking “are
6 highly qualified” and inserting “meet the applicable
7 State certification and licensure requirements, in-
8 cluding any requirements for certification obtained
9 through alternative routes to certification, or, with
10 regard to special education teachers, the qualifica-
11 tions described in section 612(a)(14)(C) of the Indi-
12 viduals with Disabilities Education Act”;

13 (10) in section 255(k)—

14 (A) by striking paragraph (1) and insert-
15 ing the following:

16 “(1) meets the applicable State certification and
17 licensure requirements, including any requirements
18 for certification obtained through alternative routes
19 to certification, or, with regard to special education
20 teachers, the qualifications described in section
21 612(a)(14)(C) of the Individuals with Disabilities
22 Education Act;” and

23 (B) in paragraph (3), by striking “teacher
24 who meets the requirements of section
25 9101(23) of such Act” and inserting “teacher

1 who meets the applicable State certification and
2 licensure requirements, including any require-
3 ments for certification obtained through alter-
4 native routes to certification, or, with regard to
5 special education teachers, the qualifications de-
6 scribed in section 612(a)(14)(C) of the Individ-
7 uals with Disabilities Education Act”;

8 (11) in section 258(d)(1)—

9 (A) by striking “highly qualified”; and

10 (B) by inserting “, who meet the applicable
11 State certification and licensure requirements,
12 including any requirements for certification ob-
13 tained through alternative routes to certifi-
14 cation, or, with regard to special education
15 teachers, the qualifications described in section
16 612(a)(14)(C) of the Individuals with Disabil-
17 ities Education Act” before the period at the
18 end; and

19 (12) section 806—

20 (A) in subsection (a), by striking para-
21 graph (2); and

22 (B) in subsection (c)(1), by striking “high-
23 ly qualified teachers” and inserting “teachers
24 who meet the applicable State certification and
25 licensure requirements, including any require-

1 ments for certification obtained through alter-
2 native routes to certification, or, with regard to
3 special education teachers, the qualifications de-
4 scribed in section 612(a)(14)(C) of the Individ-
5 uals with Disabilities Education Act,”.

6 (d) INDIVIDUALS WITH DISABILITIES EDUCATION
7 ACT.—The Individuals with Disabilities Education Act
8 (20 U.S.C. 1400 et seq.) is amended—

9 (1) in section 602, by striking paragraph (10);
10 (2) in section 612(a)(14)—

11 (A) in subparagraph (C), by striking “sec-
12 ondary school is highly qualified by the deadline
13 established in section 1119(a)(2) of the Ele-
14 mentary and Secondary Education Act of
15 1965” and inserting “secondary school—

16 “(i) has obtained full State certifi-
17 cation as a special education teacher (in-
18 cluding participating in an alternate route
19 to certification as a special educator, if
20 such alternate route meets minimum re-
21 quirements described in section
22 2005.56(a)(2)(ii) of title 34, Code of Fed-
23 eral Regulations, as such section was in ef-
24 fect on November 28, 2008), or passed the
25 State special education teacher licensing

1 examination, and holds a license to teach
2 in the State as a special education teacher,
3 except with respect to any teacher teaching
4 in a public charter school who shall meet
5 the requirements set forth in the State’s
6 public charter school law;

7 “(ii) has not had special education
8 certification or licensure requirements
9 waived on an emergency, temporary, or
10 provisional basis; and

11 “(iii) holds at least a bachelor’s de-
12 gree.”;

13 (B) in subparagraph (D), by striking
14 “highly qualified personnel” and inserting “per-
15 sonnel who meet the applicable requirements
16 described in this paragraph”; and

17 (C) in subparagraph (E), by striking “staff
18 person to be highly qualified” and inserting
19 “staff person to meet the applicable require-
20 ments described in this paragraph”;

21 (3) in section 653(b)—

22 (A) in paragraph (7), by striking “highly
23 qualified teachers” and inserting “teachers who
24 meet the qualifications described in section
25 612(a)(14)(C)”;

1 (B) in paragraph (8), by striking “teachers
2 who are not highly qualified” and inserting
3 “teachers who do not meet the qualifications
4 described in section 612(a)(14)(C)”; and
5 (4) in section 654—

6 (A) in subsection (a)(4), in the matter pre-
7 ceding subparagraph (A), by striking “highly
8 qualified special education teachers, particularly
9 initiatives that have been proven effective in re-
10 cruiting and retaining highly qualified teachers”
11 and inserting “special education teachers who
12 meet the qualifications described in section
13 612(a)(14)(C), particularly initiatives that have
14 been proven effective in recruiting and retaining
15 teachers”; and

16 (B) in subsection (b)—

17 (i) in paragraph (2), by striking “cer-
18 tification of special education teachers for
19 highly qualified individuals with a bacca-
20 laurate or master’s degree” and inserting
21 “certification of special education teachers
22 for individuals with a baccalaureate or
23 master’s degree who meet the qualifica-
24 tions described in section 612(a)(14)(C)”;
25 and

1 (ii) in paragraph (4), by striking
2 “highly qualified special education teach-
3 ers” and inserting “special education
4 teachers who meet the qualifications de-
5 scribed in section 612(a)(14)(C)”; and
6 (C) in section 662—

7 (i) in subsection (a)—

8 (I) in paragraph (1), by striking
9 “highly qualified personnel, as defined
10 in section 651(b)” and inserting “per-
11 sonnel, as defined in section 651(b),
12 who meet the applicable requirements
13 described in section 612(a)(14)”; and

14 (II) in paragraph (5), by striking
15 “special education teachers are highly
16 qualified” and inserting “special edu-
17 cation teachers meet the qualifications
18 described in section 612(a)(14)(C)”; and

19 (ii) in subsection (b)(2)(B), by strik-
20 ing “highly qualified teachers” and insert-
21 ing “special education teachers who meet
22 the qualifications described in section
23 612(a)(14)(C)”; and

24 (iii) in subsection (c)(4)(B), by strik-
25 ing “highly qualified personnel” and in-

1 serting “personnel who meet the applicable
2 requirements described in section
3 612(a)(14)”.

4 (e) INDIVIDUALS WITH DISABILITIES EDUCATION
5 IMPROVEMENT ACT OF 2004.—Section 302(a) of the Indi-
6 viduals with Disabilities Education Improvement Act of
7 2004 (20 U.S.C. 1400 note) is amended—

8 (1) by striking “PART D.—” through “parts
9 A” and inserting “PART D.—Parts A” ; and

10 (2) by striking paragraph (2).

11 **SEC. 9214. ADDITIONAL CONFORMING AMENDMENTS TO**
12 **OTHER LAWS.**

13 (a) ACT OF APRIL 16, 1934 (POPULARLY KNOWN AS
14 THE JOHNSON-O’MALLEY ACT).—Section 5(a) of the Act
15 of April 16, 1934 (popularly known as the Johnson-
16 O’Malley Act) (25 U.S.C. 456(a)) is amended by striking
17 “section 7114(c)(4) of the Elementary and Secondary
18 Education Act of 1965” and inserting “section 6114(c)(4)
19 of the Elementary and Secondary Education Act of 1965”.

20 (b) ADAM WALSH CHILD PROTECTION AND SAFETY
21 ACT OF 2006.—Section 153(h) of the Adam Walsh Child
22 Protection and Safety Act of 2006 (42 U.S.C. 16962(h))
23 is amended by striking “section 9101 of the Elementary
24 and Secondary Education Act of 1965 (20 U.S.C. 7801)”

1 and inserting “section 8101 of the Elementary and Sec-
2 ondary Education Act of 1965”.

3 (c) ADULT EDUCATION AND LITERACY ACT.—Para-
4 graph (8) of section 203 of the Adult Education and Lit-
5 eracy Act (29 U.S.C. 3272) is amended to read as follows:

6 “(8) ESSENTIAL COMPONENTS OF READING IN-
7 STRUCTION.—The term ‘essential components of
8 reading instruction’ means explicit and systematic
9 instruction in—

10 “(A) phonemic awareness;

11 “(B) phonics;

12 “(C) vocabulary development;

13 “(D) reading fluency, including oral read-
14 ing skills; and

15 “(E) reading comprehension strategies.”.

16 (d) AGE DISCRIMINATION ACT OF 1975.—Section
17 309(4)(B)(ii) of the Age Discrimination Act of 1975 (42
18 U.S.C. 6107(4)(B)(ii)) is amended by striking “section
19 9101 of the Elementary and Secondary Education Act of
20 1965” and inserting “section 8101 of the Elementary and
21 Secondary Education Act of 1965”.

22 (e) AGE DISCRIMINATION IN EMPLOYMENT ACT OF
23 1967.—Section 4(l)(1)(B)(i)(I) of the Age Discrimination
24 in Employment Act of 1967 (29 U.S.C. 623(l)(1)(B)(i)(I))
25 is amended by striking “section 9101 of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C. 7801)”
2 and inserting “section 8101 of the Elementary and Sec-
3 ondary Education Act of 1965”.

4 (f) AGRICULTURAL ACT OF 2014.—Section 7606(a)
5 of the Agricultural Act of 2014 (7 U.S.C. 5940(a)) is
6 amended by striking “the Safe and Drug-Free Schools
7 and Communities Act (20 U.S.C. 7101 et seq.),”.

8 (g) AGRICULTURAL RESEARCH, EXTENSION, AND
9 EDUCATION REFORM ACT OF 1998.—Section 413(b)(4)
10 of the Agricultural Research, Extension, and Education
11 Reform Act of 1998 (7 U.S.C. 7633(b)(4)) is amended
12 by striking “section 9101 of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C. 7801))” and
14 inserting “section 8101 of the Elementary and Secondary
15 Education Act of 1965”.

16 (h) ALBERT EINSTEIN DISTINGUISHED EDUCATOR
17 FELLOWSHIP ACT OF 1994.—Each of paragraphs (1),
18 (2), and (3) of section 514 of the Albert Einstein Distin-
19 guished Educator Fellowship Act of 1994 (42 U.S.C.
20 7838b) are amended by striking “section 9101 of the Ele-
21 mentary and Secondary Education Act of 1965” and in-
22 serting “section 8101 of the Elementary and Secondary
23 Education Act of 1965”.

24 (i) AMERICA COMPETES ACT.—The America COM-
25 PETES Act (Public Law 110–69) is amended as follows:

1 (1) Section 6002(a) (20 U.S.C. 9802(a)) is
2 amended by striking “section 9101 of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 7801).” and inserting “section 8101 of the
5 Elementary and Secondary Education Act of 1965.”.

6 (2) Section 6122 (20 U.S.C. 9832) is amend-
7 ed—

8 (A) in paragraph (3), by striking “The
9 term ‘low-income student’ has the meaning
10 given the term ‘low-income individual’ in section
11 1707(3) of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 6537(3)).” and
13 inserting “The term ‘low-income student’ means
14 an individual who is determined by a State edu-
15 cational agency or local educational agency to
16 be a child ages 5 through 19, from a low-in-
17 come family, on the basis of data used by the
18 Secretary to determine allocations under section
19 1124 of the Elementary and Secondary Edu-
20 cation Act of 1965, data on children eligible for
21 free or reduced-price lunches under the Richard
22 B. Russell National School Lunch Act, data on
23 children in families receiving assistance under
24 part A of title IV of the Social Security Act, or
25 data on children eligible to receive medical as-

1 sistance under the Medicaid program under
2 title XIX of the Social Security Act, or through
3 an alternate method that combines or extrapo-
4 lates from those data.”; and

5 (B) in paragraph (4), by striking “The
6 term ‘high concentration of low-income stu-
7 dents’ has the meaning given the term in sec-
8 tion 1707(2) of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 6537(2)).”
10 and inserting “The term ‘high concentration of
11 low-income students’, used with respect to a
12 school, means a school that serves a student
13 population 40 percent or more of who are low-
14 income students.”.

15 (3) Section 6123 (20 U.S.C. 9833) is amend-
16 ed—

17 (A) in subsection (c), by striking “the ac-
18 tivities carried out under section 1705 of the
19 Elementary and Secondary Education Act of
20 1965 (20 U.S.C. 6535).” and inserting the fol-
21 lowing: “any activities carried out under section
22 4104 or 4107 of the Elementary and Secondary
23 Education Act of 1965 that provide students
24 access to accelerated learning programs that
25 provide—

1 “(1) postsecondary level courses accepted for
2 credit at institutions of higher education, including
3 dual or concurrent enrollment programs, and early
4 college high schools; or

5 “(2) postsecondary level instruction and exami-
6 nations that are accepted for credit at institutions of
7 higher education, including Advanced Placement and
8 International Baccalaureate programs.”; and

9 (B) in subsection (j)(2)(B), by striking
10 “section 1111(h)(1)(C)(i) of the Elementary
11 and Secondary Education Act of 1965 (20
12 U.S.C. 6311(h)(1)(C)(i))” and inserting “sec-
13 tion 1111(b)(2)(B)(xi) of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C.
15 6311(b)(2)(B)(xi))”.

16 (4) Section 6401(e)(2)(D)(ii)(I) (20 U.S.C.
17 9871(e)(2)(D)(ii)(I)) is amended by striking “yearly
18 test records of individual students with respect to
19 assessments under section 1111(b) of the Elemen-
20 tary and Secondary Education Act of 1965 (20
21 U.S.C. 6311(b))” and inserting “yearly test records
22 of individual students with respect to assessments
23 under section 1111(b)(2) of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C.
25 6311(b)(2))”.

1 (5) Section 7001 (42 U.S.C. 1862o note) is
2 amended—

3 (A) in paragraph (4), by striking “section
4 9101 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 7801)” and in-
6 serting “section 8101 of the Elementary and
7 Secondary Education Act of 1965”; and

8 (B) in paragraph (7), by striking “section
9 9101 of the Elementary and Secondary Edu-
10 cation Act of 1965 (20 U.S.C. 7801)” and in-
11 serting “section 8101 of the Elementary and
12 Secondary Education Act of 1965”.

13 (j) AMERICAN HISTORY AND CIVICS EDUCATION ACT
14 OF 2004.—Section 2(d) of the American History and
15 Civics Education Act of 2004 (20 U.S.C. 6713 note) is
16 amended by striking “to carry out part D of title V of
17 the Elementary and Secondary Education Act of 1965”
18 and inserting “to carry out section 2232 of the Elemen-
19 tary and Secondary Education Act of 1965”.

20 (k) ANTI-DRUG ABUSE ACT OF 1988.—Section
21 3521(d)(8)(A) of the Anti-Drug Abuse Act of 1988 (42
22 U.S.C. 11841(d)(8)(A)) is amended by striking “edu-
23 cation and instruction consistent with title IV of the Ele-
24 mentary and Secondary Education Act of 1965” and in-
25 serting “education and instruction consistent with part A

1 of title IV of the Elementary and Secondary Education
2 Act of 1965”.

3 (l) ASSETS FOR INDEPENDENCE ACT.—Section
4 404(11) of the Assets for Independence Act (42 U.S.C.
5 604 note) is amended by striking “section 7207 of the Na-
6 tive Hawaiian Education Act” and inserting “section 6207
7 of the Native Hawaiian Education Act”.

8 (m) ASSISTIVE TECHNOLOGY ACT OF 1998.—Section
9 4(c)(2)(B)(i)(V) of the Assistive Technology Act of 1998
10 (29 U.S.C. 3003(c)(2)(B)(i)(V)) is amended by striking
11 “section 9101 of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 7801)” and inserting “sec-
13 tion 8101 of the Elementary and Secondary Education
14 Act of 1965”.

15 (n) CARL D. PERKINS CAREER AND TECHNICAL
16 EDUCATION ACT OF 2006.—The Carl D. Perkins Career
17 and Technical Education Act of 2006 (20 U.S.C. 2301
18 et seq.) is amended as follows:

19 (1) Section 3 (20 U.S.C. 2302) is amended—
20 (A) in paragraph (8), by striking “section
21 5210 of the Elementary and Secondary Edu-
22 cation Act of 1965” and inserting “section
23 4310 of the Elementary and Secondary Edu-
24 cation Act of 1965”;

1 (B) in paragraph (11), by striking “section
2 9101 of the Elementary and Secondary Edu-
3 cation Act of 1965” and inserting “section
4 8101 of the Elementary and Secondary Edu-
5 cation Act of 1965”;

6 (C) in paragraph (19), by striking “section
7 9101 of the Elementary and Secondary Edu-
8 cation Act of 1965” and inserting “section
9 8101 of the Elementary and Secondary Edu-
10 cation Act of 1965”; and

11 (D) in paragraph (27), by striking “section
12 9101 of the Elementary and Secondary Edu-
13 cation Act of 1965” and inserting “section
14 8101 of the Elementary and Secondary Edu-
15 cation Act of 1965”.

16 (2) Section 8(e) (20 U.S.C. 2306a(e)) is
17 amended by striking “section 1111(b)(1)(D) of the
18 Elementary and Secondary Education Act of 1965”
19 and inserting “section 1111(b)(1) of the Elementary
20 and Secondary Education Act of 1965”.

21 (3) Section 113(b) (20 U.S.C. 2323(b)) is
22 amended—

23 (A) in paragraph (2)(A)—

24 (i) by striking clause (i) and inserting
25 the following:

1 “(i) Student attainment of the chal-
2 lenging State academic standards, as
3 adopted by a State in accordance with sec-
4 tion 1111(b)(1) of the Elementary and
5 Secondary Education Act of 1965 and
6 measured by the State determined levels of
7 achievement on the academic assessments
8 described in section 1111(b)(2) of such
9 Act.”; and

10 (ii) in clause (iv), by striking “(as de-
11 scribed in section 1111(b)(2)(C)(vi) of the
12 Elementary and Secondary Education Act
13 of 1965)” and inserting “(as described in
14 section 1111(e)(4)(A)(i)(I)(bb) of the Ele-
15 mentary and Secondary Education Act of
16 1965)”; and

17 (B) in paragraph (4)(C)(ii)(I), by striking
18 “categories” and inserting “subgroups”.

19 (4) Section 114(d)(4)(A)(iii)(I)(aa) (20 U.S.C.
20 2324(d)(4)(A)(iii)(I)(aa)) is amended by striking
21 “integrating those programs with academic content
22 standards and student academic achievement stand-
23 ards, as adopted by States under section 1111(b)(1)
24 of the Elementary and Secondary Education Act of
25 1965;” and inserting the following: “integrating

1 those programs with challenging State academic
2 standards, as adopted by States under section
3 1111(b)(1) of the Elementary and Secondary Edu-
4 cation Act of 1965;”.

5 (5) Section 116(a)(5) (20 U.S.C. 2326(a)(5)) is
6 amended by striking “section 7207 of the Native
7 Hawaiian Education Act (20 U.S.C. 7517)” and in-
8 serting “section 6207 of the Native Hawaiian Edu-
9 cation Act”.

10 (6) Section 122(c)(20 U.S.C. 2342(c)) is
11 amended—

12 (A) in paragraph (1)(I)(i), by striking
13 “aligned with rigorous and challenging aca-
14 demic content standards and student academic
15 achievement standards adopted by the State
16 under section 1111(b)(1) of the Elementary
17 and Secondary Education Act of 1965” and in-
18 serting “aligned with challenging State aca-
19 demic standards adopted by the State under
20 section 1111(b)(1) of the Elementary and Sec-
21 ondary Education Act of 1965”; and

22 (B) in paragraph (7)(A)(i), by striking
23 “the core academic subjects (as defined in sec-
24 tion 9101 of the Elementary and Secondary
25 Education Act of 1965)” and inserting “a well-

1 rounded education (as defined in section 8101
2 of the Elementary and Secondary Education
3 Act of 1965)”.

4 (7) Section 124(b)(4)(A) (20 U.S.C.
5 2344(b)(4)(A)) is amended in paragraph (4)(A), by
6 striking “the core academic subjects (as defined in
7 section 9101 of the Elementary and Secondary Edu-
8 cation Act of 1965)” and inserting “a well-rounded
9 education (as defined in section 8101 of the Elemen-
10 tary and Secondary Education Act of 1965)”.

11 (8) Section 134(b)(3) (20 U.S.C. 2354(b)(3)) is
12 amended—

13 (A) in subparagraph (B)(i), by striking
14 “the core academic subjects (as defined in sec-
15 tion 9101 of the Elementary and Secondary
16 Education Act of 1965)” and inserting “a well-
17 rounded education (as defined in section 8101
18 of the Elementary and Secondary Education
19 Act of 1965)”;

20 (B) in subparagraph (E), by striking “in
21 core academic subjects (as defined in section
22 9101 of the Elementary and Secondary Edu-
23 cation Act of 1965)” and inserting “in order to
24 provide a well-rounded education (as defined in

1 section 8101 of the Elementary and Secondary
2 Education Act of 1965”.

3 (9) Section 135(b)(1)(A) (20 U.S.C.
4 2355(b)(1)(A)) is amended by striking “the core
5 academic subjects (as defined in section 9101 of the
6 Elementary and Secondary Education Act of 1965)”
7 and inserting “a well-rounded education (as defined
8 in section 8101 of the Elementary and Secondary
9 Education Act of 1965)”.

10 (10) Section 203(c)(2)(D) (20 U.S.C.
11 2373(c)(2)(D)) is amended by striking “in core aca-
12 demic subjects (as defined in section 9101 of the El-
13 ementary and Secondary Education Act of 1965)”
14 and inserting “as part of a well-rounded education
15 (as defined in section 8101 of the Elementary and
16 Secondary Education Act of 1965)”.

17 (o) CHILD ABUSE PREVENTION AND TREATMENT
18 ACT.—Section 111(3) of the Child Abuse Prevention and
19 Treatment Act (42 U.S.C. 5106g(3)) is amended by strik-
20 ing “section 7207 of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 7517);” and inserting “sec-
22 tion 6207 of the Elementary and Secondary Education
23 Act of 1965;”.

24 (p) CHILD CARE AND DEVELOPMENT BLOCK GRANT
25 ACT OF 1990.—The Child Care and Development Block

1 Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended
2 as follows:

3 (1) Section 658E(c)(2)(G)(ii)(V)(dd) (42
4 U.S.C. 9858c(c)(2)(G)(ii)(V)(dd)) is amended by
5 striking “(as defined in section 7207 of the Elemen-
6 tary and Secondary Education Act of 1965 (20
7 U.S.C. 7517))” and inserting “(as defined in section
8 6207 of the Elementary and Secondary Education
9 Act of 1965)”.

10 (2) Section 658P(5) (42 U.S.C. 9858n(5)) is
11 amended by striking “an individual who is limited
12 English proficient, as defined in section 9101 of the
13 Elementary and Secondary Education Act of 1965
14 (20 U.S.C. 7801) or section 637 of the Head Start
15 Act (42 U.S.C. 9832)” and inserting “an individual
16 who is an English learner, as defined in section
17 8101 of the Elementary and Secondary Education
18 Act of 1965, or who is limited English proficient, as
19 defined in section 637 of the Head Start Act (42
20 U.S.C. 9832)”.

21 (q) CHILDREN’S INTERNET PROTECTION ACT.—Sec-
22 tion 1721(g) of the Children’s Internet Protection Act (20
23 U.S.C. 9134 note; 114 Stat. 2763A-350), as enacted into
24 law by section 1(a)(4) of the Consolidated Appropriations
25 Act, 2001 (Public Law 106–554; 114 Stat. 2763), is

1 amended by striking “Notwithstanding any other provi-
2 sion of law, funds available under section 3134 or part
3 A of title VI of the Elementary and Secondary Education
4 Act of 1965, or under section 231 of the Library Services
5 and Technology Act, may be used for the purchase or ac-
6 quisition of technology protection measures that are nec-
7 essary to meet the requirements of this title and the
8 amendments made by this title.” and inserting “Notwith-
9 standing any other provision of law, funds available under
10 part B of title I of the Elementary and Secondary Edu-
11 cation Act of 1965, or under section 231 of the Library
12 Services and Technology Act, may be used for the pur-
13 chase or acquisition of technology protection measures
14 that are necessary to meet the requirements of this title
15 and the amendments made by this title.”.

16 (r) CIVIL RIGHTS ACT OF 1964.—Section 606(2)(B)
17 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-
18 4a(2)(B)) is amended by striking “a local educational
19 agency (as defined in section 9101 of the Elementary and
20 Secondary Education Act of 1965),” and inserting “a local
21 educational agency (as defined in section 8101 of the Ele-
22 mentary and Secondary Education Act of 1965),”.

23 (s) COMMUNICATIONS ACT OF 1934.—Section 254(h)
24 of the Communications Act of 1934 (47 U.S.C. 254(h))
25 is amended—

1 (1) in paragraph (5)(A)(iii), by striking “an ele-
2 mentary or secondary school as defined in section
3 14101 of the Elementary and Secondary Education
4 Act of 1965 (20 U.S.C. 8801)” and inserting “an el-
5 ementary school or a secondary school as defined in
6 section 8101 of the Elementary and Secondary Edu-
7 cation Act of 1965”; and

8 (2) in paragraph (7)(A), by striking “section
9 9101 of the Elementary and Secondary Education
10 Act of 1965” and inserting “section 8101 of the El-
11 ementary and Secondary Education Act of 1965”.

12 (t) COMMUNITY SERVICES BLOCK GRANT ACT.—
13 Section 682(b)(4) of the Community Services Block Grant
14 Act (42 U.S.C. 9923(b)(4)) is amended by striking “sec-
15 tion 9101 of the Elementary and Secondary Education
16 Act of 1965)” and inserting “section 8101 of the Elemen-
17 tary and Secondary Education Act of 1965)”.

18 (u) CONGRESSIONAL AWARD ACT.—Section
19 203(3)(A) of the Congressional Award Act (2 U.S.C.
20 812(3)(A)) is amended by striking “section 14101 of the
21 Elementary and Secondary Education Act of 1965 (20
22 U.S.C. 8801)” and inserting “section 8101 of the Elemen-
23 tary and Secondary Education Act of 1965”.

24 (v) DEPARTMENT OF EDUCATION ORGANIZATION
25 ACT.—Section 215(b)(2)(A) of the Department of Edu-

1 cation Organization Act (20 U.S.C. 3423c) is amended by
2 striking “be responsible for administering this title” and
3 inserting “be responsible for administering part A of title
4 VI of the Elementary and Secondary Education Act of
5 1965”.

6 (w) DEPARTMENT OF ENERGY SCIENCE EDUCATION
7 ENHANCEMENT ACT.—Section 3181(a)(1) of the Depart-
8 ment of Energy Science Education Enhancement Act (42
9 U.S.C. 7381l(a)(1)) is amended by striking “with a high
10 concentration of low-income individuals (as defined in sec-
11 tion 1707 of the Elementary and Secondary Education
12 Act of 1965 (20 U.S.C. 6537))” and inserting “in which
13 40 percent or more of the students attending the school
14 are children from low-income families”.

15 (x) DEPARTMENT OF TRANSPORTATION AND RE-
16 LATED AGENCIES APPROPRIATIONS ACT, 2001.—Section
17 303 of the Department of Transportation and Related
18 Agencies Appropriations Act, 2001, (49 U.S.C. 106 note;
19 114 Stat. 1356A-23), as enacted into law by section
20 101(a) of the Act entitled “An Act making appropriations
21 for the Department of Transportation and related agen-
22 cies for the fiscal year ending September, 30, 2001, and
23 for other purposes”, approved October 23, 2000 (Public
24 Law 106-346; 114 Stat. 1356), is amended by striking
25 “except as otherwise authorized by title VIII of the Ele-

1 mentary and Secondary Education Act of 1965 (20 U.S.C.
2 7701 et seq.), for expenses of primary and secondary
3 schooling for dependents of Federal Aviation Administra-
4 tion personnel stationed outside the continental United
5 States at costs for any given area not in excess of those
6 of the Department of Defense for the same area, when
7 it is determined by the Secretary that the schools, if any,
8 available in the locality are unable to provide adequately
9 for the education of such dependents;” and inserting “ex-
10 cept as otherwise authorized by title VII of the Elemen-
11 tary and Secondary Education Act of 1965, for expenses
12 of primary and secondary schooling for dependents of Fed-
13 eral Aviation Administration personnel stationed outside
14 the continental United States at costs for any given area
15 not in excess of those of the Department of Defense for
16 the same area, when it is determined by the Secretary that
17 the schools, if any, available in the locality are unable to
18 provide adequately for the education of such dependents;”.

19 (y) DISTRICT OF COLUMBIA COLLEGE ACCESS ACT
20 OF 1999.—Section 3(c)(5) of the District of Columbia
21 College Access Act of 1999 (sec. 38-2702(c)(5), D.C. Offi-
22 cial Code) is amended by striking “section 14101 of the
23 Elementary and Secondary Education Act of 1965 (20
24 U.S.C. 8801)” and inserting “section 8101 of the Elemen-
25 tary and Secondary Education Act of 1965”.

1 (z) DISTRICT OF COLUMBIA SCHOOL REFORM ACT
2 OF 1995.—Section 2210(a) of the District of Columbia
3 School Reform Act of 1995 (sec. 38–1802.10(a), D.C. Of-
4 ficial Code) is amended by striking paragraph (6) and in-
5 serting the following:

6 “(6) INAPPLICABILITY OF CERTAIN ESEA PRO-
7 VISIONS.—The following provisions of the Elemen-
8 tary and Secondary Education Act of 1965 shall not
9 apply to a public charter school:

10 “(A) Paragraph (4) of section 1112(b) and
11 paragraph (1) of section 1112(c).

12 “(B) Section 1113.

13 “(C) Subsections (d) and (e) of section
14 1116.

15 “(D) Section 1117.

16 “(E) Subsections (c) and (e) of section
17 1118.”.

18 (aa) EARTHQUAKE HAZARDS.—Section 2(c)(1)(A) of
19 the Act entitled “An Act to authorize appropriations for
20 carrying out the Earthquake Hazards Reduction Act of
21 1977 for fiscal years 1998 and 1999, and for other pur-
22 poses”, approved October 1, 1997 (42 U.S.C. 7704 note)
23 is amended by striking “section 9101 of the Elementary
24 and Secondary Education Act of 1965” and inserting

1 “section 8101 of the Elementary and Secondary Edu-
2 cation Act of 1965”.

3 (bb) EDUCATION AMENDMENTS OF 1972.—Section
4 908(2)(B) of the Education Amendments of 1972 (20
5 U.S.C. 1687(2)(B)) is amended by striking “9101 of the
6 Elementary and Secondary Education Act of 1965), sys-
7 tem of vocational education, or other school system;” and
8 inserting “section 8101 of the Elementary and Secondary
9 Education Act of 1965), system of vocational education,
10 or other school system;”.

11 (cc) EDUCATION AMENDMENTS OF 1978.—Part B of
12 title XI of the Education Amendments of 1978 (25 U.S.C.
13 2000 et seq.) is amended as follows:

14 (1) Section 1139(e) (25 U.S.C. 2019(e)) is
15 amended by striking “part B of title I of the Ele-
16 mentary and Secondary Education Act of 1965” and
17 inserting “subpart 2 of part B of title II of the Ele-
18 mentary and Secondary Education Act of 1965”.

19 (2) Section 1141(9) (25 U.S.C. 2021(9)) is
20 amended by striking “the Elementary and Sec-
21 ondary Education Act of 1965 (20 U.S.C. 8801)”
22 and inserting “the Elementary and Secondary Edu-
23 cation Act of 1965”.

1 (dd) EDUCATION FOR ECONOMIC SECURITY ACT.—

2 The Education for Economic Security Act (20 U.S.C.

3 3901 et seq.) is amended as follows:

4 (1) Section 3 (20 U.S.C. 3902) is amended—

5 (A) in paragraph (3), by striking “section
6 9101 of the Elementary and Secondary Edu-
7 cation Act of 1965.” and inserting “section
8 8101 of the Elementary and Secondary Edu-
9 cation Act of 1965.”;

10 (B) in paragraph (7), by striking “section
11 9101 of the Elementary and Secondary Edu-
12 cation Act of 1965” and inserting “section
13 8101 of the Elementary and Secondary Edu-
14 cation Act of 1965”;

15 (C) in paragraph (8), by striking “section
16 198(a)(7) of the Elementary and Secondary
17 Education Act of 1965” and inserting “section
18 8101 of the Elementary and Secondary Edu-
19 cation Act of 1965”; and

20 (D) in paragraph (12), by striking “section
21 9101 of the Elementary and Secondary Edu-
22 cation Act of 1965.” and inserting “section
23 8101 of the Elementary and Secondary Edu-
24 cation Act of 1965.”.

25 (2) Section 511 (20 U.S.C. 4020) is amended—

1 (A) by striking subparagraph (A) of para-
2 graph (4) and inserting the following:

3 “(A) any local educational agency as de-
4 fined in section 8101 of the Elementary and
5 Secondary Education Act of 1965; and”;

6 (B) by striking subparagraph (A) of para-
7 graph (5) and inserting the following:

8 “(A) any elementary school or secondary
9 school as defined in section 8101 of the Ele-
10 mentary and Secondary Education Act of 1965
11 owned and operated by one or more nonprofit
12 corporations or associations no part of the net
13 earnings of which inures, or may lawfully inure,
14 to the benefit of any private shareholder or in-
15 dividual; and”.

16 (ee) EDUCATION OF THE DEAF ACT OF 1986.—Sec-
17 tion 104(b)(5) of the Education of the Deaf Act of 1986
18 (20 U.S.C. 4304(b)(5)) is amended—

19 (1) in subparagraph (A)—

20 (A) in clause (i), by striking “select chal-
21 lenging academic content standards, challenging
22 student academic achievement standards, and
23 academic assessments of a State, adopted and
24 implemented, as appropriate, pursuant to para-
25 graphs (1) and (3) of section 1111(b) of the El-

1 elementary and Secondary Education Act of 1965
2 (20 U.S.C. 6311(b)(1) and (3))” and inserting
3 “select challenging State academic content
4 standards, aligned academic achievement stand-
5 ards, and State academic assessments of a
6 State, adopted and implemented, as appro-
7 priate, pursuant to paragraphs (1) and (2) of
8 section 1111(b) of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C.
10 6311(b)(1) and (2))”; and

11 (B) in clause (ii), by striking “2009–2010
12 academic year” and inserting “2016–2017 aca-
13 demic year”;

14 (2) by striking subparagraph (B) and inserting
15 the following:

16 “(B) adopt the accountability system, con-
17 sistent with section 1111(c) of such Act, of the
18 State from which standards and assessments
19 are selected under subparagraph (A)(i); and”;
20 and

21 (3) in subparagraph (C), by striking “whether
22 the programs at the Clerc Center are making ade-
23 quate yearly progress” and inserting “the results of
24 the annual evaluation of the programs at the Clerc
25 Center”.

1 (ff) EDUCATION SCIENCES REFORM ACT OF 2002.—
2 The Education Sciences Reform Act of 2002 (20 U.S.C.
3 9501 et seq.) is amended as follows:

4 (1) Paragraph (1) of section 102 (20 U.S.C.
5 9501) is amended to read as follows:

6 “(1)(A) IN GENERAL.—The terms ‘elementary
7 school’, ‘secondary school’, ‘local educational agen-
8 cy’, and ‘State educational agency’ have the mean-
9 ings given those terms in section 8101 of the Ele-
10 mentary and Secondary Education Act of 1965.

11 “(B) OUTLYING AREAS.—The term ‘outlying
12 areas’ has the meaning given such term in section
13 1121(e) of such Act.

14 “(C) FREELY ASSOCIATED STATES.—The term
15 ‘freely associated states’ means the Republic of the
16 Marshall Islands, the Federated States of Micro-
17 nesia, and the Republic of Palau.”.

18 (2) Section 173(b) (20 U.S.C. 9563(b)) is
19 amended by striking “part E of title I of the Ele-
20 mentary and Secondary Education Act of 1965 (20
21 U.S.C. 6491 et seq.)” and inserting “section 8601
22 of the Elementary and Secondary Education Act of
23 1965”.

1 (gg) EDUCATIONAL TECHNICAL ASSISTANCE ACT OF
2 2002.—The Educational Technical Assistance Act of
3 2002 (20 U.S.C. 9601 et seq.) is amended as follows:

4 (1) Section 202 (20 U.S.C. 9601) is amended
5 by striking “section 9101 of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C.
7 7801)” and inserting “section 8101 of the Elemen-
8 tary and Secondary Education Act of 1965”.

9 (2) Section 203 (20 U.S.C. 9602) is amended—

10 (A) in subsection (a)(2)(B), by striking
11 “the number of schools identified for school im-
12 provement (as described in section 1116(b) of
13 the Elementary and Secondary Education Act
14 of 1965 (20 U.S.C. 6316(b))” and inserting
15 “the number of schools implementing com-
16 prehensive support and improvement activities
17 and targeted support and improvement activi-
18 ties under section 1111(d) of the Elementary
19 and Secondary Education Act of 1965”;

20 (B) in subsection (e)(3), by striking
21 “schools in the region that have been identified
22 for school improvement under section 1116(b)
23 of the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 6316(b))” and inserting
25 “schools in the region that are implementing

1 comprehensive support and improvement activi-
2 ties or targeted support and improvement ac-
3 tivities under section 1111(d) of the Elemen-
4 tary and Secondary Education Act of 1965”;
5 and

6 (C) in subsection (f)(1)(B), by striking
7 “and encouraging and sustaining school im-
8 provement (as described in section 1116(b) of
9 the Elementary and Secondary Education Act
10 of 1965 (20 U.S.C. 6316(b))” and inserting “,
11 and particularly assisting those schools imple-
12 menting comprehensive support and improve-
13 ment and targeted support and improvement
14 activities under section 1111(d) of the Elemen-
15 tary and Secondary Education Act of 1965,”.

16 (hh) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
17 Section 108(a)(1)(A) of the Family and Medical Leave
18 Act of 1993 (29 U.S.C. 2618(a)(1)(A)) is amended by
19 striking “section 9101 of the Elementary and Secondary
20 Education Act of 1965)” and inserting “section 8101 of
21 the Elementary and Secondary Education Act of 1965)”.

22 (ii) FAMILY VIOLENCE PREVENTION AND SERVICES
23 ACT.—Section 302(6) of the Family Violence Prevention
24 and Services Act (42 U.S.C. 10402(6)) is amended by
25 striking “section 7207 of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 7517).” and inserting
2 “section 6207 of the Elementary and Secondary Edu-
3 cation Act of 1965.”.

4 (jj) FDA FOOD SAFETY MODERNIZATION ACT.—
5 Section 112(a)(2) of the FDA Food Safety Modernization
6 Act (21 U.S.C. 2205(a)(2)) is amended by striking “sec-
7 tion 9101 of the Elementary and Secondary Education
8 Act of 1965 (20 U.S.C. 7801)” and inserting “section
9 8101 of the Elementary and Secondary Education Act of
10 1965”.

11 (kk) FLOYD D. SPENCE NATIONAL DEFENSE AU-
12 THORIZATION ACT FOR FISCAL YEAR 2001.—Section 363
13 of the Floyd D. Spence National Defense Authorization
14 Act for Fiscal Year 2001 (20 U.S.C. 7703a) is amended—

15 (1) in subsection (a), by striking “subparagraph
16 (A)(ii), (B), (D)(i) or (D)(ii) of section 8003(a)(1)
17 of the Elementary and Secondary Education Act of
18 1965 (20 U.S.C. 7703(a)(1))” and inserting “sub-
19 paragraph (A)(ii) or (B), or clause (i) or (ii) of sub-
20 paragraph (D), of section 7003(a)(1)”; and

21 (2) in subsection (g), by striking “section
22 8013(9) of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 7713(9)).” and in-
24 serting “section 7013 of the Elementary and Sec-
25 ondary Education Act of 1965.”.

1 (ll) FOOD AND AGRICULTURE ACT OF 1977.—Sec-
2 tion 1417(j)(1)(B) of the Food and Agriculture Act of
3 1977 (7 U.S.C. 3152(j)(1)(B)) is amended by striking
4 “section 9101 of the Elementary and Secondary Edu-
5 cation Act of 1965” and inserting “section 8101 of the
6 Elementary and Secondary Education Act of 1965”.

7 (mm) GENERAL EDUCATION PROVISIONS ACT.—The
8 General Education Provisions Act (20 U.S.C. 1221 et
9 seq.) is amended as follows:

10 (1) Section 425(6) (20 U.S.C. 1226c(6)) is
11 amended by striking “section 9601 of the Elemen-
12 tary and Secondary Education Act of 1965” and in-
13 serting “section 8601 of the Elementary and Sec-
14 ondary Education Act of 1965”.

15 (2) Section 426 (20 U.S.C. 1228) is amended
16 by striking “title VIII of the Elementary and Sec-
17 ondary Education Act of 1965, but not including
18 any portion of such funds as are attributable to chil-
19 dren counted under section 8003(d) of such Act or
20 residing on property described in section 8013(10)
21 of such Act.” and inserting “title VII of the Elemen-
22 tary and Secondary Education Act of 1965, but not
23 including any portion of such funds as are attrib-
24 utable to children counted under section 7003(d) of

1 such Act or residing on property described in section
2 7013(10) of such Act.”.

3 (3) Section 429(d)(2)(B)(i) (20 U.S.C.
4 1228c(d)(2)(B)(i)) is amended by striking “an ele-
5 mentary or secondary school as defined by the Ele-
6 mentary and Secondary Education Act of 1965” and
7 inserting “an elementary or secondary school (as de-
8 fined by the terms ‘elementary school’ and ‘sec-
9 ondary school’ in section 8101 of the Elementary
10 and Secondary Education Act of 1965)”.

11 (4) Section 441(a) (20 U.S.C. 1232d(a)) is
12 amended by striking “part C of title V of the Ele-
13 mentary and Secondary Education Act of 1965) to
14 the Secretary a general application” and inserting
15 “part D of title IV of the Elementary and Secondary
16 Education Act of 1965) to the Secretary a general
17 application”.

18 (5) Section 445(c)(5)(D) (20 U.S.C.
19 1232h(c)(5)(D)) is amended by striking “part A of
20 title V” and inserting “part A of title IV”.

21 (nn) HEAD START ACT.—The Head Start Act (42
22 U.S.C. 9831 et seq.) is amended as follows:

23 (1) Section 637 (42 U.S.C. 9832) is amended—
24 (A) in the paragraph relating to a delegate
25 agency, by striking “section 9101 of the Ele-

1 elementary and Secondary Education Act of 1965
2 (20 U.S.C. 7801)” and inserting “section 8101
3 of the Elementary and Secondary Education
4 Act of 1965”; and

5 (B) in subparagraph (A)(ii)(I) of the para-
6 graph relating to limited English proficient, by
7 striking “(as defined in section 9101 of the Ele-
8 mentary and Secondary Education Act of 1965
9 (20 U.S.C. 7801)), an Alaska Native, or a na-
10 tive resident of an outlying area (as defined in
11 such section 9101);” and inserting “(as defined
12 in section 8101 of the Elementary and Sec-
13 ondary Education Act of 1965), an Alaska Na-
14 tive, or a native resident of an outlying area (as
15 defined in such section 8101);”.

16 (2) Section 641(d)(2) (42 U.S.C. 9836(d)(2)) is
17 amended—

18 (A) in subparagraph (H)—

19 (i) by striking clause (i);

20 (ii) by redesignating clauses (ii)
21 through (vii) as clauses (i) through (vi), re-
22 spectively; and

23 (iii) in clause (i) (as so redesign-
24 nated)—

25 (I) by striking “other”; and

1 (II) by striking “that Act” and
2 inserting “the Elementary and Sec-
3 ondary Education Act of 1965”; and

4 (B) in subparagraph (J)(iii), by striking “,
5 such as entities carrying out Even Start pro-
6 grams under subpart 3 of part B of title I of
7 the Elementary and Secondary Education Act
8 of 1965 (20 U.S.C. 6381 et seq.)”.

9 (3) Section 642 (42 U.S.C. 9837) is amended—

10 (A) in subsection (b)(4), by striking “,
11 such as entities carrying out Even Start pro-
12 grams under subpart 3 of part B of title I of
13 the Elementary and Secondary Education Act
14 of 1965 (20 U.S.C. 6381 et seq.)”; and

15 (B) in subsection (e)(3), by striking “Even
16 Start programs under subpart 3 of part B of
17 title I of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 6381 et seq.)”.

19 (4) Section 642A(a) (42 U.S.C. 9837a(a)) is
20 amended—

21 (A) in paragraph (7)(B), by striking “the
22 information provided to parents of limited
23 English proficient children under section 3302
24 of the Elementary and Secondary Education
25 Act of 1965 (20 U.S.C. 7012)” and inserting

1 “the information provided to parents of English
2 learners under section 1112(e)(3) of the Ele-
3 mentary and Secondary Education Act of the
4 1965”; and

5 (B) in paragraph (8), by striking “parental
6 involvement efforts under title I of the Elemen-
7 tary and Secondary Education Act of 1965 (20
8 U.S.C. 6301 et seq.)” and inserting “parent
9 and family engagement efforts under title I of
10 the Elementary and Secondary Education Act
11 of 1965”.

12 (5) Section 648(a)(3)(A)(iii) (42 U.S.C.
13 9843(a)(3)(A)(iii)) is amended by striking “, and for
14 activities described in section 1222(d) of the Ele-
15 mentary and Secondary Education Act of 1965),”.

16 (6) Section 657B(c)(1)(B)(vi) (42 U.S.C.
17 9852b(c)(1)(B)(vi)) is amended—

18 (A) by striking subclause (III);

19 (B) by redesignating subclauses (IV)
20 through (VII) as subclauses (III) through (VI),
21 respectively; and

22 (C) in subclause (III) (as so redesign-
23 dated)—

24 (i) by striking “other”; and

1 (ii) by striking “that Act” and insert-
2 ing “the Elementary and Secondary Edu-
3 cation Act of 1965”.

4 (oo) HIGHER EDUCATION ACT OF 1965.—The High-
5 er Education Act of 1965 (20 U.S.C. 1001 et seq.) is
6 amended as follows:

7 (1) Section 103 (20 U.S.C. 1003) is amended—

8 (A) in paragraph (9), by striking “section
9 9101 of the Elementary and Secondary Edu-
10 cation Act of 1965” and inserting “section
11 8101 of the Elementary and Secondary Edu-
12 cation Act of 1965”;

13 (B) in paragraph (10), by striking “section
14 9101 of the Elementary and Secondary Edu-
15 cation Act of 1965” and inserting “section
16 8101 of the Elementary and Secondary Edu-
17 cation Act of 1965”;

18 (C) in paragraph (11), by striking “section
19 9101 of the Elementary and Secondary Edu-
20 cation Act of 1965” and inserting “section
21 8101 of the Elementary and Secondary Edu-
22 cation Act of 1965”;

23 (D) in paragraph (16), by striking “section
24 9101 of the Elementary and Secondary Edu-
25 cation Act of 1965” and inserting “section

1 8101 of the Elementary and Secondary Edu-
2 cation Act of 1965”; and

3 (E) in paragraph (21), by striking “section
4 9101 of the Elementary and Secondary Edu-
5 cation Act of 1965” and inserting “section
6 8101 of the Elementary and Secondary Edu-
7 cation Act of 1965”.

8 (2) Section 200 (20 U.S.C. 1021) is amended—

9 (A) in paragraph (3), by striking “The
10 term ‘core academic subjects’ has the meaning
11 given the term in section 9101 of the Elemen-
12 tary and Secondary Education Act of 1965”
13 and inserting “The term ‘core academic sub-
14 jects’ means English, reading or language arts,
15 mathematics, science, foreign languages, civics
16 and government, economics, arts, history, and
17 geography”;

18 (B) in paragraph (5), by striking “section
19 9101 of the Elementary and Secondary Edu-
20 cation Act of 1965” and inserting “section
21 8101 of the Elementary and Secondary Edu-
22 cation Act of 1965”;

23 (C) in paragraph (6)(B), by striking “sec-
24 tion 5210 of the Elementary and Secondary
25 Education Act of 1965)” and inserting “section

1 4310 of the Elementary and Secondary Edu-
2 cation Act of 1965”);

3 (D) by striking paragraph (7) and insert-
4 ing the following:

5 “(7) ESSENTIAL COMPONENTS OF READING IN-
6 STRUCTION.—The term ‘essential components of
7 reading instruction’ has the meaning given the term
8 in section 1208 of the Elementary and Secondary
9 Education Act of 1965 as such section was in effect
10 on the day before the date of enactment of the
11 Every Student Succeeds Act.”;

12 (E) by striking paragraph (8) and insert-
13 ing the following:

14 “(8) EXEMPLARY TEACHER.—The term ‘exem-
15 plary teacher’ has the meaning given the term in
16 section 9101 of the Elementary and Secondary Edu-
17 cation Act of 1965 as such section was in effect on
18 the day before the date of enactment of the Every
19 Student Succeeds Act.”;

20 (F) in paragraph (10)(A)—

21 (i) in clause (iii), by striking “section
22 6211(b) of the Elementary and Secondary
23 Education Act of 1965” and inserting
24 “section 5211(b) of the Elementary and
25 Secondary Education Act of 1965”; and

1 (ii) in clause (iv), by striking “section
2 6221(b) of the Elementary and Secondary
3 Education Act of 1965” and inserting
4 “section 5221(b) of the Elementary and
5 Secondary Education Act of 1965”;

6 (G) in paragraph (15), by striking “The
7 term ‘limited English proficient’ has the mean-
8 ing given the term in section 9101 of the Ele-
9 mentary and Secondary Education Act of
10 1965.” and inserting “The term ‘limited
11 English proficient’ has the meaning given the
12 term ‘English learner’ in section 8101 of the
13 Elementary and Secondary Education Act of
14 1965.”;

15 (H) in paragraph (16), by striking “section
16 9101 of the Elementary and Secondary Edu-
17 cation Act of 1965” and inserting “section
18 8101 of the Elementary and Secondary Edu-
19 cation Act of 1965”; and

20 (I) in paragraph (19), by striking “section
21 9101 of the Elementary and Secondary Edu-
22 cation Act of 1965.” and inserting “section
23 8101 of the Elementary and Secondary Edu-
24 cation Act of 1965.”.

1 (3) Section 202 (20 U.S.C. 1022a) is amended
2 in subsection (b)(6)(E)(ii), by striking “student aca-
3 demic achievement standards and academic content
4 standards under section 1111(b)(1) of the Elemen-
5 tary and Secondary Education Act of 1965,” and in-
6 serting “challenging State academic standards under
7 section 1111(b)(1) of the Elementary and Secondary
8 Education Act of 1965,”.

9 (4) Section 205(b)(1)(C) (20 U.S.C.
10 1022d(b)(1)(C)) is amended by striking “are aligned
11 with the State’s challenging academic content stand-
12 ards required under section 1111(b)(1) of the Ele-
13 mentary and Secondary Education Act of 1965” and
14 inserting “are aligned with the challenging State
15 academic standards required under section
16 1111(b)(1) of the Elementary and Secondary Edu-
17 cation Act of 1965”.

18 (5) Section 241 (20 U.S.C. 1033) is amended
19 by striking paragraph (2) and inserting the fol-
20 lowing:

21 “(2) SCIENTIFICALLY BASED READING RE-
22 SEARCH.—The term ‘scientifically based reading re-
23 search’—

24 “(A) means research that applies rigorous,
25 systemic, and objective procedures to obtain

1 valid knowledge relevant to reading develop-
2 ment, reading instruction, and reading difficul-
3 ties; and

4 “(B) includes research that—

5 “(i) employs systemic, empirical meth-
6 ods that draw on observation or experi-
7 ment;

8 “(ii) involves rigorous data analyses
9 that are adequate to test the stated
10 hypotheses and justify the general conclu-
11 sions drawn;

12 “(iii) relies on measurements or obser-
13 vational methods that provide valid data
14 across evaluators and observers and across
15 multiple measurements and observations;
16 and

17 “(iv) has been accepted by a peer-re-
18 viewed journal or approved by a panel of
19 independent experts through a comparably
20 rigorous, objective, and scientific review.”.

21 (6) Section 317(b) (20 U.S.C. 1059d(b)) is
22 amended—

23 (A) in paragraph (1), by striking “section
24 7306 of the Elementary and Secondary Edu-
25 cation Act of 1965;” and inserting “section

1 6306 of the Elementary and Secondary Edu-
2 cation Act of 1965;” and

3 (B) in paragraph (3), by striking “section
4 7207 of the Elementary and Secondary Edu-
5 cation Act of 1965; and” and inserting “section
6 6207 of the Elementary and Secondary Edu-
7 cation Act of 1965; and”.

8 (7) Section 402E(d)(2) (20 U.S.C. 1070a-
9 15(d)(2)) is amended—

10 (A) in subparagraph (A), by striking
11 “Alaska Natives, as defined in section 7306 of
12 the Elementary and Secondary Education Act
13 of 1965;” and inserting “Alaska Natives, as de-
14 fined in section 6306 of the Elementary and
15 Secondary Education Act of 1965;” and

16 (B) in subparagraph (B), by striking “Na-
17 tive Hawaiians, as defined in section 7207 of
18 such Act” and inserting “Native Hawaiians, as
19 defined in section 6207 of such Act”.

20 (8) Section 428K (20 U.S.C. 1078–11) is
21 amended in subsection (b)—

22 (A) in paragraph (5)(B)(iv), by striking
23 “section 9101 of the Elementary and Secondary
24 Education Act of 1965” and inserting “section

1 8101 of the Elementary and Secondary Edu-
2 cation Act of 1965”; and

3 (B) by striking paragraph (8) and insert-
4 ing the following:

5 “(8) SCHOOL COUNSELORS.—The individual—

6 “(A) is employed full-time as a school
7 counselor who has documented competence in
8 counseling children and adolescents in a school
9 setting and who—

10 “(i) is licensed by the State or cer-
11 tified by an independent professional regu-
12 latory authority;

13 “(ii) in the absence of such State li-
14 censure or certification, possesses national
15 certification in school counseling or a spe-
16 cialty of counseling granted by an inde-
17 pendent professional organization; or

18 “(iii) holds a minimum of a master’s
19 degree in school counseling from a pro-
20 gram accredited by the Council for Accred-
21 itation of Counseling and Related Edu-
22 cational Programs or the equivalent; and

23 “(B) is so employed in a school that quali-
24 fies under section 465(a)(2)(A) for loan can-

1 cellation for Perkins loan recipients who teach
2 in such a school.”.

3 (9) Section 469(a) (20 U.S.C. 1087ii(a)) is
4 amended by striking “eligible to be counted under
5 title I of the Elementary and Secondary Education
6 Act of 1965” and inserting “eligible to be counted
7 under section 1124(c) of the Elementary and Sec-
8 ondary Education Act of 1965”.

9 (10) Section 481(f) (20 U.S.C. 1088(f)) is
10 amended by striking “section 9101 of the Elemen-
11 tary and Secondary Education Act of 1965” and in-
12 serting “section 8101 of the Elementary and Sec-
13 ondary Education Act of 1965”.

14 (11) Section 819(b) (20 U.S.C. 1161j) is
15 amended—

16 (A) in paragraph (1), by striking “section
17 7306 of the Elementary and Secondary Edu-
18 cation Act of 1965.” and inserting “section
19 6306 of the Elementary and Secondary Edu-
20 cation Act of 1965.”; and

21 (B) in paragraph (4), by striking “section
22 7207 of the Elementary and Secondary Edu-
23 cation Act of 1965.” and inserting “section
24 6207 of the Elementary and Secondary Edu-
25 cation Act of 1965.”.

1 (12) Section 861(c)(2)(A) (20 U.S.C.
2 1161q(c)(2)(A)) is amended by striking “section
3 9101 of the Elementary and Secondary Education
4 Act of 1965)” and inserting “section 8101 of the El-
5 ementary and Secondary Education Act of 1965)”.
6 (pp) IMPACT AID IMPROVEMENT ACT OF 2012.—
7 Section 563(c)(1) of the National Defense Authorization
8 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
9 1748; 20 U.S.C. 7702 note) as amended by section
10 7001(a), is further amended by striking “Notwithstanding
11 section 8005(d) of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 7705(d)), subsection (b)(1),
13 and the amendments made by subsection (b)(1), shall take
14 effect with respect to applications submitted under section
15 8002 of the Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 7702) for fiscal year 2010.” and insert-
17 ing “With respect to applications submitted under section
18 8002 of the Elementary and Secondary Education Act of
19 1965, as such section was in effect on the day before the
20 date of enactment of the Every Student Succeeds Act, for
21 fiscal year 2010, title VIII of the Elementary and Sec-
22 ondary Education Act of 1965 (including the amendments
23 made by subsection (b)(1)), as in effect on such date, and
24 subsection (b)(1) shall take effect with respect to such ap-

1 plications, notwithstanding section 8005(d) of such Act,
2 as in effect on such date.”.

3 (qq) INDIAN HEALTH CARE IMPROVEMENT ACT.—
4 Section 726(b)(3)(D)(iii) of the Indian Health Care Im-
5 provement Act (25 U.S.C. 1667e(b)(3)(D)(iii)) is amend-
6 ed by striking “a school receiving payments under section
7 8002 or 8003 of the Elementary and Secondary Education
8 Act of 1965 (20 U.S.C. 7702, 7703).” and inserting “a
9 school receiving payments under section 7002 or 7003 of
10 the Elementary and Secondary Education Act of 1965.”.

11 (rr) INDIAN SELF-DETERMINATION AND EDUCATION
12 ASSISTANCE ACT.—Section 209 of the Indian Self-Deter-
13 mination and Education Assistance Act (25 U.S.C. 458e)
14 is amended by striking “assistance provided under title IX
15 of the Elementary and Secondary Education Act of 1965.”
16 and inserting “assistance provided under title VI of the
17 Elementary and Secondary Education Act of 1965.”.

18 (ss) INDIVIDUALS WITH DISABILITIES EDUCATION
19 ACT.—The Individuals with Disabilities Education Act is
20 amended as follows:

- 21 (1) Section 602 (20 U.S.C. 1401) is amended—
22 (A) by striking paragraph (4);
23 (B) in paragraph (8)(a)(3), by striking
24 “under parts A and B of title III of that Act”

1 and inserting “under part A of title III of that
2 Act”; and

3 (C) by striking paragraph (18) and insert-
4 ing the following:

5 “(18) LIMITED ENGLISH PROFICIENT.—The
6 term ‘limited English proficient’ has the meaning
7 given the term ‘English learner’ in section 8101 of
8 the Elementary and Secondary Education Act of
9 1965.”.

10 (2) Section 611(e) (20 U.S.C. 1411(e)) is
11 amended—

12 (A) in paragraph (2)(C)—

13 (i) in clause (x), by striking “6111 of
14 the Elementary and Secondary Education
15 Act of 1965” and inserting “1201 of the
16 Elementary and Secondary Education Act
17 of 1965”; and

18 (ii) in clause (xi)—

19 (I) by striking “including supple-
20 mental educational services as defined
21 in 1116(e) of the Elementary and
22 Secondary Education Act of 1965 to
23 children with disabilities, in schools or
24 local educational agencies identified
25 for improvement under section 1116

1 of the Elementary and Secondary
2 Education Act of 1965 on the sole
3 basis of the assessment results of the
4 disaggregated subgroup of children
5 with disabilities” and inserting “in-
6 cluding direct student services de-
7 scribed in section 1003A(e)(3) of the
8 Elementary and Secondary Education
9 Act of 1965 to children with disabil-
10 ities, to schools or local educational
11 agencies implementing comprehensive
12 support and improvement activities or
13 targeted support and improvement ac-
14 tivities under section 1111(d) of the
15 Elementary and Secondary Education
16 Act of 1965 on the basis of consistent
17 underperformance of the
18 disaggregated subgroup of children
19 with disabilities”; and

20 (II) by striking “to meet or ex-
21 ceed the objectives established by the
22 State under section 1111(b)(2)(G) the
23 Elementary and Secondary Education
24 Act of 1965” and inserting “based on
25 the challenging academic standards

1 described in section 1111(b)(1) of
2 such Act”; and

3 (B) in paragraph (3)(C)(ii)(I)(bb), by
4 striking “section 9101” and inserting “section
5 8101”.

6 (3) Section 612(a) (20 U.S.C. 1412(a)) is
7 amended—

8 (A) in paragraph (15)—

9 (i) in subparagraph (A), by striking
10 clause (ii) and inserting the following:

11 “(ii) are the same as the State’s long-
12 term goals and measurements of interim
13 progress for children with disabilities
14 under section 1111(c)(4)(A)(i) of the Ele-
15 mentary and Secondary Education Act of
16 1965;”;

17 (ii) in subparagraph (B), by striking
18 “including measurable annual objectives
19 for progress by children with disabilities
20 under section 1111(b)(2)(C)(v)(II)” and
21 inserting “including measurements of in-
22 terim progress for children with disabilities
23 under section 1111(c)(4)(A)(i)”;

24 (B) in paragraph (16)(C)(ii)—

1 (i) in subclause (I), by striking
2 “State’s challenging academic content
3 standards and challenging student aca-
4 demic achievement standards” and insert-
5 ing “challenging State academic content
6 standards under section 1111(b)(1) of the
7 Elementary and Secondary Education Act
8 of 1965 and alternate academic achieve-
9 ment standards under section
10 1111(b)(1)(E) of such Act”; and

11 (ii) in subclause (II), by striking “the
12 regulations promulgated to carry out sec-
13 tion 1111(b)(1) of the Elementary and
14 Secondary Education Act of 1965,” and
15 inserting “section 1111(b)(1)(E) of the El-
16 ementary and Secondary Education Act of
17 1965,”.

18 (4) Section 613(a) (20 U.S.C. 1413(a)) is
19 amended in paragraph (3), by striking “subject to
20 the requirements of section 612(a)(14) and section
21 2122 of the Elementary and Secondary Education
22 Act of 1965” and inserting “subject to the require-
23 ments of section 612(a)(14) and section 2102(b) of
24 the Elementary and Secondary Education Act of
25 1965”.

1 (5) Section 614(b)(5)(A) (20 U.S.C.
2 1414(b)(5)(A)) is amended by inserting “, as such
3 section was in effect on the day before the date of
4 enactment of the Every Student Succeeds Act” after
5 “1965”.

6 (6) Section 651(c)(5)(E) (20 U.S.C.
7 1451(c)(5)(E)) is amended by striking “and 2112,”
8 and inserting “and 2101(d)”.

9 (7) Section 653(b)(3) (20 U.S.C. 1453(b)(3)) is
10 amended by striking “and 2112,” and inserting
11 “and 2101(d),”.

12 (8) Section 654 (20 U.S.C. 1454) is amended—

13 (A) in subsection (a)—

14 (i) in paragraph (1)(B), by striking
15 “challenging State student academic
16 achievement and functional standards and
17 with the requirements for professional de-
18 velopment, as defined in section 9101 of
19 the Elementary and Secondary Education
20 Act of 1965” and inserting “challenging
21 State academic achievement standards and
22 with the requirements for professional de-
23 velopment, as defined in section 8101 of
24 such Act”; and

1 (ii) in paragraph (5)(A), by striking
2 “section 9101 of the Elementary and Sec-
3 ondary Education Act of 1965” and insert-
4 ing “section 8101 of the Elementary and
5 Secondary Education Act of 1965”; and
6 (B) in subsection (b)(10), by inserting “(as
7 such section was in effect on the day before the
8 date of enactment of the Every Student Suc-
9 ceeds Act)” after “1965”.

10 (9) Section 662(b)(2)(A)(viii) (20 U.S.C.
11 1462(b)(2)(A)(viii)) is amended by striking “section
12 7113(d)(1)(A)(ii)” and inserting “section
13 6113(d)(1)(A)(ii)”.

14 (10) Section 663(b)(2) (20 U.S.C. 1463(b)(2))
15 is amended by striking and inserting the following:

16 “(2) improving the alignment, compatibility,
17 and development of valid and reliable assessments
18 and alternate assessments for assessing student aca-
19 demic achievement, as described under section
20 1111(b)(2) of the Elementary and Secondary Edu-
21 cation Act of 1965;”.

22 (11) Section 681(d)(3)(K) (20 U.S.C.
23 1481(d)(3)(K)) is amended by striking “payments
24 under title VIII of the Elementary and Secondary
25 Education Act of 1965;” and inserting “payments

1 under title VII of the Elementary and Secondary
2 Education Act of 1965;”.

3 (tt) NATIONAL SECURITY ACT OF 1947.—Section
4 1015(2)(A) of the National Security Act of 1947 (50
5 U.S.C. 441j-4(2)(A)) is amended by striking “section
6 9101(26) of the Elementary and Secondary Education Act
7 of 1965 (20 U.S.C. 7801(26));” and inserting “section
8 8101 of the Elementary and Secondary Education Act of
9 1965);”.

10 (uu) INTERNAL REVENUE CODE OF 1986.—The In-
11 ternal Revenue Code of 1986 is amended as follows:

12 (1) Section 54E(d)(2) is amended by striking
13 “section 9101 of the Elementary and Secondary
14 Education Act of 1965” and inserting “section 8101
15 of the Elementary and Secondary Education Act of
16 1965”.

17 (2) Section 457(e)(11)(D)(ii)(I) is amended by
18 striking “section 9101 of the Elementary and Sec-
19 ondary Education Act of 1965 (20 U.S.C. 7801)”
20 and inserting “section 8101 of the Elementary and
21 Secondary Education Act of 1965”.

22 (3) Section 1397E(d)(4)(B) is amended by
23 striking “section 9101 of the Elementary and Sec-
24 ondary Education Act of 1965” and inserting “sec-

1 tion 8101 of the Elementary and Secondary Edu-
2 cation Act of 1965”.

3 (vv) JAMES MADISON MEMORIAL FELLOWSHIP
4 ACT.—Section 815(4) of the James Madison Memorial
5 Fellowship Act (20 U.S.C. 4514(4)) is amended by strik-
6 ing “9101” and inserting “8101”.

7 (wv) JOHN WARNER NATIONAL DEFENSE AUTHOR-
8 IZATION ACT FOR FISCAL YEAR 2007.—Section 572(c) of
9 the National Defense Authorization Act for Fiscal Year
10 2007 (Public Law 109-364; 120 Stat. 2226) is amended
11 by striking “section 8013(9) of the Elementary and Sec-
12 ondary Education Act of 1965 (20 U.S.C. 7713(9))” and
13 inserting “section 8101 of the Elementary and Secondary
14 Education Act of 1965”.

15 (xx) LEGISLATIVE BRANCH APPROPRIATIONS ACT,
16 1987.—Section 104(3)(B)(ii) of the Legislative Branch
17 Appropriations Act, 1987 (as incorporated by reference in
18 section 101(j) of Public Law 99–500 and Public Law 99–
19 591) (2 U.S.C. 5540(3)(B)(ii)) is amended by striking
20 “given such terms in section 9101” and inserting “given
21 the terms elementary school and secondary school in sec-
22 tion 8101”.

23 (yy) LEGISLATIVE BRANCH APPROPRIATIONS ACT,
24 1997.—Section 5(d)(1) of the Legislative Branch Appro-
25 priations Act, 1997 (2 U.S.C. 66319(d)(1)) is amended

1 by striking “public elementary or secondary school as such
2 terms are defined in section 9101” and inserting “elemen-
3 tary school or secondary school, as such terms are defined
4 in section 8101”.

5 (zz) MCKINNEY-VENTO HOMELESS ASSISTANCE
6 ACT.—Section 725(3) of the McKinney-Vento Homeless
7 Assistance Act (42 U.S.C. 11434a(3)) is amended by
8 striking “section 9101 of the Elementary and Secondary
9 Education Act of 1965” and inserting “section 8101 of
10 the Elementary and Secondary Education Act of 1965”.

11 (aaa) MUSEUM AND LIBRARY SERVICES ACT.—The
12 Museum and Library Services Act (20 U.S.C. 9161 et
13 seq.) is amended as follows:

14 (1) Section 204(f) (20 U.S.C. 9103(f)) is
15 amended by striking paragraph (1) and inserting the
16 following:

17 “(1) activities under section 2226 of the Ele-
18 mentary and Secondary Education Act of 1965;”.

19 (2) Section 224(b)(6)(A) (20 U.S.C.
20 9134(b)(6)(A)) is amended by striking “including
21 coordination with the activities within the State that
22 are supported by a grant under section 1251 of the
23 Elementary and Secondary Education Act of 1965
24 (20 U.S.C. 6383)” and inserting “including coordi-
25 nation with the activities within the State that are

1 supported by a grant under section 2226 of the Ele-
2 mentary and Secondary Education Act of 1965”.

3 (3) Section 261 (20 U.S.C. 9161) is amended
4 by striking “represent Native Hawaiians (as the
5 term is defined in section 7207 of the Native Hawai-
6 ian Education Act” and inserting “represent Native
7 Hawaiians (as the term is defined in section 6207
8 of the Native Hawaiian Education Act)”.

9 (4) Section 274(d) (20 U.S.C. 9173(d)) is
10 amended by striking “represent Native Hawaiians
11 (as defined in section 7207 of the Native Hawaiian
12 Education Act (20 U.S.C. 7517)),” and inserting
13 “represent Native Hawaiians (as defined in section
14 6207 of the Native Hawaiian Education Act),”.

15 (bbb) NATIONAL AND COMMUNITY SERVICE ACT OF
16 1990.—The National and Community Service Act of 1990
17 (42 U.S.C. 12501 et seq.) is amended as follows:

18 (1) Section 101 (42 U.S.C. 12511) is amend-
19 ed—

20 (A) in paragraph (15), by striking “section
21 9101 of the Elementary and Secondary Edu-
22 cation Act of 1965” and inserting “section
23 8101 of the Elementary and Secondary Edu-
24 cation Act of 1965”;

1 (B) in paragraph (24), by striking “section
2 9101 of the Elementary and Secondary Edu-
3 cation Act of 1965” and inserting “section
4 8101 of the Elementary and Secondary Edu-
5 cation Act of 1965”;

6 (C) in paragraph (39), by striking “section
7 9101 of the Elementary and Secondary Edu-
8 cation Act of 1965” and inserting “section
9 8101 of the Elementary and Secondary Edu-
10 cation Act of 1965”; and

11 (D) in paragraph (45), by striking “section
12 9101 of the Elementary and Secondary Edu-
13 cation Act of 1965” and inserting “section
14 8101 of the Elementary and Secondary Edu-
15 cation Act of 1965”.

16 (2) Section 112(a)(1)(F) (42 U.S.C.
17 12523(a)(1)(F)) is amended by striking “not mak-
18 ing adequate yearly progress for two or more con-
19 secutive years under section 1111 of the Elementary
20 and Secondary Education Act of 1965 (20 U.S.C.
21 6301 et seq.)” and inserting “implementing com-
22 prehensive support and improvement activities or
23 targeted support and improvement activities under
24 section 1111(d) of the Elementary and Secondary
25 Education Act of 1965”.

1 (3) Section 119(a)(2)(A)(ii)(II) (42 U.S.C.
2 12563) is amended by striking “the graduation rate
3 (as defined in section 1111(b)(2)(C)(vi) of the Ele-
4 mentary and Secondary Education Act of 1965 (20
5 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in appli-
6 cable regulations promulgated by the Department of
7 Education” and inserting “the four-year adjusted
8 cohort graduation rate (as defined in section 8101
9 of the Elementary and Secondary Education Act of
10 1965)”.

11 (4) Section 122(a)(1) (42 U.S.C. 12572(a)(1))
12 is amended in subparagraph (C)(iii), by striking
13 “secondary school graduation rates as defined in
14 section 1111(b)(2)(C)(vi) of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C.
16 6311(b)(2)(C)(vi)) and as clarified in applicable reg-
17 ulations promulgated by the Department of Edu-
18 cation” and inserting “four-year adjusted cohort
19 graduation rate (as defined in section 8101 of the
20 Elementary and Secondary Education Act of
21 1965)”.

22 (ccc) NATIONAL DEFENSE AUTHORIZATION ACT FOR
23 FISCAL YEAR 2006.—Section 572 of the National Defense
24 Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b)
25 is amended—

1 (1) in subsection (a)(2), by striking “section
2 8003(a)(1) of the Elementary and Secondary Edu-
3 cation Act of 1965 (20 U.S.C. 7703(a)(1)).” and in-
4 serting “section 7003(a)(1) of the Elementary and
5 Secondary Education Act of 1965.”; and

6 (2) in subsection (e)(2), by striking “section
7 8013(9) of the Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C. 7713(9)).” and in-
9 serting “section 7013(9) of the Elementary and Sec-
10 ondary Education Act of 1965.”.

11 (ddd) NATIONAL DEFENSE AUTHORIZATION ACT
12 FOR FISCAL YEAR 2012.—Section 532(a)(1) of the Na-
13 tional Defense Authorization Act for Fiscal Year 2012
14 (Public Law 112–81) (10 U.S.C. 503 note; 125 Stat.
15 1403(a)(1)) is amended by striking “(as defined in section
16 9101(38) of the Elementary and Secondary Education Act
17 of 1965 (20 U.S.C. 7801(38)).” and inserting “(as defined
18 in section 8101 of the Elementary and Secondary Edu-
19 cation Act of 1965).”.

20 (eee) NATIONAL DEFENSE AUTHORIZATION ACT FOR
21 FISCAL YEAR 2014.—Section 573 of the National Defense
22 Authorization Act for Fiscal Year 2014 (Public Law 113–
23 66) (10 U.S.C. 503 note; 127 Stat. 772) is amended—

24 (1) in subsection (a)(1), by striking “(as de-
25 fined in section 9101(38) of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.
2 7801(38)),” and inserting “(as defined in section
3 8101 of the Elementary and Secondary Education
4 Act of 1965),”; and

5 (2) in subsection (b), by striking “(as defined
6 in section 9101(38) of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C.
8 7801(38))” and inserting “(as defined in section
9 8101 of the Elementary and Secondary Education
10 Act of 1965)”.

11 (fff) NATIONAL ENVIRONMENTAL EDUCATION
12 ACT.—Section 3(5) of the National Environmental Edu-
13 cation Act (20 U.S.C. 5502(5)) is amended by striking
14 “‘local educational agency’ means any education agency
15 as defined in section 9101 of the Elementary and Sec-
16 ondary Education Act of 1965 and shall include any tribal
17 education agency;” and inserting “‘local educational agen-
18 cy’ means any education agency as defined in section 8101
19 of the Elementary and Secondary Education Act of 1965
20 and shall include any tribal education agency;”.

21 (ggg) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
22 TION ACT OF 2002.—The National Science Foundation
23 Authorization Act of 2002 (Public Law 107–368; 116
24 Stat. 3034) is amended as follows:

1 (1) Section 4 (42 U.S.C. 1862n note) is
2 amended—

3 (A) in paragraph (3), by striking “The
4 term ‘community college’ has the meaning given
5 such term in section 3301(3) of the Elementary
6 and Secondary Education Act of 1965 (20
7 U.S.C. 7011(3))” and inserting “The term
8 ‘community college’ means an institution of
9 higher education as defined in section 101 of
10 the Higher Education Act of 1965 that provides
11 not less than a 2-year degree that is acceptable
12 for full credit toward a bachelor’s degree, in-
13 cluding institutions of higher education receiv-
14 ing assistance under the Tribally Controlled
15 College or University Assistance Act of 1978”;

16 (B) in paragraph (5), by striking “section
17 9101(18) of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 7801(18))”
19 and inserting “section 8101 of the Elementary
20 and Secondary Education Act of 1965”;

21 (C) in paragraph (10), by striking “section
22 9101(26) of the Elementary and Secondary
23 Education Act of 1965 (20 U.S.C. 7801(26))”
24 and inserting “section 8101 of the Elementary
25 and Secondary Education Act of 1965”;

1 (D) in paragraph (13), by striking “section
2 9101(38) of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 7801(38))”
4 and inserting “section 8101 of the Elementary
5 and Secondary Education Act of 1965”; and

6 (E) in paragraph (15), by striking “section
7 9101(41) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 7801(41))”
9 and inserting “section 8101 of the Elementary
10 and Secondary Education Act of 1965”.

11 (2) Section 9 (42 U.S.C. 1862n) is amended—

12 (A) in subsection (a)(10)(A)(iii) in sub-
13 clause (III), by striking “(as described in sec-
14 tion 1114(a)(1) of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C.
16 6314(a)(1))” and inserting “(as described in
17 section 1114(a)(1)(A))”; and

18 (B) in subsection (c)(4), by striking “the
19 program authorized under part B of title II of
20 the Elementary and Secondary Education Act
21 of 1965 (20 U.S.C. 6601 et seq.)” and insert-
22 ing “other programs with similar purposes”.

23 (hhh) NATIONAL SECURITY ACT OF 1947.—Section
24 1015(2)(A) of the National Security Act of 1947 (50
25 U.S.C. 3205(2)(A)) is amended by striking “(as that term

1 is defined in section 9101(26) of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 7801(26)))”
3 and inserting “(as that term is defined in section 8101
4 of the Elementary and Secondary Education Act of
5 1965)”.

6 (iii) NATIVE AMERICAN LANGUAGES ACT.—Section
7 103 of the Native American Languages Act (25 U.S.C.
8 2902) is amended—

9 (1) in paragraph (2), by striking “section
10 7151(3) of the Elementary and Secondary Edu-
11 cation Act of 1965” and inserting “section 6151(3)
12 of the Elementary and Secondary Education Act of
13 1965”; and

14 (2) in paragraph (3), by striking “section 7207
15 of the Elementary and Secondary Education Act of
16 1965” and inserting “section 6207 of the Elemen-
17 tary and Secondary Education Act of 1965”.

18 (jjj) NATIVE HAWAIIAN HEALTH CARE IMPROVE-
19 MENT ACT.—Section 6(c)(4) of the Native Hawaiian
20 Health Care Improvement Act (42 U.S.C. 11705(c)(4)) is
21 amended by striking “private educational organization
22 identified in section 7202(16) of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C. 7512(16)) to
24 continue to offer its educational programs and services to
25 Native Hawaiians (as defined in section 7207 of that Act

1 (20 U.S.C. 7517)) first and to others” and inserting “pri-
2 vate educational organization identified in section
3 7202(16) of the Elementary and Secondary Education Act
4 of 1965 (as such section was in effect on the day before
5 the date of enactment of the Every Student Succeeds Act)
6 to continue to offer its educational programs and services
7 to Native Hawaiians (as defined in section 6207 of the
8 Elementary and Secondary Education Act of 1965) first
9 and to others”.

10 (kkk) PUBLIC HEALTH SERVICE ACT.—The Public
11 Health Service Act is amended as follows:

12 (1) Section 319C–1(b)(2)(A)(vii) (42 U.S.C.
13 247d–3a(b)(2)(A)(vii)) is amended by striking “in-
14 cluding State educational agencies (as defined in
15 section 9101(41) of the Elementary and Secondary
16 Education Act of 1965)” and inserting “including
17 State educational agencies (as defined in section
18 8101 of the Elementary and Secondary Education
19 Act of 1965)”.

20 (2) Section 399L(d)(3)(A) (42 U.S.C.
21 280g(d)(3)(A)) is amended by striking “section
22 9101 of the Elementary and Secondary Education
23 Act of 1965” and inserting “section 8101 of the El-
24 elementary and Secondary Education Act of 1965”.

1 (3) Section 520E(1)(2) (42 U.S.C. 290bb–
2 36(1)(2)) is amended by striking “elementary or sec-
3 ondary school (as such terms are defined in section
4 9101 of the Elementary and Secondary Education
5 Act of 1965)” and inserting “elementary school or
6 secondary school (as such terms are defined in sec-
7 tion 8101 of the Elementary and Secondary Edu-
8 cation Act of 1965)”.

9 (III) REFUGEE EDUCATION ASSISTANCE ACT OF
10 1980.—Section 101(1) of the Refugee Education Assist-
11 ance Act of 1980 (8 U.S.C. 1522 note) is amended by
12 striking “such terms under section 9101 of the Elemen-
13 tary and Secondary Education Act of 1965” and inserting
14 “such terms under section 8101 of the Elementary and
15 Secondary Education Act of 1965”.

16 (mmm) REHABILITATION ACT OF 1973.—The Reha-
17 bilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended
18 as follows:

19 (1) Section 202(b)(4)(A)(i) (29 U.S.C.
20 762(b)(4)(A)(i)) is amended by striking “(as defined
21 in section 9101 of the Elementary and Secondary
22 Education Act of 1965 (20 U.S.C. 7801)); and” and
23 inserting “(as defined in section 8101 of the Ele-
24 mentary and Secondary Education Act of 1965);
25 and”.

1 (2) Section 206 (29 U.S.C. 766) is amended by
2 striking “(as such terms are defined in section 9101
3 of the Elementary and Secondary Education Act of
4 1965 (20 U.S.C. 7801))” and inserting “(as such
5 terms are defined in section 8101 of the Elementary
6 and Secondary Education Act of 1965)”.

7 (3) Section 504(b)(2)(B) (29 U.S.C.
8 794(b)(2)(B)) is amended by striking “(as defined
9 in section 9101 of the Elementary and Secondary
10 Education Act of 1965)” and inserting “(as defined
11 in section 8101 of the Elementary and Secondary
12 Education Act of 1965)”.

13 (4)(A) Section 511(b)(2) (29 U.S.C.
14 794g(b)(2)), as added by section 458 of the Work-
15 force Innovation and Opportunity Act (Public Law
16 113–128; 128 Stat. 1676), is amended by striking
17 “local educational agency (as defined in section 9101
18 of the Elementary and Secondary Education Act of
19 1965 (20 U.S.C. 7801)) or a State educational
20 agency (as defined in such section)” and inserting
21 “local educational agency (as defined in section 8101
22 of the Elementary and Secondary Education Act of
23 1965) or a State educational agency (as defined in
24 such section)”.

1 (B) The amendment made by subparagraph (A)
2 shall take effect on the same date as section 458(a)
3 of the Workforce Innovation and Opportunity Act
4 (Public Law 113–128; 128 Stat. 1676) takes effect,
5 and as if enacted as part of such section.

6 (nnn) RICHARD B. RUSSELL NATIONAL SCHOOL
7 LUNCH ACT.—The Richard B. Russell National School
8 Lunch Act (42 U.S.C. 1751 et seq.) is amended in section
9 12(d)(4) (42 U.S.C. 1769a(d)(4)) by striking “section
10 9101 of the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 7801)” and inserting “section 8101 of
12 the Elementary and Secondary Education Act of 1965”.

13 (ooo) SAFE DRINKING WATER ACT.—Section 1461
14 of the Safe Drinking Water Act (42 U.S.C. 300j–21(3))
15 is amended—

16 (1) in paragraph (3), by striking “section 9101
17 of the Elementary and Secondary Education Act of
18 1965” and inserting “section 8101 of the Elemen-
19 tary and Secondary Education Act of 1965”; and

20 (2) in paragraph (6), by striking “section 9101
21 of the Elementary and Secondary Education Act of
22 1965” and inserting “section 8101 of the Elemen-
23 tary and Secondary Education Act of 1965”.

24 (ppp) SCHOLARSHIPS FOR OPPORTUNITY AND RE-
25 SULTS ACT.—The Scholarships for Opportunity and Re-

1 sults Act (division C of Public Law 112–10; sec. 38–
2 1853.01 et seq., D.C. Official Code) is amended as follows:

3 (1) In section 3003 (sec. 38–1853.03, D.C. Of-
4 ficial Code), by striking “identified for improvement,
5 corrective action, or restructuring under section
6 1116 of the Elementary and Secondary Education
7 Act of 1965 (20 U.S.C. 6316)” and inserting “im-
8 plementing comprehensive support and improvement
9 activities or targeted support and improvement ac-
10 tivities under section 1111(d) of the Elementary and
11 Secondary Education Act of 1965”.

12 (2) In section 3006(1)(A) (sec. 38–
13 1853.06(1)(A), D.C. Official Code), by striking
14 “identified for improvement, corrective action, or re-
15 structuring under section 1116 of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C.
17 6316)” and inserting “implementing comprehensive
18 support and improvement activities or targeted sup-
19 port and improvement activities under section
20 1111(d) of the Elementary and Secondary Edu-
21 cation Act of 1965”.

22 (3) In section 3007 (sec. 38–1853.07, D.C. Of-
23 ficial Code)—

24 (A) in subsection (a)(4)(F), by striking
25 “ensures that, with respect to core academic

1 subjects (as such term is defined in section
2 9101(11) of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 7801(11))”
4 and inserting “ensures that, with respect to
5 core academic subjects (as such term was de-
6 fined in section 9101(11) of the Elementary
7 and Secondary Act of 1965 (20 U.S.C.
8 7801(11)) on the day before the date of enact-
9 ment of the Every Student Succeeds Act)”;

10 (B) in subsection (d), by striking “identi-
11 fied for improvement, corrective action, or re-
12 structuring under section 1116 of the Elemen-
13 tary and Secondary Education Act of 1965 (20
14 U.S.C. 6316)” and inserting “implementing
15 comprehensive support and improvement activi-
16 ties or targeted support and improvement ac-
17 tivities under section 1111(d) of the Elemen-
18 tary and Secondary Education Act of 1965”.

19 (4) In section 3013 (sec. D.C. Code 38-
20 1853.13, D.C. Official Code)—

21 (A) in paragraph (5), by striking “section
22 9101 of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 7801)” and in-
24 serting “section 8101 of the Elementary and
25 Secondary Education Act of 1965”; and

1 (B) in paragraph (8), by striking “section
2 9101 of the Elementary and Secondary Edu-
3 cation Act of 1965 (20 U.S.C. 7801)” and in-
4 serting “section 8101 of the Elementary and
5 Secondary Education Act of 1965”.

6 (qqq) SOCIAL SECURITY ACT.—The Social Security
7 Act (42 U.S.C. 301 et seq.) is amended as follows:

8 (1) Section 475(1)(G)(ii)(I) (42 U.S.C.
9 675(1)(G)(ii)(I)) is amended by striking “local edu-
10 cational agencies (as defined under section 9101 of
11 the Elementary and Secondary Education Act of
12 1965)” and inserting “local educational agencies (as
13 defined under section 8101 of the Elementary and
14 Secondary Education Act of 1965)”.

15 (2) Section 2110(c)(9)(B)(v) (42 U.S.C.
16 1397jj(c)(9)(B)(v)) is amended by striking “as de-
17 fined under section 9101 of the Elementary and Sec-
18 ondary Education Act of 1965” and inserting “as
19 defined under section 8101 of the Elementary and
20 Secondary Education Act of 1965”.

21 (rrr) STATE DEPENDENT CARE DEVELOPMENT
22 GRANTS ACT.—Section 670G(6) of the State Dependent
23 Care Development Grants Act (42 U.S.C. 9877(6)) is
24 amended by striking “section 9101 of the Elementary and
25 Secondary Education Act of 1965 of the Elementary and

1 Secondary Education Act of 1965” and inserting “section
2 8101 of the Elementary and Secondary Education Act of
3 1965”.

4 (sss) STEVENSON-WYDLER TECHNOLOGY INNOVA-
5 TION ACT OF 1980.—Section 5(c)(8) of the Stevenson-
6 Wydler Technology Innovation Act of 1980 (15 U.S.C.
7 3704(c)(8)) is amended—

8 (1) in subparagraph (D), by striking “section
9 9101 of the Elementary and Secondary Education
10 Act of 1965 (20 U.S.C. 7801)” and inserting “sec-
11 tion 8101 of the Elementary and Secondary Edu-
12 cation Act of 1965”;

13 (2) in subparagraph (G), by striking “section
14 9101 of the Elementary and Secondary Education
15 Act of 1965 (20 U.S.C. 7801)” and inserting “sec-
16 tion 8101 of the Elementary and Secondary Edu-
17 cation Act of 1965”; and

18 (3) in subparagraph (H), by striking “section
19 9101 of the Elementary and Secondary Education
20 Act of 1965 (20 U.S.C. 7801)” and inserting “sec-
21 tion 8101 of the Elementary and Secondary Edu-
22 cation Act of 1965”.

23 (ttt) TELECOMMUNICATIONS ACT OF 1996.—Section
24 706(d)(2) of the Telecommunications Act of 1996 (47
25 U.S.C. 1302(d)(2)) is amended by striking “section 9101

1 of the Elementary and Secondary Education Act of 1965”
2 and inserting “section 8101 of the Elementary and Sec-
3 ondary Education Act of 1965”.

4 (uuu) TITLE 10, UNITED STATES CODE.—Title 10,
5 United States Code, is amended as follows:

6 (1) Section 503 of title 10, United States Code,
7 is amended by striking “section 9101 of the Elemen-
8 tary and Secondary Education Act of 1965 (20
9 U.S.C. 7801)” and inserting “section 8101 of the
10 Elementary and Secondary Education Act of 1965”.

11 (2) Section 1154(a) of title 10, United States
12 Code, is amended—

13 (A) in paragraph (1), by striking “section
14 5210(1) of the Elementary and Secondary Edu-
15 cation Act of 1965 (20 U.S.C. 7221i(1))” and
16 inserting “section 4310 of the Elementary and
17 Secondary Education Act of 1965”;

18 (B) in paragraph (3)(C), by striking “sec-
19 tion 6211(b) of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 7345(b))”
21 and inserting “section 5211(b) of the Elemen-
22 tary and Secondary Education Act of 1965”;
23 and

24 (C) in paragraph (8), by striking “section
25 9101 of the Elementary and Secondary Edu-

1 cation Act of 1965 (20 U.S.C. 7801)” and in-
2 sserting “section 8101 of the Elementary and
3 Secondary Education Act of 1965”.

4 (3) Section 2008 of title 10, United States
5 Code, is amended by striking “section 8013(3) of
6 the Elementary and Secondary Education Act of
7 1965 (20 U.S.C. 7713(3)), or to carry out section
8 8008 of such Act (20 U.S.C. 7708)” and inserting
9 “section 7013(3) of the Elementary and Secondary
10 Education Act of 1965, or to carry out section 7008
11 of such Act”.

12 (4) Section 2194(f)(2) of title 10, United States
13 Code, is amended by striking “section 9101 of the
14 Elementary and Secondary Education Act of 1965
15 (20 U.S.C. 7801)” and inserting “section 8101 of
16 the Elementary and Secondary Education Act of
17 1965”.

18 (vvv) TITLE 23, UNITED STATES CODE.—Section
19 504(d)(4) of title 23, United States Code, is amended—

20 (1) in subparagraph (B), by striking “section
21 9101 of the Elementary and Secondary Education
22 Act of 1965 (20 U.S.C. 7801)” and inserting “sec-
23 tion 8101 of the Elementary and Secondary Edu-
24 cation Act of 1965”; and

1 (2) in subparagraph (C), by striking “section
2 9101 of the Elementary and Secondary Education
3 Act of 1965 (20 U.S.C. 7801)” and inserting “sec-
4 tion 8101 of the Elementary and Secondary Edu-
5 cation Act of 1965”.

6 (www) TITLE 40, UNITED STATES CODE.—Section
7 502(c)(3)(C) of title 40, United States Code, is amended
8 by striking “section 8013 of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 7713)” and in-
10 serting “section 7013 of the Elementary and Secondary
11 Education Act of 1965”.

12 (xxx) TOXIC SUBSTANCES CONTROL ACT.—The
13 Toxic Substances Control Act (15 U.S.C. 2601 et seq.)
14 is amended as follows:

15 (1) Section 202 (15 U.S.C. 2642) is amended—

16 (A) in paragraph (7), by striking “section
17 9101 of the Elementary and Secondary Edu-
18 cation Act of 1965” and inserting “section
19 8101 of the Elementary and Secondary Edu-
20 cation Act of 1965”;

21 (B) in paragraph (9), by striking “any ele-
22 mentary or secondary school (as defined in sec-
23 tion 9101 of the Elementary and Secondary
24 Education Act of 1965)” and inserting “any el-
25 ementary school or secondary school (as defined

1 in section 8101 of the Elementary and Sec-
2 ondary Education Act of 1965”); and

3 (C) in paragraph (12), by striking “ele-
4 mentary or secondary school as defined in sec-
5 tion 9101 of the Elementary and Secondary
6 Education Act of 1965” and inserting “elemen-
7 tary school or secondary school as defined in
8 section 8101 of the Elementary and Secondary
9 Education Act of 1965”.

10 (2) Section 302(1) (15 U.S.C. 2662(1)) is
11 amended by striking “section 9101 of the Elemen-
12 tary and Secondary Education Act of 1965” and in-
13 serting “section 8101 of the Elementary and Sec-
14 ondary Education Act of 1965”.

15 (yyy) WORKFORCE INNOVATION AND OPPORTUNITY
16 ACT.—The Workforce Innovation and Opportunity Act
17 (29 U.S.C. 3101 et seq.) is amended as follows:

18 (1) Section 3 (29 U.S.C. 3102) is amended—

19 (A) in paragraph (34), by striking “section
20 9101 of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 7801)” and in-
22 serting “section 8101 of the Elementary and
23 Secondary Education Act of 1965”; and

24 (B) in paragraph (55), by striking “section
25 9101 of the Elementary and Secondary Edu-

1 cation Act of 1965 (20 U.S.C. 7801)” and in-
2 serting “section 8101 of the Elementary and
3 Secondary Education Act of 1965”.

4 (2) Section 102(b)(2)(D)(ii)(I) (29 U.S.C.
5 3112(b)(2)(D)(ii)(I)) is amended by striking “with
6 State-adopted challenging academic content stand-
7 ards, as adopted under section 1111(b)(1) of the El-
8 ementary and Secondary Education Act of 1965 (20
9 U.S.C. 6311(b)(1))” and inserting “with challenging
10 State academic standards, as adopted under section
11 1111(b)(1) of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 6311(b)(1))”.

13 (3) Section 129(c)(1)(C) (29 U.S.C.
14 3164(c)(1)(C)) is amended by striking “(based on
15 State academic content and student academic
16 achievement standards established under section
17 1111 of the Elementary and Secondary Education
18 Act of 1965 (20 U.S.C. 6311))” and inserting
19 “(based on challenging State academic standards es-
20 tablished under section 1111(b)(1) of the Elemen-
21 tary and Secondary Education Act of 1965 (20
22 U.S.C. 6311(b)(1))”.

23 (4) Section 166(b)(3) (29 U.S.C. 3221(b)(3)) is
24 amended by striking “section 7207 of the Native
25 Hawaiian Education Act (20 U.S.C. 7517).” and in-

- 1 serring “section 6207 of the Native Hawaiian Edu-
- 2 cation Act.”.

And the House agree to the same.