

114TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
114-231 }

EVERY CHILD ACHIEVES ACT OF 2015

—  
R E P O R T

OF THE

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS  
UNITED STATES SENATE

TOGETHER WITH

ADDITIONAL VIEWS

TO ACCOMPANY

S. 1177



MARCH 17, 2016.—Ordered to be printed

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U.S. GOVERNMENT PUBLISHING OFFICE

99-480

WASHINGTON : 2016



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Mr. ALEXANDER, from the Committee on Health, Education, Labor,  
and Pensions, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 1177]

The Committee on Health, Education, Labor, and Pensions, reported an original bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, having considered the same, reports favorably thereon and recommends that the bill do pass.

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I. PURPOSE, NEED FOR LEGISLATION, AND GOALS OF  
REAUTHORIZATION

The Every Child Achieves Act of 2015 (ECAA) is a comprehensive reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA) that reflects bipartisan consensus among members of the committee on necessary improvements to the law, as

most recently reauthorized by the No Child Left Behind Act of 2001 (NCLB). Its purpose is to enable States and local communities to improve and support our Nation's public schools and to ensure that every child has an opportunity to achieve, including categories of historically disadvantaged students, such as low-income students, students of color, students with disabilities, and English learners. It continues the law's important measurements of academic progress of all students and disaggregation of data by these categories of students, but restores to States, school districts, classroom teachers, and parents the responsibility for making important decisions about how to raise academic standards, improve the quality of assessments, evaluate and reward educators, identify and improve low-performing schools, and ultimately improve student achievement.

ESEA builds on the more than 30 years of work by States and local school districts to reform our Nation's public schools, while also fixing a law that is more than 7 years overdue for reauthorization. In 2001, Republicans and Democrats in Congress and President George W. Bush worked together to reauthorize ESEA by passing NCLB. This was a major expansion of Federal involvement in State and local accountability for public school systems and individual public schools. The purpose of NCLB was "to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments." The law responded to concerns that our schools were not adequately preparing our young people for the future, that many poor and minority students were being ignored, and that billions of American taxpayer dollars were not producing significant results. The law focused on narrowing the persistent achievement gaps in schools. While well-intentioned, the rigid structure of NCLB's provisions, in particular its one-size-fits-all federally mandated system of accountability and requirements for school improvement, have become unworkable in the Nation's schools.

NCLB produced some positive results. The law helped create an environment in which many States have put in place challenging standards in reading and math and are conducting annual tests aligned with those standards. All States are participating in the National Assessment of Educational Progress—"the Nation's report card"—providing a reliable audit of the rigor of States' standards and tests. States, local districts, and schools are now reporting annually on student achievement overall and for each subgroup of students based on race, ethnicity, family income, English proficiency, and disability status. This data has enabled parents, State legislators, and Governors to better identify struggling schools and populations and hold their districts, schools, principals, and teachers accountable. It also provided parents with meaningful information about school performance and empowered them to choose a new school option for their child, which spurred the growth of a diversity of school options, including charter schools.

There is evidence of increases in student academic achievement and the narrowing of achievement gaps since NCLB, continuing a trend that started in the mid-1990s. Furthermore, thanks in part to a uniform definition of high school graduation, successful inter-

ventions like credit recovery, and an increased focus on college attendance, there have been increases in high school graduation rates.

Unfortunately, NCLB contained too many inflexible requirements for States and school districts, including the arbitrary deadline that 100 percent of students would be proficient by the year 2014. The law also created a complicated system for deciding whether schools were succeeding or failing based primarily on the results of annual assessments, which did not provide a full or accurate picture of school quality and success. NCLB also prescribed a series of sanctions for schools missing annual performance targets, and a requirement that each of our Nation's 3.2 million teachers in core academic subjects meet a Federal definition of "highly qualified" by 2007–8. While accountability systems and effective interventions in struggling schools, can be a successful method of improving student achievement, the one-size-fits-all nature of these mandates did not provide States with the flexibility necessary to innovate and create sustainable improvements in their education systems.

The goal of NCLB was laudable: All 50 million students in nearly 100,000 public schools were to be proficient or higher in reading and math, as measured by annual State assessments, by the end of the 2013–14 school-year. While NCLB armed parents and policymakers with better data on which to base their decisions, its inflexible mandates and unrealistic goals too often hamstrung the ability of State and local policymakers to make the right decisions for their schools and communities. In March 2011, U.S. Secretary of Education Arne Duncan testified to the House Committee on Education and the Workforce that:

"By mandating and prescribing one-size-fits-all solutions, NCLB took away the ability of local and State educators to tailor solutions to the unique needs of their students—and that is fundamentally flawed."

Despite bipartisan agreement on the problems and need to fix NCLB, Congress has not yet produced bipartisan solutions to overhaul the law.

The failure of Congress to fix NCLB since it expired resulted in the Secretary of Education granting waivers to 43 States, the District of Columbia, and Puerto Rico from many of the unworkable requirements since 2011. In exchange for the waivers, the Secretary has placed conditions on States related to standards, assessments, accountability and teacher evaluation not otherwise required in the law that Congress wrote. The combination of Congress' failure to reauthorize ESEA and fix NCLB and the Secretary's use of Federal competitive grants and waiver authority has produced a concerning backlash against reforms that were intended and often developed by States and local school districts themselves to improve academic achievement for our Nation's most at-risk children.

The committee intends the ECAA to update and improve upon major provisions of ESEA and eliminate the need for waivers from the unworkable provisions of NCLB by returning more authority to States and local communities over how to evaluate, improve, and support our more than 100,000 public schools and 3.4 million teachers. The bill builds on the strengths and weaknesses of previous and unsuccessful legislative proposals considered by this com-

mittee over the past 6 years. In particular, it includes bipartisan consensus to provide more flexibility and certainty to policymakers and educators around the country that are closest to our children, while maintaining the important focus on serving disadvantaged children and closing persistent achievement gaps.

The ECAA ends the rigid one-size-fits-all approach to designing State accountability systems primarily focused on standardized tests. Instead, ECAA recognizes that States, working with school districts, teachers, and others, have the responsibility for creating accountability systems to ensure all students are learning and prepared for success. These accountability systems will be State-designed, but must meet minimum Federal parameters, including establishing rigorous academic achievement goals for all students, ensuring all students and each individual subgroup of students are included in the accountability system, disaggregating student achievement data, establishing challenging academic achievement standards for all students, focusing on academic results in accountability systems and identifying and intervening in low-performing schools.

The ECAA continues to require that States annually test all students in reading and math in grades 3 through 8 and once in high school, as well as test all students in science once in grades 3–5, 6–9, and 10–12. These important measures of student achievement ensure that parents know how their children are performing and help teachers support students who are struggling to meet State standards. The bill further maintains the requirement on annual reporting of academic achievement for disaggregated data of groups of children, which provides valuable information about whether all students are achieving, including low-income students, students of color, students with disabilities, and English learners.

The ECAA requires States to include these tests in their State-designed accountability systems, but leaves it to States to determine the appropriate weight of those tests within their systems. States will also be required to include high school graduation rates, a statewide academic indicator for elementary and middle schools, another statewide indicator of school quality or student supports, and English proficiency for English learners. States will also be provided flexibility to include other measures of school performance and quality in their accountability systems in order to provide teachers, parents, and other stakeholders with a more accurate determination of school performance. ECAA does require that tests, high school graduation rates, and the statewide academic indicator at the elementary and middle school level are substantial factors in State-designed accountability systems and requires States to publicly report on the weights assigned to those indicators. States are also given additional flexibility to pilot innovative assessment systems in school districts across the State.

The ECAA maintains Federal grants to States and school districts to help implement State and locally designed school intervention and support strategies. School districts will be responsible for designing evidence-based interventions and supports for low performing schools, with technical assistance from the States, and the Federal Government is prohibited from mandating, prescribing, or defining the specific strategies used for school intervention and support. The bill requires that States monitor interventions and



supports that are implemented by school districts and take steps to further assist school districts if their interventions are not effective.

The ECAA reaffirms the role of States in determining academic achievement and content standards by affirming that States decide what academic standards they will adopt in reading, math and science, as well as any other subjects, without interference from the Federal Government. The Federal Government may not mandate or incentivize States to adopt or maintain any particular set of standards, including the Common Core State Standards. States will be free to decide what academic standards they will maintain in their States. The bill further prohibits the Federal Government from requiring States to submit their standards for review or approval.

Recognizing that funding and programmatic priorities have changed since the last reauthorization, the ECAA consolidates 49 programs authorized by NCLB or funded by subsequent appropriations bills. However, it reauthorizes dedicated funding streams for many important programs that have broad bipartisan support, including to support teachers and school leaders, English learners, Science, Technology, Engineering, and Mathematics (STEM), and 21st Century Community Learning Centers, and authorizes programs to support innovation, early childhood education, and safe and healthy students. The bill also maintains important fiscal protections of Federal dollars, including maintenance of effort requirements, which help ensure that Federal dollars supplement State and local education dollars, while providing additional flexibility for school districts when extenuating circumstances prevent them from meeting those requirements.

The committee recognizes the need for better and more complete information about school quality and performance so that parents, teachers, school leaders, and others interested in supporting improvements in our public schools can make more informed and complete decisions about schools their students attend. ECAA contains provisions designed to ensure the public is equipped with the tools they need in order to monitor performance of their local schools and take necessary steps to help those schools improve. In particular, ECAA requires States to report on factors related to the distribution of funding and resources within the State and local school districts, school discipline, per-pupil expenditures, and teacher quality. ECAA also requires that State report cards contain important information about State accountability systems, including the percentage of students not meeting annual State goals. The additional transparency will spur needed action to remedy persistent inequities in resources and academic outcomes.

The ECAA recognizes the role of Federal assistance for States and school districts to support teachers, principals, and other school leaders, while also ending Federal mandates around teacher qualifications and evaluation systems. Therefore, the bill provides targeted funding to States and school districts to implement activities to support teachers, principals, and other educators, and includes allowable uses of funds for high quality induction programs for new teachers, ongoing rigorous professional development opportunities for teachers, and programs to recruit new educators to the profession. The bill allows, but does not require, States to develop

and implement teacher and principal evaluation systems. It also eliminates the definition of a highly qualified teacher—which has proven onerous to States and school districts—and provides States with the opportunity to define this term.

The bill affirms State responsibility for supporting the coordination and implementation of high-quality programs and initiatives, including to identify and eliminate barriers to the coordination and integration of programs, initiatives, and funding streams, and provide technical assistance and training in order to disseminate best practices, so that school districts can better meet the needs of their students and foster a positive school climate.

The ECAA preserves the original congressional intent of the waiver authority granted to the Secretary under Title IX of the Elementary and Secondary Education Act. The Secretary is authorized to waive portions of the law that stifle State and local innovation, but that authority is limited. The bill specifies that States and local districts may submit waiver applications that will enable them to improve student academic achievement. The Secretary may not use the waiver authority to dictate or condition approval on State or local adoption of any other conditions not already specified in the law. Furthermore, while local school districts may individually or collectively apply for waivers with the support of their State, the Secretary is prohibited from circumventing the legal authority of States and their Governors when granting waiver requests.

The bill contains several specific provisions that are designed to protect State and local control of education, while ensuring that the U.S. Department of Education maintains the ability to enforce compliance with the law and monitor implementation by States and local school districts in order to protect the substantial investment of taxpayers' funds under the Act.

The ECAA reflects a bipartisan consensus centered on maintaining the important measurements and reporting on the academic progress of students and subgroups of students from NCLB, while restoring to States, school districts, educators, and parents the responsibility for deciding how to raise student achievement, better support teachers and principals, and improve our Nation's schools.

## II. LEGISLATIVE HISTORY AND COMMITTEE ACTION

### PREVIOUS REAUTHORIZATION EFFORTS AND HEARINGS

During the 110th Congress, the Health, Education, Labor, and Pensions Committee, led by Chairman Edward Kennedy and Ranking Member Mike Enzi, held five hearings examining ESEA reauthorization issues.

During the 112th Congress, the committee, under the leadership of Chairman Tom Harkin and Ranking Member Mike Enzi, considered the Elementary and Secondary Education Reauthorization Act (S. 3578). In preparation for consideration of S. 3578, the committee held 11 hearings addressing ESEA issues in the 111th Congress. On October 20, 2011, after a 2-day executive session to markup the bill, S. 3578 was adopted by a roll call vote of 15 ayes and 7 nays. The bill was reported out of committee on September 20, 2012. The bill was not brought to the Senate floor and died with the conclusion of the 112th Congress.

After S. 3578 was adopted by the committee, six additional hearings were held during the 112th Congress, which addressed broad bipartisan views on S. 3578, as well as specific issues such as education technology, accelerated learning, and bullying in schools.

During the 113th Congress, the committee held two hearings that focused on the early lessons from NCLB waivers and the role of education technology.

On June 4, 2013, the Strengthening America's Schools Act was noticed for markup and a draft was circulated to the committee. This bill was sponsored by Chairman Harkin and cosponsored by the 11 Democratic members of the committee, but was not the product of bipartisan negotiations. On June 11 and 12, 2013, the committee met in executive session to consider the bill. Forty amendments were filed with the committee. The committee took action on 23 amendments, adopting 10 of them and rejecting the remaining 13. One amendment was withdrawn. The bill, as amended, was adopted by a roll call vote of 12 ayes to 10 nays on June 12, 2013. The bill was reported out of committee on October 11, 2013. The bill was not brought to the Senate floor and died with the conclusion of the 113th Congress.

#### HEARINGS IN THE 114TH CONGRESS

During the 114th Congress, under the leadership of Chairman Alexander and Ranking Member Murray, the committee renewed negotiations toward reaching a bipartisan consensus agreement on ESEA reauthorization. In preparation for and as part of bipartisan discussions with committee members, the committee held three hearings addressing specific ESEA issues related to testing and accountability, teachers and school leaders, and State and local innovation. A brief description of each hearing, including witnesses, follows.

##### *Fixing No Child Left Behind: Testing and Accountability (January 21, 2015)*

This hearing examined the issue of student assessments in elementary and secondary schools and the impacts, benefits, and the appropriate use of those assessments for holding schools and teachers accountable for student achievement. Title I-A of NCLB required all States, as a condition of receiving title I-A funds, to test all public school students annually in reading/language arts and math in each of grades 3 through 8 and once in grades 10–12. Beginning with the 2007–8 school year, States were also required to administer science assessments at least once in each of three grade level ranges (3–5, 6–9, and 10–12). The hearing examined the impact of these requirements. The hearing panel was composed of six witnesses, including:

- **Dr. Martin West**, an Associate Professor of Education at the Harvard Graduate School of Education and Deputy Director of the Program on Education Policy and Governance at the Harvard Kennedy School. Dr. West testified about the importance of the mandated assessments under NCLB in providing detailed information about student and student subgroup performance and recommended that any reauthorization of ESEA maintain current annual testing requirements while restoring the design of accountability systems to States.

- **Mr. Paul Leather**, the New Hampshire Deputy Commissioner discussed his State’s work around a “next generation” of assessments, beyond the usual end-of-year testing, while recommending that the law should be flexible to enable local leaders to build buy-in for a new system of assessments from the ground up, explaining to communities that local creativity and collaboration will yield stronger and more effective assessments and accountability systems.

- **Mr. Tom Boasberg**, the Superintendent of Denver Public Schools (Denver, CO) testified that annual measures of student progress in literacy and math are important, but that all tests, including additional tests required by States and local educational agencies, needs to be fewer in number and shorter in time, while continuing to allow students’ growth to be measured to see what’s working best in schools.

- **Mr. Wade Henderson**, the chief executive officer of Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund testified on behalf of the Civil Rights community and spoke in favor of maintaining the current Federal testing requirements on States.

- **Ms. Jia Lee**, a 4th and 5th grade special education teacher at The Earth School (New York, NY) discussed how high stakes testing in public schools are driving teachers to leave the profession, had disastrous effects on collaboration, problem solving, and innovation, has been unreliable in determining student learning and teacher performance, and has narrowed curriculum and drained valuable resources.

- **Mr. Stephen Lazar**, a social studies and English teacher at the Harvest Collegiate High School (New York, NY) discussed how too many schools are designed to get students to perform well on a one-time test and recommended that the law move away from the “test becoming the curriculum” model and allow for more education decisions to be made by those who are closest to the students.

*Fixing No Child Left Behind: Supporting Teachers and School Leaders (January 27, 2015)*

This hearing focused on State and local efforts to support teachers, principals, and other school leaders, including the Federal Government’s role in this important work under ESEA. In particular, this hearing explored the benefits and limitations of teacher, principal, and school leader evaluation systems, efforts to improve professional development, and other innovative ideas to reform the educator profession. One of the major objectives of the NCLB was to ensure all students have access to high-quality teachers. NCLB required States, as a condition of accepting Federal education funds, to ensure all public school teachers teaching core academic subjects in schools receiving title I assistance were “highly qualified.” In addition, through part A of title II, also known as the Teacher and Principal Training and Recruitment Fund, the law provides formula grants to States and school districts to support a broad array of activities designed to improve the quality of elementary and secondary school teachers and principals, as well as increase the number of “highly qualified teachers” in the classroom. The hearing panel was composed of five witnesses, including:

- **Dr. Dan Goldhaber**, from the American Institutes for Research and the University of Washington, discussed the research behind professional development and teacher evaluations, while highlighting how the Federal Government can incentivize, not mandate, States and localities to innovate through competitive grant programs, such as the Teacher Incentive Fund, that can improve the teacher pipeline.

- **Dr. Terry Holliday**, the Commissioner of Education for the Commonwealth of Kentucky discussed how State education leaders do not need approval or mandates from the U.S. Department of Education in order to improve education in their State, while describing how State-led efforts can best ensure all students are being taught by effective educators, including through the development of educator evaluation systems that must be implemented on a timeline that meets the needs of local communities.

- **Mr. Saul Hinojosa**, the Superintendent of the Somerset Independent School District (Somerset, TX) described how his district used competitive grant funds from the Teacher Incentive Fund to implement performance-based teacher and principal compensation systems based on a robust evaluation system that produced substantial improvements in teaching and learning. He highlighted how his locally designed evaluation system allowed for the creation of new teacher leadership roles, a school-based professional development system, an accurate evaluation of teacher effectiveness, and additional compensation for high performing teachers.

- **Ms. Rachelle Moore**, a first grade teacher at Madrona K–8 school (Seattle, WA), described her experiences as a mentor teacher in the Seattle Teacher Residency Program, including retention issues in high-need schools and the need to support and mentor new teachers in high-need areas, and recommended increased Federal investments in teacher induction, professional growth, and teacher leadership programs and activities.

- **Dr. Christine Handy-Collins**, the principal of Gaithersburg High School (Gaithersburg, MD) discussed her observations from more than 16 years of experience related to school leader development, including the lack of current resources being devoted to improving school leadership, and recommended that a stronger emphasis be placed on quality principal preparation programs in Federal law.

*Fixing No Child Left Behind: Innovation to Better Meet the Needs of Students (February 3, 2015)*

This hearing was a roundtable with seven witnesses. The roundtable discussion examined various State and local innovation in schools, including innovative ideas to reform the student learning experience, educator profession, and school leader models that increase student achievement and close the gaps between high and low performing students, as well as the Federal Government's role in this important work under ESEA. The witnesses included:

- **Dr. Robert Balfanz**, a research professor at Johns Hopkins University (Baltimore, MD), discussed how the high school dropout rate across the Nation has decreased due to local innovation being paired with various Federal efforts focused on high schools, and argued for how direct Federal support for high school reform and in-

novation have fostered a needed increase in focus on how to improve local education systems.

- **Mr. Ken Bradford**, the assistant superintendent for the Louisiana Department of Education, discussed how his State's focus on career and technical education, as well as a program that allows Louisiana students and families to take hundreds of free online or face-to-face courses that are not traditionally offered in the school system has increase educational outcomes, particularly in rural areas.

- **Mr. Josh Davis**, an employee of Delta Health Alliance (Indianola, MS), highlighted the ongoing wrap-around services work in his local area with the support of a Federal Promise Neighborhoods grant, which has enabled the better coordination of a continuum of academic, family, and community resources, whereby unique program performance measures and relevant data are frequently monitored and analyzed to make corrective decisions collectively.

- **Ms. Katie Duffy**, chief executive officer of Democracy Prep Public Schools (New York, NY) discussed Democracy Prep's civic education model as a charter to charter turnaround network, while advocating for more local control and flexibility, combined with transparency, data reporting clarity, and necessary accountability for teachers and school leaders who fail to perform for students.

- **Dr. Susan Kessler**, the principal of Hunters Lane High School (Nashville, TN) discussed innovative work in her school district on improving school climate as a method of raising student achievement, while advocating for Federal law to include incentives that allow schools to focus on the "whole child," expanding early educational opportunities, and including mental health support offered in school districts.

- **Dr. James McIntyre, Jr.**, the superintendent of Knox County Schools (Knoxville, TN), discussed his district's use of classroom technology, teacher professional development and supports through the TAP system, and community partnerships to inform career cluster academies. He advocated for increased flexibility under Federal law and a proposal for State "earned-autonomy" that would allow for State-created and -led accountability systems.

- **Ms. Henriette Taylor**, an elementary school Community School Coordinator (Baltimore, MD), discussed her work as a Federal Promise Neighborhoods grantee that has used a community school model to address attendance, school climate, and parent engagement. She advocated for maintaining dedicated funding for the Promise Neighborhoods and Full-Service Community Schools programs.

#### COMMITTEE CONSIDERATION

On April 7, 2015, the bipartisan Every Child Achieves Act (ECAA) of 2015 was noticed for markup and a draft was circulated to the committee. On April 12, 2015, an amendment to the noticed bill, in the nature of a substitute, was circulated to the committee. On April 14, 15, and 16, 2015, the committee met in executive session to consider the bill. Eighty-eight amendments were filed with the committee. The committee took action on 37 amendments, adopting 29 of them and rejecting the remaining 8. Twenty-one

amendments were withdrawn. The bill, as amended, was adopted by a roll call vote of 22 ayes to 0 nays on April 16, 2015.

*Amendments Voted On During Executive Session*

1. Senator Alexander offered a manager's amendment in the nature of a substitute to the Every Child Achieves Act of 2015. The amendment was adopted by unanimous consent.

2. Senators Baldwin and Cassidy offered an amendment to part B of title I to provide grants to States for enhanced assessment instruments and audits of assessment systems. The amendment was adopted by a roll call vote of 22 ayes to 0 nays.

3. Senators Collins and Sanders offered an amendment to improve the innovative assessment and accountability demonstration authority under the bill. The amendment was adopted by a roll call vote of 22 ayes to 0 nays.

4. Senators Franken, Kirk, and Murray offered an amendment to allow States to use computer adaptive assessments under title I. The amendment was adopted by voice vote.

5. Senator Isakson offered an amendment to provide for a rule of construction that ensures parent and guardian rights with regards to student participation in State assessments. The amendment was adopted by voice vote.

6. Senator Baldwin offered an amendment to require the reporting of the number and percentage of students attaining career and technical proficiencies on the State, local educational agency, and school report cards required under title I. The amendment was adopted by voice vote.

7. Senator Bennet offered an amendment to improve data collection methods and systems under title I. The amendment was adopted by voice vote.

8. Senator Warren offered an amendment to amend title I relating to measures of effectiveness. The amendment was defeated by a roll call vote of 10 ayes to 12 nays.

9. Senator Warren offered an amendment to amend section 1113(c) regarding schoolwide programs. The amendment was defeated by a roll call vote of 10 ayes to 12 nays.

10. Senator Murray offered an amendment to require States to report and disaggregate data on the academic achievement of military-connected students under title I. The amendment was adopted by a roll call vote of 15 ayes to 7 nays.

11. Senator Murphy offered an amendment to require States to describe how the State educational agency will protect each student from physical or mental abuse in school in their State Plans under title I. The amendment was adopted by a roll call vote of 12 ayes to 10 nays.

12. Senator Mikulski offered an amendment to include the Jacob K. Javits Gifted and Talented Students Education Act of 2015 under title II. The amendment was adopted by voice vote.

13. Senators Casey and Collins offered an amendment to include Ready-to-Learn Television program in title II. The amendment was adopted by voice vote.

14. Senators Franken, Kirk, and Murray offered an amendment to amend title II in order to improve student academic achievement in science, technology, engineering, and mathematics subjects. The amendment was adopted by a roll call vote of 12 ayes to 10 nays.

15. Senator Bennet offered an amendment to amend title II relating to teacher leadership. The amendment was adopted by voice vote.

16. Senator Baldwin offered an amendment to amend title II regarding workforce critical subjects. The amendment was defeated by a roll call vote of 10 ayes to 12 nays.

17. Senators Franken and Cassidy offered an amendment to support accelerated learning programs. The amendment was adopted by voice vote.

18. Senator Cassidy offered an amendment to allow States and local educational agencies to use funding under part A of title II to train teachers, principals, and other school leaders on understanding and identifying the early indicators of students with dyslexia and other specific learning disabilities and to conduct early evaluation and interventions for students with dyslexia and other specific learning disabilities. The amendment was defeated by a roll call vote of 10 ayes to 12 nays.

19. Senator Murkowski offered an amendment to amend title IV regarding 21st century community learning centers. The amendment was adopted by voice vote.

20. Senator Murray offered an amendment to authorize Project SERV under title IV. The amendment was adopted by voice vote.

21. Senator Baldwin offered an amendment to amend title IV to provide grants and contracts to local educational agencies and community-based organizations to initiate, expand, and improve physical educational programs. The amendment was adopted by voice vote.

22. Senator Bennet offered an amendment to amend title IV relating to financial literacy and Federal financial aid awareness efforts. The amendment was adopted by voice vote.

23. Senators Bennet and Collins offered an amendment to provide for education innovation and research under title V. The amendment was adopted by voice vote.

24. Senator Bennet offered an amendment to support rural local educational agencies. The amendment was adopted by voice vote.

25. Senator Casey offered an amendment to reduce school discipline issues. The amendment was adopted by voice vote.

26. Senators Whitehouse and Collins offered an amendment to amend title V in order to establish a program for literacy and arts education. The amendment was adopted by voice vote.

27. Senators Franken and Murkowski offered an amendment to amend title VII regarding Native American language schools and programs. The amendment was adopted by voice vote.

28. Senator Franken offered an amendment to amend title IV regarding elementary school and secondary school counseling programs. The amendment was adopted by a roll call vote of 13 ayes to 8 nays.

29. Senator Bennet offered an amendment to establish a weighted student funding flexibility pilot program. The amendment was adopted by voice vote.

30. Senator Casey offered an amendment to amend title IV to increase access to a well-rounded education. The amendment was defeated by a roll call vote of 10 ayes to 11 nays.

31. Senator Cassidy offered an amendment to amend part D of title II to ensure that children with dyslexia and other specific



learning disabilities have the resources and supports they need to academically succeed. The amendment was defeated by a roll call vote of 8 ayes to 14 nays.

32. Senators Murray and Isakson offered an amendment to authorize early learning alignment and improvement grants. The amendment was adopted by voice vote.

33. Senators Baldwin and Hatch offered an amendment to award grants to encourage State educational agencies, local educational agencies, and schools to utilize technology to improve student achievement and college and career readiness, the skills of teachers and school leaders, and the efficiency and productivity of education systems at all levels. The amendment was adopted by voice vote.

34. Senator Burr offered an amendment to better target scarce Federal dollars for teachers and school leaders in our Nation's neediest schools. The amendment was adopted by voice vote.

35. Senator Casey offered an amendment to restore an adjusted hold harmless provision for the formula grants under part A of title II. The amendment was adopted by a roll call vote of 13 ayes to 9 nays.

36. Senator Burr offered an amendment to restore an adjusted hold harmless provision for formula grants under part A of title II. The amendment was adopted by a roll call vote of 12 ayes to 10 nays.

37. Senator Cassidy offered an amendment to title V to provide for an exemption from use of a weighted lottery for schools that specialize in a learning disability and use an evidence-based curriculum specific to such learning disability. The amendment was defeated by a roll call vote of 5 ayes to 17 nays.

38. Senator Murphy offered an amendment to enhance continuum of services. The amendment was defeated by a roll call vote of 10 ayes to 12 nays.

#### *Amendments Offered and Subsequently Withdrawn*

1. Senator Scott offered and then withdrew an amendment to expand opportunity by allowing title I funds to follow low-income children.

2. Senator Whitehouse offered and then withdrew an amendment to amend title I in order to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in secondary school and post-secondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

3. Senator Baldwin offered and then withdrew an amendment to amend title I relating to State resource equity.

4. Senator Bennet offered and then withdrew an amendment to amend the school identification, interventions, and supports.

5. Senator Isakson offered and then withdrew an amendment to strike the 1 percent maximum on the number of students assessed using alternate assessments.

6. Senator Murphy offered and then withdrew an amendment to amend title I relating to intervention and support strategies, and for other purposes.

7. Senator Franken offered and then withdrew an amendment to assure educational stability for children in foster care.

8. Senator Baldwin offered and then withdrew an amendment to increase the number and percentage of students who graduate from high school college and career ready with the ability to use knowledge to solve complex problems, think critically, communicate effectively, collaborate with others, and develop academic mindsets, and for other purposes.

9. Senator Bennet offered and then withdrew an amendment to amend title I regarding comparability of services.

10. Senator Warren offered and then withdrew an amendment to amend the State report card requirements under section 1111(d) to allow for cross-tabulation.

11. Senator Murphy offered and then withdrew an amendment to improve early childhood educator compensation.

12. Senator Bennet offered and then withdrew an amendment to amend section 1111(b) regarding measuring student academic growth.

13. Senator Warren offered and then withdrew an amendment to section 1114 to ensure that schools with low graduation rates are identified as in need of intervention and support.

14. Senator Warren offered and then withdrew an amendment to title I relating to the goals of the State accountability system.

15. Senator Casey offered and then withdrew an amendment to ensure teachers, principals and other school leaders, and other educators are profession-ready.

16. Senator Bennet offered and then withdrew an amendment to title IV regarding family engagement in educational programs.

17. Senator Alexander offered and then withdrew an amendment to title IV regarding anti-bullying policies.

18. Senator Casey offered and then withdrew an amendment to part A of title IV to address harassment and bullying.

19. Senator Warren offered and then withdrew an amendment to establish a college information demonstration program, and for other purposes.

20. Senator Whitehouse offered and then withdrew an amendment to support innovation schools.

21. Senator Franken offered and then withdrew an amendment to end discrimination based on actual or perceived sexual orientation or gender identity in public schools.

### III. EXPLANATION OF BILL AND COMMITTEE VIEWS

The Every Child Achieves Act of 2015 (ECAA) updates current law to reflect what has been learned in the 13 years since the No Child Left Behind Act (NCLB) was enacted. It maintains important aspects of the law, while improving those provisions that reflect widespread consensus from teachers, principals, school superintendents, chief State school officers, and Governors on the need to be changed. Overall, the bill maintains critical Federal protections around testing and transparency while largely restoring to States and local educational agencies (LEAs) the responsibility for determining how to design State accountability systems that lead to improved student achievement.

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

The ECAA restructures and amends Title I of ESEA to address the following major issues:

*Challenging State Academic Standards*

The committee bill affirms State and local control of what academic standards to adopt, without interference from the Federal Government. The bill maintains current law in requiring each State to adopt challenging State academic content and achievement standards that apply to all students and schools in the State in at least reading/language arts, mathematics, and science. However, States are left to determine the knowledge, skills, and specific levels of achievement to include in those standards, so long as they demonstrate that such standards are aligned with: (1) entrance requirements for the system of public higher education in the State; (2) relevant State career and technical education standards; and (3) relevant State early guidelines as required under the Child Care and Development Block Grant Act of 1990. The bill requires States to determine at least three levels of achievement that will be included in their standards, enabling States to move away from the NCLB-designated levels (basic, proficient, and advanced) if they so desire.

The bill strengthens current law in protecting State control of academic standards. The bill is explicit that States are not required to submit their standards to the Secretary of Education for review or approval. The Secretary cannot mandate, direct, control, coerce, or exercise any direction or supervision over any of the content or achievement standards adopted or implemented by a State. As a condition of approving a State plan under title I, the Secretary may not require a State to change any specific elements of its academic standards, or specify, define, or prescribe the standards or measures that States or LEAs use to establish, implement, or improve their academic standards, including the content of those standards or achievement levels within those standards. Furthermore, the bill ensures that the Secretary is not authorized to require or coerce a State to enter into a voluntary partnership with another State to develop or implement standards, including as a condition of any Federal funding, approval of a State plan, or approval of a waiver from the law. While it is the committee's intent to allow States to enter into voluntary partnerships with other States and to use Federal funds to do so, such decisions must be entirely at the discretion of States, without any interference or coercion from the Secretary of Education.

*Alternate Academic Achievement Standards for Students  
With the Most Significant Cognitive Disabilities*

It is the intent of the committee to ensure that all students are held to the high standards in order to be prepared for entry into post-secondary education and careers. The committee recognizes, however, that the challenging academic achievement standards under section 1111(b)(1)(A) may not be appropriate for a small percentage of students with the most significant cognitive disabilities. To address these concerns, the committee allows for a State to use

a documented and validated standards setting process to adopt alternate academic achievement standards for students with the most significant cognitive disabilities. These standards must align with a State's challenging State academic content standards, reflect professional judgment regarding the highest achievement standards attainable by these students, be consistent with the Individuals with Disabilities Education Act, including provisions related to access to the general curriculum and designation of these standards in the child's individualized education program, and be aligned to ensure that a student meeting the alternate academic achievement standard is on track for further education or employment. These provisions also prohibit any other alternate or modified academic achievement standards. The committee notes that no State currently uses other alternate or modified academic achievement standards for assessment or accountability.

#### *English Language Proficiency Standards*

Similar to current law, the committee bill requires States to adopt English language proficiency (ELP) standards that are aligned with the State's academic content standards in reading or language arts; ensure proficiency in English for each of the domains of speaking, listening, reading, and writing; and address the different proficiency levels of English learners.

#### *Statewide Academic Assessments*

The committee bill recognizes the need for timely and objective information on student academic achievement so that parents know how their children are performing and teachers can improve classroom practice to support students that are struggling to meet State academic standards. Statewide annual assessments provide consistent information on student performance across the State, including information on achievement gaps within the State. This information, as one measure of school performance, allows parents, educators, and others interested in supporting improvements in our public schools to compare how schools within the State are performing relative to each other. The bill therefore maintains the current law requirement that statewide assessments continue to be administered annually in reading or language arts and math for grades 3 through 8, and at least once during grades 10 through 12. Statewide assessments must also continue to be administered in science at least once during grades 3 through 5, 6 through 9, and 10 through 12. These assessments must continue to: be valid, reliable, consistent with relevant, nationally recognized professional and technical testing standards, and objectively measure a student's achievement and skills; involve the inclusion of English learners and children with disabilities with appropriate accommodations, including in a language most likely to yield accurate data for English learners; and enable disaggregation of results by several categories of students, including the addition of homeless, foster care, and military-connected student categories.

The committee bill provides more flexibility to enable States to use multiple assessments over the course of the year to measure student knowledge, which culminate in a single summative score for a student; partially deliver assessments using portfolios, projects, or extended performance tasks; and use the principles of

universal design, to the extent practicable, in assessment design. States are allowed to develop and administer computer adaptive assessments that measure, at a minimum, whether each student is meeting or exceeding the grade-level performance for the State academic content standards. The allowance of computer adaptive tests will enable educators to receive more meaningful feedback on classroom instruction in real-time. Computer adaptive assessments have the potential to provide improved and more detailed information regarding student knowledge, performance and skill, but do not change the responsibility of local school districts to provide appropriate instruction to all students aligned to grade level standards, including students with disabilities. The bill includes additional subgroups of students for reporting purposes, including homeless students, children in foster care, and military connected children.

The bill strengthens current law in protecting State control of assessments by including explicit prohibitions on the Secretary to establish any criterion that specifies, describes, or prescribes the specific types of assessments or assessment items that States or LEAs use to measure student achievement. Furthermore, the bill ensures that the Secretary is not authorized to require or coerce a State to enter into a voluntary partnership with another State to develop or implement assessments, including as a condition of any Federal funding, approval of a State plan, or approval of a waiver from the law. While it is the committee's intent to allow States to enter into voluntary partnerships with other States and to use Federal funds to do so, such decisions must be entirely at the discretion of States, without any interference or coercion from the Secretary of Education.

#### *Universal Design for Learning*

The committee encourages States and LEAs to incorporate the principles of Universal Design for Learning (UDL) in the design and development of curriculum, instructional strategies, assessments, and professional development. The committee notes that UDL is a strategy that supports learning in all classrooms, not just classrooms that specialize in providing special education services, thus the committee encourages school leaders and instructional personnel to participate in appropriate professional development to build their knowledge and skills in implementing UDL. However, incorporating UDL as a strategy under this Act is not intended to minimize the use or need for assistive technology, which may be an appropriate accommodation for individual students with disabilities.

#### *Assessing English Learners*

The committee acknowledges that certain exceptions must be available when including the student academic achievement of English learners on reading, language arts, and mathematics tests in State accountability systems. In this bill, States may exempt recently arrived English learners from one administration of the State's reading or language arts test, but not the mathematics test. Regardless of whether these tests are taken, the results of both assessments do not need to count for the purposes of the State's accountability system for the first year of the English learner's enrollment in the United States. States may utilize tests in a student's

native language for an English learner's first 3 consecutive school years in the United States, and then must assess students in English. LEAs may, on an individual basis, assess such students identified as English learners in a language other than English for no more than an additional 2 years, if such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information.

The committee recognizes that local educational agencies and schools should receive credit for the math and reading assessment results of English learner students after they have reached full English proficiency. The bill provides the flexibility to include the math and reading assessment results of a student who is no longer classified as an English learner in the State's accountability system for not more than 2 years after exiting English learner status. These policies will provide the information needed to determine if English learners are graduating prepared for post-secondary education or the workforce. Additionally, each State plan must also demonstrate that LEAs will provide annually assessments of English proficiency for English learners to determine a student's speaking, listening, reading, and writing skills in English.

*Alternate Assessments for Students With the Most Significant Cognitive Disabilities*

The committee has provided States with the option to create alternate assessments based on alternate academic achievement standards to measure the academic proficiency of students with the most significant cognitive disabilities. Alternate assessments must be aligned with the State's content standards. When electing to create alternate assessments, the States must ensure the alternate assessments are used in a manner consistent with the requirements of the Individuals with Disabilities Education Act (IDEA). This includes providing appropriate accommodations, involving parents in the decision to use the alternate assessment, and ensuring students with the most significant cognitive disabilities are involved in and make progress in the general education curriculum. A student taking the alternate assessment may not be precluded from attempting to complete the requirements for a regular high school diploma. Any State using the alternate assessment must ensure that teachers and appropriate staff are trained to administer the assessment and to support the use of appropriate accommodations. In the interest of ensuring that all students, including children with disabilities, are held to the highest standards of academic achievement, and to protect against the inappropriate use of the alternate assessment, the total number of students assessed using the alternate assessment may not exceed 1 percent of the total number of all students in the State who are assessed in each subject and not more than 1 percent of assessments used in determining the achievement of students in the State accountability system may be alternate assessments for students with the most significant cognitive disabilities. The committee recognizes that in some LEAs there are concentrations of students with the most significant disabilities, thus this 1 percent limitation is at the State level and does not extend to individual schools or LEAs.

The determination of whether a student should be assessed using the alternate assessment based on alternate academic achievement

standards must be made on an individual basis for each subject by the participants on each child's Individualized Education program (IEP) Team. It is the committee's intent that section 1111(b)(2)(D) be read consistently with the requirements of the IDEA insofar as it does not interfere with the ability of an IEP Team to make an informed and individualized determination about an appropriate assessment. The committee notes, however, that while the IDEA gives an IEP Team the authority and responsibility to determine how each individual child with a disability participates in State and local testing systems, this authority must be exercised within guidelines intended to maximize opportunities for students with disabilities. Section 612(a)(16)(C) of the IDEA and section 1111(b)(2)(D)(i)(II) of this Act require States to develop guidelines for the participation of children with disabilities in alternate assessments for those students who cannot participate in regular assessments, even with appropriate accommodations. The committee views the 1 percent amount specified in the statute as reinforcing the necessity for IEP Teams to adhere to State guidelines.

#### *Assistive Technology*

The committee recognizes the importance of appropriate accommodations that allow students to demonstrate knowledge and skills and support access to instructional materials and instruction. Because of the advances in assessment design and the increased use of computer-based assessments, the committee recognizes that technology-based accommodations and the use of assistive technology may become increasingly important for students with disabilities to demonstrate their academic performance.

#### *Grants for State Assessments and Related Activities*

The committee bill includes dedicated funding for States to implement the State assessments in math, reading, and science that are required in part A of title I. The bill modernizes the formula grants to States to allow them to use funds to develop or improve balanced assessment systems that include summative, interim, and formative assessments. It also maintains support for States to develop English proficiency assessments, or assessments with appropriate accommodations for students with disabilities or English learners, including native language assessments.

#### *Grants for Enhanced Assessments Instruments*

The committee bill maintains the competitive grant program for other assessments besides the required State assessments. ECAA updated the program to allow for the development of comprehensive assessments instruments such as performance-, technology-, and competency-based assessments, computer adaptive assessments, and portfolios, projects, or extended performance tasks. This funding can also be used to develop English language proficiency assessments, and assessments with appropriate accommodations for students with disabilities or English learners, including native language assessments. The committee expects this competition will lead to the creation of higher-quality assessments that are better able to measure student achievement.

*Addressing Overtesting Concerns*

A common and recurring criticism of NCLB is that it has led to overtesting of students, and a narrowing of the curriculum for schools to mainly focus on math and reading since they are the subjects annually tested and those that have historically had the primary weight in the State's accountability systems. At a committee hearing in January entitled "Fixing No Child Left Behind: Testing & Accountability," several witnesses, including Dr. Martin West, Assistant Professor of Education at the Harvard Graduate School of Education, testified that students are being tested too frequently, but the Federal requirements for annual testing are not the cause of overtesting. Dr. West noted that "federally mandated annual State tests generally account for less than half of test-taking time, just 32 percent in a recent Ohio study."

The committee met with many individuals, including teachers, principals, superintendents, parents, and State leaders, who reiterated that the annual testing required by NCLB is not the root cause of overtesting. Rather, the overreliance on these tests as required by NCLB in the State's accountability system to determine success and failure of schools has led to many States, local educational agencies, and schools implementing many additional State and local tests to prepare for the annual assessments required under NCLB. While the committee accepts the importance of these annual statewide tests in providing critical information to parents, educators, and others interested in supporting improvements in our public schools, the committee bill makes several changes to current law in response to concerns around overtesting and overreliance on State tests.

*Deferred Commencement or Administration*

The committee bill continues to allow States to defer commencement or administration of State tests if annual funding falls below the current funding level for the States assessment grant program. This important protection, which was included in NCLB, helps ensure that States are only required to fulfill Federal testing mandates if there are funds provided to implement such mandates.

*Parental Opt-Out*

The committee bill includes language clarifying that nothing in title I, part A of current law is to be construed as preempting a State or local law regarding the decision of a child's parent or guardian to have the child not participate in the statewide academic assessments under section 1111(b)(2). This language is intended to protect parents' ability to choose whether or not their child takes a test, reiterating their rights to opt their children out of State tests if such right is provided under State or local law. It does not affect the obligations of a State that accepts title I funds, or of LEAs in the State, to comply with title I requirements relating to assessments, including administering the assessments, reporting on student achievement as measured by those assessments, and using the assessment results to carry out the State accountability system.



*State and Local Audits*

The committee bill includes a new reservation of funds under the State assessment grant program to enable States and LEAs to carry out audits of State and local assessment systems. Many State and local assessments that are currently being used are redundant, low-quality, and take valuable time away from classroom instruction. Some of the items that these audits will review related to each State and LEA assessment are:

- The grade and subject assessed.
- Whether the assessment is required under Federal education law.
- The annual cost in developing, purchasing, administering, and scoring the assessment.
- The purpose of the assessment.
- The time to disseminate assessment results.
- How it is aligned to State standards under section 1111(b)(1).
- What State or local laws or regulations require the assessment.

The audits will also include feedback from multiple stakeholders on the assessment system, including how educators use the assessment data to improve instruction, the time it takes to prepare students for the assessments, how useful they are, and the time it takes for students to take the tests. Finally, States and districts will prepare a plan on how to address the audit findings, including eliminating assessments that are not useful, not helpful in improving learning, redundant, or unrelated to State standards.

These audits are intended to help bolster the dearth of systematic data on the amount of time students nationwide spend taking Federal, State, and local tests. They will also help address the concerns that some schools test far more than is necessary, and that too many schools devote excessive time to narrow test preparation activities. The concerns voiced by parents and educators related to testing are legitimate, and the first step to correcting the problem of overtesting is to get better information on how much testing is occurring and for what purposes. The committee intends for States and LEAs to use data from the audits to find opportunities to reduce the testing load on schools, teachers, and students.

*Innovative Assessment and Accountability Demonstration Authority*

ECAA authorizes the Secretary to allow seven State educational agencies initially to develop and implement an innovative assessment and accountability pilot. This pilot will allow States to develop new assessment systems instead of, or in addition to, the required State tests. The committee intends that the States who receive the pilot authority will have the necessary infrastructure and State policies in place to implement these innovative assessment systems effectively. These innovative assessment systems may be comprised of tests such as competency-based assessments or proficiency- or performance-based assessments that validate when students are ready to demonstrate mastery of skills and allow for differentiated student supports based on demonstrated student needs. The innovative assessment system will have to meet minimum Federal protections and be peer reviewed and approved. The innovative assessment system must monitor progress of student

learning in the assessed areas, and generate annual, summative determinations about student achievement based on annual data for each individual student. The demonstration authority is not intended to result in multiple annual assessment systems from which local educational agencies may select. Rather, the intent is to provide authority for States to develop a statewide innovative assessment system, that could include a variety of types of assessments, to eventually replace the existing statewide assessment system under section 1111(b)(2), for all local educational agencies in the State so long as they meet the requirements of ECAA and the demonstration authority.

These next generation assessment systems are intended to support better teaching and learning, as teachers will have real-time data on student learning and needs that they can use to tailor instruction rather than administering a one-time end-of-year test which does not provide useful information to teachers or students in a timely fashion. The committee intends the results on the assessments developed in the pilot to be comparable, valid, and reliable as compared to results on the State assessments and to provide unbiased, rationale, consistent, and comparable determinations of progress toward annual goals and determinations under section 1111(B)(3)(B)(iii). The committee also intends this pilot authority to support the work currently happening in States to support higher quality assessments connected to better teaching and learning. While the committee bill addresses issues of overtesting, this pilot also helps support efforts to improve the utility and quality of assessments.

#### *State-Designed Accountability Systems*

ECAA eliminates many of the rigid one-size-fits-all accountability requirements of NCLB, particularly the requirements related to adequate yearly progress (AYP) and the 2014 deadline for States to demonstrate 100 percent proficiency among their students in reading and math. Instead, the bill makes clear that States have the responsibility for developing a single, statewide and State-determined accountability system to ensure that all students graduate from high school prepared for post-secondary education or the workforce without the need for post-secondary remediation. However, the committee bill also responds to requests from Governors, Chief State School Officers, and other representatives of educators, the business community, and the civil rights community that Federal law maintains some important requirements to ensure that States implement meaningful systems that will hold schools accountable for student outcomes, including the outcomes of individual student subgroups. Therefore, the committee bill seeks to strike a balance that provides an outline of an accountability framework that all States must adhere to, but provides States with greater flexibility to develop systems within that outline that are reflective of individual State priorities and needs.

Under the committee bill, State accountability systems must include the following elements, at a minimum:

- Annual State-designed goals for all students and each of the subgroups of students for student academic achievement on the statewide annual assessments and high school graduation rates;

- Academic achievement of all students and each of the subgroups on State tests, which may include student growth;
- A statewide academic indicator of success for elementary schools for all students and each subgroup of students;
- High school graduation rates for all students and each of the subgroups of students;
- English language proficiency for all English learners; and
- Any other indicator of school quality, success, or student supports, determined by the State for all students and each of the subgroups of students.

The annual State-designed goals must take into account the progress necessary for all students and each of the individual subgroups of students to graduate from high school prepared for post-secondary education or the workforce without the need for post-secondary remediation. This requirement is intended to make clear to States that they are expected to set ambitious goals to ensure that all students, including each of the subgroups of students, meet the longer-term goal of graduating from high school ready for post-secondary education or the workforce without the need for remediation. ECAA provides flexibility for States in the design of these goals.

ECAA does not mandate the use of student growth as a Federal requirement in State accountability decisions. However many States are already including student growth in their accountability systems and ECAA maintains the ability for States to continue to do this. Furthermore, States may use measures of growth for the annual goals under section 1111(b)(3)(B)(i), the achievement indicators under section 1111(b)(3)(B)(ii), and the system of annual identification of schools under section 1111(b)(3)(B)(iii).

In addition to the statewide annual assessment, ECAA requires States include a series of other indicators in their accountability systems. The bill requires States to include a statewide academic indicator for elementary schools and secondary schools that are not high schools. This indicator is to be the same statewide indicator for all public elementary school students and each individual subgroup of students and may include measures such as attendance rates. States must also include high school graduation rates for all students and each individual subgroup of students. Graduation rates will be measured as the 4-year adjusted cohort rate and extended year rate, as defined in the 2008 Federal regulation. In addition to statewide assessments, both the elementary school indicator and high school graduation rates must be substantial factors in the State-designed accountability systems, the weight of which is determined by the State. In addition, States are required to include English language proficiency for all English learners in their State-designed accountability systems, which shall be based on the State requirements for timelines and goals for progress under section 1111(c)(1)(K).

Finally, States must also include one other statewide indicator of school quality, success, or student supports that will be applied to all local educational agencies and schools consistently throughout the State for all students and each individual subgroup of students. This other measure of school quality could include measures of student readiness to enter post-secondary education or the workforce without the need for post-secondary remediation. The committee's

intent is that “measures of student readiness to enter post-secondary education” may include measures such as passage rates on Advanced Placement and International Baccalaureate exams, ACT and SAT scores, credits accumulated through dual and concurrent enrollment programs or early college high school programs or other measures determined appropriate by the State.

State-designed accountability systems will use all the indicators to annually identify and meaningfully differentiate among all public schools in the State, with student academic achievement for all students and each individual subgroup of students on the statewide tests, the academic indicator for elementary and middle schools, and high school graduation rates all being substantial factors in the system, the weight of which is determined by the State. State-designed systems must also ensure that 95 percent of all students and each individual subgroup of students who are required to be assessed annually takes the statewide assessments required under section 1111(b)(2). The 95 percent test rate requirement must also be factored into the State accountability system with States determining how it factors into such system. In determining whether this requirement is met, the committee intends for all students required to be assessed to be included in the State accountability system, including those who use appropriate accommodations or are assessed using the alternate assessment based on alternate academic achievement standards.

The committee bill eliminates the notion of a one-size-fits-all federally mandated system for holding schools accountable and further seeks to ensure that important decisions concerning the design and implementation the State accountability systems need to be made by State educational agencies with timely and meaningful consultation with stakeholders, including Governors, local educational agencies, representatives of tribes located in the State and teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, including organizations representing such individuals. The bill strengthens current law in protecting State and local authority to make decisions related to school accountability by including specific prohibitions on the Secretary. The Secretary is specifically prohibited from establishing any criterion that specifies, defines, or prescribes:

- The specific goals that States establish within State-designed accountability systems for all students and subgroups of students for student academic achievement or high school graduation rates.
- The specific weight or specific significance of any measures or indicators used to measure, identify or differentiate schools in the State-determined accountability system.
- Any aspect or parameter of a teacher, principals, or other school leader evaluation system within a State or local educational agency.

#### *School Identification, Interventions, and Supports*

The committee recognizes that accountability systems that are more tailored to the needs and strengths of States and school districts stand a greater chance at successfully leveraging improvements in student achievement than the one-size-fits-all approach of NCLB. The committee bill requires that States use the State-designed accountability system to annually identify and meaning-

fully differentiate all public schools that are in need of intervention and support due to low-performance in the State accountability system. The committee intends for this meaningful differentiation to include issues such as the reasons why schools were identified by the State, such as chronic underperformance of all students or underperformance of student subgroups. States must provide a clear and understandable explanation of this differentiation.

All title I schools that are identified must implement an evidence-based intervention and support strategy designed by the State or school district. An important provision in the ECAA is the requirement that all school districts with identified schools as in need of assistance will conduct an extensive review of such identified schools, including by examining the indicators in the accountability system, and policies, procedures, personnel decisions and budgetary decisions that could have led to the identification of the school. Then, an evidence-based strategy for use in improving identified schools can be developed based on the actual needs of the school, and be proportional to the actual identified needs of the school. The intervention and support strategies used by school districts must distinguish between the lowest performing schools and other schools identified as in need of intervention and support for other reasons, including schools with subgroups of students not meeting the annual goals established in 1111(b)(3)(B)(i). This provision sends a signal to States that subgroup performance must be a part of the identification of schools for intervention and support strategies. The school districts must develop comprehensive plans for ensuring the successful implementation of these intervention and support strategies and collect and use data on an ongoing basis to monitor the results of these intervention and support strategies and adjust them as necessary. Furthermore, LEAs must describe the actions they will take to assist identified schools to improve student academic achievement in the title I plans they submit to their State, including the lowest performing schools and schools identified for other reasons, including schools with categories of students not meeting annual goals. The committee acknowledges the shortcomings with the prescriptive turnaround models promulgated by the Department of Education for LEAs to use in turning around low-performing schools. Strategies that are designed by States and LEAs involving multiple local stakeholders and based on the identified needs of schools will be much more effective in helping to improve a school and will have the support of the educators, staff, and parents who will do the hard work of school improvement. The bill is explicit in prohibiting the Secretary from establishing any criterion that specifies, defines, or prescribes any school intervention or support strategy that States or LEAs will use to assist schools identified as in need of assistance under the State accountability system.

ECAA requires States to monitor and evaluate the intervention and support strategies implemented by local educational agencies in schools identified as in need of intervention and support, including the lowest performing elementary schools and secondary schools and schools identified for other reasons, including schools with subgroups of students not meeting annual goals established by States. The committee intends that States will continue to identify a balanced representation of all levels of schooling among their

lowest performing schools, including high schools with low graduation rates. States must also describe the steps they will take to assist local educational agencies if the evidence-based strategies being used in identified schools are not effective, or if the local educational agencies have failed to carry out their responsibilities. LEAs and States must use results from the State monitoring and evaluation to take appropriate steps to change or improve interventions or support strategies as necessary.

The committee bill continues to support title I schools identified as in need of intervention and support from two different funding sources—authorization of the School Intervention and Support (SIS) program, to replace the School Improvement Grant program under NCLB, and by providing flexibility for States to reserve 4-percent from title I, part A funds for technical assistance and support for school district improvement and support activities. Funds under section 1003(b) may be used by the State directly, with the approval of the local educational agency, or the local educational agency to provide interventions and supports through other entities such as school support teams, educational service agencies, or other nonprofit or for-profit organizations that use evidence-based strategies to improve student achievement, including converting identified schools to charter schools, or to open new public charter schools or expand high quality public charter schools to serve all students enrolled in each identified school receiving such funds.

States that receive SIS funds must award 95 percent of these funds, competitively, to school districts with identified schools and must prioritize districts serving elementary and secondary schools identified as the lowest performing schools in the State. SIS subgrants are awarded for a 5-year period, and States must monitor and evaluate the implementation of evidence-based school intervention and support strategies funded by SIS. A State may reserve more than 5 percent of SIS funds to directly provide intervention and supports to identified title I schools if LEAs fail to effectively improve such schools, but the committee intends that the majority of SIS funds will be allocated to LEAs. Districts will have to describe to their State the process they will use to select evidence-based intervention and support strategies, and the timeline for implementing such strategies. In addition, districts will monitor the effectiveness of the implementation of such strategies and make appropriate changes if the strategies are not effective. The intervention and support strategies will have to meet the needs of all students, including student subgroups. Additionally, the bill allows States to allocate SIS funds to a statewide school district, a consortium of LEAs, or an educational service agency, all of which serve identified schools, if such entities are legally constituted or recognized as LEAs in the State.

#### *State Plans*

As under current law, any State wishing to receive title I, part A funds, must submit a plan to the Secretary describing how the State and its school districts will meet the requirements of this Act and will coordinate the activities with related Federal programs. The committee intends for many community stakeholders to be meaningfully consulted in the development of the State plan, including the Governor, LEAs, educators (including representatives

of educators), representatives of Indian tribes located in the State, other staff, administrators, and parents. The committee bill includes many important provisions for States to include in their plans. The States must include the minimum number of students to be included in each subgroup of students for accountability purposes, and this number must be statistically sound, not reveal personally identifiable information, and determined through collaboration with other education stakeholders. This will ensure that schools have an accurate measure of student subgroup performance. States must describe the process used for determining this minimum number, and publish it on the State report card. The committee recognizes the value and importance of disaggregation of data by categories of student. This disaggregation allows for more meaningful accountability and improved transparency. The committee intends for the report required under section 1018 to guide States in making the determination of the minimum number of students to be included in each subgroup of students for accountability purposes.

ECAA also maintains the current law equitable distribution of educator requirements, which seek to ensure that low-income and minority children are not taught at disproportionate rates by ineffective, inexperienced, or out-of-field educators. The State plans must describe how the State will make public the methods and criteria the State is using to measure teacher, principal, and other school leader effectiveness to ensure educators and other stakeholders know how the State is determining educator effectiveness. The State plans must also describe how States will address school climate and discipline issues; if the States propose to use funds to assist gifted and talented students, how the State will do so; and how the State determines the timelines and annual goals for progress in English proficiency for English learners. This requirement relates to the information States will use to meet its requirements for English learners under the State accountability system, as well as for requirements related to English learners under title III. State plans also include important assurances that States will: participate in the biennial math and reading National Assessment of Educational Progress; support the collection and dissemination of effective parent and family engagement strategies; and ensure that all educators meet applicable State certification and licensure requirements, including qualifications for paraprofessionals that have been in place since 2002.

#### *Peer Review*

The committee bill improves the peer review and title I State-plan approval processes from current law. The committee intends the peer review process to be a method for providing constructive feedback to States regarding how the provisions in their State plans might be implemented, including in the most important areas of their plans related to assessments, accountability, and school intervention and support. Peer review teams must include a balanced representation of recent or current practitioners, and those who have research experience in implementing standards, assessments, or accountability systems, as well as meeting the needs of disadvantaged students and those with special or unique needs. The bill provides greater transparency around on peer review team

participants. The names of peer reviewers will be published on the Department's Web site, and the same peer reviewers will not review all of the State plans. Peer reviewers will conduct an objective review of the State plans out of respect for State and local judgments and provide objective feedback on the technical and overall quality of State plans.

#### *State Plan Approval*

ECAA requires States to submit title I State plans to the Secretary for approval, but requires State plans to be deemed as approved within 90 days of submission unless the Secretary presents substantial evidence that the plan does not meet the requirements of title I. If the Secretary finds the plan does not meet the requirements of title I, States are provided immediate notice, a description of non-compliant provisions, all peer reviewer comments, an opportunity to revise and resubmit the plan, technical assistance upon request, and an opportunity for a public hearing. The committee does not intend for the Secretary to be forced into approving State plans if the States are not cooperative in submitting materials for review as part of the plan-approval process.

The committee bill includes clear and explicit prohibitions on the Secretary regarding State plans. The Secretary shall not have the authority to require a State, as a condition of approval of its plan or revisions or amendments to its plan, to include in, or delete from, such plan one or more specific elements of the challenging State academic standards, use specific academic assessment instruments or items, set specific State-designed annual goals for academic progress for students and subgroups of students, or specific timelines for such goals, assign any specific weight or specific significance to any measures or indicators of student academic achievement or growth within the State-designed accountability system, specify, define or prescribe any specific benchmarks, targets, goals, or metrics to measure non-academic measures or indicators, or any aspect or parameter of a teacher, principal, or other school leader evaluation system. State plans will be in effect for 7 years and periodically reviewed and revised by the State as necessary. If States make significant changes to their State plans at any time, including changes to their accountability systems under section 1111(b)(3), such information shall be submitted to the Secretary and the Secretary shall review the information and approve or disapprove the changes within 90 days without undertaking the peer review process again.

#### *Seclusion and Restraint*

Seclusion and restraint have been used in various school situations as a means of discipline or reactive behavioral control. These practices often affect children with disabilities and children of racial and ethnic minorities, as documented in the U.S. Department of Education 2011 and 2013 Civil Rights Data Collection. The committee adopted an amendment in markup to require States to describe in their State plan how students will be protected from physical and mental abuse, aversive and dangerous behavioral interventions, and the use of seclusion and restraint, including how the State will use professional development for school personnel. The committee notes that many States have policies that will satisfy



this requirement. These provisions will encourage all States to determine how every student will be protected from inappropriate use of seclusion and restraint.

#### *Annual Report Cards*

One of the most important achievements of NCLB was the annual public reporting of data regarding student academic achievement, graduation rates, and other indicators, and the requirement to report that data publicly in a manner consumable by parents, families, policymakers, and the general public. The committee supports the continuation of reporting of this and other data to help hold States, school districts, and schools accountable to their stakeholders for the success of all students. ECAA continues the data collection and reporting requirements from NCLB, including for all students and disaggregated by subgroups of students, and adds a number of important requirements, including reporting on the percentage of students who did not meet annual State-designed goals, while ensuring protections are in place to not overly burden States and LEAs or release personally identifiable information.

Some key additions to the report cards are equity and school climate indicators reported on the Civil Rights Data Collection biennial survey. The purpose of these additions, which provide that State and local report cards shall include information on access and barriers to access to certain critical educational resources, is to provide better information to the public to promote equity in access to those resources for all students. ECAA also requires States to report information regarding the professional qualifications of teachers by poverty quartiles and high- and low-minority schools in the State in order to help States comply with the bill's equitable distribution requirements. The legislation also requires States and districts to report the per-pupil expenditures for Federal, State and local funds, disaggregated by source of funds. These expenditures must include actual personnel expenditures and actual non-personnel expenditures at each individual school, and not district averages for teacher and personnel expenditures.

ECAA also includes a new Secretary's report card that contains the information from the State, LEA, and school report cards. This information provides an opportunity for the Secretary to highlight examples of effective and ineffective strategies for educational improvement happening across the country.

#### *Public Recognition*

ECAA provides the authority for the Secretary to identify and publicly recognize exemplary performance among States, local school districts, schools, as well as excellence among educational professionals in many different areas. This may include recognizing excellence in classified school employees for improving student wellness or achievement. This authority will give States further opportunity to identify and reward school districts and schools that are top performers, including schools and districts that demonstrate strong academic achievement, growth, or graduation rates for all students and subgroups of students.

### *Schoolwide and Targeted Assistance Programs*

The committee bill maintains the schoolwide and targeted assistance programs under current law, including the requirement that a title I school must have 40 percent or more of students in poverty to operate a schoolwide program. However, in an effort to provide more local flexibility, the bill asks LEAs to conduct a needs analysis of all title I schools in the LEA. If the results of the needs assessment determines a school under 40 percent poverty could best serve its title I students using a schoolwide program, the LEA can waive the 40 percent threshold requirement.

### *Foster Children*

ECAA requires States to detail the steps they will take to ensure collaboration with State agencies responsible for foster care, including an assurance that children will be immediately enrolled in and records will be transferred to a receiving school. Collaboration is important to help better identify foster youth to address their specific needs. The bill also requires disaggregated reporting on foster student achievement under the State, local educational agency, and school report cards to get better information on how students in foster care are performing. As part of reporting, the committee expects that State educational agencies will work with child welfare agencies to gather an accurate number of the foster children they are serving.

### *Early Childhood Education*

The committee clarifies that States can use title I–A funds to support early learning initiatives. States that do so are encouraged to have comprehensive plans for determining need and ensuring program quality that may take into account establishing or upgrading early childhood educator licensure requirements, improving professional development opportunities for early childhood educators, and carrying out other activities related to early childhood education.

### *Highly Qualified Teachers*

The committee bill repeals NCLB’s definition of a highly qualified teacher (HQT), which places too much emphasis on a teacher’s credentials, degrees, and licensing rather than a teacher’s ability to actually improve student achievement. There is widespread bipartisan agreement that HQT is not the best measure of teacher effectiveness. A Federal definition of teacher quality can be especially harmful to rural school districts which often face unique challenges, including those related to hiring and retaining effective teachers. Therefore, ECAA requires States to report on their system of certification, licensing, and professional growth and improvement, as well as to report on other indicators related to teacher effectiveness.

### *Parent and Family Engagement*

The committee bill strengthens current law provisions by expanding such involvement to family members. This shift is intended to acknowledge the role that non-custodial family members play in the life of a child. LEAs must continue to develop a written parent and family engagement policy. The bill also improves parent

and family engagement by requiring outreach to all parents and family members, including meaningful involvement of the parents and family members in the development of the parent and family engagement policy. Furthermore, the bill allows for the establishment of a parent advisory board comprised of a representative group of parents or family members served by the LEAs and recognizes the important role LEAs play in improving parent and family engagement by increasing support for district-level parent and family engagement activities. Early Head Start, Home Instruction for Parents of Preschool Youngsters, and Parents as Teachers are intended to remain eligible for funding under the Parent and Family Engagement section.

*Participation of Children Enrolled in Private Schools*

Provisions related to the equitable participation of private school students have been a part of ESEA since its enactment in 1965. These provisions are intended to help disadvantaged students who attend private schools and are included in the calculation of Federal funds allocated to public school districts. ECAA improves current law to ensure that eligible private school students who help generate funds in eligible attendance areas receive the services for which they are eligible. ECAA clarifies that allocations to provide services to private school students must be determined before a LEA reserves any money “off the top” of its title I allocation. This will help ensure that a LEA’s total title I allocation is included in discussions when determining equitable services for private school children and prior to any allowable expenditures are reserved by the school districts. The bill also requires more transparency into how allocations for private school students are determined during the consultation process with the local school district, as well as whether the district will provide services directly to private school students or assign responsibility for those services to a separate government agency, consortium, or entity, or to a third-party contractor. Last, the bill requires that equitable services for title II funds be determined on the basis of the full allocation of title II funds to a LEA rather than only the portion spent on professional development activities by the LEA.

*Supplement, not Supplant*

ECAA maintains the “supplement, not supplant” (SNS) requirements from current law, which ensure Federal dollars are used as an addition to State and local resources, and do not replace them. While the committee recognizes the importance of this requirement, the committee also recognizes that Department of Education regulations have led these requirements to be more restrictive than the provision’s original intent. To address this, the bill includes new provisions detailing how LEAs and schools must demonstrate compliance with SNS under part A of title I. Specifically, the bill allows States and LEAs to comply with SNS for title I, part A funds if they can document that the manner in which they allocate State and local resources to schools is “Title I neutral,” or that the methodology does not account for the title I funds that schools will receive. Additionally, the bill removes requirements in regulation that force LEAs to identify individual costs or services as supplemental. Instead, the way in which State and local resources are al-

located to a school must be examined as a whole to ensure that the methodology does not account for title I funds the schools will receive. This language will provide more flexibility for schools to utilize title I funds to implement comprehensive and innovative programs. LEAs will be able to demonstrate SNS compliance in a much less burdensome and restrictive way, while still making clear that Federal dollars are supplemental to State and local dollars and not be used to replace them.

*Maintenance of Effort*

The committee bill maintains current law maintenance of effort (MOE) requirements, which ensure that States and LEAs provide support for elementary and secondary education year to year, while also providing LEAs additional flexibility if extraordinary circumstances cause a LEA to not meet these requirements periodically. If a LEA fails to maintain State and local spending at a level that is at least 90 percent of its prior year spending, it will not be subject to a reduction in Federal funds, so long as such LEA has not failed to meet MOE requirements in the preceding 5 years. The LEA will be able to have 1 year to return to compliance with MOE for the year preceding the year that the LEA did not meet the requirements without penalty. As is the case under current law, the Secretary may waive MOE requirements for 1 year under certain circumstances. The bill adds an additional example under which the Secretary may consider waiving MOE requirements: “a change in the organizational structure of the local educational agency.” The committee included this example because school districts sometimes make key staff changes or centralize operations that may result in a more streamlined and better-governed school system, but also a one-time reduction in spending.

*Education of Migratory Children*

The committee bill amends part C of title I of current law to clarify that programs to serve migratory children and youth should be designed to prepare such children and youth for post-secondary education or the workforce without the need for post-secondary remediation. The committee bill makes a number of changes to address the challenges posed by LEAs in identifying migrant students, including defining particular circumstances of migratory workers and what constitutes a “qualifying move.” In particular, the committee believes that temporary and seasonal workers should include those workers who have been employed not longer than 18 months, or a longer period with justification by the State. Services should be prioritized for migratory children that have made a qualifying move within the previous year, meaning a move out of economic necessity, in certain circumstances. The bill also includes definitions for migratory agricultural worker, migratory child, migratory fisher, and more explicit information on what constitutes a qualifying move to update the changing status and circumstances of migrant workers since NCLB.

*Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk*

The committee bill amends part D of title I of current law to ensure that State educational agencies have established procedures to

ensure prompt re-enrollment into secondary schools or re-entry programs, including the transfer of credits, and opportunities to participate in post-secondary education or other career pathways, for children and youth in local and State institutions for neglected and delinquent juveniles. This language encourages transition plans and academic assessments for students upon entry into a correctional facility and consultation between facilities and local educational agencies upon release to ensure the students' continued success. Where applicable, these programs should be implemented to reduce the need for remediation and increase coordination with Indian tribes and the Bureau of Indian Education.

#### *General Provisions*

The committee notes that the number of Federal regulations with which States and LEAs must comply has grown over the last three decades. The committee intends for the Department of Education to examine the impact, including costs, burdens, and benefits of regulations before issuing them, as well as to gather ample stakeholder input, including individuals such as Federal, State, and local administrators, parents, teachers, principals, school leaders, and charter school leaders.

The committee bill alters the regulatory process for some title I provisions in the case in which consensus around the regulations from a negotiated rulemaking process is not reached, including regulations for State standards, State assessments, the State accountability system, school intervention and support, and "supplement, not supplant" requirements. In these cases, the Secretary must do an analysis of the justified need for regulation, the anticipated burden, including time, cost, and paperwork burden to implement the regulation, any anticipated benefits, any regulations to be repealed when new regulations go into place, and provide opportunity to comment. The intent is that the Secretary will thoughtfully gather feedback and consider impact before issuing new regulations.

#### TITLE II: HIGH QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

Title II of the ECAA restructures and amends Title II of ESEA to address the following major issues:

##### *Fund for the Improvement of Teaching and Learning*

The committee bill replaces the existing Teacher and Principal Training and Recruiting Fund included in part A of title II with a new Fund for the Improvement of Teaching and Learning to provide more flexibility to States and LEAs in supporting teachers, principals, and other school leaders. The bill provides resources to States and school districts to implement various activities to support teachers, principals, and other educators, including allowable uses of funds for high quality induction programs for new teachers, ongoing professional development opportunities, and programs to recruit new educators to the profession.

The bill shifts away from emphasizing teacher qualifications as a proxy for teacher quality and, rather, focuses on providing States and local school districts with the flexibility to improve the effectiveness of teachers, principals, and other school leaders based on their local needs. The bill further provides States and local school

districts with maximum flexibility to use funding to support activities that improve the quality and effectiveness of teachers, principals, and other school leaders, including activities that will increase the supply of and ensure that low-income and minority students have access to effective educators.

*Teacher and Principal Evaluations*

The committee bill empowers, but does not require, States and LEAs to develop their own teacher and principal evaluation systems. The committee recognizes the importance of fair and accurate ways to evaluate and support teachers, principals, and other school leaders. Research suggests that well-designed evaluation systems could have a direct and lasting effect on individual teacher performance and student academic achievement. However, there is significant disagreement about what constitutes a well-designed evaluation system and, furthermore, how such systems should be used by States, school districts, and schools to inform classroom practice and personnel decisions. Dr. Dan Goldhaber's testimony to the committee on January 27, 2015 observed that,

“[t]he country is in the midst of a large experiment in reforming the way educators are evaluated. Since 2009, 49 States and the District of Columbia have changed their evaluation systems, and in many cases these changes are being fully implemented only now.”

Furthermore, as the former Institute of Education Science Director Grover Whitehurst commented in a 2012 *New York Times* article, “[t]here’s a lot we don’t know about how to evaluate teachers reliably and how to use that information to improve instruction and learning.” The appropriate role of the Federal Government should be to leave decisions about how to design and implement fair and accurate ways to evaluate and support teachers, principals, and other school leaders to States and local school districts.

The bill explicitly permits, but does not require, States and districts to use funding under part A to develop, improve, or provide assistance to LEAs to support the design and implementation of teacher, principal, and other school leader evaluation and support systems. If States use funding for these purposes, evaluation and support systems must meet minimal requirements, including they must be partly based on evidence of student academic achievement, which may include student growth. While evaluations must be based on student academic achievement, it is up to States to decide how student achievement will be measured, including whether standardized test scores are included. Evaluation systems funded by title II must also use multiple measures of educator performance as determined by the States, and provide clear, timely, and useful feedback to teachers, principals, and other school leaders.

In order to maintain State and local control of the development or implementation of teacher, principal, or other school leader evaluation systems, the bill prohibits the Secretary or any other officer or employee of the Federal Government from mandating, directing, or controlling the development, improvement, or implementation of elements of these evaluation systems, specific definitions of teacher, principal, or other school leader effectiveness, or professional standards, certifications, or licensing requirements in States or LEAs.

*Formula Grants to States*

The committee bill changes the formula for how allotments to States under part A are determined under current law. Under NCLB, each State's allocation is based 65 percent on poverty levels and 35 percent based on student population. The law also includes a hold-harmless provision to ensure that no State's annual allocation will be less than it received in fiscal year 2001 under the former Eisenhower Professional Development and Class-Size Reduction programs, the year before the law was enacted. Only funding in excess of the hold-harmless amount is distributed to States based on the 65–35 formula. This hold harmless provision is based on student population counts from 2001 and allocates funding without accounting for where students may live now.

The committee bill updates the funding formula under part A. The bill re-adjusts State allocations to be based 80 percent on poverty levels and 20 percent based on student population with the purpose of ensuring that funding is allocated more substantially to States with larger populations of low-income students. Furthermore, the bill removes the hold-harmless provision under current law and replaces it with a 7-year ramp-down of the provision, in order to minimize the immediate impact of the loss of funding due to the removal of the hold harmless on States. By fiscal year 2022, all of the title II funds will be distributed based on the new formula—80 percent based on poverty levels and 20 percent based on student population.

The committee bill maintains the flexibility provided in current law to States in setting-aside up to 5 percent of funding under part A for a variety of activities related to teachers, principals, and other school leaders. The bill provides an expanded list of allowable programs or activities that States may choose to use funds in support of, as well as other activities that the State identifies that are evidence-based and meet the purposes of part A. The committee intends the allowable activities included in the bill to be illustrative, rather than exhaustive, with the goal of providing States with maximum flexibility to determine how to prioritize and dedicate resources. While the bill highlights teacher, principal, and school leader residency programs throughout title II, the committee does not intend to prohibit already certified, licensed, or practicing teachers, principals, or other school leaders from entering into those programs.

Extensive research shows that school leadership is second only to teacher quality among school-related factors that influence student achievement. While teacher quality has the greatest impact on achievement, principal quality determines whether schools can attract and retain effective teachers. Historically, States and LEAs have used very little of their title II, part A, funds to support the professional development or training of principals. The committee bill contains an optional 3 percent set-aside within part A for States to dedicate toward activities related to principals and other school leaders. States may reserve an additional 3 percent of funding allocated under part A from the amount otherwise reserved for sub-grants to LEAs, so long as this reservation would not result in a reduction in the amount of funding that LEAs received during the previous year. States may use this funding on any State activities described in this section that are specifically focused on prin-

cipals and other school leaders. States should prioritize and use funds under this optional set-aside for recruiting, preparing, developing, supporting, and retaining principals and other school leaders. Given a principal's critical role in improving teacher effectiveness and increasing student achievement, State investments in principals and other school leaders are an efficient means to promote and sustain school improvement.

The bill also includes a new requirement that States must consult with educators, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to increase the quality of, and student access to, effective teachers, principals, and other school leaders.

#### *Subgrants to LEAs*

The committee bill makes important changes intended to provide LEAs with significant flexibility in how title II funding is used to meet local needs, while also strengthening the process by which LEAs make those determinations. The committee recognizes that title II funding is often spent by local school districts on activities that are not supported by evidence and are unlikely to improve student achievement. The Federal Government can play an important role in ensuring taxpayer dollars are spent effectively and efficiently. But the Federal Government should not impose overly prescriptive requirements that limit the ability of local school districts to invest in innovative approaches that meet the distinct needs of their students and communities. The committee bill enables LEAs to make meaningful and thoughtful decisions about how to spend limited resources and are consulting with relevant local stakeholders, while also not dictating what those ultimate decisions should be. The bill requires an increased focus on low-performing schools in title II by directing local educational agencies to prioritize funds to schools that have been identified as low-performing or have high percentages of low-income students. ECAA also requires LEAs that have a significant number of low-performing schools to seek the input of their States when implementing title II activities.

The bill seeks to improve the quality and usefulness of the needs assessments that LEAs are required to conduct under current law, which are intended to direct resources toward the schools that have the most acute needs. The bill expands the list of factors that LEAs are required to consider in their needs assessment, while also allowing LEAs to include any other evidence-based factors that they determine are appropriate to address the needs of local schools. LEAs must consult with a variety of educators, educator organizations, parents, and other partners with relevant and demonstrated expertise during the development of the LEA needs assessment, as well as on an ongoing basis, in order to help inform and improve the implementation and coordination of LEA activities under this part. The bill further ensures that districts implement activities that are consistent with principals of effectiveness based on an assessment of objective data, established and evidence-based criteria, and meaningful and ongoing consultation with educators, community partners, and relevant institutions of higher education. The allowable LEA activities included in the bill are intended by the committee to be illustrative, rather than exhaustive, with the goal of



providing LEAs with maximum flexibility in determining how to prioritize and dedicate funding. In recognition of the importance of school leadership, the committee also incorporates support for principals and other school leaders in numerous activities toward which LEAs may direct their title II, part A, funds. The committee also notes that there are numerous educators in school buildings, including paraprofessionals, also known as paraeducators, who could benefit from professional development and opportunities to improve their practices, and thus should be included in these activities, if determined appropriate by the LEA.

*Improving Equitable Access to Teachers*

The bill clarifies that title II funds can be used to improve equitable student access to effective teachers, principals, and other school leaders. A State and LEA focus on supporting equitable student access to teachers can help close achievement gaps across the country.

*Programs of National Significance*

The committee bill authorizes the Secretary to set aside not less than 40 percent of funding under section 2105 to award competitive grants focused on supporting effective educator development. Competitive grants may be awarded to institutions of higher education and national non-profit organizations to implement a variety of activities related to teacher recruitment, selection, preparation, and professional development and enhancement, including activities focused on increasing the supply and quality of teachers and/or principals from non-traditional preparation and certification routes serving in traditionally underserved LEAs.

*School Leader Recruitment and Support Programs*

The committee bill authorizes the Secretary to set aside not less than 40 percent of funding under section 2105 to award competitive grants to States or school districts to improve the recruitment, preparation, support, and retention of school principals and other school leaders serving in high-need schools. Such activities may include training specifically focused on turning around low-achieving schools. Principals are not only operational leaders responsible for establishing a safe, supportive, and personalized school environment, they are also instructional leaders that must provide ongoing coaching and mentoring to teachers and students. As the role and responsibilities of school leaders continues to expand, this authority will help States directly support the needs of principals and other school leaders so that they can be most effective.

TITLE II, PART B: TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

The committee bill authorizes a Teacher and School Leader Incentive Fund, a program similar to the TIF program that was first authorized in 2006 through title V, part D of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act. However, the committee makes a number of important changes to the program. The bill maintains the core focus of the TIF program, which currently provides grants to States and LEAs to develop, implement, or improve performance-based compensation systems for teachers and principals, par-

ticularly those working in high-need schools. The bill also expands the program to allow States and LEAs to develop, implement or improve human capital management systems for teachers, principals, and other school leaders, especially those in high-need schools. The bill will enable grantees to focus more broadly on improving how LEAs implement human-capital management decisions, while also maintaining the core focus of the TIF program by requiring those broader uses of funds to include a performance-based compensation system. States and LEAs may also use funding to develop and improve evaluation and support systems that reflect clear and fair measures of educator performance, are based in part on student academic achievement, and provide educators with personalized support and feedback for improvement.

TIF, as a competitive grant program, can provide a powerful incentive to enable States and local school districts, in collaboration with educators, to develop and implement innovative ways of evaluating and rewarding outstanding teachers, principals, and other school leaders. Incentivizing States and districts, rather than imposing a prescriptive Federal mandate, will have a more effective and positive impact on the long-term success of educator evaluation, support, and compensation systems. Under the TIF program, each eligible entity will be eligible to receive up to two grants, even if the entity had previously received grants under the Teacher Incentive Fund prior to the enactment of ECAA.

#### TITLE II, PART C: AMERICAN HISTORY AND CIVICS EDUCATION

The committee bill authorizes an American history and civics education program. Until the 1960s, civics education was a regular part of the high school curriculum. Since then, our students' knowledge of the basic civic duties and history of our Nation has been in steady decline. The 2010 National Assessment of Educational Progress—the Nation's Report Card—results showed that less than a quarter of 8th and 12th-grade students scored at or above proficient in civics, while only 18 percent of 8th graders and 13 percent of 12th graders scored at or above proficient in U.S. History.

The bill combines several programs authorized under current law that are focused on improving the quality of American history and civics education and instruction in elementary and secondary schools. Section 2302 authorizes the Secretary to award competitive grants to LEAs, in partnership with institutions of higher education, nonprofit organizations, libraries, or museums to promote and improve the quality of the teaching of traditional American history as a separate subject in our public schools. Section 2303 authorizes competitive grants to nonprofit organizations to establish presidential and congressional academies that will provide opportunities for teachers of American history and civics, as well as outstanding students of these subjects, to attend summer institutes or seminars that will strengthen and broaden their knowledge of, and exposure to, these subjects. Section 2304 authorizes competitive grants to nonprofit organizations to promote innovative and evidence-based approaches to history, civics, and geography instruction, learning strategies, and professional development activities for educators, particularly those serving low-income students in underserved areas.

TITLE II, PART D: LITERACY EDUCATION FOR ALL, RESULTS  
FOR THE NATION

The Literacy Education for All, Results for the Nation (LEARN) program calls for effective, comprehensive literacy instruction from birth through grade 12, ensuring that children are appropriately supported at each stage in their academic development. The committee also acknowledges that States and school districts should thoughtfully develop and implement plans that reflect the wide range of literacy service providers and literacy expertise within a State, as well as the unique needs of local communities. The bill articulates that federally supported professional development programs must be ongoing and include a diverse group of professionals who support children in literacy development, including teachers, principals, other school leaders, librarians, and specialized instructional support personnel. Professional development should also reflect what teachers and school leaders believe they need to be effective, including a needs assessments and implementation of evidence-based instruction.

TITLE II, PART E: IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING,  
AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT

To ensure future competitiveness in the global economy, America requires a workforce highly skilled in science, technology, engineering, and mathematics (STEM). The committee bill includes a new Improving Science, Technology, Engineering, and Math Instruction and Student Achievement program as part E of title II. The program will support States to improve student achievement in STEM by improving the quality and effectiveness of classroom instruction by recruiting, training and supporting excellent STEM teachers. It will allow States to use funds to improve the retention of high-quality STEM teachers, such as by establishing a statewide STEM Master Teacher Corps, improve the integration of informal and afterschool programs that target STEM subjects with classroom instruction, support the expansion of opportunities for low-income students to participate in STEM-related competitions, and close student achievement gaps and prepare more students to be on track for post-secondary education and the workforce without the need for post-secondary remediation in STEM subjects.

For the purpose of this title, the committee would like to clarify that “STEM education” encompasses science, technology, engineering and mathematics, as well as other academic subjects, such as computer science, that build on these disciplines, are important to scientific discovery, business and industry, and that States identify as part of the State analysis required by section 2504(b)(1). The committee also recognizes the importance of increasing access for students who are members of groups underrepresented in STEM, which includes female students, minority students, students who are English learners, children with disabilities, and students from low-income families.

TITLE III: LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS  
AND IMMIGRANT STUDENTS

The committee recognizes that all English learners must receive additional instructional supports in order to gain English language

proficiency and meet the same challenging academic standards that all children are expected to meet. The committee recognizes the difficulties that States and school districts have experienced with operating a separate accountability system for title III funds and seeks to empower States to develop a more responsive and State-designed system to meet the needs of their English learners.

ECAA amends Title III of ESEA to accomplish two important goals: (1) better leveraging of funds for high-quality professional development and additional resources for English learners to support both their academic achievement and English language acquisition; and (2) supporting a State-designed system to measure and spur student progress in academic achievement and English acquisition and monitoring the success of English language acquisition programs.

#### *State Requirements*

ECAA requires States to adopt uniform entry procedures for classification of a student as an English learner, including a requirement that students be assessed for English learner status within 30 days of enrollment, and exit procedures for students who reach English language proficiency and are no longer classified as English learners. The committee recognizes that many States are already engaged in this work to help ensure that achievement and acquisition data for English learners is valid and reliable across LEAs within a State. The committee expects such procedures to be developed with meaningful input from local educational agencies representing diverse geographic areas across the State, and take into account the practices of successful programs across the State. The committee also recognizes that LEAs may exercise discretion in continuing to provide services to students who are no longer classified as English learners, particularly when it comes to students in dual language immersion programs or students who may continue to need language support.

The committee encourages the Department of Education to consider ways in which it can support LEAs that wish to utilize title III funds for students enrolled in Dual Language Immersion programs, such as by reducing bureaucratic burdens for them.

#### *Timelines and Goals*

The committee recognizes that developing English language proficiency and mastering academic content knowledge are inextricably tied. While the bill eliminates requirements to develop annual measurable objectives and assess progress against such objectives, States will be responsible for setting goals for the percentage of students who are on track to reach full English proficiency based on a State-determined timeline. Such timelines will be based on the number of years that a State determines is appropriate to move a student from the lowest level of English proficiency to full proficiency. Goal setting is to be based on the student's initial proficiency level, and may also take into account the student's grade level and number of years he or she has been enrolled in a language acquisition program.

LEAs will determine the percentage of students who are on track to reach full English proficiency based on State-determined timelines, as well as the percentage of students who are meeting

annual goals for progress on academic content exams in English language arts and mathematics. States will monitor LEAs and identify those LEAs that are not meeting or exceeding the State-determined goal. States will then take steps to assist school districts if strategies employed to improve English language proficiency are not effective. Such steps may include providing technical assistance and assisting to modify strategies to improve program effectiveness.

#### *Reporting Requirements*

The committee recognizes that not all English learners have the same instructional needs. In particular, long-term English learners and English learners who are also a student with a disability face particular challenges and may need additional or different supports. In addition to measuring the percentage of all English learner students meeting timelines for English proficiency, the bill would require States to measure the percentage of long-term English learner students and English learners who are also a student with a disability.

#### *Professional Development Projects*

The committee bill authorizes discretionary grant funding to institutions of higher education or public or private entities with relevant experience and capacity, in consortia with State or LEAs, to provide for relevant professional development, capacity-building, or evidence-based activities in the area of English language instruction. Authorized grants are to be awarded on a competitive basis and are not to exceed a period of 5 years. Such projects are to provide for professional development and other activities that will improve classroom instruction for English learners.

### TITLE IV: SAFE AND HEALTHY STUDENTS

Title IV of the ECAA restructures and amends Title IV of ESEA to address the following major issues:

#### *Grants to States and Local Educational Agencies*

The committee recognizes the importance of safe, supportive environments for all students, and also nurturing the nonacademic skills of students. These skills, based on scientific research, are teachable and help students to succeed.

The committee bill authorizes formula funds for grants to States and school districts for various activities to improve students' safety, health, well-being, and academic achievement during and after the school day. Funds can be used to build school district capacity to improve conditions for learning, promote safe and drug-free environments, prevent and reduce harassment and bullying, and strengthen parent and community engagement.

States can use funds for activities related to training, technical assistance, and capacity building for school districts and must publically report on how funds are being used. States may also use funds to expand access and coordination of school-based counseling and mental health programs, activities and programs that offer a variety of well-rounded educational experiences to students, and other activities that foster a safe and healthy environment for students. States will provide an assurance that they will review exist-

ing resources and programs related to student safety and well-being, coordinate any new plans and resources with existing State activities, and describe how they will use funds for the State-level activities.

School districts are eligible to receive a subgrant from the State as a single school district or as part of a consortium of school districts and may also partner with nonprofit organizations with a demonstrated track-record of success in implementing activities under this part. To receive funding a school district must conduct a needs assessment through consultation with various stakeholders. The needs assessment takes into account school level measures of school quality, climate, safety, and discipline. Additional risk factors in the community, school, and family are also considered, and funding must be prioritized among the schools with the greatest need. School districts will use funds to foster safe, healthy, supportive and drug-free environments that support academic achievement. These activities may include drug and violence prevention activities, programs that support extended learning opportunities, school-based mental health services and supports, including programs that train school personnel to identify the warning signs of youth drug abuse and suicide, mentoring programs, guidance counseling, implementation of positive behavioral interventions and supports, programs or activities such as nutritional education, physical education, or physical activity and fitness programs, programs or activities designed to increase school safety and improve school climate, programs to support a well-rounded education, and other activities that are identified by the school district through their needs assessment.

The committee bill requires compliance with proper privacy laws. No funds in this part may be used for construction, medical services or drug treatment or rehabilitation, except for integrated student supports or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs. There is also a prohibition on mandatory medication consistent with the Controlled Substances Act.

#### *Other Title IV Programs*

##### *21st Century Community Learning Centers*

The committee bill reflects broad bipartisan support for several programs within the ECAA. The committee recognizes that the 21st Century Community Learning Center (21st CCLC) initiative is the only dedicated Federal funding source authorized specifically to support before-school, afterschool, and summer learning programs for students attending high-poverty, low-performing schools. Data demonstrates that high quality afterschool programs have a positive impact on a number of measures of student academic achievement, in-school behavior and discipline, homework completion, and out-of-school risky behaviors, and that they allow parents to remain productive at work without worry about their children's safety.

The committee unanimously supported an amendment by Senators Murkowski, Franken, Sanders, Cassidy, Collins, Baldwin, and Warren to reauthorize and strengthen the 21st CCLC program in order to support academic and enrichment activities that are

aligned with challenging State academic standards and to increase student achievement and enhance student engagement. The amendment requires States to award 21st CCLC funds to eligible entities for community learning centers that provide before-school, afterschool and summer learning programs. The amendment also allows States to award grants to support those enrichment and engaging academic activities described in section 4205(a) that an eligible entity delivers as part of an expanded learning program that meets certain requirements, and that portion of the salaries of teachers and other instructional staff who provide such activities. In order to be eligible, an expanded learning program must add at least 300 program hours before, during or after the traditional school day, week, or year, supplement but not supplant the traditional school day, week, or year requirements or activities that the school would otherwise provide in the absence of the 21st CCLC funds, and meet the requirements of section 4204(i). The committee further advises that 21st CCLC funds may not be used to pay costs associated with any other activities described in section 9101(22). These changes will ensure 21st CCLC funds will provide enriching, high-quality care to students during the hours when parents are at work and students would otherwise be unsupervised.

#### *Elementary and Secondary School Counseling*

The committee also approved the inclusion of an amendment offered by Senator Franken to reauthorize the Elementary and Secondary School Counseling Program (ESSCP). This program is critically important to thousands of students, allowing districts to hire school counselors, school psychologists, school social workers, and other school-based mental health service providers to help students deal with academic, nonacademic, and behavioral challenges, and college planning and career development, putting them on a path to a more successful future. The ESSCP has served tens of thousands of students nationwide since it began as a demonstration program in 1999. Students need access to support services and the professionals that help remove barriers to learning.

#### *Physical Education*

The committee recognizes the important role physical education plays in a student's school day and that lessons provided through physical education can help enhance a student's physical and mental health, as well as their academic achievement. The committee approved the inclusion of an amendment offered by Senator Baldwin to reauthorize the Physical Education Program (PEP), a dedicated funding stream for physical education. PEP enables schools and community organizations to initiate, expand, and improve school physical education.

For over a decade, PEP has enabled schools to create innovative physical education and nutrition programs and train teachers in an effective manner. PEP requires schools to focus on the sustainability of these programs and to ensure that the entire school community is benefiting. The intention of the committee is that funds allocated for physical education programs include innovative best practices that can be shared with other schools, districts, and States.

*School Emergency Response to Violence*

The committee also approved inclusion of an amendment by Ranking Member Murray to authorize Project SERV (School Emergency Response to Violence program). The Nation's schools must increasingly respond to a number of emergency situations, including school shootings, natural disasters, and other violent and traumatic events. After these events, schools often incur additional costs to provide supports for their students and communities, including additional staff time, transportation costs, counseling services, and crisis-response training. The committee recognizes the need to provide support for these schools in which the learning environment has been disrupted.

TITLE V: EMPOWERING PARENTS AND EXPANDING OPPORTUNITY  
THROUGH INNOVATION

Title V of the ECAA focuses on innovation and parental choice. This title includes important changes and updates to programs relating to public charter schools, as well as minor updates to the Magnet School Program. The bill also includes dedicated funding for member priorities, including funding for education technology, innovation, accelerated learning programs, gifted and talented programs, Ready-To-Learn Television, literacy and arts programs, and early learning alignment and improvement grants.

*Public Charter Schools*

Part A of title V of the ECAA authorizes the Federal Charter Schools Program by improving charter school authorizing, quality, and access. This bill is reflective of the Empowering Parents through Quality Charter Schools Act, a bill that has received bipartisan support in the Senate. In addition, its similar House companion, the Success and Opportunity through Quality Charter Schools Act passed the House of Representatives with overwhelming support from both Democrats and Republicans.

High-quality charter schools offer parents important choices for avenues through which they can improve their children's future. In addition, the charter model affords greater autonomy for teachers and principals to design an instructional program that meets the needs of their students. In the 2014–15 school year, nearly 3 million children are attending more than 6,700 public charter schools in 43 States and the District of Columbia. The ECAA solidifies Federal support for high-quality charter schools with a proven record of success and improves access for traditionally underserved populations, while giving States flexibility to invest in new school models and encouraging them to strengthen charter school authorizing practices.

On promoting stronger authorizer quality and practices in particular, this bill includes a provision that reserves 7 percent of each State grant to support initiatives to improve authorizing practices. State grantees should support authorizers in developing capacity for and conducting fiscal oversight and auditing of charter schools and ensuring that charter schools are recruiting, enrolling, retaining, and meeting the needs of all students, including each of the categories of students as defined in the bill. Additionally, the bill requires State grantees to describe how they will provide oversight



of authorizer activities in their application. The committee intends the requirement to describe such oversight activities will not inhibit participation in the program by States with legal, constitutional, or structural barriers that constrain the State's authority over the authorized public chartering agency or the type or number of authorized public chartering agencies. Additionally, oversight of authorizing activity must not abolish all public chartering agencies in a given State. The committee bill ensures that authorizers have the flexibility they need to ensure charter schools meet their expectations and still operate in an autonomous manner to meet the goals of the school. Furthermore, the bill references three categories of performance measures several times when addressing a quality charter school sector and authorizing practices: academic, financial, and operational. In this context, operational performance measures are intended to focus on the charter school's fulfillment of: legal obligations, fiduciary duties, and sound public stewardship.

In modernizing the program, ECAA combines two existing programs into one cohesive Charter Schools Program consisting of three grant competitions: High-Quality Charter Schools, Facilities Financing Assistance, and Replication and Expansion Grants.

The committee provides High-Quality Charter School grants to State entities to start new charter schools and to replicate or expand high-quality charter schools. The bill also offers more flexibility to charter school developers to fund startup costs associated with developing facilities, hiring and preparing teachers, and providing transportation. Continued support for financing charter school facilities occurs through Facilities Financing Assistance grants, which include grants to public or private nonprofit entities to demonstrate innovative methods of enhancing credit to finance the acquisition, construction, or renovation of facilities for charter schools. These grants will encourage States to ensure their charter schools are able to access suitable facilities. Additionally, following the efforts of the Appropriations committee to support a reservation for replication and expansion of high-quality charter school models, ECAA provides grants directly to charter management organizations under National Activities for the purposes of replicating and expanding models with a demonstrated record of success, including by meeting a rigorous definition of quality.

ECAA includes provisions to ensure greater compliance with the Federal definition of a charter school. Instances of subgrants awarded to schools that do not continue operating as a charter school or revert to district control after their grant ends threatens the integrity of the program. These new application requirements will ensure that State entities demonstrate how they will safeguard against making awards to proposed schools without true autonomy over personnel, budget and operations, and other characteristics that are required through the Federal definition of a charter school.

Finally, the Charter School Program must focus not only on increasing the number of charter schools available, but also on increasing the number of quality education options for parents. ECAA provides additional tools to assist charter schools in reaching all students who may benefit from the opening or expansion of new charter schools. In particular, this legislation includes provisions to help grantees reach out to charter school developers and school

leaders to recruit traditionally underserved students, including students with disabilities and English language learners, promote inclusion, and meet the needs of those students. States must also describe how they will ensure effective community engagement in the implementation and operation of charter schools.

High-quality, transparent, accountable charter schools that meet the needs of local communities are an important part of the educational ecosystem. By sharing best practices and collaborating with traditional public schools, high-quality charter schools can help to improve the academic achievement of all students. The committee bill makes needed improvements to emphasize charter school quality, accountability, and equity.

#### *Magnet Schools Assistance*

Part B of title V of the ECAA reauthorizes the Magnet School Program (MSP), which offers students unique opportunities to attend specialized schools with rigorous curricula. ECAA updates MSP to reward magnet school models with a proven track record of success and support evidence-based magnet school programs, including inter-district and regional magnet programs. The bill also requires magnet school programs to assess, monitor, and evaluate the impact of the activities to improve socioeconomic and racial integration and student achievement. The committee recognizes that magnet school programs may need to utilize MSP funding to provide transportation for students during the initial years of a magnet program, but expects that magnet school programs will have a plan for ensuring that funding for transportation is sustainable beyond the grant period. Finally, the bill also makes adjustments to the grant cycle to a 3-year grant period, while allowing for opportunities to apply for a 2-year extension further to reflect the time necessary to startup a successful magnet school program.

#### *Other Title V Programs*

The committee bill recognizes the importance of dedicated funding for several programs related to member priorities. The rest of title V includes funds for seven programs, including:

- Supporting High-Ability Learners and Learning
- Education Innovation and Research
- Accelerated Learning
- Ready to Learn Television
- Education Technology
- Literacy and Arts Education
- Early Learning Alignment and Improvement Grants

#### *Supporting High-Ability Learners and Research*

The committee recognizes the importance of closing achievement gaps between student populations, including the gaps at the top of the achievement spectrum. The committee bill seeks to build State and school district capacity to close those gaps by addressing the learning needs of students with high ability from populations that are underrepresented in gifted education programs and in other advanced learning opportunities, including economically disadvantaged students, English learners, and students with disabilities. Understanding the link between high quality research activities and best classroom practices, ECAA reauthorizes the Jacob K. Jav-

its Gifted and Talented Students Education Program, through which coordinated demonstration projects, innovative strategies, and other evidence-based programs, can assist schools in identifying and serving high-ability students who may not be identified as gifted through traditional assessment methods.

*Innovation Fund*

This amendment would create a dedicated funding stream to support the development, implementation, replication, and scaling up of evidence-based practices that encourage innovations in policy and practice. This grant would provide flexible funding for a broad range of field-driven projects and allow schools, districts, non-profits, and small businesses to develop proposals based on the specific needs of students and the community. Grants would be awarded based on past success, with funding levels tied to the strength of the evidence the applicant is able to present of their program's effectiveness.

*Accelerated Learning*

The committee adopted an amendment to maintain support for accelerated learning programs which include Advanced Placement (AP) and International Baccalaureate (IB) courses, dual enrollment programs, and early college high schools in order to better provide low-income students with access to rigorous coursework that can ultimately lead to college credit.

The bill updates current law program provisions to authorize State educational agencies to use grant funds to reimburse low-income students to cover part or all of the costs of accelerated learning examinations that are widely accepted for credit at institutions of higher education and provide resources to increase the number of teachers and students in high-need schools to participate in accelerated learning courses, dual enrollment programs, and early college high school courses.

*Ready to Learn Television*

The committee reauthorizes the Ready to Learn program in order to leverage the power and reach of public television to help prepare children, especially disadvantaged children, to enter school. Ready To Learn grants shall be made available only to public telecommunications entities with a demonstrated track record in high-quality educational television production, distribution at the national and local levels, and in increasing early learning skills for preschool and/or elementary school-aged children, especially in literacy, math, and/or science. The committee urges the Department of Education to work with local and national public television entities to ensure that Ready To Learn content has the broadest reach and continues to provide the greatest positive educational impact for our Nation's children.

*Innovative Technology Expands Children's Horizon (I-TECH)*

The bill includes a program to increase student learning by ensuring that students have access to a personalized learning experience supported through technology, and that educators have the knowledge and skills to use technology effectively. The committee intends for grants to be provided by formula, however, should ap-

appropriations for the I-TECH program be below \$300 million in a fiscal year, State educational agencies will award grants to districts on a competitive basis.

*Literacy and Arts*

Title V, Part C of the Every Child Achieves Act of 2015, continues activities currently implemented through the Innovative Approaches to Literacy program that support national nonprofit organizations or school libraries in providing books and childhood literacy activities to children and families living in high-need communities. These programs will continue support for developing and enhancing effective school library programs, including professional development for school librarians and providing books and up-to-date materials. The committee expects that funds will be used to assist school libraries in increasing access to a wide range of print and electronic resources that provide learning opportunities to all students, but particularly those less likely to have access to such materials at home in a similar fashion to how the program is currently operating. ECAA also authorizes competitive funding to be used for promoting arts education for disadvantaged students and students who are children with disabilities. Activities may include professional development, development and dissemination of resources, and community and national outreach.

*Early Learning Alignment and Improvement Grants*

The committee bill authorizes Early Learning Alignment and Improvement grants to provide funding for States that propose to improve coordination, quality, and access for early childhood education. These grants will assist States and local areas to target fragmentation and overlap across the various Federal, State, and local early childhood programs, and address substantial gaps in access to high-quality early learning and care that exist across States. States will apply for a 3-year, non-renewable grant and provide matching funds that support sustainable improvements and better coordination to focus on resources to low- and moderate-income families. The bill also includes a setaside for States that propose to use program funds to serve underserved rural areas, which often lack high-quality early education programs, to ensure that funds are prioritized and available for rural areas that are often overlooked in the competitive grant process. The committee expects that States eligible under this setaside will use the large majority of funds to serve children living in rural areas.

The committee understands the need for increased coordination across the various Federal, State, and local early childhood programs, and recognizes that funds may also be used for expanding access to existing quality early childhood education programs, and the development of such programs if no high-quality programs exist in the area. The committee intends that these grants will help States build on the work already undertaken to strengthen and build capacity in State and local systems by addressing incongruous programming and resources and improving program quality. The committee also calls attention to the availability of funds to support high-quality early learning and care for infants and toddlers. The bill includes a prohibition for this program on a Federal definition for what constitutes a high-quality program.

## TITLE VI: INNOVATION AND FLEXIBILITY

*Improving Academic Achievement*

The committee bill allows for the complete transferability of funds between part A of title II and title IV, and into title I for the supplemental education of low-income students. This flexibility is essential to ensuring that States and local communities have the Federal resources that they need to best equip their educators and schools for ensuring that every child is achieving to their maximum potential. Under ESEA waivers, many school districts are taking advantage of the flexibility that transferability provides in order to better serve students.

*Rural Education Initiative*

The committee acknowledges that rural communities continue to face unique challenges, including those related to resources and staffing. ECAA reauthorizes both the Small, Rural School Achievement Program (SRSA) and the Rural and Low-Income School Program (RLIS).

ECAA updates the locale codes that designate rural areas to ensure that the most accurate information is available in deciding eligibility for rural education programs. Since the 2000 Decennial Census, improvements have been made to the geocoding technology necessary to more accurately determine which areas are rural and which areas are urban based upon proximity to metropolitan areas, rather than on population figures alone. Technological advancements as well as further work in accurately determining rural areas of the country by the Office of Management and Budget (OMB) provides greater confidence to the committee that rural education program funds will be better targeted and focused on truly rural areas, far from urban and metropolitan fringes. The committee acknowledges this shift in methodology will have an impact on grant recipients and includes hold harmless language for districts that were previously eligible for funding under this part. If a district is no longer eligible for funding due to the updated locale codes, but was previously eligible prior to the enactment of this bill, for fiscal year 2016, they will receive 75 percent of the amount they received in fiscal year 2015, for fiscal year 2017, 50 percent of such funds, and for fiscal year 2018, 25 percent of such funds.

Further, the bill provides flexibility for school districts that qualify both for the RLIS and SRSA programs by giving school districts the option of choosing the program for which they would prefer to receive funding.

## TITLE VII: INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Title VII of the committee bill makes changes to Title VII of ESEA that are designed to better focus the use of funds on programs and activities that meet the unique cultural, language, and educational needs of American Indian students to ensure that such students graduate from high school prepared for post-secondary education or the workforce without the need for post-secondary remediation. Key reforms included in the ECAA include additional flexibility to enable tribes and tribal educational agencies more authority over the education and development of Native students; improved collaboration between tribes and school districts; a focus on

the provision of high quality early childhood education and care services to ensure that children begin school ready to learn and recognition of the critical role tribal leaders can play in the education and development of Native students.

#### *Indian Education*

The committee bill authorizes grants to tribes and tribal educational agencies to promote the coordination and collaboration of tribal education agencies with States and LEAs to promote tribal self-determination in education. The goal of these grants funds are to enable tribes and tribal educational agencies to directly administer education programs, including formula grant programs under this Act with the cooperation and collaboration of State educational agencies and LEAs. The bill also authorizes a grant program to support the preservation and revitalization of Native American and Alaska Native languages. This grant program will support Native American and Alaska Native language immersion schools and programs, acknowledging the role that these programs can have in supporting the academic achievement. Funds shall be used to support Native American or Alaska Native language development, provide professional development for teachers, and to carry out other activities that will support the revitalization of Native American and Alaska Native languages.

#### *Native Hawaiian Education*

The committee bill makes improvements to part B of Title VII of ESEA that are designed to improve the educational attainment and accomplishments of the Native Hawaiian community. The committee bill focuses on enhancing transparency and strengthening the Native Hawaiian Education Council's efforts to address the education and workforce needs of Native Hawaiian students. This is accomplished by redesigning the composition of the Native Hawaiian Education Council, and reaffirming its purpose to ensure the proper coordination of educational and related services and programs available for these students. It is the intent of the committee that Council members will include island community representatives with diverse education sector expertise.

#### *Alaska Native Education*

The committee adopted a comprehensive amendment to restructure part C. Under this amendment, Alaska Native tribes, tribal organizations, and regional nonprofit corporations that have experience in providing programs and services that meet the purposes of part C, and such entities without such experience in partnership with LEAs, will be eligible to apply for a part C grant. This change is intended to maximize the leadership role of Alaska Native educators and leaders in the delivery of part C supplemental educational services to Alaska Native students. The committee also eliminated the earmarks built into the statute and updated the authorized activities to reflect the current and future needs of Alaska Native children, youth, and adults.

The committee intends that in verifying which specific entities are eligible under part C definitions described under section 7306, the Department will look to the most current list of Alaska Native federally recognized tribes as published in the Federal Register

pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a) and, in verifying which specific entities are described pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that the Department will look to the list of Alaska Native Corporations and Regional Nonprofit Corporations published by the Alaska Federation of Natives at <http://www.nativefederation.org/resources/regional-organizations>.

The committee did not choose to limit eligibility in section 7304(a)(1)(C), to entities whose entire governing board is comprised of Alaska Native leaders, nor to set a specific percentage of such leaders that must be met. The committee does intend, however, that the Department will interpret the word “predominantly” in the spirit of the Findings and Purposes of this part, specifically sections 7302(6) and section 7303(6) to ensure that any eligible applicant is, in fact, led by a significant majority of Alaska Natives.

#### TITLE VIII: IMPACT AID

Title VIII of the ECAA makes significant changes to the Impact Aid program under current law to address the following major issues:

##### *Payments Relating to Federal Acquisition of Real Property*

The committee removed the complicated “highest and best uses” standard for identifying and then calculating the tax assessment classifications of taxable adjacent property. In exchange, the committee supports a simplified calculation based on the total taxable value of property within the LEA by then multiplying that value by the federally impacted acreage.

##### *Payments for Eligible Federally Connected Children*

The committee recognizes the burden on both the LEA and the Department of Education in determining the number of children relocated off-base during the duration of a housing renovation, repair, modernization, or demolition project. The ECAA establishes a hold harmless student count based on the number of on-base children enrolled prior to the project start date. In addition, the ECAA defines what is considered a renovation, repair, and/or modernization project. Such terms do not include normal “sustainment projects” such as painting, carpeting or minor repairs. An eligible project must also be one that will last more than 30 days. It is the intent of the committee to lessen the time the Department currently spends conducting annual audits of students claimed as on-base students. The committee also included language to support the transition of consolidated LEAs related to their eligibility for the Impact Aid program.

The committee bill addresses a pro-ratio problem with the Learning Opportunity Threshold (LOT) formula. It ensures that LOT formula dollars are equally prorated to school districts when funds are either less than required to fully fund the LOT formula as well as when funds are sufficient to increase the LOT percentage allocation above 100 percent. This change will ensure that all districts are treated equitably within the LOT distribution formula.

In addition, the committee language updates the hold harmless provision under section 8003 of current law to ensure funding stability for districts that face a reduction in payments due to drops

in student numbers as the result of base realignments, deployments, potential base closure, school consolidations or other unexpected local actions causing a drop in eligible federally connected students.

#### *Authorization of Appropriations*

The committee bill adds language within section 8010 of current law requiring the Secretary of Education to pay LEAs the full amount that the agency is eligible to receive for a fiscal year by September 30 of the following fiscal year for which the payment is based. Many of these changes were made in the fiscal year 2013 and fiscal year 2015 National Defense Authorization Act, but with a sunset.

#### TITLE IX: GENERAL PROVISIONS

Title IX of the ECAA amends title IX of current law to address the following major issues:

#### *Definitions*

The committee bill updates important definitions under the ESEA.

*Graduation Rates:* ECAA codifies the terms “4-year adjusted cohort graduation rate” and “extended-year adjusted cohort graduation rate,” as defined in the 2008 regulation from the Department of Education. States would be required to use the 4-year rate for accountability and reporting purposes, and allowed to use the extended year rate. In 2005, all 50 of the Nation’s Governors agreed to a common definition for calculating high school graduation rates.

*Core Academic Subjects:* ECAA expands the current law definition of core academic subjects to also include writing, engineering, computer science, music, physical education, and any other subject determined by the State or school district. For the purposes of this definition, the term “arts” may include the subjects of dance, media arts, music, theatre and visual arts, and other arts disciplines as determined by the State or local educational agency.

*Early Childhood Education Program:* ECAA uses the Higher Education Act definition for this term to standardize it across Federal education laws.

*Evidence-Based:* ECAA includes a definition of evidence-based that contains 4 tiers of evidence. This means an activity must demonstrate a:

- statistically significant effect on outcomes based on: (1) strong evidence; (2) moderate evidence; or (3) promising evidence; and
- (4) rationale that is based on high-quality research findings that such activity is likely to improve student outcomes and includes ongoing efforts to examine the effects of such activity.

All activities under part A of title I of the ECAA must meet the strong or moderate evidence base. The committee intends to ensure that activities are based on the highest available level of evidence, starting with rigorous, well-designed studies or building evidence on effectiveness if no such evidence is available.

*Professional Development:* ECAA updates this definition to focus more on providing high-quality, sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused professional de-



velopment to teachers that is not 1-day or short-term workshops or conferences. This will help ensure professional development focuses on supporting teachers in addressing the actual needs of their classroom students. The committee does not intend to disrupt ongoing educator preparation work and professional development offered at institutions of higher education or other public or private entities.

*Paraprofessional:* ECCA includes a definition of paraprofessional to clarify that paraprofessionals are also known as paraeducators and include education assistants and instructional assistants.

#### *Waivers*

ECAA clarifies and limits the Secretary's authority to issue waivers of the statutory and regulatory requirements of ESEA. The bill clarifies that LEAs submit waiver requests through the State, and schools submit waiver requests through LEAs, who then submit those school waiver requests through the State. The intent of this language is to ensure the Department of Education cannot go around a State's authority for education by allowing local school districts and schools to request waivers from the law directly to the Secretary. ECAA is clear that the Secretary may not add, impose, or require any new conditions on States, school districts, and schools in exchange for granting a waiver.

The committee bill maintains the authority of the Secretary to provide waivers of certain statutory and regulatory requirements to States and school districts affected by unexpected and unforeseen circumstances, while prohibiting this authority from being used to place new mandates or requirements on States and school districts in exchange for that flexibility. Under the bill, waiver requests will only contain information directly related to the statute to be waived. The entity requesting the waiver will also describe how waiving those statutory requirements will increase the quality of instruction for students and improve the academic achievement of students. Additionally, the bill updates the timeline for the approval process for the waivers to mirror the timeline for the approval process for title I plans. The Secretary shall approve or disapprove a waiver request not more than 90 days after it is submitted unless the Secretary determines that the waiver does not meet the requirements of section 9401, which include a demonstration by the State that the waiver will increase student achievement, or that the waiver is not permitted under ECAA. If the Secretary finds the waiver request does not meet the requirements for such a request, the Secretary shall provide States with immediate notice, a detailed reason for the determination, an opportunity to revise and resubmit the waiver request, and an opportunity for a public hearing.

The bill maintains authority for the Secretary to terminate a waiver if, after providing States with notice, a justification for determination, and an opportunity for a hearing, the Secretary presents substantial evidence that clearly demonstrates that the waiver is not making progress toward improving student academic achievement, or if the waiver is no longer necessary to achieve its original purposes.

### *Prohibitions*

The committee bill expands prohibitions on the Federal Government and use of Federal funds. The bill is clear that an officer or employee of the Federal Government, through grants, contract, or other cooperative agreements cannot mandate, direct, control, incentivize, or make financial support conditioned upon adoption of any specific instructional content, standards, assessments, curriculum, or program of instruction, including the Common Core State Standards. This language will help address long-standing concerns that the Federal Government became too involved pushing States to adopt the Common Core.

### *State and Local Protections*

The committee bill maintains and improves important protections in current law, including Prohibition Against Funds for Religious Worship or Instruction; Private, Religious, and Home Schools; Prohibition Regarding State Aid; Privacy of Assessment Results; School Prayer; Equal Access to Public School Facilities; Prohibition on Nationwide Data base; Prohibition on Discrimination; and Sec. 9534 Civil Rights.

### *Consultation with Indian Tribes and Tribal Organizations*

This provision requires local educational agencies with enrollments of American Indian and Alaska Native students above specified thresholds to engage in meaningful and timely consultation with representatives of local tribes or tribal organizations during the design of services and activities under all covered programs, as defined by the bill.

The purpose of these provisions is to better meet the unique cultural, language, and educational needs of American Indian and Alaska Native students. These provisions will help to address concerns that tribal representatives, who know the needs of their Indian children best, can provide valuable guidance about how to best meet these needs before decisions are made about how to best serve them and meet their needs in the public school setting.

### *Rural Education*

The committee acknowledges that rural districts face unique challenges when implementing the requirements of this bill. ECAA provides additional support and flexibility to rural school districts by requiring the Secretary of Education to engage in outreach to rural districts on opportunities to apply for competitive grant programs and, if requested, to provide technical assistance to rural districts most likely to need support. The bill also allows for two or more rural local educational agencies or educational service agencies to submit a consolidated plan for funded programs, and requires State educational agencies to consult with rural school districts when developing their State plan in order to receive title I funding.

### *Program Evaluations*

The committee bill reinforces that the Institute of Education Sciences (IES) is the main evaluation arm of the programs operated by the Department of Education. The bill directs the Secretary of Education to work with IES if the Secretary chooses to exercise

authority to reserve 0.5 percent of funds from each program for an evaluation. All authority for program evaluation is consolidated into section 9601 of the bill. The bill also ensures that funds be prioritized for impact program evaluations to gather useful information on if Federal education programs are working to increase student achievement. The bill requires IES to develop a multi-year, comprehensive plan for carrying out evaluations, and submit that plan to Congress and the public for review and comment. This will help ensure program evaluations are coordinated, objective, and provide useful information regarding the effectiveness of Federal education initiatives.

#### *Program Consolidation*

While maintaining dedicated funding for important and critical programs for student success, the committee bill consolidates 49 programs under current law. The committee intends to allow more flexibility to States and school districts to use funding in the innovative ways that they feel will help improve student achievement.

#### TITLE X: EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

##### *McKinney-Vento Homeless Assistance Act*

The committee recognizes the unique challenges to academic achievement faced by the growing population of homeless students. In the 2012–13 school year, public schools enrolled 1,360,747 homeless children and youth—a 100 percent increase since the 2006–7 school year. The ECAA helps these children and youth by removing barriers to their identification, enrollment, attendance, and success in school. The amendments build on current law to enhance school stability and access to educational opportunities for all homeless children, including preschool-age homeless children. In particular, the bill ensures that school district liaisons have the necessary time and training to fulfill their responsibilities, and improves provisions designed to increase school stability for homeless students. The bill also ensures that homeless youth have access to all services provided by the State and school districts, including charter and magnet schools, summer school, career and technical education, advanced courses, online learning opportunities, enhanced credit accrual, and extra-curricular activities.

The committee is concerned about the history of inadequate oversight by the U.S. Department of Education of this important Federal program, as evidenced in a recent GAO report (GAO 14–465). The committee expects that the Department will recognize the urgent need to improve oversight, and dedicate sufficient time, effort, and attention to the implementation of the amendments contained in this section, and to the oversight of this program in general.

#### IV. REGULATORY IMPACT STATEMENT

The committee has determined that there will be minimal increases in the regulatory burden imposed by this bill.

#### V. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

The committee bill reauthorizes and amends the Elementary and Secondary Education Act of 1965 to continue programs primarily offering assistance to States and local educational agencies on be-

half of elementary and secondary school students and teachers and, as such, has no application to the legislative branch.

VI. COST ESTIMATE

*S. 1177—Every Child Achieves Act of 2015*

Summary: S. 1177 would amend and reauthorize the Elementary and Secondary Education Act of 1965 (the ESEA, commonly referred to, in its most recently reauthorized form, as No Child Left Behind). The underlying authorizations for those programs have expired, although most have continued to receive appropriations.

This bill would authorize the appropriation of “such sums as may be necessary” through fiscal year 2021 for various grant programs; those authorizations would automatically be extended 1 year, through 2022, under the General Education Provisions Act (GEPA). The bill also would amend and reauthorize the McKinney-Vento Homeless Assistance Act, which authorizes grants to assist in the education of homeless children.

CBO estimates that S. 1177 would authorize the appropriation of \$23.9 billion in 2016 and \$124.2 billion over the 2016–20 period. Assuming appropriation of those amounts, CBO estimates that implementing the bill would have discretionary costs of \$92.1 billion over the 2016–20 period.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 1177 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of the bill is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By Fiscal Year, in millions of dollars					
	2016	2017	2018	2019	2020	2016–20
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Title I—Improving the Academic Achievement of the Disadvantaged:						
Estimated Authorization Level .....	15,918	16,201	16,530	16,859	17,204	82,712
Estimated Outlays .....	318	12,422	15,508	16,453	16,780	61,482
Title II—Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders:						
Estimated Authorization Level .....	2,987	3,040	3,101	3,163	3,228	15,519
Estimated Outlays .....	60	1,793	2,721	3,073	3,134	10,780
Title III—Language Instruction for Limited English Proficient and Immigrant Students:						
Estimated Authorization Level .....	748	762	777	793	809	3,889
Estimated Outlays .....	7	472	705	741	756	2,680
Title IV—Safe and Healthy Students:						
Estimated Authorization Level .....	1,563	1,591	1,623	1,656	1,689	8,122
Estimated Outlays .....	31	938	1,424	1,608	1,640	5,642
Title V—Empowering Parents and Expanding Opportunity Through Innovation:						
Estimated Authorization Level .....	943	960	979	999	1,019	4,900
Estimated Outlays .....	19	566	859	970	989	3,404
Title VI—Flexibility and Accountability:						
Estimated Authorization Level .....	172	175	179	183	186	896
Estimated Outlays .....	3	103	157	177	181	622

	By Fiscal Year, in millions of dollars					
	2016	2017	2018	2019	2020	2016–20
Title VII—Indian, Native Hawaiian, and Alaska Native Education:						
Estimated Authorization Level .....	198	201	205	209	214	1,027
Estimated Outlays .....	4	174	193	201	205	777
Title VIII—Impact Aid:						
Estimated Authorization Level .....	1,308	1,331	1,358	1,385	1,413	6,796
Estimated Outlays .....	1,163	1,214	1,351	1,380	1,408	6,515
Title IX—General Provisions:						
Estimated Authorization Level .....	1	1	1	1	1	4
Estimated Outlays .....	*	1	1	1	1	3
Title X—Education for Homeless Children and Youths:						
Estimated Authorization Level .....	66	67	69	70	71	343
Estimated Outlays .....	1	40	60	68	69	238
Total Changes:						
Estimated Authorization Level .....	23,904	24,328	24,823	25,317	25,835	124,207
Estimated Outlays .....	1,608	17,723	22,979	24,671	25,163	92,143

Notes: Some programs have received advance appropriations for fiscal year 2016; those amounts are not reflected in the table. Instead, the table shows the additional funding that would be authorized for 2016.

Components may not sum to totals because of rounding.

\* = less than \$500,000.

Basis of estimate: S. 1177 would authorize the appropriation of “such sums as may be necessary” for each of fiscal years 2016 to 2021 for programs in the ESEA; those authorizations would automatically be extended 1 year, through 2022, under GEPA. CBO based the estimate of authorization levels on funding levels provided for fiscal year 2015 (or previous years if funding was not provided in 2015) for the same or similar programs administered by the Department of Education, adjusted each year for inflation. For this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2016, that the estimated amounts will be appropriated for each year, and that spending will follow historical patterns for the affected programs. In addition, title and part headings in this estimate refer to the ESEA as amended by S. 1177.

In total, CBO estimates that S. 1177 would authorize the appropriation of \$23.9 billion in fiscal year 2016 and \$124.2 billion over the 2016–20 period. Assuming appropriation of the estimated amounts, CBO estimates that implementing the provisions of the bill would cost about \$92.1 billion over the 2016–20 period and an additional \$58 billion after 2020. The Congress appropriated about \$23 billion in fiscal year 2015 for activities similar to those that would be authorized in this bill.

**Title I—Improving the Academic Achievement of the Disadvantaged.** Title I of S. 1177 would amend title I of the current ESEA and authorize grants for school districts with high proportions of low-income students, as well as funding for the children of migrant workers and other at-risk children. The bill also would authorize the appropriation of funds for States to develop and administer student assessments. CBO estimates those authorizations would total \$82.7 billion over the 2016–20 period and that implementing title I would cost \$61.5 billion over that same period, subject to appropriation of the estimated amounts.

Specifically, the funding authorized by title I would support programs in four new parts:

*Part A, Improving Basic Programs Operated by Local Educational Agencies.* S.1177 would amend provisions governing title I grants to local educational agencies and reauthorize funding for those grants. The bill also would reauthorize funding to identify and support schools in meeting State academic standards. CBO estimates that the bill would authorize \$15.1 billion in 2016 for grants in part A; the Congress appropriated \$14.9 billion for similar activities in fiscal year 2015. Implementing those provisions would cost \$58.3 billion over the 2016–20 period, CBO estimates.

*Part B, Academic Assessments.* The bill would reauthorize programs for grants to States to develop and administer assessments of student achievement. CBO estimates that the bill would authorize about \$385 million in 2016 for those activities; the Congress appropriated almost \$380 million for similar activities in fiscal year 2015. Implementing that provision would cost \$1.5 billion over the 2016–20 period, CBO estimates.

*Part C, Education of Migratory Children.* Part C would make changes to programs that support the education of children of migrant workers. CBO estimates that the bill would authorize the appropriation of \$380 million in 2016 for part D; the Congress appropriated \$375 million for similar activities in fiscal year 2015. Implementing that provision would cost \$1.5 billion over the 2016–20 period, CBO estimates.

*Part D, Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk.* S.1177 would reauthorize programs that support the education of delinquent and at-risk children. CBO estimates that this part would authorize the appropriation of about \$50 million for fiscal year 2016 for part D; the Congress appropriated a similar amount for at-risk children for fiscal year 2015. Implementing that provision would cost almost \$190 million over the 2016–20 period, CBO estimates.

**Title II—Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders.** Title II would authorize appropriations for a range of grant programs, the largest of which would support teacher and principal training, retention, and compensation. CBO estimates that those authorizations would total \$15.5 billion in over the 2016–20 period; implementing title II would cost \$10.8 billion over that same period, assuming appropriation of the estimated amounts.

Specifically, the funding authorized by title II would support programs in five new parts:

*Part A, Fund for the Improvement of Teaching and Learning.* S.1177 would amend provisions for grants to improve the effectiveness of teachers, principals, and other school staff. CBO estimates that the bill would authorize about \$2.4 billion in 2016 for those grants; the Congress appropriated \$2.3 billion for State grants to improve teacher quality under title II of the ESEA in fiscal year 2015. Implementing that provision would cost \$8.6 billion over the 2016–20 period, CBO estimates.

*Part B, Teacher and School Leader Incentive Fund.* The bill would reauthorize grants to develop, implement, expand, and study performance-based compensation systems for teachers, principals, and other school staff. CBO estimates that the bill would authorize about \$230 million in 2016 for those activities; the Congress appropriated about the same amount for the Teacher Incentive Fund in

fiscal year 2015 to support similar activities. Implementing that provision would cost about \$850 million over the 2016–20 period, CBO estimates.

*Part C, American History and Civics Education.* This part would amend and reauthorize grants to improve the teaching of American history and civics. Based on the most recent appropriation for those programs (fiscal years 2010 and 2011), CBO estimates that the bill would authorize the appropriation of about \$50 million in 2016. Implementing that provision would cost about \$180 million over the 2016–20 period, CBO estimates.

*Part D, Literacy Education for All, Results for the Nation.* The bill would authorize grants to improve reading and literacy instruction from early education through secondary school, similar to activities supported by the Striving Readers Program. CBO estimates that this part would authorize the appropriation of about \$160 million for fiscal year 2016; for fiscal year 2015, the Congress appropriated a similar amount for the Striving Readers Program. Implementing that provision would cost about \$590 million over the 2016–20 period, CBO estimates.

*Part E, Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement.* Part E would authorize a new grant program to improve academic achievement in science, technology, engineering, and mathematics in elementary and secondary schools. Based on the funding provided for 2015 for the Math and Science Partnerships Program (about \$155 million), CBO estimates that the bill would authorize the appropriation of a similar amount in 2016. Implementing that provision would cost almost \$560 million over the 2016–20 period, CBO estimates.

**Title III—Language Instruction for Limited English Proficient and Immigrant Students.** Title III would modify the programs that provide support for teaching the English language to recent immigrants and other nonnative speakers under Title III of the ESEA. CBO estimates that the bill would authorize the appropriation of about \$750 million in 2016 and \$3.9 billion over the 2016–20 period. Assuming appropriation of the estimated amounts, implementing this title would cost about \$2.7 billion over the same period, CBO estimates. The Congress appropriated roughly \$740 million for similar activities in fiscal year 2015.

**Title IV—Safe and Healthy Students.** Title IV of S.1177 would authorize grants to improve students’ safety, physical and mental well-being, and academic achievement after the school day. CBO estimates that authorizations in that title would total \$8.1 billion over the 2016–20 period. Assuming the appropriation of the estimated amounts, implementing those provisions would cost \$5.6 billion over the same period, CBO estimates.

Title IV would authorize funding in four parts:

*Part A, Grants to States and Local Educational Agencies.* This part would authorize grants to States and school districts to improve students’ safety and health and to improve academic achievement after the school day. Based on the most recent funding level for State grants for safe and drug-free schools and communities (fiscal year 2009), CBO estimates that the bill would authorize the appropriation of \$300 million in 2016; for fiscal year 2015, the Congress appropriated \$70 million to support national activities for safe and drug-free schools and communities but provided no fund-

ing for grants to States. Implementing those grants would cost \$1.1 billion over the 2016–20 period, CBO estimates.

*Part B, 21st Century Community Learning Centers.* Part B would reauthorize the 21st Century Community Learning Centers Program, which provides grants to provide academic enrichment during periods when school is not in session. CBO estimates that the bill would authorize the appropriation of \$1.2 billion in 2016 for those purposes; the Congress appropriated a similar amount for this program in 2015. Implementing this title would cost \$4.2 billion over the 2016–20 period, CBO estimates.

*Part C, Elementary School and Secondary School Counseling Programs.* This part would reauthorize grants to establish or expand counseling programs for students in elementary and secondary schools. CBO estimates that the bill would authorize the appropriation of about \$50 million in 2016; the Congress appropriated a similar amount for elementary and secondary school counseling in 2015. Implementing those programs would cost about \$180 million over the 2016–20 period.

*Part D, Physical Education Program.* Part D would reauthorize grants to initiate, expand, and improve physical education programs for elementary and secondary school students. CBO estimates that part D would authorize the appropriation of about \$45 million in 2016 for this program; the Congress appropriated a similar amount for those activities in 2015. Implementing that program would cost about \$160 million over the 2016–20 period.

**Title V—Empowering Parents and Expanding Opportunity Through Innovation.** Title V would authorize appropriations to support a range of grants, including those for charter and magnet school programs, education technology, and preschool education. CBO estimates title V would authorize the appropriation of \$4.9 billion over the 2016–20 period. Assuming the appropriation of the estimated amounts, CBO estimates that implementing those provisions would cost \$3.4 billion over the same period.

Specifically, the title would authorize the following activities in the following parts:

*Part A, Public Charter Schools.* The bill would authorize grants for charter schools, similar to activities previously authorized in the Charter School Program and the Credit Enhancement for Charter School Initiatives. CBO estimates that part A would authorize the appropriation of about \$255 million for fiscal year 2016; in 2015, the Congress appropriated a similar amount for charter schools. Implementing that provision would cost about \$925 million over the 2016–20 period, CBO estimates.

*Part B, Magnet School Assistance.* This part would modify the Magnet School Program, and CBO estimates it would authorize the appropriation of about \$95 million for fiscal year 2016; the Congress appropriated a similar amount for magnet schools in 2015. Implementing that provision would cost about \$335 million over the 2016–20 period, CBO estimates.

*Part C, Supporting High-Ability Learners and Learning.* The bill would amend and reauthorize the Gifted and Talented Students Program, which is designed to enhance educational opportunities for gifted and talented students. CBO estimates that the bill would authorize the appropriation of \$10 million in 2016 for part C; the Congress appropriated the same amount for those activities in fis-



cal year 2015. Implementing that provision would cost about \$35 million over the 2016–20 period, CBO estimates.

*Part D, Education Innovation and Research.* The bill would authorize grants to develop, implement, and test programs that improve student achievement and attainment, similar to those activities supported by the Investing in Innovation Program authorized by the American Recovery and Reinvestment Act. CBO estimates that the bill would authorize the appropriation of about \$120 million for fiscal years 2016 for this program; the Congress appropriated a similar amount for grants for Investing in Innovation in 2015. Implementing that provision would cost \$440 million over the 2016–20 period, CBO estimates.

*Part E, Accelerated Learning.* S.1177 would authorize a grant program to improve academic achievement through accelerated learning programs, such as Advanced Placement and International Baccalaureate programs. CBO estimates that the bill would authorize the appropriation of about \$30 million in 2016 for part E; the Congress appropriated a similar amount for the Advanced Placement Program in 2015. Implementing that provision would cost about \$100 million over the 2016–20 period, CBO estimates.

*Part F, Ready-to-Learn Television.* This part would reauthorize the Ready-to-Learn Television Program, which supports the development of educational television and digital media for preschool and elementary school children. CBO estimates the bill would authorize the appropriation of about \$25 million in 2016 for the Ready-to-Learn Program; the Congress appropriated a similar amount for the Ready-to-Learn Program in fiscal year 2015. Implementing that provision would cost almost \$100 million over the 2016–20 period, CBO estimates.

*Part G, Innovative Technology Expands Children’s Horizons (I-TECH).* S.1177 would authorize a new grant program to expand access to and improve students’ and educators’ knowledge and skills with technology. Based on the most recent funding level for the Enhancing Education Through Technology State Grant Program (fiscal year 2010), CBO estimates that this part would authorize the appropriation of about \$100 million for fiscal years 2016. Implementing this provision would cost about \$360 million over the 2016–20 period, CBO estimates.

*Part H, Literacy and Arts Education.* Part H would authorize funding for grants to support arts education for disadvantaged students and those with disabilities and to support literacy programs for low-income communities. Based on funding for two similar programs, CBO estimates that the bill would authorize the appropriation of about \$50 million for fiscal years 2016 for these activities; for fiscal year 2015, the Congress appropriated \$25 million for each of the Arts in Education and the Innovative Approaches to Literacy programs. Implementing that provision would cost about \$185 million over the 2016–20 period, CBO estimates.

*Part I, Early Learning Alignment and Improvement Grants.* The bill would authorize grants to improve and expand early childhood education. Based on funding for Preschool Development Grants, CBO estimates that the bill would authorize the appropriation of about \$255 million for fiscal year 2016 for early childhood education; the Congress appropriated \$250 million for Preschool Development Grants in 2015 to support similar activities. Implementing

those grants would cost about \$915 million over the 2016–20 period, CBO estimates.

**Title VI—Flexibility and Accountability.** Title VI would modify and reauthorize the rural education achievement programs, which provide grants to assist rural school districts in improving teaching and learning outcomes. CBO estimates that the bill would authorize the appropriation of about \$170 million in 2016 and about \$900 million over the 2016–20 period for those programs. Assuming appropriation of the estimated amounts, implementing that title would cost about \$620 million over the same period, CBO estimates. The Congress appropriated about \$170 million for similar activities for rural school districts in fiscal year 2015.

**Title VII—Indian, Native Hawaiian, and Alaska Native and Education.** S. 1177 would reauthorize and modify grant programs for American Indians, Alaska Natives, and Native Hawaiians and authorize the appropriation of funds for a new program for Native American and Alaska Native language immersion schools and programs. CBO estimates that the bill would authorize the appropriation of about \$200 million for fiscal year 2016 and \$1.0 billion over the 2016–20 period for title VII. Assuming appropriation of the estimated amounts, implementing that title would cost about \$775 million over the same period, CBO estimates. Of that total, about \$500 million would be spent on education programs for American Indians, about \$125 million would be spent for each of the programs for Alaska Natives and Native Hawaiians, and about \$30 million would be spent on language immersion schools. The Congress appropriated about \$190 million for those programs in fiscal year 2015.

**Title VIII—Impact Aid.** Title VIII of the bill would amend the impact aid programs that provide funding to assist local education agencies (LEAs) affected by the activities of the Federal Government, such as those on a military base or Indian reservation. CBO estimates that the bill would authorize the appropriation of \$1.3 billion in fiscal year 2016 and \$6.8 billion over the 2016–20 period for impact aid. Assuming the appropriation of the estimated amounts, CBO estimates that implementing that title would result in discretionary costs of \$6.5 billion over the same period. The bulk of that spending (about \$6.1 billion), would be for basic support payments to LEAs to assist in the education of children in areas affected by Federal activities. The other \$400 million would be used to construct and maintain schools that educate children in such areas. The Congress appropriated almost \$1.3 billion for impact aid in 2015.

**Title IX—General Provisions.** Title IX would authorize assessments of the effectiveness of grants to schools with high enrollments of low-income students authorized in title I. CBO estimates that the bill would authorize the appropriation of less than \$1 million for each of fiscal years 2016–20 for those activities; available funding for evaluations under title I totaled less than \$1 million in fiscal year 2015. Implementing that provision would cost about \$3 million over the 2016–20 period, assuming the availability of the necessary amounts.

**Title X—Education for Homeless Children and Youths.** Title X would reauthorize the McKinney-Vento Homeless Assistance Act, which authorizes grants to States to assist in the edu-

cation of homeless children. CBO estimates that the bill would authorize the appropriation of about \$65 million in 2016 and about \$345 million over the 2016–20 period for this assistance; the Congress appropriated a similar amount for the education of homeless children in fiscal year 2015. Implementing this title would cost about \$240 million over the 2016–20 period, assuming appropriation of the estimated amounts.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: The bill contains no intergovernmental or private-sector mandates as defined in UMRA. State, local, and tribal governments would benefit from grants authorized in the bill for elementary and secondary education. Any costs associated with the grants would be incurred voluntarily as a result of complying with conditions of Federal assistance.

Previous CBO estimates: On February 18, 2015, CBO transmitted a cost estimate for H.R. 5, the Student Success Act, as ordered reported by the House Committee on Education and the Workforce on February 11, 2015. CBO estimates that enacting H.R. 5 would authorize the appropriation of \$23.3 billion for fiscal year 2016 and \$116.5 billion over the 2016–20 period and that implementing the bill would cost \$87.7 billion over the same period.

Estimate prepared by: Federal Costs: Justin Humphrey; Impact on State, Local, and Tribal Governments: J'nell Blanco Suchy; Impact on the Private Sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

## VII. SECTION-BY-SECTION ANALYSIS

### *Section 1—Short title*

States the short title of the bill as the *Every Child Achieves Act of 2015*.

### *Section 2—Table of contents*

Lists the Table of Contents of the *Every Child Achieves Act of 2015*.

### *Section 3—References*

Except as otherwise expressly provided, an amendment or repeal in this Act will be a reference made to a section or provision of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.].

### *Section 4—Statement of purpose*

The purpose of this Act is to enable States and local communities to improve and support our Nation's public schools and ensure that every child has an opportunity to achieve.

### *Section 5—Table of Contents of the Elementary and Secondary Elementary Act of 1965*

Amends the Table of Contents of the Elementary and Secondary Elementary Act of 1965.

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

*Section 1001—Statement of purpose*

Amends section 1001 [20 U.S.C. 6301] to change the purpose to ensure that all children have an opportunity to receive a high-quality education that prepares them for post-secondary education or the workforce, without the need for post-secondary remediation, and to close educational achievement gaps.

*Section 1002—Authorization of appropriations*

Amends section 1002 [20 U.S.C. 6302] by changing the authorization levels of title I to “such sums as may be necessary for each of fiscal years 2016 through 2021” to carry out: Part A—Local Educational Agency Grants, Part B—State Assessments, Part C—Education of Migratory Children, Part D—Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk, Part E—Federal Activities, and Part F—School Intervention and Support.

*Section 1003—School improvement and State administration*

Strikes section 1003 [20 U.S.C. 6303] and redesignates section 1004 [20 U.S.C. 6304] as section 1003. Maintains the requirement that States reserve 2 percent of the State’s allocation for administrative purposes. Amends this section by allowing each State to reserve not more than 4 percent of the State’s allocation, for a fiscal year, to carry out the State’s responsibilities related to school intervention and support, and to carry out a statewide system of technical assistance for local educational agencies. States will allocate 95 percent of the reserved funds directly to local educational agencies, prioritizing those that, as determined by the State, serve the lowest performing schools, demonstrate the greatest need for funds, and demonstrate the strongest commitment to evidence-based interventions.

*Section 1004—Basic program requirements*

Strikes section 1111 [20 U.S.C. 6311] through section 1117 [20 U.S.C. 6317] and inserts section 1111 through section 1114. Also strikes section 1119 [20 U.S.C. 6319] and redesignates sections 1118, 1120, 1120A, and 1120B, as sections 1115, 1116, 1117, and 1118, respectively.

*Sec. 1111. State plans*

All States that desire to receive title I funds are required to submit a plan to the Secretary.

*Consultation with Key Stakeholders*—In the development of the title I State plan, each State must consult with the Governor, local educational agencies, representatives of Indian tribes located in the State, teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals (including organizations representing such individuals), administrators, other staff, and parents, describe how the State will implement evidence-based strategies for improving student achievement, and coordinate the plan with other Federal laws.

*Peer Review*—State plans are reviewed by a geographically diverse and varied team of researchers and practitioners with recent school-level and classroom experience to provide useful, objective feedback to States about how the plan might be implemented. The same peer reviewers will not review all of the State plans, but a peer reviewer may review more than one plan.

*Approval and Disapproval Process*—All State plans are deemed as approved within 90 days of submission unless the Secretary presents substantial evidence that the plan does not meet Federal requirements. In this situation, the Secretary will immediately notify the State, provide a detailed description of the requirements the plan does not meet, provide all peer review documents to the State, offer the State the opportunity to resubmit the plan within 60 days, provide technical assistance (upon request), and conduct a public hearing within 30 days (upon request). The Secretary has the authority to disapprove a State plan if the State has been notified, offered an opportunity to revise and resubmit the plan, and it chooses not to do so, or does so and the plan still does not meet title I requirements. The Secretary also has the authority to approve or disapprove any significant changes that States make to State title I plans in accordance with the same requirements for approval and disapproval for initial plan submission.

*Limitations on the Secretary*—The Secretary does not have the authority to require a State, as a condition of approval of the State plan, to adopt specific academic standards, academic assessments, set specific annual goals or timelines for such goals, the specific indicators in the accountability system, or the indicators or specific measures of teacher, principal, or other school leader evaluation systems. The Secretary may not require specific criteria, targets, goals, or metrics for academic and non-academic measures in a State's accountability system.

*Academic Standards*—Each State will provide an assurance that it has adopted challenging academic content and achievement standards (with at least 3 levels of achievement), but no State shall be required to submit those standards to the Secretary. The standards must be aligned with: entrance requirements for the system of public higher education in the State, relevant career and technical education standards, and relevant early learning guidelines. Each State may adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards are aligned with the challenging State academic content standards, consistent with other Federal laws, and ensure that such students are on track for further education or employment. Each State is required to adopt English language proficiency standards that are aligned with the challenging State academic standards.

*Prohibitions on Standards*—Each State will not be required to submit any standards to the Secretary for review or approval. The Secretary will not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over the adopted State standards.

*Academic Assessments*—Each State is required to implement statewide academic assessments in mathematics, reading or language arts, and science. Mathematics and reading or language arts assessments will be administered annually in each of grades 3

through 8, and at least once in grades 9 through 12. Science assessments will be administered at least one time each in grades 3 through 5, 6 through 9, and 10 through 12. Results from such assessments shall be disaggregated by the following categories of students: each major racial and ethnic group, economically disadvantaged students, children with disabilities, English proficiency status, gender, and migrant status. Each State can provide alternate assessments aligned with the challenging State academic content standards and alternate academic achievement standards for students with the most significant cognitive disabilities, but the total number of students assessed using the alternate assessments may not exceed 1 percent of the total number of students in the State who are assessed in each subject and not more than 1 percent of assessments used in determining the achievement of students in the State accountability system may be alternate assessments for students with the most significant cognitive disabilities. Each State will also annually assess English proficiency for students who are English learners. Computer adaptive tests can be administered to meet these requirements. Last, the bill clarifies nothing in title I, part A preempts State or local law regarding the decision of a parent or guardian to opt his/her child out of participating in these assessments.

*Accountability System*—Each State will develop and implement a single, statewide State accountability system. The system must annually establish State-designed goals for academic achievement and graduation rates for all students and categories of students, defined as economically disadvantaged students, students from major racial or ethnic groups, children with disabilities, and English learners. The system must annually measure and report on, for all students and each category of students: academic achievement as measured by the State assessments; a statewide indicator of academic success for elementary schools; high school graduation rates; English proficiency of English learners; and an additional State-determined indicator of school quality, success, or student supports. States may use additional indicators in their accountability systems if they choose, while using assessments, the elementary school indicator, and high school graduation rates as substantial factors. The system must use these indicators to annually identify and differentiate among all public schools. The system must measure the annual academic progress of not less than 95 percent of all students and each of the categories of students.

*Prohibitions on Federal Interference with State and Local Decisions*—The Secretary cannot specify, define, or prescribe academic standards, specific types of academic assessments, or specific goals adopted by the State within the accountability system. The Secretary cannot require specific metrics to measure student growth or specific benchmarks, targets, or goals for any measures or indicators in the accountability systems, the specific weight or significance of any measures or indicators used to measure, identify, or differentiate schools in the accountability systems developed by the States, or the specific methods used to identify and meaningfully differentiate schools.

*Other Plan Provisions*—Each State must describe the minimum number of students it will use for the disaggregation of data by individual categories of students; the State's system for monitoring

and evaluating the intervention and support strategies implemented by school districts for identified schools and the steps States will take to further assist school districts if the strategies are not effective; how low-income and minority children enrolled in title I schools are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers; how the State will make public the methods or criteria the State uses to evaluate teachers; how the State determines the goals for progress necessary to move English learners to proficiency; the steps the State will take to ensure collaboration with child welfare agencies to improve the educational stability of foster youth; how the State plans to protect students from physical or mental abuse, aversive behavioral interventions, or any physical restraint or seclusion imposed for purposes of discipline or convenience; and how the State will address school discipline and climate issues, among others.

*State Report Card*—Each State will prepare and disseminate to the public an annual State report card. Each State report card must include information for all students and disaggregated by each category of students, including: a description of the State accountability system; the weights of the indicators used in the State accountability system, student academic performance; the percentage of students assessed and not assessed, high school graduation rates, information on the academic indicator for elementary schools; information on indicators or measures of school quality, climate, safety, and discipline included in the Civil Rights Data Collection biennial survey; the minimum number of students used for disaggregation purposes in reporting requirements; the professional qualifications of teachers, principals, and other school leaders, including the percentage and distribution of inexperienced, out-of-field, and emergency certified teachers, principals, and other schools leaders; information on the schools identified by the State accountability system as in need of intervention and support; the evaluation results of teachers, principals, and other school leaders in the aggregate (if a State chooses to implement an evaluation system); per-pupil expenditures of Federal, State, and local funds by source; information on the students with the most significant cognitive disabilities taking an alternate assessment; information on English language proficiency for English Learners; National Assessment of Educational Progress (NAEP) results; the percentage of all students and each category of students who did not meet annual State goals for achievement and graduation rates; and assessment results for military-connected children, homeless children, and children in foster care.

*Local Report Cards*—Each local educational agency will prepare and disseminate an annual local educational agency report card with information on the agency, as a whole, and for each school served by the agency. The report card will include all of the information on the State report card.

*Secretary's Report Card*—The Secretary is required to submit to Congress a report card on the status of elementary and secondary education in the United States, including much of the information from the State and local report cards. However, the information on the report card will be derived from existing data sources and not require new data collections.

*Public Recognition*—The Secretary may identify and publicly recognize States, local educational agencies, schools, and programs for exemplary performance.

*Prohibitions*—The Secretary is prohibited from requiring States to enter into voluntary partnerships to get a State plan or waiver request approved, as a condition of Federal funds, or for any preference or priority for receipt of Federal funds.

*Sec. 1112. Local educational agency plans*

*Local Educational Agency Plan*—Each local educational agency is required to submit a title I plan to the State for review after consultation with various education stakeholders. The plan must include many similar descriptions to the State plan. Of note, the plan must: describe how the local educational agency will address any disparities that result in low-income and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers; ensure that all instructional staff meet applicable State certification and licensure requirements; describe the actions the local educational agency will take to assist and monitor schools identified under the State accountability system as in need of intervention and support; how the local educational agency will provide opportunities for the enrollment, attendance, and success of homeless children; if applicable, how the local educational agency will coordinate and integrate services with preschool programs; and a description of how the local educational agency will address school climate and discipline issues. The local educational agency is also required to inform parents of each student that, at their request, they can receive information regarding the professional qualifications of the student's classroom teachers and must also provide information related to their child's academic achievement. Additionally, local educational agencies must inform parents of English learners the reasons the child was identified and the services for which they are eligible. Local educational agencies must also implement effective means of outreach to parents of children who are English learners to inform them of how they can be involved and active participants in their child's education.

*Sec. 1113. Eligible school attendance areas; schoolwide programs; targeted assistance programs*

*Eligible School Attendance Areas*—The bill maintains current law requirements related to eligible school attendance areas. In ranking schools in order to determine who must be served first, local educational agencies must rank high schools with 50 percent more or poverty highest to lowest in terms of the percentage of children in poverty. However, in determining which schools will receive title I funds, a local educational agency will not have to reduce funds that elementary schools are currently receiving in order to serve high schools. A local educational agency must reserve funds to serve homeless children, children in institutions for neglected children, and if appropriate, children in local institutions for delinquent children and may reserve funds for early childhood education programs for eligible children.

*Schoolwide and Targeted Assistance Programs*—All title I schools will conduct a needs assessment to determine if they should operate a targeted assistance or schoolwide program to best serve stu-



dents at risk of failing to meet State standards. Schools with 40 percent or more children in poverty may automatically operate a schoolwide program. However, if a school is under the 40 percent poverty threshold and the needs assessment conducted demonstrates a schoolwide program would better serve title I students in the school, the local educational agency may waive the 40 percent requirement and allow a school under that threshold to operate a schoolwide program.

*Sec. 1114. School identification, interventions, and supports*

*School Identification, Interventions, and Supports*—Each State must annually identify the public schools that are in need of intervention and support using the State accountability system. States must indicate on local educational agency and school report cards whether schools have been identified for interventions and supports. Local educational agencies must then intervene in all title I schools that are identified using an evidence-based intervention or support strategy. Each State must monitor and evaluate the implemented strategies, provide technical assistance to districts, and take appropriate steps to further assist local educational agencies if the interventions are not effective in raising student achievement. Each local educational agency with identified schools must conduct a review of each school, including examining the indicators in the State accountability system, policies, procedures, personnel decisions, and budgetary decisions to determine the reason the school was identified as in need of intervention and support. The local educational agency must also develop an appropriate evidence-based strategy that is proportional to the identified needs of the school to improve the school and directly related to the reasons for identification and a comprehensive plan to ensure successful implementation of the intervention and support strategies. The strategies the local educational agencies develop and implement must distinguish between the lowest performing schools and other schools identified for other reasons, including schools with categories of students not meeting State goals. States may also establish intervention and support strategies, consistent with State law, that local educational agencies may implement. A local educational agency shall promptly provide notice to parents of children in identified schools of the reasons for and explanation of the identification, what the agency will do to assist the school, and the options parents have for their child.

*Prohibition on Federal Interference with State and Local Decisions*—The Secretary is prohibited from establishing any criterion that specifies, defines, or prescribes any school intervention or support strategy that States or local educational agencies are required to use to assist schools identified by the State accountability system.

*Funds for Local School Interventions and Supports*—Dedicated funding for school intervention and support is maintained. States will apply to the Secretary for formula funds, and those funds will be competitively granted to local educational agencies with identified schools who apply for those funds, including by prioritizing local educational agencies with the lowest performing schools in the State. Funds may also be awarded to statewide school districts, consortium of local educational agencies, or educational service

agencies that serve identified schools if those entities are legally constituted or recognized as local educational agencies in the State.

*Section 1005—Parent and family engagement*

*Sec. 1115. Parental involvement*

Amends section 1118 [20 U.S.C. 6318] to expand local educational agency parental involvement policies to include other family members. It also requires local educational agencies to conduct outreach and provide opportunities for participation to all parents and family members, and conduct an annual evaluation of parental and family engagement policies in order to improve such policies and remove barriers to participation. Furthermore, parents and family members must be involved in jointly developing the local educational agency plan under section 1112 and the process of school review and intervention and support under section 1114. Local educational agencies will continue to receive 1 percent of the title I allocation for parental and family engagement, but may reserve 15 percent of such funds for local educational agency-level parental and family engagement activities, including activities such as supporting nonprofits to provide professional development regarding parent and family engagement strategies, home visitation, disseminating best practices on parent and family engagement, or supporting schools to collaborate with community-based organizations to increase parent and family engagement. The other 85 percent of the reservation will be allocated to schools for parent and family engagement.

*Section 1006—Participation of children enrolled in private schools*

*Sec. 1116. Participation of Children Enrolled in Private Schools*

Amends section 1120 [20 U.S.C. 6320] to clarify that the proportional share of funds to provide services to eligible private school children must be determined based on the total allocation a local educational agency receives and prior to any other allowable expenditures or transfers are reserved by the local educational agency. Adds more transparency into how the proportional share of funds is determined and if the services for private school children will be provided by a third-party.

*Section 1007—Supplement, not supplant*

*Sec. 1117. Fiscal requirements*

Amends subsection (b) of section 1120A [20 U.S.C. 6321] to maintain the requirement for State or local educational agencies to use Federal funds to supplement, but not supplant, funds from non-Federal sources. Requires within 2 years after the enactment of this Act that local educational agencies will comply with the supplement, not supplant requirement in this subsection by demonstrating that the methodology used by the local educational agency to allocate State and local funds to title I schools ensures that the school receives all of the non-Federal funds it would otherwise receive in the absence of title I funds. Prohibits the Secretary from establishing, defining, or prescribing the specific methodology a local educational agency must use. Local educational agencies are

not required to identify individual costs or services as being supplemental, or provide title I services through a particular instructional method or in a particular setting in order to demonstrate compliance with this subsection.

*Section 1008—Coordination requirements*

*Sec. 1118. Coordination requirements*

Amends section 1120B [20 U.S.C. 6322] by striking references to Early Reading First, updating references to early childhood education programs, and requiring that local educational agencies using title I funds for early childhood education develop agreements with Head Start agencies and other entities to carry out such activities.

*Section 1009—Grants for the outlying areas and the Secretary of the Interior*

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

Makes technical changes to section 1121 [20 U.S.C. 6331].

*Section 1010—Allocation to States*

*Sec. 1122. Allocations to States*

Makes technical changes to section 1122(a) [20 U.S.C. 6332].

*Section 1011—Maintenance of effort*

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

Makes technical changes to section 1125A [20 U.S.C. 6337]. Amends subsection (b) to allow a State, for 1 year, to not be subject to Federal fund reductions as a consequence of failing to maintain 90 percent of the State fiscal effort per student or aggregate State expenditures from the previous fiscal year, provided the State has not failed to maintain such fiscal effort for one or more of the five immediately preceding fiscal years.

*Section 1012—Academic assessments*

Amends part B of title I [20 U.S.C. 6361 et seq.] as follows:

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

Authorizes the Secretary to award formula assessment grants to States for activities including developing assessments aligned with State standards with accommodations for English learners and children with disabilities; developing English language proficiency assessments; refining State assessments in reading, mathematics, or science, or creating assessments for subjects not required; or developing, or supporting local educational agencies to develop, assessment systems with summative, interim, and formative assessments.

*Sec. 1202. Grants for enhanced assessments instruments*

Authorizes the Secretary to award competitive assessment grants to States for activities including collaborating with other organizations to improve assessments; developing assessments using the principles of universal design for learning; developing assessments

to measure student growth; or developing innovative assessments such as technology- or competency-based assessments, computer adaptive assessments, or portfolio or extended performance task assessments.

*Sec. 1203. Audits of assessment systems*

Authorizes the Secretary to award competitive grants to States and local school districts to conduct audits of their State and local testing systems to describe, for each test administered, information including the grade and subject assessed; the annual cost and administration time of the assessment; the Federal, State, or local law that requires the assessment; and the schedule and calendar for the assessment. Requires the development of a plan to address the findings of the audit, including eliminating unnecessary assessments.

*Sec. 1204. Funding*

Authorizes such sums for the purposes of title I, part B.

*Sec. 1205. Innovative assessment and accountability demonstration authority*

Authorizes a demonstration program for the creation of innovative assessment systems, such as competency- or performance-based assessments. Authorizes the Secretary to initially give five States authority to develop such assessments for accountability purposes and in lieu of the current State assessment system, provided the innovative assessments meet a high bar of technical quality. Allows additional States to apply to the Secretary to develop innovative assessment systems if overall, the first five State systems demonstrate progress for students on student achievement, graduation rates, retention rates, or decreased remediation rates.

*Section 1013—Education of migratory children*

Makes technical changes to part C [20 U.S.C. 6391 et seq.] of title I. Prioritizes services for migratory children who are failing to meet State standards or have dropped out of school. Inserts and improves definitions for “migratory agricultural worker,” “migratory child,” “migratory fisher,” and “qualifying move.”

*Section 1014—Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk*

Makes technical changes to part D [20 U.S.C. 6421 et seq.] of title I to strengthen and improve educational services for children and youth in local and State institutions for neglected and delinquent juveniles. Amends section 1414(a) [20 U.S.C. 6434] to include an assurance that each State educational agency has established procedures to ensure the prompt re-enrollment of each student who has been placed in the juvenile justice system in a secondary school or in a re-entry program. Amends section 1415(a) [20 U.S.C. 6434] to allow funds to be used for pay for success initiatives. Amends section 1418(a) [20 U.S.C. 6438] to allow a focus on projects that facilitate the transition of children between State-, Secretary of the Interior-, or Bureau of Indian Education-operated institutions and schools in local educational agencies. Amends section 1423 [20 U.S.C. 6453] to add a greater emphasis on ensuring the successful

transition of children and youth in correctional institutions into schools served by the local educational agency or into career and technical education and post-secondary education programs. Amends section 1424 [20 U.S.C. 6454] to allow funds to be used for programs for at-risk Indian children and youth and pay for success initiatives. Amends section 1425 [20 U.S.C. 6455] to require, to the extent practicable, the development of initial educational services and transition plans for each child or youth served and consultation between the correctional facility and the local educational agency to coordinate educational services in order to minimize disruption to the child's or youth's achievement.

*Section 1015—General provisions*

Repeals parts E, F, G, and H and title I; redesignates part I as part E; strikes sections 1904, 1907, and 1908; redesignates sections 1901, 1902, 1903, 1905, and 1906, as sections 1501, 1502, 1503, 1504, and 1505, respectively.

Amends sections 1901 [20 U.S.C. 6571], 1902 [20 U.S.C. 6572], and 1903 [20 U.S.C. 6573] to update the negotiated rulemaking process for title I regulations. Requires negotiated rulemaking for regulations related to standards, assessments, State accountability systems, school intervention and supports, and supplement, not supplant requirements. Requires an alternative process for regulations if consensus is not reached through negotiated rulemaking, including a review of the time, cost, and paperwork burden of any proposed regulations, and a required public comment and review period. Adds specialized instructional support personnel, representatives of charter schools, as appropriate, and paraprofessionals to the committee of practitioners created by the State.

*Section 1016—Report on educational stability of children in foster care*

Within 2 years of enactment of this Act, the Secretary of Education and the Secretary of Health and Human Services shall submit to Congress a report that provides information on the educational stability of children in foster care, including a description of any barriers to coordination between local educational agencies and child welfare agencies, a description of the benefits and challenges of keeping a foster care child in the school of origin, including transportation costs, an examination of barriers to credit transfer, and an examination of the impact on local educational agencies to designate a point of contact for a child welfare agency.

*Section 1017—Report on subgroup sample size*

Within 90 days of enactment of this Act, the Institute of Education Sciences shall publish a report on best practices for determining valid, reliable, and statistically significant minimum numbers of students for inclusion in each of the categories of students in the State accountability system. The report will be widely disseminated.

TITLE II—HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

*Section 2001—Transfer of certain provisions*

Makes technical changes, and redesignates subpart 5 of part C of title II [20 U.S.C. 6731 et seq.] as subpart 3 of part F of title IX, redesignates subpart 4 of part D of title II [20 U.S.C. 6777] as subpart 4 of part F of title IX. Transfers section 2361 through 2368 [20 U.S.C. 6731–6738] to title IX.

*Section 2002—Fund for the improvement of teaching and learning*

Title II of *The No Child Left Behind Act* [20 U.S.C. 6301 et seq.] is amended:

*Section 2001—Purpose*

Describes the purposes of the section.

*Section 2002—Definitions*

Defines “school leader residency program,” “State,” and “teacher residency program.”

*Section 2003—Authorization of appropriations*

Authorizes funding at “such sums as may be necessary for each of fiscal years 2016 through 2021” to carry out: Grants to States and Local Educational Agencies; National Activities; Teacher and School Leader Incentive Fund; American History and Civics Education; Literacy Education for All, Results for the Nation; and Improving STEM Instruction and Student Achievement.

Part A—Fund for the Improvement of Teaching and Learning

*Section 2101—Formula grants to States*

*State Allotments*—Requires the Secretary to reserve funds for the U.S. territories and the Bureau of Indian Education, and then distribute the remaining funds to States through a formula. First, States will receive a portion of what they received under title II, part A for fiscal year 2001. This amount will decrease over the course of 7 fiscal years. The remaining funds will be distributed with 20 percent based upon the population of children ages 5 through 17, and 80 percent based upon population of children ages 5 through 17 in poverty.

*State Activities*—Allows States to reserve up to 5 percent of funds before distributing the remaining to local educational agencies. States may reserve an additional 3 percent for activities related to principals and school leaders so long as that additional reservation does not come from the existing 5 percent set aside or the existing subgrants to local educational agencies. States may use funds for reforming teacher, principal and other school leader certification and licensing, developing and improving evaluation systems and recruitment and retention systems, improving equitable access to effective teachers, and supporting efforts to train teachers, principals and school leaders.

*State Plan*—Requires States to submit a plan to the Secretary that is created in consultation with teachers, teacher organizations, principals, other school leaders, specialized instructional support

personnel, parents, and others. Requires a description of the uses of funds and assurances that the State will monitor the implementation of activities carried out with title II funds. States will need to describe various activities, including the State system for licensing teachers, how title II activities are aligned with State standards, and if the State is going to use the funds to improve equitable access to teachers, a description of how funds will be used to meet title I requirements related to that purpose.

*Prohibitions*—Prohibits the Secretary or any other officer of the Federal Government from mandating, directing, or controlling any elements of evaluation systems, the definition of teacher, principal, or other school leader effectiveness, or professional standards, certification, or licensing for teachers, principals, or school leaders.

*Section 2102—Subgrants to local educational agencies*

*Local Allotments*—Local educational agencies receive funds from the State on a formula based on 20 percent population of children ages 5 through 17 and 80 percent population of children ages 5 through 17 in poverty.

*Local Applications*—Local educational agencies must submit a needs assessment, conducted in consultation with education stakeholders, to the State that is designed to determine the schools with the most acute staffing needs.

*Section 2103—Local use of funds*

Allows local educational agencies to use funds to implement activities based upon the needs assessment. Includes a list of activities for which local educational agencies can use funds, or any other evidence-based activities identified by the agency.

*Section 2104—Reporting*

Requires that each State and local educational agency annually submit a report that identifies information related to teacher qualifications and how title II funds are used.

*Section 2105—National activities of demonstrated effectiveness*

Authorizes the Secretary to use funds for technical assistance to States and local educational agencies, and evaluations of title II activities. Requires competitive grants to be awarded to eligible entities, such as institutions of higher education or national nonprofit or for-profit entities, for alternative teacher certification or preparation, or professional development or professional enhancement for teachers or school leaders. Also requires competitive grants to be awarded to State or local educational agencies, or nonprofit organizations or institutions of higher education, for activities related to improving recruitment, preparation, placement, support, and retention of effective principals and other school leaders.

*Section 2106—Supplement not supplant*

Ensures that Federal funds received under this part are supplemental to non-Federal funds.

Part B—Teacher and School Leader Incentive Program

Authorizes the Secretary to award competitive grants to eligible entities for the purposes of developing, implementing, improving, or

expanding performance-based compensation systems or human capital management systems. Applicants may only receive a grant twice, for a period that shall not exceed 3 years, with the availability for a 2-year extension. Each eligible entity must fulfill a matching requirement of 50 percent from non-Federal sources.

*Section 2003—American history and civics education*

Part C—American History and Civics Education

Authorizes the Secretary to award competitive grants to carry out: a Teaching of Traditional American History Program to promote teaching traditional American history in schools as a separate academic subject outside of a social studies course; Presidential and congressional Academies for American History and Civics to enable institutions of higher education, nonprofit educational organizations, museums, libraries, or research centers to provide professional development for teachers and opportunities for students to grow in the field of American history and civics through a seminar or institute, and National Activities to promote innovative history, civic, and geography instruction, and learning strategies and professional development for educators related to those subjects.

*Section 2004—Literacy education*

Part D—Literacy Education for All, Results for the Nation

Authorizes the Secretary to award competitive grants to States to develop, enhance, and implement comprehensive literacy instruction plans to improve comprehensive literacy instruction for at-risk students. Subgrants to eligible entities (one or more high-need local educational agencies, one or more State-designated early childhood education programs, or such entities in partnership with public or private nonprofit organizations) will support high-quality early literacy initiatives for children from birth through kindergarten and high-quality literacy initiatives in grades kindergarten through 5 and in grades 6 through 12.

*Section 2005—Improving science, technology, engineering, and mathematics instruction and student achievement*

Part E—Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement

Authorizes the Secretary to award formula grants to States to improve classroom instruction, enhance student engagement, and increase student achievement in STEM subjects. Grants are based on 35 percent of the State population of students age 5 through 17, and 65 percent of the population of students age 5 through 17 from families living in poverty. States may distribute subgrants to high-need local educational agencies, an educational service agency, or outside partners, which may include nonprofit or community-based organizations, businesses, or institutions of higher education. States may also utilize funds to recruit qualified teachers and instructional leaders in STEM subjects or to develop a STEM master teacher corps.



*Section 2006—General provisions*

## Part F—General Provisions

Prohibits the Secretary or any other officer or employee of the Federal Government from mandating, directing, or controlling a State, local educational agency, or school's instructional content or materials, program of instruction, standards, or assessments; educator evaluation systems; definition of teacher, principals, or other school leader effectiveness; or professional standards, certification, or licensing of educators. Nothing in this title will alter or affect local collective bargaining agreements.

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

*Section 3001—General provisions*

Amends title III [20 U.S.C. 6901 et seq.] by striking section 3122 [20 U.S.C. 6842] in part A, all of part B [20 U.S.C. 6891 et seq.], and section 3302 [20 U.S.C. 7012] in part C. Redesignates title III sections and parts accordingly.

*Section 3002—Authorization of appropriations*

Amends section 3001 [20 U.S.C. 6801] to update authorization years and levels as such sums as may be necessary for each of fiscal years 2016–21.

*Section 3003—English language acquisition, language enhancement, and academic achievement*

Amends part A of title III [20 U.S.C. 6812] by updating the purposes of the title.

*State Uses of Funds and Activities*—Amends section 3111(b) [20 U.S.C. 6821] to include establishing and implementing, with consultation with local educational agencies, standardized statewide entrance and exit procedures for English learners; educator professional development and preparation activities to improve teaching skills in meeting the diverse needs of English learners; technical assistance to improve the education of English learners; and providing recognition to subgrantees who improve the progress of English learners in meeting timelines and goals for English proficiency and the challenging State academic standards.

*Reservations and Allotments*—Amends section 3111(c) [20 U.S.C. 6821] to make technical edits. Updates the data used to make State title III formula allotments to include: data from the American Community Survey, the number of students taking the State English language proficiency assessment, or a combination of data available from both sources, to determine the number of English learners in a State; and data from the American Community Survey to determine the number of immigrant children and youth in the State.

*State and Specially Qualified Agency Plans*—Amends section 3113 [20 U.S.C. 6823] to require States to describe the standardized statewide entrance and exit procedures for English learners, how the State will assist and monitor the progress of eligible entities in meeting annual timelines and goals for progress for English learners on English language proficiency and academic assess-

ments, and the steps the agency will take if strategies are not effective; how the State will decrease the number of long-term English learners; and provide assurances that States will: annually assess English learners in English who have been in the United States for 3 or more years on the State assessments; annually assess the English proficiency of English learners; and help build capacity for eligible entities to offer effective language instruction educational programs for English learners.

*Section 3115—Subgrants to eligible entities*

Amends section 3115 [20 U.S.C. 6825] to require subgrantees to use language instruction educational programs that are based on high-quality research demonstrating success in increasing English learner academic achievement and English proficiency; effective professional development to improve instructional strategies for English learners; and implement effective family engagement strategies to support English learners. Lists other allowable uses of funds for subgrantees.

*Section 3116—Local plans*

Amends section 3116 [20 U.S.C. 6826] to require that local plans submitted by eligible entities include descriptions of high-quality programs and activities to be implemented with title III funds to increase English learner academic achievement and English language proficiency; how English learners will meet goals and timelines for English proficiency and student achievement described in title I; and how the eligible entity will promote parent, family, and community engagement. Includes assurances that plans are made in consultation with teachers, parents and family members, researchers, community members, school administrators, public or private entities, and institutions of higher education and that local educational agencies are complying with title I “parent-right-to-know” requirements and State law regarding English learners.

*Section 3121—Reporting*

Amends section 3121 [20 U.S.C. 6841] to include reporting on the number and percentage of English learners: meeting State-determined goals for progress, disaggregated by long-term English learners and English learners with a disability; attaining English proficiency; meeting challenging State academic standards for 2 years after such students are no longer identified as English learners, disaggregated by long-term English learners and English learners with a disability; and who have not attained English proficiency within 5 years of classification as an English learner. Makes other technical changes.

*Section 3131—National professional development project*

Amends section 3131 [20 U.S.C. 6861] to include “public or private entities with relevant experience and capacity” as eligible entities for competitive grants under the National Professional Development Project. Grants will be used for professional development, capacity building, or evidence-based activities that will improve classroom instruction for English learners. Allows funding to support strategies to promote school readiness for English learners and

their transition to elementary school. Promotes the sharing of best-practices for instructing English learners, and emphasizes support strategies that strengthen parent, family, and community engagement.

*Section 3141—Definitions*

Amends section 3141 [20 U.S.C. 6871] to expand the definition of “eligible entity,” and defines the terms “English Learner with a disability” and “long-term English learner.”

*Section 3004—Other provisions*

Amends part C of title III [20 U.S.C. 7011 et seq.] to replace the term “limited English proficient” with “English Learners.”

TITLE IV—SAFE AND HEALTHY STUDENTS

*Section 4001—General provisions*

Transfers section 4141 [20 U.S.C. 7151], section 4155 [20 U.S.C. 7165], and sections 4301–4304 [20 U.S.C. 7181–7184] to title IX; and strikes the title heading, replacing it with “Title IV—Safe and Healthy Students.”

*Section 4002—Grants to States and local educational agencies*

Strikes and replaces part A of title IV [20 U.S.C. 7101 et seq.].

*Section 4101—Purpose*

Amends the purposes of title IV to focus on improving students’ safety, health, well-being, and academic achievement.

*Section 4102—Definitions*

Includes definitions for “controlled substance,” “drug,” “drug and violence prevention,” “school-based mental health services provider”, and “State.”

*Section 4103—Formula grants to States*

Authorizes the Secretary to reserve up to 5 percent of funds for national activities, one-half of 1 percent of funds for outlying areas, one-half of 1 percent for funds for schools operated or funded by the Bureau of Indian Education, and such funds as may be necessary for the “Project School Emergency Response to Violence” (Project SERV), which provides education-related services to local school districts and institutions of higher education that have been impacted by a violent or traumatic crisis that has severely disrupted the teaching and learning environment in the school. States will also receive formula grant funds, in proportion to the number of individuals aged 5–17 from families with incomes below the poverty line in the State, and may reserve up to 5 percent of funding to provide State-level activities such as training and technical assistance to local educational agencies, and for other allowable activities related to safe and healthy students. Each State must submit a plan and report to the Secretary on how the State and local educational agencies use funds provided under this part.

*Section 4104—Subgrants to local educational agencies*

Requires States to allocate the remaining percentage of funds to local educational agencies based on the number of individuals aged 5–17 from families with incomes below the poverty line. Local educational agencies are required to consult with community, education, and local government stakeholders to conduct a needs assessment of the agency that takes into account measures or indicators of school quality, climate and safety, discipline, and risk factors in the community. Requires local educational agencies to submit a plan to the State including the results of the needs assessment and a description of the activities and performance indicators the local educational agency will use to implement and evaluate programs funded under this part. Funds must be targeted to schools with the greatest need and that have the highest percentages of at-risk students.

*Section 4105—Local educational agency authorized activities*

Authorizes local educational agencies, or a consortium of local educational agencies, to develop, implement, and evaluate a range of activities and programs to foster safe, healthy, supportive and drug-free environments that support academic achievement. Local educational agencies must coordinate with other schools and community-based services and programs and may partner with non-profit organizations with a demonstrated track-record of success in implementing the activities. Includes allowable uses of funds based on need as determined by the local needs assessment, including drug and violence prevention programs; extended learning opportunities; school-based mental health services; mentoring programs and activities; school counseling programs; programs or activities that support healthy and active lifestyles and physical education; positive behavioral interventions and supports implementation; programs that offer a variety of well-rounded educational experiences for students; programs and activities designed to increase school safety and improve school climate; and other activities determined by the local educational agency.

*Section 4106—Supplement, not supplant*

Requires that funds used be used to supplement, not supplant, non-Federal funds.

*Section 4107—Prohibitions*

Prohibits the use of funds under this part for construction or for medical services or drug treatment or rehabilitation, except for integrated student supports or referral to treatment for impacted students. Prohibits the mandatory medication of children.

*Section 4108—Authorization of appropriations*

Authorizes such sums as may be necessary for each of fiscal years 2016 through 2021.

*Section 4003—21st Century community learning centers*

## Part B—21st Century Community Learning Centers

Amends part B of title IV [20 U.S.C. 7171 et seq.] to reauthorize and strengthen the 21st Century Community Learning Centers

program to provide learning and enriching opportunities for students during non-school hours, focused on students attending high-poverty and low performing schools. The program also allows funds to be used for some expanded learning program activities.

*Section 4004—Elementary school and secondary school counseling programs*

Part C—Elementary School and Secondary School Counseling Programs

Adds a new part C to title IV to reauthorize the Elementary School and Secondary School Counseling Program, which provides funds to local educational agencies or educational service agencies to establish or expand elementary and secondary school counseling programs. Includes uses of funds for developing, implementing, and evaluating comprehensive, evidence-based, school counseling programs. Priority is given to applicants with the greatest need, including those in rural and remote areas and with the greatest percentages of students in poverty, who propose promising and innovative approaches, or show strong potential for replication and dissemination. Grants are awarded for a 3-year period and cannot exceed \$400,000 for any fiscal year.

*Section 4005—Physical education program*

Part D—Physical Education Program

Adds a new part D to title IV to reauthorize the Physical Education Program. The Secretary is authorized to award grants and contracts to local educational agencies and community-based organizations to initiate, expand, and improve physical education programs for students in kindergarten through grade 12. Includes uses of funds for providing materials and support to enable students to participate actively in physical education programs and for staff and teacher training and education relating to physical education. To the extent practicable, the Secretary must ensure that grants awarded under this section are equitably distributed among local educational agencies and community-based organizations serving urban and rural areas.

TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

*Section 5001—General provisions*

Amends title V [20 U.S.C. 7201 et seq.] by striking part A; subparts 2 and 3 of part B; part D; and sections 5308 and 5310. Redesignates parts B and C and other sections accordingly.

*Section 5002—Public charter schools*

Amends part A of title V [20 U.S.C. 7221 et seq.] by striking sections 5201 [20 U.S.C. 7221] through 5205 [20 U.S.C. 7221d].

*Section 5101—Purpose*

Expands purposes to encourage charter schools to expand opportunities for children with disabilities, English learners, and other

traditionally underserved students; and to support efforts to strengthen the charter authorizing process.

*Section 5102—Program authorized*

Authorizes the charter school program to support a State competition for startup, replication, and expansion of charter schools, assist charter schools in accessing credit to finance acquisition and renovation of facilities, and to carry out national activities.

*Section 5103—Grants to support high quality charter schools*

Amends the State competition to award grants to State educational agencies, a State charter school board, a Governor of a State, or a charter school support organization for the purposes of opening new, or replicating or expanding high-quality charter schools, and to provide technical assistance to improve the quality of authorized public chartering agencies (including developing capacity for and conducting fiscal oversight and auditing of charter schools).

*Use of Lottery Mechanism*—Allows for the use of a weighted lottery in school admissions to give educationally disadvantaged students a better chance to attend a charter school, if allowable under State law, provided the weighted lottery is not used for the purposes of creating schools exclusively to serve a particular subset of students.

*Program Periods & Peer Review*—Maintains the 3-year program period, and adds an additional one-time 2-year renewal opportunity. Requires a peer review process for awarding both grants and subgrants.

*Applications*—Enhances State application requirements to require a description of: how the State will work with charter schools to promote inclusion and retention of all students and on their recruitment practices to engage groups that may otherwise have limited opportunities to attend charter schools; how a State will actively monitor and hold authorized public chartering agencies accountable; and the extent to which the State entity will solicit and consider input from parents and community members. Includes assurances that States will promote quality authorizing and make publicly available, including on the Web site of the school, information about the charter school in order to help parents make informed decisions about the educational options available to their children.

*Selection Criteria & Priority*—Amends the selection criteria the Secretary will use to award grants to include the quality of the State's plan to monitor applicants and provide technical assistance to support quality authorizing efforts. Establishes an application priority for States that: allow entities besides local educational agencies to be charter school authorizers, or which have an appeals process for the denial of an application if the local educational agency is the only authorizer; use best practices from charter schools to help improve struggling schools and local educational agencies; and ensure that all authorized public chartering agencies implement best practices for charter school authorizing.

*Local Uses of Funds*—Offers more flexibility to charter school developers to fund startup costs associated with charter school facilities; provide transportation to students; implement teacher and

principal or other school leader professional development programs; and provide early childhood education programs.

*Reporting Requirements*—Requires States to submit a report to the Secretary, after 3 years and again at the end of the renewal period, including the number of students served; the amount of subgrants awarded for startup, replication and expansion of high-quality charter schools; and a description of the progress the State entity made toward meeting the priorities and assurances of the grant competition.

*Section 5104—Facilities financing assistance*

Streamlines the Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction and Renovation Program, and the Per-Pupil Facilities Aid Programs to improve facilities financing grants. Encourages States to ensure that charter schools are able to access suitable facilities. Requires the Secretary to reserve not less than 50 percent of the available facilities financing funds to award not less than three competitive grants to entities that have the highest-quality applications that demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing loan or bond financing availability. The remainder of the funds will be used for the Per-Pupil Facilities Aid Program. Grant applications must address proposed assistance activities, the extent of charter schools' involvement in project development, level of expertise in capital market financing and education, and the strategy for leveraging the maximum amount of funding for the proposed project.

*Section 5105—National activities*

Authorizes the Secretary to reserve not less than 80 percent of funds reserved for National Activities to awards grants to charter management organizations or non-profit organizations that oversee and coordinate the activities of charter management organizations for the replication and expansion of high-quality charter schools. The remainder of funds will be used by the Secretary to provide technical assistance and disseminate best practices regarding charter schools, evaluate the impact of the charter school program on student achievement, and award grants directly to eligible applicants that desire to open a charter school in States that did not apply for or receive a grant under the State grant competition.

*Grants for Replication and Expansion of High-Quality Charter Schools*—Enables charter management organizations that manage or oversee multiple charter schools to apply for funding for replication and expansion of high-quality charter schools.

*Applications*—Requires applications to address objectives for implementing a high-quality charter school; intended measures of progress; a description of the educational program and plan for inclusion of all students; a multiyear financial plan; and a sustainability plan for continuation after program funding expires.

*Priority and Criteria*—Prioritizes organizations that serve primarily low-income students.

Amends section 5206 [20 U.S.C. 7221e] to clarify hold harmless protections for new or significantly expanded charter schools; Makes technical edits to section 5208 [20 U.S.C. 7221g]. Amends

section 5210 [20 U.S.C. 7221i] to add or modify the definitions of “new or significantly expanding charter schools,” “charter school,” “charter management organization,” “charter support organization,” “expansion of a high-quality charter school,” “high-quality charter school,” and “replication of a high-quality charter school.” Amends section 5211 [20 U.S.C. 7221j] to authorize such sums as may be necessary for each of fiscal years 2016 through 2021.

*Section 5003. Magnet schools assistance*

Amends part C of title V [20 U.S.C. 7231 et seq.] to update the magnet schools assistance program. Requires the magnet school programs to assess, monitor, and evaluate the impact of activities to improve socioeconomic and racial integration and student achievement. Amends section 5306 [20 U.S.C. 7231e] to prioritize evidence-based magnet school programs and provide opportunities to expand magnet school programs with a demonstrated record of success. Enables local educational agencies or consortium of such agencies to establish, expand, or strengthen inter-district and regional magnet programs. Amends section 5309 [20 U.S.C. 7231h] to adjust the magnet school program grant cycle to a 3-year grant period, with an opportunity to apply for a 2-year extension. Amends section 5311 [20 U.S.C. 7231j] to authorize such sums as may be necessary for each of fiscal years 2016 through 2021.

*Section 5004. Supporting high-ability learners and learning*

Adds a new part C of title V to reauthorize the Jacob K. Javits Gifted and Talented Students program. Authorizes the Secretary to award grants, or enter into contracts with, entities to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students. Establishes a National Research Center for the Education of Gifted and Talented Children and Youth.

*Section 5005. Education innovation and research*

Adds a new part D of title V to authorize a competitive grant program for the development, implementation, replication, or scaling and rigorous testing of entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students. Authorizes the Secretary to award grants to eligible entities (local educational agencies, State educational agencies, or such entities in partnership with nonprofits, small businesses, charter management organizations, educational service agencies, or institutions of higher education) for grants in three phases based on the strength of the proposed project’s evidence base.

*Section 5006—Accelerated learning*

Adds a new part E to title V to authorize the Accelerated Learning Program to expand access to and increase participation in Advanced Placement programs, International Baccalaureate (IB) programs, dual enrollment programs, and early college high schools providing postsecondary-level instruction or exams that can be accepted for higher education credits. Authorizes grants to States to reimburse fees associated with taking accelerated learning exams for low-income students. Authorizes competitive grants to States,



local educational agencies, or a partnership between nonprofit organizations and State or local educational agencies to increase the number of educators qualified to instruct accelerated learning courses.

*Section 5007—Ready-to-learn television*

Adds a new part F to title V to reauthorize the Ready-to-Learn Television program. Authorizes grants to public telecommunications entities for the development and national distribution of educational and instructional high-quality television programming accessible to disadvantaged preschool and elementary school children.

*Section 5008—Innovative technology expands children’s horizons (I-TECH)*

Adds a new part G to title V to authorize the Innovative Technology Expands Children’s Horizons (I-TECH) program. Authorizes the Secretary to reserve funds for national activities and for grants to States and local educational agencies to strengthen State and local technological infrastructure and provide professional learning opportunities to educators, school leaders, and administrators to ensure that they have the ability to utilize technology effectively and support digital learning. Funds can be used to support activities related to education technology including: technology and content purchases, blended learning projects, and educator professional development to incorporate technology into classrooms effectively and improve student achievement. Funds are awarded on a formula basis to States based on the State’s allocation under part A of title I. Funds are subgranted to local educational agencies on a competitive basis if Federal appropriations are lower than \$300 million for any fiscal year and by formula if funds are above \$300 million. Local educational agencies must use funds to meet the goals identified under their technology readiness survey and build capacity to improve digital learning.

*Section 5009—Literacy and arts education*

Adds a new part H to title V to authorize the Secretary to award competitive grants to local educational agencies with 20 percent or more of students in poverty or national nonprofit organizations. Grants will be awarded to promote arts education through activities such as professional development, development or dissemination of instructional materials, and community and national outreach, or to promote literacy programs, including pediatric literacy programs, school library programs, or programs that provide access to high-quality books and reading materials for children and adolescents from disadvantaged communities.

*Section 5010—Early learning alignment and improvement grants*

Adds a new part I to title V to authorize Early Learning Alignment and Improvement Grants. The Secretary is authorized to award 3-year, nonrenewable competitive grants to States to improve coordination, quality, and access for early childhood education. Prioritizes States that focus on serving eligible children who are 3 and 4 years of age, and whose family income does not exceed 130 percent of the poverty line. Funds will be used to improve,

strengthen, and expand existing high-quality early education or care, or if no such programming is available, expand access to high-quality early learning and care. States must coordinate existing funding streams and delivery models to promote program quality, parental choice, and access to high-quality early care and learning for children from birth to kindergarten entry. Prohibits the Secretary from establishing criteria that specifies, defines, or prescribes early learning development guidelines; specific measures or indicators of quality early learning and care; curriculum, program of instruction, or instructional content; teacher and staff qualifications and salaries; class size and child-to-instructional staff ratios; or any aspect or parameter of a teacher, principal, or school leader staff evaluation system.

#### TITLE VI—INNOVATION AND FLEXIBILITY

##### *Section 6001—Purposes*

Establishes this title to support State, local, and tribal leadership and innovation, provide States and local educational agencies with maximum flexibility in using Federal funds, and support education in rural areas.

##### *Section 6002—Improving academic achievement*

Amends part A of title VI [20 U.S.C. 7301 et seq.] by striking Subparts 1, 3, and 4. Redesignates various subparts and sections. Makes technical edits. Amends section 6123 [20 U.S.C. 7305b] by allowing a State or local educational agency to transfer all of the funds allotted to the State or local educational agency under part A of title II, part A title IV, or part G of title V between such programs, or into part A of title I. Authorizes a 2-year Weighted Student Funding Flexibility Pilot Program to allow no more than 25 local educational agencies the flexibility to consolidate Federal, State, and local funds to create a single school funding system based on weighted per-pupil allocations. This pilot will allow a local educational agency to consolidate funds received under titles I, II, III, and IV to create a weighted per-pupil allocation funding system provided the local educational agency meets certain requirements.

##### *Section 6003—Rural education initiative*

Amends part B of title VI [20 U.S.C. 7341 et seq.] to make technical edits. Amends section 6211 [20 U.S.C. 7345] to update references to applicable funding sources and locale codes used to designate eligible local educational agencies. Clarifies eligibility for local educational agencies that are members of educational service agencies that meet certain requirements. Amends section 6212 [20 U.S.C. 7345a] to update references to provisions for which funds may be used and the method of allocation for educational service agencies. Increases minimum and maximum grant award amounts to \$25,000 and \$80,000, respectively, if appropriations for part B reach \$252 million and adds hold harmless language for those local educational agencies that are no longer eligible due to the updated eligibility requirements. Amends section 6213 [20 U.S.C. 7345b] to require local educational agencies that receive funding under this subpart to administer assessments consistent with section 1111(b)(2). Amends section 6221 [20 U.S.C. 7351] to make technical

edits and update locale codes to determine local educational agency eligibility for funds. Amends section 6222 [20 U.S.C. 7351a] to update references to activities for which funds may be used. Amends section 6223 [20 U.S.C. 7351b] to make technical changes and modifications to application content requirements. Amends section 6224 [20 U.S.C. 7351c] to make technical edits and streamline the required report to Congress. Adds a new section 6225 to enable a local educational agency eligible for funding under both the Small, Rural School Achievement Program and the Rural and Low-Income School Program to choose under which program it would like to receive funds.

*Section 6004—General provisions*

Makes technical changes to part C of title VI [20 U.S.C. 7371 et seq.].

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

*Section 7001—Indian education*

Amends part A of title VII [20 U.S.C. 7401 et seq.] to strike sections 7131 [20 U.S.C. 7451], 7132 [20 U.S.C. 7452], 7133 [20 U.S.C. 7453], 7134 [20 U.S.C. 7454], 7136 [20 U.S.C. 7456], 7102 [20 U.S.C. 7402], and 7111 [20 U.S.C. 7421] and redesignate various sections.

*Section 7102—Purpose*

Updates the purposes of part A of title VII [20 U.S.C. 7402 et seq.], the Indian Education program.

*Section 7111. Purpose*

Updates the purposes of section 7111 [20 U.S.C. 7421].

*Section 7112—Grants to local educational agencies and tribes*

Amends section 7112 [20 U.S.C. 7422] to allow the Secretary to make grants to consortia of tribes, and to allow local educational agencies to enter into cooperative agreements with Indian tribes under certain circumstances. Provides requirements for eligible “Indian tribes and Indian organizations,” “Indian community-based organizations,” and “consortia.” Modifies application requirements and allowable activities.

*Section 7114—Applications*

Requires local educational agencies to describe how activities will address the unique educational needs of American Indian students. Adds consultation requirements for local educational agencies to consult with representatives of Indian tribes within 50 miles of any school the local educational agency will serve if the tribe has children in that school.

*Section 7115—Authorized services and activities*

Amends section 7115 [20 U.S.C. 7425] to clarify that title VII funds can be used to support various activities including Native American language programs, early childhood programs, culturally related activities, and career preparation activities.

Amends section 7118 [20 U.S.C. 7428] to align maintenance of effort requirements to those included in title IX [20 U.S.C. 7801 et seq.].

Makes technical changes to subpart 2 of part A [20 U.S.C. 7441 et seq.].

Amends section 7132 [20 U.S.C. 7455] to award grants to tribes to allow tribes, tribal organizations, or tribal educational agencies to directly administer education programs under a written agreement.

Amends section 7152 [20 U.S.C. 7492] to authorize such sums as may be necessary for each of fiscal years 2016–21.

*Section 7002—Native Hawaiian education*

Amends part B of title VII [20 U.S.C. 7511 et seq.] by striking paragraphs (14) through (21) of section 7202 [20 U.S.C. 7512]. Amends section 7204 [20 U.S.C. 7514] to revise the members of the Native Hawaiian Education Council and authorize grants to better effectuate the purposes of this section through coordination of educational and related services and programs available to Native Hawaiians. Makes technical changes to section 7205 [20 U.S.C. 7515]. Amends section 7207 [20 U.S.C. 7517] to add a definition of “community consultation.”

*Section 7003—Native Alaskan education*

Amends part C of title VII [20 U.S.C. 7451 et seq.] by amending paragraphs (1) through (7) in section 7302 [20 U.S.C. 7542]. Amends section 7303 [20 U.S.C. 7543] to update the purposes of the program. Amends section 7304 [20 U.S.C. 7544] to authorize grants for Indian Tribes and tribal organizations to develop and implement plans, methods, strategies and activities to improve educational outcomes of Alaska Native peoples and evaluate programs for such people. Updates allowable uses of funds to include developing curricula and instructional programs that use Native Alaskan languages and cultures, training educators to serve Alaska Natives, and implementing early childhood and parenting programs, and programs aimed at increasing graduation rates and enrichment activities. Amends section 7305 [20 U.S.C. 7545] to require grant recipients to use not more than 5 percent of award funding for administrative purposes.

*Section 7004—Native American language immersion schools and programs*

Adds a new part D of title VII to authorize the Secretary to award competitive grants to eligible entities (an Indian tribe, a Tribal College or University, a tribal educational agency, a public school, a Bureau of Indian Education school, an Alaska Native Regional Corporation, or a private, tribal, or Alaska Native nonprofit organization) to support schools that administer Native American or Alaska Native language immersion programs. Requires that entities receiving grants support native language education and development, provide professional development to strengthen a school’s overall language and academic goals, and carry out other activities to promote the maintenance and revitalization of the native language relevant to the grant program. Authorizes such sums as may be necessary for fiscal years 2016–21.

## TITLE VIII—IMPACT AID

*Section 8001—Purpose*

Amends section 8001 [20 U.S.C. 7701] to make technical changes.

*Section 8002—Amendment to Impact Aid Improvement Act of 2012*

Amends section 563(c) of the National Defense Authorization Act for fiscal year 2013 (Public Law 112–239; 126 Stat. 1748; 20 U.S.C. 6301 note), by striking paragraphs (1) and (4).

*Section 8003—Payments relating to Federal acquisition of real property*

Amends section 8002 [20 U.S.C. 7702] to update and clarify eligibility requirements and the calculation of taxable land.

*Section 8004—Payments for eligible federally connected children*

Amends section 8003 [20 U.S.C. 7703] to clarify hold harmless provisions for local educational agencies that receive payments for eligible federally connected children. Streamlines and simplifies eligibility for heavily impacted local educational agencies, including loss of eligibility provisions and maximum award amounts. Eliminates the maintenance of effort provision.

*Section 8005—Policies and procedures relating to children residing on Indian lands*

Amends section 8004 [20 U.S.C. 7704] to make technical changes.

*Section 8006—Application for payments under sections 8002 and 8003*

Amends section 8005 [20 U.S.C. 7705] to allow a local educational agency to count the number of children served on the date by which such agency requires all students to register for the school year of the fiscal year for which the application is filed.

*Section 8007—Construction*

Amends section 8007 [20 U.S.C. 7707] to clarify that a local educational agency is eligible for an emergency or modernization grant if at least 10 percent of the property in such agency is exempt from State and local taxation. Strikes the Secretary's ability to require a local educational agency applying for an emergency or modernization grant to submit additional information beyond what is required in statute in its grant application.

*Section 8008—State consideration of payments in providing State aid*

Amends section 8009 [20 U.S.C. 7709] to clarify under the procedures for review of State equalization plans that the Secretary cannot require additional information beyond what is required in statute.

*Section 8009—Definitions*

Amends section 8013 [20 U.S.C. 7713] to clarify the definition of Federal property and update information regarding the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

*Section 8010—Federal administration*

Amends section 8014 [20 U.S.C. 7714] to update authorization levels to such sums as may be necessary for fiscal years 2016 through 2021.

## TITLE IX—GENERAL PROVISIONS

*Title IX—Part A—Definitions**Section 9101—Definitions*

Amends section 9101 [20 U.S.C. 7801] to update and include definitions of “4-Year Adjusted Cohort Graduation Rate,” “Core Academic Subjects,” “Early Childhood Education program,” “English Learner,” “Evidence-Based,” “Expanded Learning Time,” “Extended-Year Adjusted Cohort Graduation Rate,” “High School,” “Multi-Tier System of Supports,” “Professional Development,” “School Leader,” “State,” “Specialized Instructional Support Personnel,” and “Universal Design for Learning.” Strikes the definitions of “Beginning Teacher,” “Exemplary Teacher,” “Highly Qualified,” “Public Telecommunications Entity,” “Scientifically Based Research,” and “Teacher Mentoring.”

*Section 9102—Applicability to Bureau of Indian education operated schools*

Amends section 9103 [20 U.S.C. 7803] to replace the term “Bureau of Indian Affairs” with “Bureau of Indian Education.”

*Section 9103—Consolidation of funds for local administration*

Makes technical changes to section 9203b [20 U.S.C. 7823b].

*Section 9104—Rural consolidated plan*

Amends section 9305 [20 U.S.C. 7845] to allow two or more eligible rural local educational agencies or educational service agencies to submit a consolidated plan for covered programs.

*Section 9105—Waivers of statutory and regulatory requirements*

Amends section 9401 [20 U.S.C. 7861] by clarifying the submission and application process for waiver requests. Describes the waiver approval and disapproval process where a waiver is approved or disapproved within 90 days unless the Secretary demonstrates that the waiver does not meet the requirements of, or is not permitted under, statute. If the Secretary determines the waiver does not meet requirements of statute, the Secretary must immediately notify the applying entity, including with the reasons for noncompliance, offer technical assistance, and offer the opportunity to revise and resubmit the request. Prohibits the Secretary from disapproving a waiver based on conditions outside the scope of the waiver request. Prohibits the Secretary from placing any requirements on State educational agencies, local educational agencies, or other entities as a condition of waiver approval that are not otherwise required under the Act and directly related to the waiver request. Clarifies annual report requirements.

*Section 9106—Plan approval process*

Amends title IX by redesignating sections and parts. Adds a new part E to describe the approval and disapproval of title II and IV State and local plans and applications, and the consolidated plan and application. Mirrors this process with the limits and prohibitions on the Secretary's approval authority for the title I State plan.

*Section 9107—Participation by private school children and teachers*

Amends sections 9501 [20 U.S.C. 7881] by updating the programs to which equitable participation applies. Removes the limitation that part A of title II equitable services are determined only to the extent that such funds are used for professional development. Adds more transparency into how equitable services are determined and if the services will be provided by a third-party.

*Section 9108—Maintenance of effort*

Amends section 9521 [20 U.S.C. 7901] to allow a local educational agency, for 1 year, to not be subject to Federal fund reductions as a consequence of failing to maintain 90 percent of the combined fiscal effort per student or aggregate State and agency expenditures from the previous fiscal year, provided the local educational agency has not failed to maintain such fiscal effort for one or more of the five immediately preceding fiscal years. Adds an additional exceptional circumstance, a change in organizational structure of the local educational agency, in which maintenance of effort requirements may be waived.

*Section 9109—School prayer*

Amends section 9524 [20 U.S.C. 7904] to make technical changes.

*Section 9110—Prohibitions on Federal Government and use of Federal funds*

Amends section 9527 [20 U.S.C. 7907] to strengthen prohibitions against the Federal Government from mandating, directing, controlling, incentivizing, or making financial support conditioned upon the adoption of specific academic standards or assessments (such as the Common Core State Standards or assessments aligned to such standards), curriculum, program of instruction, or instructional content. Includes prohibitions on the Federal endorsement of curriculum, and against Federal approval or certification of standards.

*Section 9111—Armed Forces recruiter access to student and student recruiting information*

Strikes the special rule in section 9528 [20 U.S.C. 7908].

*Section 9112—Prohibition on federally sponsored testing*

Amends section 9529 [20 U.S.C. 7909] to strengthen prohibitions on the development of any federally sponsored national test, including assessments or testing materials aligned to the Common Core State Standards. Adds a Rule of Construction to ensure State and local educational agencies can use funds for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a

State or local educational agency or school chooses, as permitted under State and local law.

*Section 9113—Limitations on national testing or certification for teachers*

Amends section 9530 [20 U.S.C. 7910] to include principals. Adds further prohibitions against incentivizing national testing or certification for teachers or principals.

*Section 9114—Consultation with Indian tribes and tribal organizations*

Adds a new section 9538 to ensure timely and meaningful consultation with tribes or tribal organizations in the development of local educational agencies programs under this Act if a local educational agency has at least 50 percent enrollment of American Indian and Alaska Native students, or no less than 50 of such students.

*Section 9115—Outreach and technical assistance for rural and local educational agencies*

Adds a new section 9539 to ensure the Secretary will provide outreach and assistance to rural local educational agencies.

*Section 9116—Evaluations*

Amends section 9601 [20 U.S.C. 7941] to require the Director of the Institute of Education Sciences to be consulted in reserving funds for evaluations of programs under this Act. Prioritizes impact evaluations of programs using rigorous methodology. Requires program evaluation findings to be widely disseminated. Allows the Secretary and Director of the Institute of Education Sciences to consolidate funds from the reservations made from programs to conduct program evaluation, while not requiring evaluations of each program each year. Requires the Director of the Institute of Education Sciences to develop a biennial evaluation plan. Consolidates all program evaluations across the Act under this authority.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

*Section 10101—Statement of policy*

Amends section 721 of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11431] to improve the statement of policy and make technical edits.

*Section 10102—Grants for State and local activities*

Amends section 722 of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11432] to strengthen the functions of the Office of the Coordinator for Education of Homeless Children and Youth and improve collaboration and coordination between the coordinator, educators, local educational agency liaisons, and various service providers. Improves policies and procedures related to school stability and access to academic and extra-curricular activities for homeless students. Ensures that local educational agency liaisons focus on identification and services for homeless students, including preschool-age and unaccompanied homeless students. Requires that local educational agencies have policies and procedures to ensure



that homeless youth are able to receive credit for prior coursework and that records are transferred to an enrolling school.

*Section 10103—Local educational agency subgrants*

Amends section 723 of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11433] to improve application requirements for local educational agencies requesting funds to serve homeless students. Adds assurances that local educational agencies will meaningfully engage families of homeless children and youth and that States will prioritize funds to local educational agencies that will leverage other resources to support homeless youth.

*Section 10104—Secretarial responsibilities*

Amends section 724 of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11434] to require the Secretary to publish and disseminate a notice nationwide of the services available to homeless youth. Requires the Secretary to provide support and technical assistance to States concerning areas in which documented barriers to a free appropriate public education persist. Requires the Secretary to issue guidelines for how a State may assist local educational agencies to meet the requirements of the Act and revise procedures that may present barriers for identification of and services for homeless youth.

*Section 10105—Definitions*

Amends section 725 of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11434a(6)] to clarify the definition of unaccompanied youth.

*Section 10106—Authorization of appropriations*

Amends section 726 of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11435] by authorizing such sums as necessary for fiscal years 2016 through 2021.

## VIII. ADDITIONAL VIEWS

SENATOR BILL CASSIDY, M.D.

Every child deserves a quality education. When Congress originally passed the Elementary and Secondary Education Act (ESEA) in 1965 it was a promise to the American people to provide a free, quality education to all children no matter their background and situation in life. With the reauthorization of ESEA, we have the opportunity to ensure that we keep that promise.

The committee bill makes positive changes to restore the responsibility of educating our Nation's children back to the States and local school districts, and continues to give parents a choice on which school is best for their child by strengthening the public charter schools program. However, the committee bill lacks policies and resources to specifically help students with dyslexia.

Dyslexia is defined as an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader. Dyslexia reflects a difficulty in getting to the individual sounds of spoken language which impacts speaking, reading, spelling, and often, learning a second language. It is the most common learning disability. A National Institutes of Health study found the preva-

lence rate of dyslexia is nearly 20 percent. Dyslexia impacts Americans from all walks of life, including Members of Congress, our staff, our families, and thousands of constituents. As a parent of a dyslexic child and as a U.S. Senator, I am amazed at how much is known about dyslexia yet, far too often, not incorporated into education policies.

As such, I commend the committee for their efforts to find a path forward to ensure that resources for children with specific learning disabilities, including dyslexia, are a part of the final reauthorization bill. The final conference reported bill contains a provision to establish a comprehensive center for students at risk of not attaining full literacy skills due to a disability, including dyslexia.

Comprehensive centers provide training, technical assistance, and professional development to build State capacity to provide high-quality education for all students. The centers provide support to State educational agencies, and through them, to local school districts and schools, helping them to make evidence-based investments that have been shown to improve student outcomes.

The comprehensive center created in the final conference reported bill will specifically:

- Identify or develop free or low cost evidence-based assessment tools for identifying students at risk of not attaining full literacy skill due to a disability, including dyslexia impacting reading or writing; or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;
- Identify evidence-based literacy instruction, strategies, and accommodations, including assistive technology, designed to meet the specific needs of such students;
- Provide families of such student with information;
- Identify or develop evidence-based professional development for teachers, principals, other school leaders, and specialized instructional support personnel to—
  - understand early indicators of students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading or writing; or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;
  - use evidence-based screening assessments for early identification of such students beginning no later than kindergarten; and
  - implement evidence-based instruction designed to meet the specific needs of such students; and
- Disseminate the products of the comprehensive center to regionally diverse State educational agencies, local educational agencies, regional educational agencies, and schools, including, as appropriate, through partnerships with other comprehensive centers and regional education laboratories.

I look forward to the creation of the center. It is my hope that the U.S. Department of Education will award the center to a highly qualified entity with demonstrated ability and experience in the specific research on dyslexia and knowledge of the use of evidence-based programs that have proven efficacy.

SENATORS MURRAY, MIKULSKI, SANDERS, CASEY, FRANKEN, BENNET,  
WHITEHOUSE, BALDWIN, MURPHY, AND WARREN

While Committee Democrats voted in support of advancing the Every Child Achieves Act (ECAA), we believe additional improvements should be made when it comes to provisions critical to building an equitable education system that provides opportunity for all children and fulfills the promise of the Elementary and Secondary Education Act (ESEA) as a civil rights statute.

The last reauthorization of ESEA, also known as No Child Left Behind (NCLB), required States for the first time to hold schools accountable for the performance of all students, including groups of historically disadvantaged students such as low-income students, students of color, students with disabilities, and students who are English learners.

However, many of NCLB's provisions, particularly the requirement that 100 percent of students be proficient by the year 2014 and NCLB's one-size-fits-all requirements for school identification and intervention had significant flaws and were overly prescriptive, burdensome, and in need of replacement. Even with these flaws, since NCLB was enacted, the achievement gap has narrowed, high school graduation rates have increased, and our Nation's students have seen stronger educational opportunities. As the ESEA reauthorization process moves forward, Committee Democrats will continue to seek to balance the need for greater State and local flexibility with the need for important guardrails to ensure that States maintain focus on the academic needs of all students, regardless of their backgrounds or the zip codes in which they live.

Provisions in ECAA demonstrate that States are still expected to hold schools accountable for the performance of all students, including low-income students, students of color, students with disabilities, and English learners. For example, States must include the performance of all students and these groups of students individually in their accountability systems. These requirements are intended to ensure that each school is held accountable not only for overall academic achievement of all students, but also for the academic achievement of individual groups of students.

ECAA also requires States and school districts to distinguish between the lowest performing schools and schools identified for other reasons, including schools with groups of students not meeting their annual goals, when identifying and developing intervention and support strategies for those schools. It allows districts to tailor interventions and supports to the needs of the students and schools identified.

While this requirement is intended to send a clear signal to States that they are still expected to identify the lowest performing schools and schools where groups of students are neither growing sufficiently academically nor achieving academically, and while the Department of Education would be able to monitor States' compliance with this provision in accordance with its administrative responsibilities and general enforcement powers, there are no provisions in the bill that specifically require States to identify such schools.

This bill does not include a direct requirement to identify schools where groups of students are underperforming and a minimum

percentage of elementary and secondary schools that are chronically underperforming, including those high schools in which high percentages of students do not graduate and which are not showing significant increases in graduation rates. As a result, there are valid concerns that States may come under pressure to no longer identify schools where students are neither growing academically nor achieving academically. Identifying these schools and taking the action necessary to improve schools can be among the most difficult decisions that State and local leaders face, and support from the Federal Government is essential to help ensure action is taken.

ECAA provides dedicated funding for States and districts to implement evidence-based school intervention and support strategies in these underperforming schools. Committee Democrats believe the bill must require districts and States to improve and support chronically low-performing schools and schools where groups of students are not growing academically nor achieving academically.

Committee Democrats are also concerned about the nature of State accountability systems that could be designed under this bill. States must consider student achievement, graduation rates for high schools, and one other academic indicator for elementary and middle schools as “substantial” factors. There are concerns that some States may place insufficient weight on student outcomes, including on the outcomes of disadvantaged groups of students.

While NCLB placed too much emphasis on one indicator of student success derived from a single assessment proficiency score, it is possible that some States could develop complicated indexes of metrics to mask low academic performance of disadvantaged students. While we firmly believe that accountability systems must take into account multiple measures of student success, academic achievement and graduation rates must be the primary factors in such systems. As ECAA moves forward, the bill needs to ensure academic outcomes are at the forefront of State accountability systems. It is essential that the Department of Education has the ability to implement these and other provisions of the law to ensure that it protects at-risk students and provides accountability for taxpayer funds.

Congress also needs to continue working to strengthen the provisions in ECAA related to school interventions and supports as this bill moves forward. Once schools are identified, districts and States must provide those schools with the resources and support needed to carry out evidence-based and effective interventions to improve. States and districts should also be responsible for monitoring those interventions and taking steps to modify, change, or strengthen those interventions if they are not effective.

While ECAA requires States and districts to establish systems for this type of monitoring, the bill does not include a timeline for the additional steps States have to take to assist school districts if interventions have not proven effective in low performing schools. Committee Democrats believe that interventions and supports should be tailored to unique community needs, school challenges, and reasons for identification, but also believe that States should establish timelines for improvement, ensure that schools receive the support needed to implement interventions, and take additional steps such as strengthening interventions and supports if schools do not improve after a certain number of years.

Committee Democrats remain committed to continuing to strengthen access to equitable resources for all our schools and students. While this bill improves reporting requirements for teacher quality, per-pupil expenditures, access to early childhood education, and other factors, States must also be required to take responsibility for ensuring that all students receive equitable access to the resources they need to succeed.

Further, Committee Democrats remain concerned that this bill does not include legislative language to ensure truly comparable education spending in high-poverty and low poverty schools within districts receiving Federal assistance through title I. The failure to require true comparability of education spending as a condition of receipt of title I funds has serious impact on the most under-resourced schools, which often have higher concentrations of low-income students. The reauthorization of the ESEA must be seized as an opportunity to address educational inequity, and ECAA should continue to move in that direction as it advances.

Committee Democrats remain optimistic that these important concerns can be addressed as the process moves forward. NCLB is a broken law that needs to be fixed, and we are very glad that this bipartisan bill is moving in the right direction. We are committed to working with our Republican colleagues to advance these priorities and ensure that every child has the opportunity to attain an excellent education that prepares him or her for success in post-secondary education and the workforce.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

\* \* \* \* \*

#### **ELEMENTARY AND SECONDARY EDUCATION ACT of 1965**

\* \* \* \* \*

#### **SECTION 1. SHORT TITLE.**

\* \* \*

#### **[SEC. 2. TABLE OF CONTENTS.**

**[The table of contents for this Act is as follows:**

**[Sec. 1. Short title.**

**[Sec. 2. Table of contents.**

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**[Sec. 1004. State administration.**

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**[Sec. 1112. Local educational agency plans.**

- [Sec. 1113. Eligible school attendance areas.
- [Sec. 1114. Schoolwide programs.
- [Sec. 1115. Targeted assistance schools.
- [Sec. 1116. Academic assessment and local educational agency and school improvement.
- [Sec. 1117. School support and recognition.
- [Sec. 1118. Parental involvement.
- [Sec. 1119. Qualifications for teachers and paraprofessionals.
- [Sec. 1120. Participation of children enrolled in private schools.
- [Sec. 1120A. Fiscal requirements.
- [Sec. 1120B. Coordination requirements.

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- [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 of targeted grants 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.

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- [Sec. 1201. Purposes.
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- [Sec. 1205. External evaluation.
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**【Subpart 2—Early Reading First】**

- [Sec. 1221. Purposes; definitions.
- [Sec. 1222. Local Early Reading First grants.
- [Sec. 1223. Federal administration.
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- [Sec. 1225. Reporting requirements.
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- [Sec. 1233. State educational agency programs.
- [Sec. 1234. Uses of funds.
- [Sec. 1235. Program elements.
- [Sec. 1236. Eligible participants.
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- [Sec. 1238. Award of subgrants.
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- [Sec. 1240. Indicators of program quality.
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**【Subpart 4—Improving Literacy Through School Libraries】**

- [Sec. 1251. Improving literacy through school libraries.

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- [Sec. 1302. Program authorized.
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- [Sec. 1305. Secretarial approval; peer review.

- 【Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
- 【Sec. 1307. Bypass.
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## **[TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED]**

### **[SEC. 1001. STATEMENT OF PURPOSE.]**

【The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments. This purpose can be accomplished by—

【(1) ensuring that high-quality academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are aligned with challenging State academic standards so that students, teachers, parents, and administrators can measure progress against common expectations for student academic achievement;

【(2) meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, limited English proficient children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance;

【(3) closing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers;

【(4) holding schools, local educational agencies, and States accountable for improving the academic achievement of all stu-

dents, and identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high-quality education;

[(5) distributing and targeting resources sufficiently to make a difference to local educational agencies and schools where needs are greatest;

[(6) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to ensure that students are meeting challenging State academic achievement and content standards and increasing achievement overall, but especially for the disadvantaged;

[(7) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance;

[(8) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time;

[(9) promoting schoolwide reform and ensuring the access of children to effective, scientifically based instructional strategies and challenging academic content;

[(10) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

[(11) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with other agencies providing services to youth, children, and families; and

[(12) affording parents substantial and meaningful opportunities to participate in the education of their children.]

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

*The purpose of this title is to ensure that all children have a fair, equitable, and significant opportunity to receive a high-quality education that prepares them for postsecondary education or the workforce, without the need for postsecondary remediation, and to close educational achievement gaps.*

**[SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

[(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, there are authorized to be appropriated—

[(1) \$13,500,000,000 for fiscal year 2002;

[(2) \$16,000,000,000 for fiscal year 2003;

[(3) \$18,500,000,000 for fiscal year 2004;

[(4) \$20,500,000,000 for fiscal year 2005;

[(5) \$22,750,000,000 for fiscal year 2006; and

[(6) \$25,000,000,000 for fiscal year 2007.

[(b) READING FIRST.—

[(1) READING FIRST.—For the purpose of carrying out subpart 1 of part B, there are authorized to be appropriated \$900,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(2) EARLY READING FIRST.—For the purpose of carrying out subpart 2 of part B, there are authorized to be appro-

appropriated \$75,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(3) EVEN START.—For the purpose of carrying out subpart 3 of part B, there are authorized to be appropriated \$260,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(4) IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.—For the purpose of carrying out subpart 4 of part B, there are authorized to be appropriated \$250,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated \$410,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK.—For the purpose of carrying out part D, there are authorized to be appropriated \$50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(e) FEDERAL ACTIVITIES.—

[(1) SECTIONS 1501 AND 1502.—For the purpose of carrying out sections 1501 and 1502, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(2) SECTION 1504.—

[(A) IN GENERAL.—For the purpose of carrying out section 1504, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and for each of the 5 succeeding fiscal years.

[(B) SPECIAL RULE.—Of the funds appropriated pursuant to subparagraph (A), not more than 30 percent may be used for teachers associated with students participating in the programs described in subsections (a)(1), (b)(1), and (c)(1).

[(f) COMPREHENSIVE SCHOOL REFORM.—For the purpose of carrying out part F, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(g) ADVANCED PLACEMENT.—For the purposes of carrying out part G, there are authorized to be appropriated such sums for fiscal year 2002 and each 5 succeeding fiscal year.

[(h) SCHOOL DROPOUT PREVENTION.—For the purpose of carrying out part H, there are authorized to be appropriated \$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

[(1) up to 10 percent shall be available to carry out subpart 1 of part H for each fiscal year; and

[(2) the remainder shall be available to carry out subpart 2 of part H for each fiscal year.

[(i) SCHOOL IMPROVEMENT.—For the purpose of carrying out section 1003(g), there are authorized to be appropriated \$500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.】

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

(a) *LOCAL EDUCATIONAL AGENCY GRANTS.*—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(b) *STATE ASSESSMENTS.*—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(c) *EDUCATION OF MIGRATORY CHILDREN.*—For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(d) *PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.*—For the purpose of carrying out part D, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(e) *FEDERAL ACTIVITIES.*—For the purpose of carrying out evaluation activities related to title I under section 9601, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(f) *SCHOOL INTERVENTION AND SUPPORT.*—For the purpose of carrying out section 1114, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

**SEC. 1003. SCHOOL IMPROVEMENT.**

[(a) *STATE RESERVATIONS.*— Each State shall reserve 2 percent of the amount the State receives under subpart 2 of part A for fiscal years 2002 and 2003, and 4 percent of the amount received under such subpart for fiscal years 2004 through 2007, to carry out subsection (b) and to carry out the State’s responsibilities under sections 1116 and 1117, including carrying out the State educational agency’s statewide system of technical assistance and support for local educational agencies.

[(b) *USES.*— Of the amount reserved under subsection (a) for any fiscal year, the State educational agency—

[(1) shall allocate not less than 95 percent of that amount directly to local educational agencies for schools identified for school improvement, corrective action, and restructuring, for activities under section 1116(b); or

[(2) may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams or educational service agencies.

[(c) *PRIORITY.*— The State educational agency, in allocating funds to local educational agencies under this section, shall give priority to local educational agencies that—

[(1) serve the lowest-achieving schools;

[(2) demonstrate the greatest need for such funds; and

[(3) demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools to meet the progress goals in school improvement plans under section 1116 (b)(3)(A)(v).

[(d) *UNUSED FUNDS.*— If, after consultation with local educational agencies in the State, the State educational agency deter-



mines that the amount of funds reserved to carry out subsection (b) is greater than the amount needed to provide the assistance described in that subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

[(1) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or

[(2) section 1126(c).

[(e) SPECIAL RULE.— Notwithstanding any other provision of this section, the amount of funds reserved by the State educational agency under subsection (a) in any fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 below the amount received by such local educational agency under such subpart for the preceding fiscal year.

[(f) REPORTING.— The State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to subsection (b) and the percentage of students from each school from families with incomes below the poverty line.

[(g) ASSISTANCE FOR LOCAL SCHOOL IMPROVEMENT.—

[(1) PROGRAM AUTHORIZED.— The Secretary shall award grants to States to enable the States to provide subgrants to local educational agencies for the purpose of providing assistance for school improvement consistent with section 1116.

[(2) STATE ALLOTMENTS.— Such grants shall be allotted among States, the Bureau of Indian Affairs, and the outlying areas, in proportion to the funds received by the States, the Bureau of Indian Affairs, and the outlying areas, respectively, for the fiscal year under parts A, C, and D of this title. The Secretary shall expeditiously allot a portion of such funds to States for the purpose of assisting local educational agencies and schools that were in school improvement status on the date preceding the date of enactment of the No Child Left Behind Act of 2001.

[(3) REALLOCATIONS.— If a State does not receive funds under this subsection, the Secretary shall reallocate such funds to other States in the same proportion funds are allocated under paragraph (2).

[(4) STATE APPLICATIONS.— Each State educational agency that desires to receive funds under this subsection shall submit an application to the Secretary at such time, and containing such information, as the Secretary shall reasonably require, except that such requirement shall be waived if a State educational agency submitted such information as part of its State plan under this part. Each State application shall describe how the State educational agency will allocate such funds in order to assist the State educational agency and local educational agencies in complying with school improvement, corrective action, and restructuring requirements of section 1116.

[(5) LOCAL EDUCATIONAL AGENCY GRANTS.— A grant to a local educational agency under this subsection shall be—

[(A) of sufficient size and scope to support the activities required under sections 1116 and 1117, but not less

than \$50,000 and not more than \$500,000 for each participating school;

[(B) integrated with other funds awarded by the State under this Act; and

[(C) renewable for two additional 1-year periods if schools are meeting the goals in their school improvement plans developed under section 1116.

[(6) PRIORITY.— The State, in awarding such grants, shall give priority to local educational agencies with the lowest-achieving schools that demonstrate—

[(A) the greatest need for such funds; and

[(B) the strongest commitment to ensuring that such funds are used to provide adequate resources to enable the lowest-achieving schools to meet the goals under school and local educational agency improvement, corrective action, and restructuring plans under section 1116.

[(7) ALLOCATION.— A State educational agency that receives a grant under this subsection shall allocate at least 95 percent of the grant funds directly to local educational agencies for schools identified for school improvement, corrective action, or restructuring to carry out activities under section 1116(b), or may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams or educational service agencies.

[(8) ADMINISTRATIVE COSTS.— A State educational agency that receives a grant award under this subsection may reserve not more than 5 percent of such grant funds for administration, evaluation, and technical assistance expenses.

[(9) LOCAL AWARDS.— Each local educational agency that applies for assistance under this subsection shall describe how it will provide the lowest-achieving schools the resources necessary to meet goals under school and local educational agency improvement, corrective action, and restructuring plans under section 1116.]

**SEC. [1004]1003. STATE ADMINISTRATION.**

(a) **IN GENERAL.**— Except as provided in subsection (b), to carry out administrative duties assigned under parts A, C, and D of this title, each State may reserve the greater of—

(1) \* \* \*

(b) **EXCEPTION.**— \* \* \*

(c) **TECHNICAL ASSISTANCE AND SUPPORT.**—

(1) **IN GENERAL.**— *Each State may reserve not more than 4 percent of the amount the State receives under subpart 2 of part A for a fiscal year to carry out paragraph (2) and to carry out the State educational agency's responsibilities under section 1114(a), including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.*

(2) **USES.**— *Of the amount reserved under paragraph (1) for any fiscal year, the State educational agency—*

*(A) shall use not less than 95 percent of such amount by allocating such sums directly to local educational agencies for activities required under section 1114; or*

(B) may, with the approval of the local educational agency, directly provide for such activities or arrange for their provision through other entities such as school support teams, educational service agencies, or other nonprofit or for-profit organizations that use evidence-based strategies to improve student achievement, teaching, and schools.

(3) *PRIORITY.*—The State educational agency, in allocating funds to local educational agencies under this subsection, shall give priority to local educational agencies that—

(A) serve the lowest performing elementary schools and secondary schools, as identified by the State under section 1114;

(B) demonstrate the greatest need for such funds, as determined by the State; and

(C) demonstrate the strongest commitment to using evidence-based interventions to enable the lowest-performing schools to improve student achievement and student outcomes.

(4) *UNUSED FUNDS.*—If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out this subsection for a fiscal year is greater than the amount needed to provide the assistance described in this subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

(A) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or

(B) section 1126(c).

(5) *SPECIAL RULE.*—Notwithstanding any other provision of this subsection, the amount of funds reserved by the State educational agency under this subsection in any fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 of part A below the amount received by such local educational agency under such subpart for the preceding fiscal year.

(6) *REPORTING.*—Each State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to this subsection and the percentage of students from each such school from families with incomes below the poverty line.

## **PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES**

### **Subpart 1—Basic Program Requirements**

#### **[SEC. 1111. STATE PLANS.**

##### **[(a) PLANS REQUIRED.—**

[(1) *IN GENERAL.*—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (in-

cluding administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

[(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 9302.

[(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY.—

[(1) CHALLENGING ACADEMIC STANDARDS.—

[(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted challenging academic content standards and challenging student academic achievement standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

[(B) SAME STANDARDS.—The academic standards required by subparagraph (A) shall be the same academic standards that the State applies to all schools and children in the State.

[(C) SUBJECTS.—The State shall have such academic standards for all public elementary school and secondary school children, including children served under this part, in subjects determined by the State, but including at least mathematics, reading or language arts, and (beginning in the 2005–2006 school year) science, which shall include the same knowledge, skills, and levels of achievement expected of all children.

[(D) CHALLENGING ACADEMIC STANDARDS.—Standards under this paragraph shall include—

[(i) challenging academic content standards in academic subjects that—

[(I) specify what children are expected to know and be able to do;

[(II) contain coherent and rigorous content; and

[(III) encourage the teaching of advanced skills; and

[(ii) challenging student academic achievement standards that—

[(I) are aligned with the State’s academic content standards;

[(II) describe two levels of high achievement (proficient and advanced) that determine how well children are mastering the material in the State academic content standards; and

[(III) describe a third level of achievement (basic) to provide complete information about the progress of the lower-achieving children toward

mastering the proficient and advanced levels of achievement.

【(E) INFORMATION.—For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B), and (C) to develop, and has not otherwise developed, such academic standards, the State plan shall describe a strategy for ensuring that students are taught the same knowledge and skills in such subjects and held to the same expectations as are all children.

【(F) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standard adopted under this part before or after the date of enactment of the No Child Left Behind Act of 2001.

【(2) ACCOUNTABILITY.—

【(A) IN GENERAL.—Each State plan shall demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that all local educational agencies, public elementary schools, and public secondary schools make adequate yearly progress as defined under this paragraph. Each State accountability system shall—

【(i) be based on the academic standards and academic assessments adopted under paragraphs (1) and (3), and other academic indicators consistent with subparagraph (C)(vi) and (vii), and shall take into account the achievement of all public elementary school and secondary school students;

【(ii) be the same accountability system the State uses for all public elementary schools and secondary schools or all local educational agencies in the State, except that public elementary schools, secondary schools, and local educational agencies not participating under this part are not subject to the requirements of section 1116; and

【(iii) include sanctions and rewards, such as bonuses and recognition, the State will use to hold local educational agencies and public elementary schools and secondary schools accountable for student achievement and for ensuring that they make adequate yearly progress in accordance with the State’s definition under subparagraphs (B) and (C).

【(B) ADEQUATE YEARLY PROGRESS.—Each State plan shall demonstrate, based on academic assessments described in paragraph (3), and in accordance with this paragraph, what constitutes adequate yearly progress of the State, and of all public elementary schools, secondary schools, and local educational agencies in the State, toward enabling all public elementary school and secondary school students to meet the State’s student academic achievement standards, while working toward the goal of narrowing the achievement gaps in the State, local educational agencies, and schools.

【(C) DEFINITION.— “Adequate yearly progress” shall be defined by the State in a manner that—

【(i) applies the same high standards of academic achievement to all public elementary school and secondary school students in the State;

【(ii) is statistically valid and reliable;

【(iii) results in continuous and substantial academic improvement for all students;

【(iv) measures the progress of public elementary schools, secondary schools and local educational agencies and the State based primarily on the academic assessments described in paragraph (3);

【(v) includes separate measurable annual objectives for continuous and substantial improvement for each of the following:

【(I) The achievement of all public elementary school and secondary school students.

【(II) The achievement of—

【(aa) economically disadvantaged students;

【(bb) students from major racial and ethnic groups;

【(cc) students with disabilities; and

【(dd) students with limited English proficiency;

【except that disaggregation of data under subclause (II) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

【(vi) in accordance with subparagraph (D), includes graduation rates for public secondary school students (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years) and at least one other academic indicator, as determined by the State for all public elementary school students; and

【(vii) in accordance with subparagraph (D), at the State's discretion, may also include other academic indicators, as determined by the State for all public school students, measured separately for each group described in clause (v), such as achievement on additional State or locally administered assessments, decreases in grade-to-grade retention rates, attendance rates, and changes in the percentages of students completing gifted and talented, advanced placement, and college preparatory courses.

【(D) REQUIREMENTS FOR OTHER INDICATORS.—In carrying out subparagraph (C)(vi) and (vii), the State—

【(i) shall ensure that the indicators described in those provisions are valid and reliable, and are consistent with relevant, nationally recognized professional and technical standards, if any; and

【(ii) except as provided in subparagraph (D)(i), may not use those indicators to reduce the number of, or change, the schools that would otherwise be subject

to school improvement, corrective action, or restructuring under section 1116 if those additional indicators were not used, but may use them to identify additional schools for school improvement or in need of corrective action or restructuring.

**[(E) STARTING POINT.—**Each State, using data for the 2001–2002 school year, shall establish the starting point for measuring, under subparagraphs (G) and (H), the percentage of students meeting or exceeding the State’s proficient level of academic achievement on the State assessments under paragraph (3) and pursuant to the timeline described in subparagraph (F). The starting point shall be, at a minimum, based on the higher of the percentage of students at the proficient level who are in—

**[(i)** the State’s lowest achieving group of students described in subparagraph (C)(v)(II); or

**[(ii)** the school at the 20th percentile in the State, based on enrollment, among all schools ranked by the percentage of students at the proficient level.

**[(F) TIMELINE.—**Each State shall establish a timeline for adequate yearly progress. The timeline shall ensure that not later than 12 years after the end of the 2001–2002 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State’s proficient level of academic achievement on the State assessments under paragraph (3).

**[(G) MEASURABLE OBJECTIVES.—**Each State shall establish statewide annual measurable objectives, pursuant to subparagraph (C)(v), for meeting the requirements of this paragraph, and which—

**[(i)** shall be set separately for the assessments of mathematics and reading or language arts under subsection (a)(3);

**[(ii)** shall be the same for all schools and local educational agencies in the State;

**[(iii)** shall identify a single minimum percentage of students who are required to meet or exceed the proficient level on the academic assessments that applies separately to each group of students described in subparagraph (C)(v);

**[(iv)** shall ensure that all students will meet or exceed the State’s proficient level of academic achievement on the State assessments within the State’s timeline under subparagraph (F); and

**[(v)** may be the same for more than 1 year, subject to the requirements of subparagraph (H).

**[(H) INTERMEDIATE GOALS FOR ANNUAL YEARLY PROGRESS.—**Each State shall establish intermediate goals for meeting the requirements, including the measurable objectives in subparagraph (G), of this paragraph and that shall—

**[(i)** increase in equal increments over the period covered by the State’s timeline under subparagraph (F);

【(ii) provide for the first increase to occur in not more than 2 years; and

【(iii) provide for each following increase to occur in not more than 3 years.

【(I) ANNUAL IMPROVEMENT FOR SCHOOLS.—Each year, for a school to make adequate yearly progress under this paragraph—

【(i) each group of students described in subparagraph (C)(v) must meet or exceed the objectives set by the State under subparagraph (G), except that if any group described in subparagraph (C)(v) does not meet those objectives in any particular year, the school shall be considered to have made adequate yearly progress if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments under paragraph (3) for that year decreased by 10 percent of that percentage from the preceding school year and that group made progress on one or more of the academic indicators described in subparagraph (C)(vi) or (vii); and

【(ii) not less than 95 percent of each group of students described in subparagraph (C)(v) who are enrolled in the school are required to take the assessments, consistent with paragraph (3)(C)(xi) and with accommodations, guidelines, and alternative assessments provided in the same manner as those provided under section 612(a)(16)(A) of the Individuals with Disabilities Education Act and paragraph (3), on which adequate yearly progress is based (except that the 95 percent requirement described in this clause shall not apply in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).

【(J) UNIFORM AVERAGING PROCEDURE.—For the purpose of determining whether schools are making adequate yearly progress, the State may establish a uniform procedure for averaging data which includes one or more of the following:

【(i) The State may average data from the school year for which the determination is made with data from one or two school years immediately preceding that school year.

【(ii) Until the assessments described in paragraph (3) are administered in such manner and time to allow for the implementation of the uniform procedure for averaging data described in clause (i), the State may use the academic assessments that were required under paragraph (3) as that paragraph was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001, provided that nothing in this clause shall be construed to undermine or delay the determination of adequate yearly progress, the re-



quirements of section 1116, or the implementation of assessments under this section.

[(iii) The State may use data across grades in a school.

[(K) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.

[(3) ACADEMIC ASSESSMENTS.—

[(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of the State and of each local educational agency and school in the State in enabling all children to meet the State’s challenging student academic achievement standards, except that no State shall be required to meet the requirements of this part relating to science assessments until the beginning of the 2007–2008 school year.

[(B) USE OF ASSESSMENTS.—Each State educational agency may incorporate the data from the assessments under this paragraph into a State-developed longitudinal data system that links student test scores, length of enrollment, and graduation records over time.

[(C) REQUIREMENTS.—Such assessments shall—

[(i) be the same academic assessments used to measure the achievement of all children;

[(ii) be aligned with the State’s challenging academic content and student academic achievement standards, and provide coherent information about student attainment of such standards;

[(iii) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards;

[(iv) be used only if the State educational agency provides to the Secretary evidence from the test publisher or other relevant sources that the assessments used are of adequate technical quality for each purpose required under this Act and are consistent with the requirements of this section, and such evidence is made public by the Secretary upon request;

[(v)(I) except as otherwise provided for grades 3 through 8 under clause vii, measure the proficiency of students in, at a minimum, mathematics and reading or language arts, and be administered not less than once during—

[(aa) grades 3 through 5;

[(bb) grades 6 through 9; and

[(cc) grades 10 through 12;

[(II) beginning not later than school year 2007–2008, measure the proficiency of all students in

science and be administered not less than one time during—

- [(aa) grades 3 through 5;
- [(bb) grades 6 through 9; and
- [(cc) grades 10 through 12;

[(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding;

[(vii) beginning not later than school year 2005–2006, measure the achievement of students against the challenging State academic content and student academic achievement standards in each of grades 3 through 8 in, at a minimum, mathematics, and reading or language arts, except that the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of the academic assessments by that deadline and that the State will complete implementation within the additional 1-year period;

[(viii) at the discretion of the State, measure the proficiency of students in academic subjects not described in clauses (v), (vi), (vii) in which the State has adopted challenging academic content and academic achievement standards;

[(ix) provide for—

[(I) the participation in such assessments of all students;

[(II) the reasonable adaptations and accommodations for students with disabilities (as defined under section 602(3) of the Individuals with Disabilities Education Act) necessary to measure the academic achievement of such students relative to State academic content and State student academic achievement standards; and

[(III) the inclusion of limited English proficient students, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency as determined under paragraph (7);

[(x) notwithstanding subclause (III), the academic assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (not including Puerto Rico) for three or more consecutive school years, except that if the local educational agency determines, on a case-by-case individual basis, that academic assessments in

another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed two additional consecutive years, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;

[(xi) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than 1 school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

[(xii) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii) that allow parents, teachers, and principals to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments aligned with State academic achievement standards, and that are provided to parents, teachers, and principals, as soon as is practicably possible after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

[(xiii) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that, in the case of a local educational agency or a school, such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

[(xiv) be consistent with widely accepted professional testing standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information; and

[(xv) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, so that parents, teachers, principals, and administrators can interpret

and address the specific academic needs of students as indicated by the students' achievement on assessment items.

【(D) DEFERRAL.—A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, that were not required prior to the date of enactment of the No Child Left Behind Act of 2001, for 1 year for each year for which the amount appropriated for grants under section 6113(a)(2) is less than—

【(i) \$370,000,000 for fiscal year 2002;

【(ii) \$380,000,000 for fiscal year 2003;

【(iii) \$390,000,000 for fiscal year 2004; and

【(iv) \$400,000,000 for fiscal years 2005 through 2007.

【(4) SPECIAL RULE.—Academic assessment measures in addition to those in paragraph (3) that do not meet the requirements of such paragraph may be included in the assessment under paragraph (3) as additional measures, but may not be used in lieu of the academic assessments required under paragraph (3). Such additional assessment measures may not be used to reduce the number of or change, the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may be used to identify additional schools for school improvement or in need of corrective action or restructuring except as provided in paragraph (2)(I)(i).

【(5) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt curriculum content and student academic achievement standards, and academic assessments aligned with such academic standards, which will be applicable to all students enrolled in the State's public elementary schools and secondary schools, then the State educational agency may meet the requirements of this subsection by—

【(A) adopting academic standards and academic assessments that meet the requirements of this subsection, on a statewide basis, and limiting their applicability to students served under this part; or

【(B) adopting and implementing policies that ensure that each local educational agency in the State that receives grants under this part will adopt curriculum content and student academic achievement standards, and academic assessments aligned with such standards, which—

【(i) meet all of the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish; and

【(ii) are applicable to all students served by each such local educational agency.

【(6) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student academic assessments are not available

and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

[(7) ACADEMIC ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—Each State plan shall demonstrate that local educational agencies in the State will, beginning not later than school year 2002–2003, provide for an annual assessment of English proficiency (measuring students’ oral language, reading, and writing skills in English) of all students with limited English proficiency in the schools served by the State educational agency, except that the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of this paragraph by that deadline and that the State will complete implementation within the additional 1-year period.

[(8) REQUIREMENT.—Each State plan shall describe—

[(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(b), and 1115(c) that is applicable to such agency or school;

[(B) how the State educational agency will assist each local educational agency and school affected by the State plan to provide additional educational assistance to individual students assessed as needing help to achieve the State’s challenging academic achievement standards;

[(C) the specific steps the State educational agency will take to ensure that both schoolwide programs and targeted assistance schools provide instruction by highly qualified instructional staff as required by sections 1114(b)(1)(C) and 1115(c)(1)(E), including steps that the State educational agency will take to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers, and the measures that the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such steps;

[(D) an assurance that the State educational agency will assist local educational agencies in developing or identifying high-quality effective curricula aligned with State academic achievement standards and how the State educational agency will disseminate such curricula to each local educational agency and school within the State; and

[(E) such other factors the State educational agency determines appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging academic content standards adopted by the State.

[(9) FACTORS AFFECTING STUDENT ACHIEVEMENT.—Each State plan shall include an assurance that the State educational agency will coordinate and collaborate, to the extent feasible and necessary as determined by the State educational agency, with agencies providing services to children, youth, and families, with respect to local educational agencies within the State that are identified under section 1116 and that request assistance with addressing major factors that have significantly affected the academic achievement of students in the local educational agency or schools served by such agency.

[(10) USE OF ACADEMIC ASSESSMENT RESULTS TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State plan shall describe how the State educational agency will ensure that the results of the State assessments described in paragraph (3)—

[(A) will be promptly provided to local educational agencies, schools, and teachers in a manner that is clear and easy to understand, but not later than before the beginning of the next school year; and

[(B) be used by those local educational agencies, schools, and teachers to improve the educational achievement of individual students.

[(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

[(1) the State educational agency will meet the requirements of subsection (h)(1) and, beginning with the 2002–2003 school year, will produce the annual State report cards described in such subsection, except that the Secretary may provide the State educational agency 1 additional year if the State educational agency demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of this paragraph by that deadline and that the State will complete implementation within the additional 1-year period;

[(2) the State will, beginning in school year 2002–2003, participate in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments;

[(3) the State educational agency, in consultation with the Governor, will include, as a component of the State plan, a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency’s statewide system of technical assistance and support for local educational agencies;

[(4) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools, including technical assistance in providing professional development under section 1119, technical assistance under section 1117, and technical assistance relating to parental involvement under section 1118;

[(5)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

[(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

[(6) the State educational agency will notify local educational agencies and the public of the content and student academic achievement standards and academic assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

[(7) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

[(8) the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic achievement;

[(9) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

[(10) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

[(11) the State educational agency has involved the committee of practitioners established under section 1903(b) in developing the plan and monitoring its implementation;

[(12) the State educational agency will inform local educational agencies in the State of the local educational agency's authority to transfer funds under title VI, to obtain waivers under part D of title IX, and, if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;

[(13) the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate; and

[(14) the State educational agency will encourage local educational agencies and individual schools participating in a program assisted under this part to offer family literacy services (using funds under this part), if the agency or school determines that a substantial number of students served under this part by the agency or school have parents who do not have a secondary school diploma or its recognized equivalent or who have low levels of literacy.

[(d) PARENTAL INVOLVEMENT.—Each State plan shall describe how the State educational agency will support the collection and

dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—

[(1) be based on the most current research that meets the highest professional and technical standards, on effective parental involvement that fosters achievement to high standards for all children; and

[(2) be geared toward lowering barriers to greater participation by parents in school planning, review, and improvement experienced.

[(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

[(1) SECRETARIAL DUTIES.—The Secretary shall—

[(A) establish a peer-review process to assist in the review of State plans;

[(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students;

[(C) approve a State plan within 120 days of its submission unless the Secretary determines that the plan does not meet the requirements of this section;

[(D) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

[(E) not decline to approve a State's plan before—

[(i) offering the State an opportunity to revise its plan;

[(ii) providing technical assistance in order to assist the State to meet the requirements of subsections (a), (b), and (c); and

[(iii) providing a hearing; and

[(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's academic content standards or to use specific academic assessment instruments or items.

[(2) STATE REVISIONS.—A State plan shall be revised by the State educational agency if it is necessary to satisfy the requirements of this section.

[(f) DURATION OF THE PLAN.—

[(1) IN GENERAL.—Each State plan shall—

[(A) remain in effect for the duration of the State's participation under this part; and

[(B) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this part.

[(2) ADDITIONAL INFORMATION.—If significant changes are made to a State's plan, such as the adoption of new State academic content standards and State student achievement standards, new academic assessments, or a new definition of ade-



quate yearly progress, such information shall be submitted to the Secretary.

**[(g) PENALTIES.—**

**[(1) FAILURE TO MEET DEADLINES ENACTED IN 1994.—**

**[(A) IN GENERAL.—**If a State fails to meet the deadlines established by the Improving America's Schools Act of 1994 (or under any waiver granted by the Secretary or under any compliance agreement with the Secretary) for demonstrating that the State has in place challenging academic content standards and student achievement standards, and a system for measuring and monitoring adequate yearly progress, the Secretary shall withhold 25 percent of the funds that would otherwise be available to the State for State administration and activities under this part in each year until the Secretary determines that the State meets those requirements.

**[(B) NO EXTENSION.—**Notwithstanding any other provision of law, 90 days after the date of enactment of the No Child Left Behind Act of 2001 the Secretary shall not grant any additional waivers of, or enter into any additional compliance agreements to extend, the deadlines described in subparagraph (A) for any State.

**[(2) FAILURE TO MEET REQUIREMENTS ENACTED IN 2001.—**If a State fails to meet any of the requirements of this section, other than the requirements described in paragraph (1), then the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

**[(h) REPORTS.—**

**[(1) ANNUAL STATE REPORT CARD.—**

**[(A) IN GENERAL.—**Not later than the beginning of the 2002–2003 school year, unless the State has received a 1-year extension pursuant to subsection (c)(1), a State that receives assistance under this part shall prepare and disseminate an annual State report card.

**[(B) IMPLEMENTATION.—**The State report card shall be—

**[(i) concise; and**

**[(ii) presented in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.**

**[(C) REQUIRED INFORMATION.—**The State shall include in its annual State report card—

**[(i) information, in the aggregate, on student achievement at each proficiency level on the State academic assessments described in subsection (b)(3) (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student);**

【(ii) information that provides a comparison between the actual achievement levels of each group of students described in subsection (b)(2)(C)(v) and the State's annual measurable objectives for each such group of students on each of the academic assessments required under this part;

【(iii) the percentage of students not tested (disaggregated by the same categories and subject to the same exception described in clause (i));

【(iv) the most recent 2-year trend in student achievement in each subject area, and for each grade level, for which assessments under this section are required;

【(v) aggregate information on any other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards;

【(vi) graduation rates for secondary school students consistent with subsection (b)(2)(C)(vi);

【(vii) information on the performance of local educational agencies in the State regarding making adequate yearly progress, including the number and names of each school identified for school improvement under section 1116; and

【(viii) the professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State.

【(D) OPTIONAL INFORMATION.—The State may include in its annual State report card such other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and public secondary schools. Such information may include information regarding—

【(i) school attendance rates;

【(ii) average class size in each grade;

【(iii) academic achievement and gains in English proficiency of limited English proficient students;

【(iv) the incidence of school violence, drug abuse, alcohol abuse, student suspensions, and student expulsions;

【(v) the extent and type of parental involvement in the schools;

【(vi) the percentage of students completing advanced placement courses, and the rate of passing of advanced placement tests; and

【(vii) a clear and concise description of the State's accountability system, including a description of the criteria by which the State evaluates school perform-

ance, and the criteria that the State has established, consistent with subsection (b)(2), to determine the status of schools regarding school improvement, corrective action, and restructuring.

**[(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—**

**[(A) REPORT CARDS.—**

**[(i) IN GENERAL.—**Not later than the beginning of the 2002–2003 school year, a local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card, except that the State educational agency may provide the local educational agency 1 additional year if the local educational agency demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency, prevented full implementation of this paragraph by that deadline and that the local educational agency will complete implementation within the additional 1-year period.

**[(ii) SPECIAL RULE.—**If a State educational agency has received an extension pursuant to subsection (c)(1), then a local educational agency within that State shall not be required to include the information required under paragraph (1)(C) in such report card during such extension.

**[(B) MINIMUM REQUIREMENTS.—**The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C) as applied to the local educational agency and each school served by the local educational agency, and—

**[(i) in the case of a local educational agency—**

**[(I) the number and percentage of schools identified for school improvement under section 1116(c) and how long the schools have been so identified; and**

**[(II) information that shows how students served by the local educational agency achieved on the statewide academic assessment compared to students in the State as a whole; and**

**[(ii) in the case of a school—**

**[(I) whether the school has been identified for school improvement; and**

**[(II) information that shows how the school's students achievement on the statewide academic assessments and other indicators of adequate yearly progress compared to students in the local educational agency and the State as a whole.**

**[(C) OTHER INFORMATION.—**A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

[(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, as determined by the State, and that do not reveal personally identifiable information about an individual student.

[(E) PUBLIC DISSEMINATION.—The local educational agency shall, not later than the beginning of the 2002–2003 school year, unless the local educational agency has received a 1-year extension pursuant to subparagraph (A), publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending those schools in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

[(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the enactment of the No Child Left Behind Act of 2001 may use those report cards for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

[(4) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

[(A) beginning with school year 2002–2003, information on the State’s progress in developing and implementing the academic assessments described in subsection (b)(3);

[(B) beginning not later than school year 2002–2003, information on the achievement of students on the academic assessments required by subsection (b)(3), including the disaggregated results for the categories of students identified in subsection (b)(2)(C)(v);

[(C) in any year before the State begins to provide the information described in subparagraph (B), information on the results of student academic assessments (including disaggregated results) required under this section;

[(D) beginning not later than school year 2002–2003, unless the State has received an extension pursuant to subsection (c)(1), information on the acquisition of English proficiency by children with limited English proficiency;

[(E) the number and names of each school identified for school improvement under section 1116(c), the reason why each school was so identified, and the measures taken to address the achievement problems of such schools;

【(F) the number of students and schools that participated in public school choice and supplemental service programs and activities under this title; and

【(G) beginning not later than the 2002–2003 school year, information on the quality of teachers and the percentage of classes being taught by highly qualified teachers in the State, local educational agency, and school.

【(5) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that provides national and State-level data on the information collected under paragraph (4).

【(6) PARENTS RIGHT-TO-KNOW.—

【(A) QUALIFICATIONS.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, the following:

【(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

【(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

【(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

【(iv) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

【(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent—

【(i) information on the level of achievement of the parent’s child in each of the State academic assessments as required under this part; and

【(ii) timely notice that the parent’s child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

【(C) FORMAT.—The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

【(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

【(j) TECHNICAL ASSISTANCE.—The Secretary shall provide a State educational agency, at the State educational agency’s request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the develop-

ment of high-quality academic assessments, the setting of State standards, the development of measures of adequate yearly progress that are valid and reliable, and other relevant areas.

[(k) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the academic assessments and standards required under this section.

[(1) CONSTRUCTION.—Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.

[(m) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each operated or funded by BIA school receiving funds under this part, the following shall apply:

[(1) Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

[(2) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

[(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.

**[SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

[(a) PLANS REQUIRED.—

[(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

[(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.

[(b) PLAN PROVISIONS.—

[(1) IN GENERAL.—In order to help low-achieving children meet challenging achievement academic standards, each local educational agency plan shall include—

[(A) a description of high-quality student academic assessments, if any, that are in addition to the academic assessments described in the State plan under section 1111(b)(3), that the local educational agency and schools served under this part will use—

[(i) to determine the success of children served under this part in meeting the State student academic achievement standards, and to provide information to teachers, parents, and students on the progress being

made toward meeting the State student academic achievement standards described in section 1111(b)(1)(D)(ii);

【(ii) to assist in diagnosis, teaching, and learning in the classroom in ways that best enable low-achieving children served under this part to meet State student achievement academic standards and do well in the local curriculum;

【(iii) to determine what revisions are needed to projects under this part so that such children meet the State student academic achievement standards; and

【(iv) to identify effectively students who may be at risk for reading failure or who are having difficulty reading, through the use of screening, diagnostic, and classroom-based instructional reading assessments, as defined under section 1208;

【(B) at the local educational agency's discretion, a description of any other indicators that will be used in addition to the academic indicators described in section 1111 for the uses described in such section;

【(C) a description of how the local educational agency will provide additional educational assistance to individual students assessed as needing help in meeting the State's challenging student academic achievement standards;

【(D) a description of the strategy the local educational agency will use to coordinate programs under this part with programs under title II to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including local educational agency level staff in accordance with sections 1118 and 1119;

【(E) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as—

【(i) Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs; and

【(ii) services for children with limited English proficiency, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

【(F) an assurance that the local educational agency will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act;

【(G) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

[(H) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part;

[(I) a general description of the nature of the programs to be conducted by such agency's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

[(J) a description of how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

[(K) if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in Early Reading First, or in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or an agency operating an Even Start program, an Early Reading First program, or another comparable public early childhood development program;

[(L) a description of the actions the local educational agency will take to assist its low-achieving schools identified under section 1116 as in need of improvement;

[(M) a description of the actions the local educational agency will take to implement public school choice and supplemental services, consistent with the requirements of section 1116;

[(N) a description of how the local educational agency will meet the requirements of section 1119;

[(O) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);

[(P) a description of the strategy the local educational agency will use to implement effective parental involvement under section 1118; and

[(Q) where appropriate, a description of how the local educational agency will use funds under this part to support after school (including before school and summer school) and school-year extension programs.

[(2) EXCEPTION.—The academic assessments and indicators described in subparagraphs (A) and (B) of paragraph (1) shall not be used—

[(A) in lieu of the academic assessments required under section 1111(b)(3) and other State academic indicators under section 1111(b)(2); or



[(B) to reduce the number of, or change which, schools would otherwise be subject to school improvement, corrective action, or restructuring under section 1116, if such additional assessments or indicators described in such subparagraphs were not used, but such assessments and indicators may be used to identify additional schools for school improvement or in need of corrective action or restructuring.

[(c) ASSURANCES.—

[(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

[(A) inform eligible schools and parents of schoolwide program authority and the ability of such schools to consolidate funds from Federal, State, and local sources;

[(B) provide technical assistance and support to schoolwide programs;

[(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student academic achievement standards;

[(D) fulfill such agency's school improvement responsibilities under section 1116, including taking actions under paragraphs (7) and (8) of section 1116(b);

[(E) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

[(F) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

[(G) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act;

[(H) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;

[(I) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals and professional development;

[(J) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title IX and, if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;

[(K) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with the State educational agency and other agencies providing services to children, youth, and families with respect to a school in school improvement, corrective action, or restructuring under section 1116 if such a school requests assistance from the local educational agency in addressing major factors that have significantly affected student achievement at the school;

[(L) ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers;

[(M) use the results of the student academic assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's proficient level of achievement on the State academic assessments described in section 1111(b)(3) within 12 years from the end of the 2001–2002 school year;

[(N) ensure that the results from the academic assessments required under section 1111(b)(3) will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

[(O) assist each school served by the agency and assisted under this part in developing or identifying examples of high-quality, effective curricula consistent with section 1111(b)(8)(D).

[(2) SPECIAL RULE.—In carrying out subparagraph (G) of paragraph (1), the Secretary—

[(A) shall consult with the Secretary of Health and Human Services and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

[(B) shall disseminate to local educational agencies the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act, and such agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

[(3) INAPPLICABILITY.—Paragraph (1)(G) of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs that are expanded through the use of funds under this part.

[(d) PLAN DEVELOPMENT AND DURATION.—

[(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, principals, administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part.

[(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of enactment of the No Child Left Behind Act of 2001 and shall remain in effect for the duration of the agency's participation under this part.

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

[(e) STATE APPROVAL.—

[(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

[(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

[(A) enables schools served under this part to substantially help children served under this part meet the academic standards expected of all children described in section 1111(b)(1); and

[(B) meets the requirements of this section.

[(3) REVIEW.—The State educational agency shall review the local educational agency's plan to determine if such agencies activities are in accordance with sections 1118 and 1119.

[(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions regarding activities under sections 1114 and 1115.

[(g) PARENTAL NOTIFICATION.—

[(1) IN GENERAL.—

[(A) NOTICE.—Each local educational agency using funds under this part to provide a language instruction educational program as determined in part C of title III shall, not later than 30 days after the beginning of the school year, inform a parent or parents of a limited English proficient child identified for participation or participating in, such a program of—

[(i) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;

[(ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

[(iii) the methods of instruction used in the program in which their child is, or will be participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

[(iv) how the program in which their child is, or will be participating, will meet the educational strengths and needs of their child;

[(v) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;

[(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this part are used for children in secondary schools;

[(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child;

[(viii) information pertaining to parental rights that includes written guidance—

[(I) detailing—

[(aa) the right that parents have to have their child immediately removed from such program upon their request; and

[(bb) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

[(II) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

[(B) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under paragraph (1), each eligible entity that is using funds provided under this part to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

[(2) NOTICE.—The notice and information provided in paragraph (1) to a parent or parents of a child identified for participation in a language instruction educational program for limited English proficient children shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

[(3) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as limited English proficient prior to the beginning of the school year the local educational agency shall notify parents within the first 2 weeks of the child being placed in a language instruction educational program consistent with paragraphs (1) and (2).

[(4) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging State academic achievement standards and State academic content standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part.

[(5) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

**[SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

[(a) DETERMINATION.—

[(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

[(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

[(A) the term “school attendance area” means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

[(B) the term “eligible school attendance area” means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

[(3) RANKING ORDER.—If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

[(A) annually rank, without regard to grade spans, such agency’s eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

[(B) serve such eligible school attendance areas in rank order.

[(4) REMAINING FUNDS.—If funds remain after serving all eligible school attendance areas under paragraph (3), a local educational agency shall—

[(A) annually rank such agency’s remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

[(B) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

[(5) MEASURES.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

- [(A) to identify eligible school attendance areas;
- [(B) to determine the ranking of each area; and
- [(C) to determine allocations under subsection (c).

[(6) EXCEPTION.—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

[(7) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (c), and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered, court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if—

[(A) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school's total enrollment; and

[(B) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

[(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—

[(1) IN GENERAL.—Notwithstanding subsection (a)(2), a local educational agency may—

[(A) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

[(B) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

[(C) designate and serve a school attendance area or school that is not eligible under this section, but that was eligible and that was served in the preceding fiscal year, but only for 1 additional fiscal year; and

[(D) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

[(i) the school meets the comparability requirements of section 1120A(c);

[(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

[(iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

[(2) SPECIAL RULE.—Notwithstanding paragraph (1)(D), the number of children attending private elementary schools and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

[(c) ALLOCATIONS.—

[(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsections (a) and (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

[(2) SPECIAL RULE.—

[(A) IN GENERAL.—Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 125 percent of the per-pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

[(B) EXCEPTION.—A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

[(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

[(A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;

[(B) children in local institutions for neglected children; and

[(C) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs.

[(4) FINANCIAL INCENTIVES AND REWARDS RESERVATION.—A local educational agency may reserve such funds as are necessary from those funds received by the local educational agency under title II, and not more than 5 percent of those funds received by the local educational agency under subpart 2, to

provide financial incentives and rewards to teachers who serve in schools eligible under this section and identified for school improvement, corrective action, and restructuring under section 1116(b) for the purpose of attracting and retaining qualified and effective teachers.

**SEC. 1114. SCHOOLWIDE PROGRAMS.**

**(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—**

**(1) IN GENERAL.—**A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.

**(2) IDENTIFICATION OF STUDENTS NOT REQUIRED.—**

**(A) IN GENERAL.—**No school participating in a schoolwide program shall be required—

**(i)** to identify particular children under this part as eligible to participate in a schoolwide program; or

**(ii)** to provide services to such children that are supplementary, as otherwise required by section 1120A(b).

**(B) SUPPLEMENTAL FUNDS.—**A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

**(3) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—**

**(A) EXEMPTION.—**Except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

**(B) REQUIREMENTS.—**A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

**(C) RECORDS.—**A school that consolidates and uses funds from different Federal programs under this section



shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

[(4) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (b)(1)(D) in accordance with section 1119 for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

[(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

[(1) IN GENERAL.—A schoolwide program shall include the following components:

[(A) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in section 1309(2)) that is based on information which includes the achievement of children in relation to the State academic content standards and the State student academic achievement standards described in section 1111(b)(1).

[(B) Schoolwide reform strategies that—

[(i) provide opportunities for all children to meet the State's proficient and advanced levels of student academic achievement described in section 1111(b)(1)(D);

[(ii) use effective methods and instructional strategies that are based on scientifically based research that—

[(I) strengthen the core academic program in the school;

[(II) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and

[(III) include strategies for meeting the educational needs of historically underserved populations;

[(iii)(I) include strategies to address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student academic achievement standards who are members of the target population of any program that is included in the schoolwide program, which may include—

[(aa) counseling, pupil services, and mentoring services;

[(bb) college and career awareness and preparation, such as college and career guidance, personal finance education, and innovative teaching methods, which may include applied learning and team-teaching strategies; and

[(cc) the integration of vocational and technical education programs; and

[(II) address how the school will determine if such needs have been met; and

[(iv) are consistent with, and are designed to implement, the State and local improvement plans, if any.

[(C) Instruction by highly qualified teachers.

[(D) In accordance with section 1119 and subsection (a)(4), high-quality and ongoing professional development for teachers, principals, and paraprofessionals and, if appropriate, pupil services personnel, parents, and other staff to enable all children in the school to meet the State's student academic achievement standards.

[(E) Strategies to attract high-quality highly qualified teachers to high-need schools.

[(F) Strategies to increase parental involvement in accordance with section 1118, such as family literary services.

[(G) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, Early Reading First, or a State-run preschool program, to local elementary school programs.

[(H) Measures to include teachers in the decisions regarding the use of academic assessments described in section 1111(b)(3) in order to provide information on, and to improve, the achievement of individual students and the overall instructional program.

[(I) Activities to ensure that students who experience difficulty mastering the proficient or advanced levels of academic achievement standards required by section 1111(b)(1) shall be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.

[(J) Coordination and integration of Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

[(2) PLAN.—

[(A) IN GENERAL.—Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence on the day before the date of enactment of the No Child Left Behind Act of 2001), in consultation with the local educational agency and its school support team or other technical assistance provider under section 1117, a comprehensive plan for reforming the total instructional program in the school that—

[(i) describes how the school will implement the components described in paragraph (1);

[(ii) describes how the school will use resources under this part and from other sources to implement those components;

[(iii) includes a list of State educational agency and local educational agency programs and other Federal programs under subsection (a)(3) that will be consolidated in the schoolwide program; and

[(iv) describes how the school will provide individual student academic assessment results in a language the parents can understand, including an interpretation of those results, to the parents of a child who participates in the academic assessments required by section 1111(b)(3).

[(B) PLAN DEVELOPMENT.—The comprehensive plan shall be—

[(i) developed during a one-year period, unless—

[(I) the local educational agency, after considering the recommendation of the technical assistance providers under section 1117, determines that less time is needed to develop and implement the schoolwide program; or

[(II) the school is operating a schoolwide program on the day preceding the date of enactment of the No Child Left Behind Act of 2001, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

[(ii) developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, and administrators (including administrators of programs described in other parts of this title), and, if appropriate, pupil services personnel, technical assistance providers, school staff, and, if the plan relates to a secondary school, students from such school;

[(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;

[(iv) available to the local educational agency, parents, and the public, and the information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

[(v) if appropriate, developed in coordination with programs under Reading First, Early Reading First, Even Start, the Carl D. Perkins Career and Technical Education Act of 2006, and the Head Start Act.

[(c) PREKINDERGARTEN PROGRAM.—A school that is eligible for a schoolwide program under this section may use funds made available under this part to establish or enhance prekindergarten programs for children below the age of 6, such as Even Start programs or Early Reading First programs.

**[SEC. 1115. TARGETED ASSISTANCE SCHOOLS.**

**[(a) IN GENERAL.—**In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency serving such school may use funds received under this part only for programs that provide services to eligible children under subsection (b) identified as having the greatest need for special assistance.

**[(b) ELIGIBLE CHILDREN.—****[(1) ELIGIBLE POPULATION.—**

**[(A) IN GENERAL.—**The eligible population for services under this section is—

**[(i) children not older than age 21 who are entitled to a free public education through grade 12; and**

**[(ii) children who are not yet at a grade level at which the local educational agency provides a free public education.**

**[(B) ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION.—**

From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging student academic achievement standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

**[(2) CHILDREN INCLUDED.—**

**[(A) IN GENERAL.—**Children who are economically disadvantaged, children with disabilities, migrant children or limited English proficient children, are eligible for services under this part on the same basis as other children selected to receive services under this part.

**[(B) HEAD START, EVEN START, OR EARLY READING FIRST CHILDREN.—**A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start, Even Start, or Early Reading First program, or in preschool services under this title, is eligible for services under this part.

**[(C) PART C CHILDREN.—**A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this part.

**[(D) NEGLECTED OR DELINQUENT CHILDREN.—**A child in a local institution for neglected or delinquent children and youth or attending a community day program for such children is eligible for services under this part.

**[(E) HOMELESS CHILDREN.—**A child who is homeless and attending any school served by the local educational agency is eligible for services under this part.

**[(3) SPECIAL RULE.—**Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in paragraph (2) but may be used to coordinate or supplement such services.

[(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

[(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State’s challenging student academic achievement standards in subjects as determined by the State, each targeted assistance program under this section shall—

[(A) use such program’s resources under this part to help participating children meet such State’s challenging student academic achievement standards expected for all children;

[(B) ensure that planning for students served under this part is incorporated into existing school planning;

[(C) use effective methods and instructional strategies that are based on scientifically based research that strengthens the core academic program of the school and that—

[(i) give primary consideration to providing extended learning time, such as an extended school year, before- and after-school, and summer programs and opportunities;

[(ii) help provide an accelerated, high-quality curriculum, including applied learning; and

[(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part;

[(D) coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs such as Head Start, Even Start, Early Reading First or State-run preschool programs to elementary school programs;

[(E) provide instruction by highly qualified teachers;

[(F) in accordance with subsection (e)(3) and section 1119, provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, for teachers, principals, and paraprofessionals, including, if appropriate, pupil services personnel, parents, and other staff, who work with participating children in programs under this section or in the regular education program;

[(G) provide strategies to increase parental involvement in accordance with section 1118, such as family literacy services; and

[(H) coordinate and integrate Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

[(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State’s proficient and advanced levels of achievement by—

[(A) the coordinating of resources provided under this part with other resources; and

[(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's challenging student academic achievement standards, such as an extended school year, before- and after-school, and summer programs and opportunities, training for teachers regarding how to identify students who need additional assistance, and training for teachers regarding how to implement student academic achievement standards in the classroom.

[(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

[(1) participate in general professional development and school planning activities; and

[(2) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

[(e) SPECIAL RULES.—

[(1) SIMULTANEOUS SERVICE.—Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

[(2) COMPREHENSIVE SERVICES.—If—

[(A) health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers; and

[(B) funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—

[(i) the provision of basic medical equipment, such as eyeglasses and hearing aids;

[(ii) compensation of a coordinator; and

[(iii) professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

[(3) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to carry out effectively the professional development activities described in subparagraph (F) of subsection (c)(1) in accordance with section 1119 for such fiscal year, and a school

may enter into a consortium with another school to carry out such activities.

**[SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.**

**[(a) LOCAL REVIEW.—**

**[(1) IN GENERAL.—**Each local educational agency receiving funds under this part shall—

**[(A)** use the State academic assessments and other indicators described in the State plan to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2);

**[(B)** at the local educational agency's discretion, use any academic assessments or any other academic indicators described in the local educational agency's plan under section 1112(b)(1)(A) and (B) to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2), except that the local educational agency may not use such indicators (other than as provided for in section 1111(b)(2)(I)) if the indicators reduce the number or change the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may identify additional schools for school improvement or in need of corrective action or restructuring;

**[(C)** publicize and disseminate the results of the local annual review described in paragraph (1) to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under this part meet the challenging State student academic achievement standards established under section 1111(b)(1); and

**[(D)** review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement, professional development, and other activities assisted under this part.

**[(2) AVAILABLE RESULTS.—**The State educational agency shall ensure that the results of State academic assessments administered in that school year are available to the local educational agency before the beginning of the next school year.

**[(b) SCHOOL IMPROVEMENT.—**

**[(1) GENERAL REQUIREMENTS.—**

**[(A) IDENTIFICATION.—**Subject to subparagraph (C), a local educational agency shall identify for school improvement any elementary school or secondary school served under this part that fails, for 2 consecutive years, to make adequate yearly progress as defined in the State's plan under section 1111(b)(2).

**[(B) DEADLINE.—**The identification described in subparagraph (A) shall take place before the beginning of the

school year following such failure to make adequate yearly progress.

【(C) APPLICATION.—Subparagraph (A) shall not apply to a school if almost every student in each group specified in section 1111(b)(2)(C)(v) enrolled in such school is meeting or exceeding the State’s proficient level of academic achievement.

【(D) TARGETED ASSISTANCE SCHOOLS.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified for school improvement, corrective action, or restructuring under this section, a local educational agency may choose to review the progress of only the students in the school who are served, or are eligible for services, under this part.

【(E) PUBLIC SCHOOL CHOICE.—

【(i) IN GENERAL.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.

【(ii) RULE.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).

【(F) TRANSFER.—Students who use the option to transfer under subparagraph (E) and paragraph (5)(A), (7)(C)(i), or (8)(A)(i) or subsection (c)(10)(C)(vii) shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

【(2) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE; TIME LIMIT.—

【(A) IDENTIFICATION.—Before identifying an elementary school or a secondary school for school improvement under paragraphs (1) or (5)(A), for corrective action under paragraph (7), or for restructuring under paragraph (8), the local educational agency shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

【(B) EVIDENCE.—If the principal of a school proposed for identification under paragraph (1), (5)(A), (7), or (8) believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local edu-



educational agency, which shall consider that evidence before making a final determination.

[(C) FINAL DETERMINATION.—Not later than 30 days after a local educational agency provides the school with the opportunity to review such school-level data, the local educational agency shall make public a final determination on the status of the school with respect to the identification.

[(3) SCHOOL PLAN.—

[(A) REVISED PLAN.—After the resolution of a review under paragraph (2), each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, and outside experts, for approval by such local educational agency. The school plan shall cover a 2-year period and—

[(i) incorporate strategies based on scientifically based research that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement, and may include a strategy for the implementation of a comprehensive school reform model that includes each of the components described in part F;

[(ii) adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(C)(v) and enrolled in the school will meet the State's proficient level of achievement on the State academic assessment described in section 1111(b)(3) not later than 12 years after the end of the 2001–2002 school year;

[(iii) provide an assurance that the school will spend not less than 10 percent of the funds made available to the school under section 1113 for each fiscal year that the school is in school improvement status, for the purpose of providing to the school's teachers and principal high-quality professional development that—

[(I) directly addresses the academic achievement problem that caused the school to be identified for school improvement;

[(II) meets the requirements for professional development activities under section 1119; and

[(III) is provided in a manner that affords increased opportunity for participating in that professional development;

[(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;

[(v) establish specific annual, measurable objectives for continuous and substantial progress by each group of students specified in section 1111(b)(2)(C)(v) and enrolled in the school that will ensure that all

such groups of students will, in accordance with adequate yearly progress as defined in section 1111(b)(2), meet the State's proficient level of achievement on the State academic assessment described in section 1111(b)(3) not later than 12 years after the end of the 2001–2002 school year;

[(vi) describe how the school will provide written notice about the identification to parents of each student enrolled in such school, in a format and, to the extent practicable, in a language that the parents can understand;

[(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving the school under the plan, including the technical assistance to be provided by the local educational agency under paragraph (4) and the local educational agency's responsibilities under section 1120A;

[(viii) include strategies to promote effective parental involvement in the school;

[(ix) incorporate, as appropriate, activities before school, after school, during the summer, and during any extension of the school year; and

[(x) incorporate a teacher mentoring program.

[(B) **CONDITIONAL APPROVAL.**—The local educational agency may condition approval of a school plan under this paragraph on—

[(i) inclusion of one or more of the corrective actions specified in paragraph (7)(C)(iv); or

[(ii) feedback on the school improvement plan from parents and community leaders.

[(C) **PLAN IMPLEMENTATION.**—Except as provided in subparagraph (D), a school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the next full school year following the identification under paragraph (1).

[(D) **PLAN APPROVED DURING SCHOOL YEAR.**—Notwithstanding subparagraph (C), if a plan is not approved prior to the beginning of a school year, such plan shall be implemented immediately upon approval.

[(E) **LOCAL EDUCATIONAL AGENCY APPROVAL.**—The local educational agency, within 45 days of receiving a school plan, shall—

[(i) establish a peer review process to assist with review of the school plan; and

[(ii) promptly review the school plan, work with the school as necessary, and approve the school plan if the plan meets the requirements of this paragraph.

[(4) **TECHNICAL ASSISTANCE.**—

[(A) **IN GENERAL.**—For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall ensure the provision of technical assistance as the school develops and implements the school plan under paragraph (3) throughout the plan's duration.

**[(B) SPECIFIC ASSISTANCE.—**Such technical assistance—

**[(i)** shall include assistance in analyzing data from the assessments required under section 1111(b)(3), and other examples of student work, to identify and address problems in instruction, and problems if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan, and to identify and address solutions to such problems;

**[(ii)** shall include assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

**[(iii)** shall include assistance in analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student academic achievement and to remove the school from school improvement status; and

**[(iv)** may be provided—

**[(I)** by the local educational agency, through mechanisms authorized under section 1117; or

**[(II)** by the State educational agency, an institution of higher education (that is in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with experience in helping schools improve academic achievement.

**[(C) SCIENTIFICALLY BASED RESEARCH.—**Technical assistance provided under this section by a local educational agency or an entity approved by that agency shall be based on scientifically based research.

**[(5) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—**In the case of any school served under this part that fails to make adequate yearly progress, as set out in the State's plan under section 1111(b)(2), by the end of the first full school year after identification under paragraph (1), the local educational agency serving such school—

**[(A)** shall continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency in accordance with subparagraphs (E) and (F);

**[(B)** shall make supplemental educational services available consistent with subsection (e)(1); and

**[(C)** shall continue to provide technical assistance.

**[(6) NOTICE TO PARENTS.—**A local educational agency shall promptly provide to a parent or parents (in an understandable

and uniform format and, to the extent practicable, in a language the parents can understand) of each student enrolled in an elementary school or a secondary school identified for school improvement under paragraph (1), for corrective action under paragraph (7), or for restructuring under paragraph (8)—

[(A) an explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency involved;

[(B) the reasons for the identification;

[(C) an explanation of what the school identified for school improvement is doing to address the problem of low achievement;

[(D) an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem;

[(E) an explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and

[(F) an explanation of the parents' option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child, in accordance with subsection (e).

[(7) CORRECTIVE ACTION.—

[(A) IN GENERAL.—In this subsection, the term “corrective action” means action, consistent with State law, that—

[(i) substantially and directly responds to—

[(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

[(II) any underlying staffing, curriculum, or other problems in the school; and

[(ii) is designed to increase substantially the likelihood that each group of students described in 1111(b)(2)(C) enrolled in the school identified for corrective action will meet or exceed the State's proficient levels of achievement on the State academic assessments described in section 1111(b)(3).

[(B) SYSTEM.—In order to help students served under this part meet challenging State student academic achievement standards, each local educational agency shall implement a system of corrective action in accordance with subparagraphs (C) through (E).

[(C) ROLE OF LOCAL EDUCATIONAL AGENCY.—In the case of any school served by a local educational agency under this part that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2), by the end of the second full school year after the identification under paragraph (1), the local educational agency shall—

[(i) continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, in accordance with paragraph (1)(E) and (F);

[(ii) continue to provide technical assistance consistent with paragraph (4) while instituting any corrective action under clause (iv);

[(iii) continue to make supplemental educational services available, in accordance with subsection (e), to children who remain in the school; and

[(iv) identify the school for corrective action and take at least one of the following corrective actions:

[(I) Replace the school staff who are relevant to the failure to make adequate yearly progress.

[(II) Institute and fully implement a new curriculum, including providing appropriate professional development for all relevant staff, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make adequate yearly progress.

[(III) Significantly decrease management authority at the school level.

[(IV) Appoint an outside expert to advise the school on its progress toward making adequate yearly progress, based on its school plan under paragraph (3).

[(V) Extend the school year or school day for the school.

[(VI) Restructure the internal organizational structure of the school.

[(D) DELAY.—Notwithstanding any other provision of this paragraph, the local educational agency may delay, for a period not to exceed 1 year, implementation of the requirements under paragraph (5), corrective action under this paragraph, or restructuring under paragraph (8) if the school makes adequate yearly progress for 1 year or if its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

[(E) PUBLICATION AND DISSEMINATION.—The local educational agency shall publish and disseminate information regarding any corrective action the local educational agency takes under this paragraph at a school—

[(i) to the public and to the parents of each student enrolled in the school subject to corrective action;

[(ii) in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

[(iii) through such means as the Internet, the media, and public agencies.

**[(8) RESTRUCTURING.—**

**[(A) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—** If, after 1 full school year of corrective action under paragraph (7), a school subject to such corrective action continues to fail to make adequate yearly progress, then the local educational agency shall—

**[(i)]** continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, in accordance with paragraph (1)(E) and (F);

**[(ii)]** continue to make supplemental educational services available, in accordance with subsection (e), to children who remain in the school; and

**[(iii)]** prepare a plan and make necessary arrangements to carry out subparagraph (B).

**[(B) ALTERNATIVE GOVERNANCE.—**Not later than the beginning of the school year following the year in which the local educational agency implements subparagraph (A), the local educational agency shall implement one of the following alternative governance arrangements for the school consistent with State law:

**[(i)]** Reopening the school as a public charter school.

**[(ii)]** Replacing all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress.

**[(iii)]** Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.

**[(iv)]** Turning the operation of the school over to the State educational agency, if permitted under State law and agreed to by the State.

**[(v)]** Any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress as defined in the State plan under section 1111(b)(2). In the case of a rural local educational agency with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools have a School Locale Code of 7 or 8, as determined by the Secretary, the Secretary shall, at such agency's request, provide technical assistance to such agency for the purpose of implementing this clause.

**[(C) PROMPT NOTICE.—**The local educational agency shall—

**[(i)]** provide prompt notice to teachers and parents whenever subparagraph (A) or (B) applies; and

**[(ii)]** provide the teachers and parents with an adequate opportunity to—

[(I) comment before taking any action under those subparagraphs; and

[(II) participate in developing any plan under subparagraph (A)(iii).

[(9) TRANSPORTATION.—In any case described in paragraph (1)(E) for schools described in paragraphs (1)(A), (5), (7)(C)(i), and (8)(A), and subsection (c)(10)(C)(vii), the local educational agency shall provide, or shall pay for the provision of, transportation for the student to the public school the student attends.

[(10) FUNDS FOR TRANSPORTATION AND SUPPLEMENTAL EDUCATIONAL SERVICES.—

[(A) IN GENERAL.—Unless a lesser amount is needed to comply with paragraph (9) and to satisfy all requests for supplemental educational services under subsection (e), a local educational agency shall spend an amount equal to 20 percent of its allocation under subpart 2, from which the agency shall spend—

[(i) an amount equal to 5 percent of its allocation under subpart 2 to provide, or pay for, transportation under paragraph (9);

[(ii) an amount equal to 5 percent of its allocation under subpart 2 to provide supplemental educational services under subsection (e); and

[(iii) an amount equal to the remaining 10 percent of its allocation under subpart 2 for transportation under paragraph (9), supplemental educational services under subsection (e), or both, as the agency determines.

[(B) TOTAL AMOUNT.—The total amount described in subparagraph (A)(ii) is the maximum amount the local educational agency shall be required to spend under this part on supplemental educational services described in subsection (e).

[(C) INSUFFICIENT FUNDS.—If the amount of funds described in subparagraph (A)(ii) or (iii) and available to provide services under this subsection is insufficient to provide supplemental educational services to each child whose parents request the services, the local educational agency shall give priority to providing the services to the lowest-achieving children.

[(D) PROHIBITION.—A local educational agency shall not, as a result of the application of this paragraph, reduce by more than 15 percent the total amount made available under section 1113(c) to a school described in paragraph (7)(C) or (8)(A) of subsection (b).

[(11) COOPERATIVE AGREEMENT.—In any case described in paragraph (1)(E), (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(vii) if all public schools served by the local educational agency to which a child may transfer are identified for school improvement, corrective action or restructuring, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for a transfer.

[(12) DURATION.—If any school identified for school improvement, corrective action, or restructuring makes adequate yearly progress for two consecutive school years, the local educational agency shall no longer subject the school to the requirements of school improvement, corrective action, or restructuring or identify the school for school improvement for the succeeding school year.

[(13) SPECIAL RULE.—A local educational agency shall permit a child who transferred to another school under this subsection to remain in that school until the child has completed the highest grade in that school. The obligation of the local educational agency to provide, or to provide for, transportation for the child ends at the end of a school year if the local educational agency determines that the school from which the child transferred is no longer identified for school improvement or subject to corrective action or restructuring.

[(14) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

[(A) make technical assistance under section 1117 available to schools identified for school improvement, corrective action, or restructuring under this subsection consistent with section 1117(a)(2);

[(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this subsection, take such corrective actions as the State educational agency determines to be appropriate and in compliance with State law;

[(C) ensure that academic assessment results under this part are provided to schools before any identification of a school may take place under this subsection; and

[(D) for local educational agencies or schools identified for improvement under this subsection, notify the Secretary of major factors that were brought to the attention of the State educational agency under section 1111(b)(9) that have significantly affected student academic achievement.

[(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

[(1) IN GENERAL.—A State shall—

[(A) annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate yearly progress as defined in section 1111(b)(2) toward meeting the State's student academic achievement standards and to determine if each local educational agency is carrying out its responsibilities under this section and sections 1117, 1118, and 1119; and

[(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including statistically sound disaggregated results, as required by section 1111(b)(2).

[(2) REWARDS.—In the case of a local educational agency that, for 2 consecutive years, has exceeded adequate yearly progress as defined in the State plan under section 1111(b)(2),



the State may make rewards of the kinds described under section 1117 to the agency.

[(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State shall identify for improvement any local educational agency that, for 2 consecutive years, including the period immediately prior to the date of enactment of the No Child Left Behind Act of 2001, failed to make adequate yearly progress as defined in the State’s plan under section 1111(b)(2).

[(4) TARGETED ASSISTANCE SCHOOLS.—When reviewing targeted assistance schools served by a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served, or are eligible for services, under this part.

[(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—

[(A) REVIEW.—Before identifying a local educational agency for improvement under paragraph (3) or corrective action under paragraph (10), a State educational agency shall provide the local educational agency with an opportunity to review the data, including academic assessment data, on which the proposed identification is based.

[(B) EVIDENCE.—If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, the agency may provide supporting evidence to the State educational agency, which shall consider the evidence before making a final determination not later than 30 days after the State educational agency provides the local educational agency with the opportunity to review such data under subparagraph (A).

[(6) NOTIFICATION TO PARENTS.—The State educational agency shall promptly provide to the parents (in a format and, to the extent practicable, in a language the parents can understand) of each student enrolled in a school served by a local educational agency identified for improvement, the results of the review under paragraph (1) and, if the agency is identified for improvement, the reasons for that identification and how parents can participate in upgrading the quality of the local educational agency.

[(7) LOCAL EDUCATIONAL AGENCY REVISIONS.—

[(A) PLAN.—Each local educational agency identified under paragraph (3) shall, not later than 3 months after being so identified, develop or revise a local educational agency plan, in consultation with parents, school staff, and others. Such plan shall—

[(i) incorporate scientifically based research strategies that strengthen the core academic program in schools served by the local educational agency;

[(ii) identify actions that have the greatest likelihood of improving the achievement of participating children in meeting the State’s student academic achievement standards;

[(iii) address the professional development needs of the instructional staff serving the agency by committing to spend not less than 10 percent of the funds

received by the local educational agency under subpart 2 for each fiscal year in which the agency is identified for improvement for professional development (including funds reserved for professional development under subsection (b)(3)(A)(iii)), but excluding funds reserved for professional development under section 1119;

[(iv) include specific measurable achievement goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2)(C)(v), consistent with adequate yearly progress as defined under section 1111(b)(2);

[(v) address the fundamental teaching and learning needs in the schools of that agency, and the specific academic problems of low-achieving students, including a determination of why the local educational agency's prior plan failed to bring about increased student academic achievement;

[(vi) incorporate, as appropriate, activities before school, after school, during the summer, and during an extension of the school year;

[(vii) specify the responsibilities of the State educational agency and the local educational agency under the plan, including specifying the technical assistance to be provided by the State educational agency under paragraph (9) and the local educational agency's responsibilities under section 1120A; and

[(viii) include strategies to promote effective parental involvement in the school.

[(B) IMPLEMENTATION.—The local educational agency shall implement the plan (including a revised plan) expeditiously, but not later than the beginning of the next school year after the school year in which the agency was identified for improvement.

[(9) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—

[(A) TECHNICAL OR OTHER ASSISTANCE.—For each local educational agency identified under paragraph (3), the State educational agency shall provide technical or other assistance if requested, as authorized under section 1117, to better enable the local educational agency to—

[(i) develop and implement the local educational agency's plan; and

[(ii) work with schools needing improvement.

[(B) METHODS AND STRATEGIES.—Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be supported by effective methods and instructional strategies based on scientifically based research. Such technical assistance shall address problems, if any, in implementing the parental involvement activities described in section 1118 and the professional development activities described in section 1119.

[(10) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State student academic achievement standards, each State shall implement a system of corrective action in accordance with the following:

**[(A) DEFINITION.—**As used in this paragraph, the term “corrective action” means action, consistent with State law, that—

**[(i)** substantially and directly responds to the consistent academic failure that caused the State to take such action and to any underlying staffing, curricular, or other problems in the agency; and

**[(ii)** is designed to meet the goal of having all students served under this part achieve at the proficient and advanced student academic achievement levels.

**[(B) GENERAL REQUIREMENTS.—**After providing technical assistance under paragraph (9) and subject to subparagraph (E), the State—

**[(i)** may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (3);

**[(ii)** shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, by the end of the second full school year after the identification of the agency under paragraph (3); and

**[(iii)** shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

**[(C) CERTAIN CORRECTIVE ACTIONS REQUIRED.—**In the case of a local educational agency identified for corrective action, the State educational agency shall take at least one of the following corrective actions:

**[(i)** Deferring programmatic funds or reducing administrative funds.

**[(ii)** Instituting and fully implementing a new curriculum that is based on State and local academic content and achievement standards, including providing appropriate professional development based on scientifically based research for all relevant staff, that offers substantial promise of improving educational achievement for low-achieving students.

**[(iii)** Replacing the local educational agency personnel who are relevant to the failure to make adequate yearly progress.

**[(iv)** Removing particular schools from the jurisdiction of the local educational agency and establishing alternative arrangements for public governance and supervision of such schools.

**[(v)** Appointing, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

**[(vi)** Abolishing or restructuring the local educational agency.

**[(vii)** Authorizing students to transfer from a school operated by the local educational agency to a higher-performing public school operated by another local educational agency in accordance with subsections (b)(1)(E) and (F), and providing to such stu-

dents transportation (or the costs of transportation) to such schools consistent with subsection (b)(9), in conjunction with carrying out not less than one additional action described under this subparagraph.

**[(D) HEARING.—**Prior to implementing any corrective action under this paragraph, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.

**[(E) NOTICE TO PARENTS.—**The State educational agency shall publish, and disseminate to parents and the public, information on any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

**[(F) DELAY.—**Notwithstanding subparagraph (B)(ii), a State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action under this paragraph if the local educational agency makes adequate yearly progress for 1 year or its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

**[(11) SPECIAL RULE.—**If a local educational agency makes adequate yearly progress for two consecutive school years beginning after the date of identification of the agency under paragraph (3), the State educational agency need no longer identify the local educational agency for improvement or subject the local educational agency to corrective action for the succeeding school year.

**[(d) CONSTRUCTION.—**Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

**[(e) SUPPLEMENTAL EDUCATIONAL SERVICES.—**

**[(1) SUPPLEMENTAL EDUCATIONAL SERVICES.—**In the case of any school described in paragraph (5), (7), or (8) of subsection (b), the local educational agency serving such school shall, subject to this subsection, arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness, that is selected by the parents and approved for that purpose by the State educational agency in accordance with reasonable criteria, consistent with paragraph (5), that the State educational agency shall adopt.

**[(2) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—**Each local educational agency subject to this subsection shall—

**[(A)** provide, at a minimum, annual notice to parents (in an understandable and uniform format and, to the ex-

tent practicable, in a language the parents can understand) of—

[(i) the availability of services under this subsection;

[(ii) the identity of approved providers of those services that are within the local educational agency or whose services are reasonably available in neighboring local educational agencies; and

[(iii) a brief description of the services, qualifications, and demonstrated effectiveness of each such provider;

[(B) if requested, assist parents in choosing a provider from the list of approved providers maintained by the State;

[(C) apply fair and equitable procedures for serving students if the number of spaces at approved providers is not sufficient to serve all students; and

[(D) not disclose to the public the identity of any student who is eligible for, or receiving, supplemental educational services under this subsection without the written permission of the parents of the student.

[(3) AGREEMENT.—In the case of the selection of an approved provider by a parent, the local educational agency shall enter into an agreement with such provider. Such agreement shall—

[(A) require the local educational agency to develop, in consultation with parents (and the provider chosen by the parents), a statement of specific achievement goals for the student, how the student's progress will be measured, and a timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act;

[(B) describe how the student's parents and the student's teacher or teachers will be regularly informed of the student's progress;

[(C) provide for the termination of such agreement if the provider is unable to meet such goals and timetables;

[(D) contain provisions with respect to the making of payments to the provider by the local educational agency; and

[(E) prohibit the provider from disclosing to the public the identity of any student eligible for, or receiving, supplemental educational services under this subsection without the written permission of the parents of such student.

[(4) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—A State educational agency shall—

[(A) in consultation with local educational agencies, parents, teachers, and other interested members of the public, promote maximum participation by providers to ensure, to the extent practicable, that parents have as many choices as possible;

[(B) develop and apply objective criteria, consistent with paragraph (5), to potential providers that are based on a demonstrated record of effectiveness in increasing the

academic proficiency of students in subjects relevant to meeting the State academic content and student achievement standards adopted under section 1111(b)(1);

[(C) maintain an updated list of approved providers across the State, by school district, from which parents may select;

[(D) develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved providers under this subsection, and for withdrawing approval from providers that fail, for 2 consecutive years, to contribute to increasing the academic proficiency of students served under this subsection as described in subparagraph (B); and

[(E) provide annual notice to potential providers of supplemental educational services of the opportunity to provide services under this subsection and of the applicable procedures for obtaining approval from the State educational agency to be an approved provider of those services.

[(5) CRITERIA FOR PROVIDERS.—In order for a provider to be included on the State list under paragraph (4)(C), a provider shall agree to carry out the following:

[(A) Provide parents of children receiving supplemental educational services under this subsection and the appropriate local educational agency with information on the progress of the children in increasing achievement, in a format and, to the extent practicable, a language that such parents can understand.

[(B) Ensure that instruction provided and content used by the provider are consistent with the instruction provided and content used by the local educational agency and State, and are aligned with State student academic achievement standards.

[(C) Meet all applicable Federal, State, and local health, safety, and civil rights laws.

[(D) Ensure that all instruction and content under this subsection are secular, neutral, and nonideological.

[(6) AMOUNTS FOR SUPPLEMENTAL EDUCATIONAL SERVICES.—The amount that a local educational agency shall make available for supplemental educational services for each child receiving those services under this subsection shall be the lesser of—

[(A) the amount of the agency's allocation under subpart 2, divided by the number of children from families below the poverty level counted under section 1124(c)(1)(A); or

[(B) the actual costs of the supplemental educational services received by the child.

[(7) FUNDS PROVIDED BY STATE EDUCATIONAL AGENCY.—Each State educational agency may use funds that the agency reserves under this part, and part A of title V, to assist local educational agencies that do not have sufficient funds to provide services under this subsection for all eligible students requesting such services.

[(8) DURATION.—The local educational agency shall continue to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were first received.

[(9) PROHIBITION.—Nothing contained in this subsection shall permit the making of any payment for religious worship or instruction.

[(10) WAIVER.—

[(A) REQUIREMENT.—At the request of a local educational agency, a State educational agency may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services if the State educational agency determines that—

[(i) none of the providers of those services on the list approved by the State educational agency under paragraph (4)(C) makes those services available in the area served by the local educational agency or within a reasonable distance of that area; and

[(ii) the local educational agency provides evidence that it is not able to provide those services.

[(B) NOTIFICATION.—The State educational agency shall notify the local educational agency, within 30 days of receiving the local educational agency’s request for a waiver under subparagraph (A), whether the request is approved or disapproved and, if disapproved, the reasons for the disapproval, in writing.

[(11) SPECIAL RULE.—If State law prohibits a State educational agency from carrying out one or more of its responsibilities under paragraph (4) with respect to those who provide, or seek approval to provide, supplemental educational services, each local educational agency in the State shall carry out those responsibilities with respect to its students who are eligible for those services.

[(12) DEFINITIONS.—In this subsection—

[(A) the term “eligible child” means a child from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1);

[(B) the term “provider” means a non-profit entity, a for-profit entity, or a local educational agency that—

[(i) has a demonstrated record of effectiveness in increasing student academic achievement;

[(ii) is capable of providing supplemental educational services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111; and

[(iii) is financially sound; and

[(C) the term “supplemental educational services” means tutoring and other supplemental academic enrichment services that are—

[(i) in addition to instruction provided during the school day; and

[(ii) are of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the academic assessments

required under section 1111 and attain proficiency in meeting the State's academic achievement standards.

**[(f) SCHOOLS AND LEAS PREVIOUSLY IDENTIFIED FOR IMPROVEMENT OR CORRECTIVE ACTION.—**

**[(1) SCHOOLS.—**

**[(A) SCHOOL IMPROVEMENT.—**

**[(i) SCHOOLS IN SCHOOL-IMPROVEMENT STATUS BEFORE DATE OF ENACTMENT.—**Any school that was in the first year of school improvement status under this section on the day preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local educational agency as a school that is in the first year of school improvement status under paragraph (1).

**[(ii) SCHOOLS IN SCHOOL-IMPROVEMENT STATUS FOR 2 OR MORE YEARS BEFORE DATE OF ENACTMENT.—**Any school that was in school improvement status under this section for two or more consecutive school years preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local educational agency as a school described in subsection (b)(5).

**[(B) CORRECTIVE ACTION.—**Any school that was in corrective action status under this section on the day preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local educational agency as a school described in paragraph (7).

**[(2) LEAS.—**

**[(A) LEA IMPROVEMENT.—**A State shall identify for improvement under subsection (c)(3) any local educational agency that was in improvement status under this section as this section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001.

**[(B) CORRECTIVE ACTION.—**A State shall identify for corrective action under subsection (c)(10) any local educational agency that was in corrective action status under this section as this section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001.

**[(C) SPECIAL RULE.—**For the schools and other local educational agencies described under paragraphs (1) and (2), as required, the State shall ensure that public school choice in accordance with subparagraphs (b)(1)(E) and (F) and supplemental education services in accordance with subsection (e) are provided not later than the first day of the 2002–2003 school year.

**[(D) TRANSITION.—**With respect to a determination that a local educational agency has for 2 consecutive years failed to make adequate yearly progress as defined in the State plan under section 1111(b)(2), such determination shall include in such 2-year period any continuous period of time immediately preceding the date of enactment of the No Child Left Behind Act of 2001 during which the agency has failed to make such progress.



[(g) SCHOOLS FUNDED BY THE BUREAU OF INDIAN AFFAIRS.—

[(1) ADEQUATE YEARLY PROGRESS FOR BUREAU FUNDED SCHOOLS.—

[(A) DEVELOPMENT OF DEFINITION.—

[(i) DEFINITION.—The Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, using the process set out in section 1138(b) of the Education Amendments of 1978, shall define adequate yearly progress, consistent with section 1111(b), for the schools funded by the Bureau of Indian Affairs on a regional or tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.

[(ii) USE OF DEFINITION.—The Secretary of the Interior, consistent with clause (i), may use the definition of adequate yearly progress that the State in which the school that is funded by the Bureau is located uses consistent with section 1111(b), or in the case of schools that are located in more than one State, the Secretary of the Interior may use whichever State definition of adequate yearly progress that best meets the unique circumstances and needs of such school or schools and the students the schools serve.

[(B) WAIVER.—The tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the definition of adequate yearly progress established pursuant to paragraph (A) where such definition is determined by such body or school board to be inappropriate. If such definition is waived, the tribal governing body or school board shall, within 60 days thereafter, submit to the Secretary of Interior a proposal for an alternative definition of adequate yearly progress, consistent with section 1111(b), that takes into account the unique circumstances and needs of such school or schools and the students served. The Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, shall approve such alternative definition unless the Secretary determines that the definition does not meet the requirements of section 1111(b), taking into account the unique circumstances and needs of such school or schools and the students served.

[(C) TECHNICAL ASSISTANCE.—The Secretary of Interior shall, in consultation with the Secretary if the Secretary of Interior requests the consultation, either directly or through a contract, provide technical assistance, upon request, to a tribal governing body or school board of a school funded by the Bureau of Indian Affairs that seeks to develop an alternative definition of adequate yearly progress.

[(2) ACCOUNTABILITY FOR BIA SCHOOLS.—For the purposes of this section, schools funded by the Bureau of Indian Affairs shall be considered schools subject to subsection (b), as specifically provided for in this subsection, except that such schools shall not be subject to subsection (c), or the requirements to

provide public school choice and supplemental educational services under subsections (b) and (e).

【(3) SCHOOL IMPROVEMENT FOR BUREAU SCHOOLS.—

【(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Bureau of Indian Affairs which is operated under a contract issued by the Secretary of the Interior pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a grant issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such school shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any school improvement plan as described in subsections (b)(1) through (b)(3), and subsection (b)(5), other than subsection (b)(1)(E). The Bureau of Indian Affairs shall be responsible for meeting the requirements of subsection (b)(4) relating to technical assistance.

【(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Bureau of Indian Affairs, the Bureau shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any school improvement plan as described in subsections (b)(1) through (b)(5), other than subsection (b)(1)(E).

【(4) CORRECTIVE ACTION AND RESTRUCTURING FOR BUREAU-FUNDED SCHOOLS.—

【(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Bureau of Indian Affairs which is operated under a contract issued by the Secretary of the Interior pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a grant issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such school shall be responsible for meeting the requirements of subsection (b) relating to corrective action and restructuring as described in subsection (b)(7) and (b)(8). Any action taken by such school board under subsection (b)(7) or (b)(8) shall take into account the unique circumstances and structure of the Bureau of Indian Affairs-funded school system and the laws governing that system.

【(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Bureau of Indian Affairs, the Bureau shall be responsible for meeting the requirements of subsection (b) relating to corrective action and restructuring as described in subsection (b)(7) and (b)(8). Any action taken by the Bureau under subsection (b)(7) or (b)(8) shall take into account the unique circumstances and structure of the Bureau of Indian Affairs-funded school system and the laws governing that system.

【(5) ANNUAL REPORT.—On an annual basis, the Secretary of the Interior shall report to the Secretary of Education and to the appropriate committees of Congress regarding any schools funded by the Bureau of Indian Affairs which have been identified for school improvement. Such report shall include—

【(A) the identity of each school;

[(B) a statement from each affected school board regarding the factors that lead to such identification; and

[(C) an analysis by the Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, as to whether sufficient resources were available to enable such school to achieve adequate yearly progress.

[(h) OTHER AGENCIES.—After receiving the notice described in subsection (b)(14)(D), the Secretary may notify, to the extent feasible and necessary as determined by the Secretary, other relevant Federal agencies regarding the major factors that were determined by the State educational agency to have significantly affected student academic achievement.

**[SEC. 1117. SCHOOL SUPPORT AND RECOGNITION.**

[(a) SYSTEM FOR SUPPORT.—

[(1) IN GENERAL.—Each State shall establish a statewide system of intensive and sustained support and improvement for local educational agencies and schools receiving funds under this part, in order to increase the opportunity for all students served by those agencies and schools to meet the State's academic content standards and student academic achievement standards.

[(2) PRIORITIES.—In carrying out this subsection, a State shall—

[(A) first, provide support and assistance to local educational agencies with schools subject to corrective action under section 1116 and assist those schools, in accordance with section 1116(b)(11), for which a local educational agency has failed to carry out its responsibilities under paragraphs (7) and (8) of section 1116(b);

[(B) second, provide support and assistance to other local educational agencies with schools identified as in need of improvement under section 1116(b); and

[(C) third, provide support and assistance to other local educational agencies and schools participating under this part that need that support and assistance in order to achieve the purpose of this part.

[(3) REGIONAL CENTERS.—Such a statewide system shall, to the extent practicable, work with and receive support and assistance from regional educational laboratories established under part D of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002 and the comprehensive regional technical assistance centers and the regional educational laboratories under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002), or other providers of technical assistance.

[(4) STATEWIDE SYSTEM.—

[(A) In order to achieve the purpose described in paragraph (1), the statewide system shall include, at a minimum, the following approaches:

[(i) Establishing school support teams in accordance with subparagraph (C) for assignment to, and

working in, schools in the State that are described in paragraph (2).

[(ii) Providing such support as the State educational agency determines necessary and available in order to ensure the effectiveness of such teams.

[(iii) Designating and using distinguished teachers and principals who are chosen from schools served under this part that have been especially successful in improving academic achievement.

[(iv) Devising additional approaches to providing the assistance described in paragraph (1), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and private providers of scientifically based technical assistance.

[(B) PRIORITY.—The State educational agency shall give priority to the approach described in clause (i) of subparagraph (A).

[(5) SCHOOL SUPPORT TEAMS.—

[(A) COMPOSITION.—Each school support team established under this section shall be composed of persons knowledgeable about scientifically based research and practice on teaching and learning and about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students, including—

[(i) highly qualified or distinguished teachers and principals;

[(ii) pupil services personnel;

[(iii) parents;

[(iv) representatives of institutions of higher education;

[(v) representatives of regional educational laboratories or comprehensive regional technical assistance centers;

[(vi) representatives of outside consultant groups;

or  
[(vii) other individuals as the State educational agency, in consultation with the local educational agency, may determine appropriate.

[(B) FUNCTIONS.—Each school support team assigned to a school under this section shall—

[(i) review and analyze all facets of the school's operation, including the design and operation of the instructional program, and assist the school in developing recommendations for improving student performance in that school;

[(ii) collaborate with parents and school staff and the local educational agency serving the school in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to improve student performance and help the school meet its goals for improvement, including adequate yearly progress under section 1111(b)(2)(B);

[(iii) evaluate, at least semiannually, the effectiveness of school personnel assigned to the school, including identifying outstanding teachers and principals, and make findings and recommendations to the school, the local educational agency, and, where appropriate, the State educational agency; and

[(iv) make additional recommendations as the school implements the plan described in clause (ii) to the local educational agency and the State educational agency concerning additional assistance that is needed by the school or the school support team.

[(C) CONTINUATION OF ASSISTANCE.—After one school year, from the beginning of the activities, such school support team, in consultation with the local educational agency, may recommend that the school support team continue to provide assistance to the school, or that the local educational agency or the State educational agency, as appropriate, take alternative actions with regard to the school.

[(b) STATE RECOGNITION.—

[(1) ACADEMIC ACHIEVEMENT AWARDS PROGRAM.—

[(A) IN GENERAL.—Each State receiving a grant under this part—

[(i) shall establish a program for making academic achievement awards to recognize schools that meet the criteria described in subparagraph (B); and

[(ii) as appropriate and as funds are available under subsection (c)(2)(A), may financially reward schools served under this part that meet the criteria described in clause (ii).

[(B) CRITERIA.—The criteria referred to in subparagraph (A) are that a school—

[(i) significantly closed the achievement gap between the groups of students described in section 1111(b)(2); or

[(ii) exceeded their adequate yearly progress, consistent with section 1111(b)(2), for 2 or more consecutive years.

[(2) DISTINGUISHED SCHOOLS.—Of those schools meeting the criteria described in paragraph (2), each State shall designate as distinguished schools those schools that have made the greatest gains in closing the achievement gap as described in subparagraph (B)(i) or exceeding adequate yearly progress as described in subparagraph (B)(ii). Such distinguished schools may serve as models for and provide support to other schools, especially schools identified for improvement under section 1116, to assist such schools in meeting the State's academic content standards and student academic achievement standards.

[(3) AWARDS TO TEACHERS.—A State program under paragraph (1) may also recognize and provide financial awards to teachers teaching in a school described in such paragraph that consistently makes significant gains in academic achievement in the areas in which the teacher provides instruction, or to teachers or principals designated as distinguished under subsection (a)(4)(A)(iii).

**[(c) FUNDING.—****[(1) IN GENERAL.—Each State—**

**[(A) shall use funds reserved under section 1003(a) and may use funds made available under section 1003(g) for the approaches described under subsection (a)(4)(A); and**

**[(B) shall use State administrative funds authorized under section 1004(a) to establish the statewide system of support described under subsection (a).**

**[(2) RESERVATIONS OF FUNDS BY STATE.—**

**[(A) AWARDS PROGRAM.—For the purpose of carrying out subsection (b)(1), each State receiving a grant under this part may reserve, from the amount (if any) by which the funds received by the State under subpart 2 for a fiscal year exceed the amount received by the State under that subpart for the preceding fiscal year, not more than 5 percent of such excess amount.**

**[(B) TEACHER AWARDS.—For the purpose of carrying out subsection (b)(3), a State educational agency may reserve such funds as necessary from funds made available under section 2113.**

**[(3) USE WITHIN 3 YEARS.—Notwithstanding any other provision of law, the amount reserved under subparagraph (A) by a State for each fiscal year shall remain available to the State until expended for a period not exceeding 3 years receipt of funds.**

**[(4) SPECIAL ALLOCATION RULE FOR SCHOOLS IN HIGH-POVERTY AREAS.—**

**[(A) IN GENERAL.—Each State shall distribute not less than 75 percent of any amount reserved under paragraph (2)(A) for each fiscal year to schools described in subparagraph (B), or to teachers in those schools consistent with subsection (b)(3).**

**[(B) SCHOOL DESCRIBED.—A school described in subparagraph (A) is a school whose student population is in the highest quartile of schools statewide in terms of the percentage of children from low income families. ]**

**SEC. 1111. STATE PLANS.****(a) PLANS REQUIRED.—**

**(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency with timely and meaningful consultation with the Governor, local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals (including organizations representing such individuals), administrators, other staff, and parents, that—**

**(A) is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Education**

*Sciences Reform Act of 2002, the Education Technical Assistance Act, the NAEP Authorization Act, the McKinney-Vento Homeless Assistance Act, and the Adult Education and Family Literacy Act; and*

*(B) describes how the State will implement evidence-based strategies for improving student achievement under this title and disseminate that information to local educational agencies.*

*(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 9302.*

*(3) PEER REVIEW AND SECRETARIAL APPROVAL.—*

*(A) IN GENERAL.—The Secretary shall—*

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

*(ii) establish multidisciplinary peer review teams and appoint members of such teams that—*

*(I) are representative of teachers, principals, other school leaders, specialized instructional support personnel, State educational agencies, local educational agencies, and individuals and researchers with practical experience in implementing academic standards, assessments, or accountability systems, and meeting the needs of disadvantaged students, children with disabilities, students who are English learners, the needs of low-performing schools, and other educational needs of students;*

*(II) include a balanced representation of individuals who have practical experience in the classroom, school administration, or State or local government, such as direct employees of a school, local educational agency, or State educational agency within the preceding 5 years; and*

*(III) represent a regionally diverse cross-section of States;*

*(iii) make available to the public, including by such means as posting to the Department's website, the list of peer reviewers who will review State plans under this section;*

*(iv) ensure that the peer review teams are comprised of varied individuals so that the same peer reviewers are not reviewing all of the State plans; and*

*(v) deem a State plan as approved within 90 days of its submission unless the Secretary presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of this section.*

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

*(i) maximize collaboration with each State;*

*(ii) promote effective implementation of the challenging State academic standards through State and local innovation; and*

(iii) provide publicly available, timely, and objective feedback to States designed to strengthen the technical and overall quality of the State plans.

(C) *STANDARD AND NATURE OF REVIEW.*—Peer reviewers shall conduct an objective review of State plans in their totality and out of respect for State and local judgments, with the goal of supporting State- and local-led innovation and providing objective feedback on the technical and overall quality of a State plan.

(D) *RULE OF CONSTRUCTION.*—Nothing in this paragraph shall be construed as prohibiting the Secretary from appointing an individual to serve as a peer reviewer on more than one peer review team under subparagraph (A) or to review more than one State plan.

(4) *STATE PLAN DETERMINATION, DEMONSTRATION, AND REVISION.*—If the Secretary determines that a State plan does not meet the requirements of this subsection or subsection (b) or (c), the Secretary shall, prior to declining to approve the State plan—

(A) immediately notify the State of such determination;

(B) provide a detailed description of the specific requirements of this subsection or subsection (b) or (c) of the State plan that the Secretary determines fails to meet such requirements;

(C) provide all peer review comments, suggestions, recommendations, or concerns in writing to the State;

(D) offer the State an opportunity to revise and resubmit its plan within 60 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of this section;

(E) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of this subsection or subsection (b) or (c); and

(F) conduct a public hearing within 30 days of such resubmission, with public notice provided not less than 15 days before such hearing, unless the State declines the opportunity for such public hearing.

(5) *STATE PLAN DISAPPROVAL.*—The Secretary shall have the authority to disapprove a State plan if the State has been notified and offered an opportunity to revise and submit with technical assistance under paragraph (4), and—

(A) the State does not revise and resubmit its plan; or

(B) the State revises and resubmits a plan that the Secretary determines does not meet the requirements of this part after a hearing conducted under paragraph (4)(F), if applicable.

(6) *LIMITATIONS.*—

(A) *IN GENERAL.*—The Secretary shall not have the authority to require a State, as a condition of approval of the State plan or revisions or amendments to the State plan, to—

(i) include in, or delete from, such plan 1 or more specific elements of the challenging State academic standards;



(ii) use specific academic assessment instruments or items;

(iii) set specific State-designed annual goals or specific timelines for such goals for all students or each of the categories of students, as defined in subsection (b)(3)(A);

(iv) assign any specific weight or specific significance to any measures or indicators of student academic achievement or growth within State-designed accountability systems;

(v) include in, or delete from, such a plan any criterion that specifies, defines, or prescribes—

(I) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

(II) the specific types of academic assessments or assessment items that States and local educational agencies use to meet the requirements of this part;

(III) any requirement that States shall measure student growth, the specific metrics used to measure student academic growth if a State chooses to measure student growth, or the specific indicators or methods to measure student readiness to enter postsecondary education or the workforce;

(IV) any specific benchmarks, targets, goals, or metrics to measure nonacademic measures or indicators;

(V) the specific weight or specific significance of any measure or indicator of student academic achievement within State-designed accountability systems;

(VI) the specific annual goals States establish for student academic achievement or high school graduation rates, as described in subclauses (I) and (II) of subsection (b)(3)(B)(i);

(VII) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency; or

(VIII) indicators or specific measures of teacher, principal, or other school leader effectiveness or quality; or

(vi) require data collection beyond data derived from existing Federal, State, and local reporting requirements and data sources.

(B) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized under Federal law.

(7) **PUBLIC REVIEW.**—All written communications, feedback, and notifications under this subsection shall be conducted in a

manner that is transparent and immediately made available to the public through the website of the Department, including—

(A) plans submitted or resubmitted by a State;

(B) peer-review comments;

(C) State plan determinations by the Secretary, including approvals or disapprovals; and

(D) notices and transcripts of public hearings under this section.

(8) DURATION OF THE PLAN.—

(A) IN GENERAL.—Each State plan shall—

(i) remain in effect for the duration of the State's participation under this part or 7 years, whichever is shorter; and

(ii) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this part.

(B) ADDITIONAL INFORMATION.—

(i) IN GENERAL.—If a State makes significant changes to its plan at any time, such as the adoption of new challenging State academic standards, new academic assessments, or changes to its accountability system under subsection (b)(3), such information shall be submitted to the Secretary in the form of revisions or amendments to the State plan.

(ii) REVIEW OF REVISED PLANS.—The Secretary shall review the information submitted under clause (i) and approve or disapprove changes to the State plan within 90 days in accordance with paragraphs (4) through (6) without undertaking the peer-review process under paragraph (3).

(iii) SPECIAL RULE FOR STANDARDS.—If a State makes changes to its challenging State academic standards, the requirements of subsection (b)(1), including the requirement that such standards need not be submitted to the Secretary pursuant to subsection (b)(1)(A), shall still apply.

(C) RENEWAL.—A State educational agency shall submit a revised plan every 7 years subject to the peer-review process under paragraph (3).

(D) LIMITATION.—The Secretary shall not have the authority to place any new conditions, requirements, or criteria for approval of a plan submitted for renewal under subparagraph (C) that are not otherwise authorized under this part.

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

(b) CHALLENGING STATE ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY SYSTEMS.—

(1) CHALLENGING STATE ACADEMIC STANDARDS.—

(A) IN GENERAL.—Each State shall provide an assurance that the State has adopted challenging academic con-

*tent standards and aligned academic achievement standards (referred to in this Act as ‘challenging State academic standards’), which achievement standards shall include not less than 3 levels of achievement, that will be used by the State, its local educational agencies, and its schools to carry out this part. A State shall not be required to submit such challenging State academic standards to the Secretary.*

*(B) SAME STANDARDS.—Except as provided in subparagraph (E), the standards required by subparagraph (A) shall be the same standards that the State applies to all public schools and public school students in the State.*

*(C) SUBJECTS.—The State shall have such standards in mathematics, reading or language arts, and science, and any other subjects as determined by the State, which shall include the same knowledge, skills, and levels of achievement expected of all public school students in the State.*

*(D) ALIGNMENT.—Each State shall demonstrate that the challenging State academic standards are aligned with—*

*(i) entrance requirements, without the need for academic remediation, for the system of public higher education in the State;*

*(ii) relevant State career and technical education standards; and*

*(iii) relevant State early learning guidelines, as required under section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)).*

*(E) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—*

*(i) IN GENERAL.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards—*

*(I) are aligned with the challenging State academic content standards under subparagraph (A);*

*(II) promote access to the general curriculum, consistent with the purposes of the Individuals with Disabilities Education Act, as stated in section 601(d) of such Act;*

*(III) reflect professional judgment of the highest achievement standards attainable by those students;*

*(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act for each such student as the academic achievement standards that will be used for the student; and*

*(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track for further education or employment.*

(ii) *PROHIBITION ON ANY OTHER ALTERNATE OR MODIFIED ACADEMIC ACHIEVEMENT STANDARDS.*—A State shall not develop, or implement for use under this part, any alternate academic achievement standards for children with disabilities that are not alternate academic achievement standards that meet the requirements of clause (i).

(F) *ENGLISH LANGUAGE PROFICIENCY STANDARDS.*—Each State plan shall demonstrate that the State has adopted English language proficiency standards that are aligned with the challenging State academic standards under subparagraph (A). Such standards shall—

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

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

(iii) be aligned with the challenging State academic standards in reading or language arts, so that achieving proficiency in the State's English language proficiency standards indicates a sufficient knowledge of English to measure validly and reliably the student's achievement on the State's reading or language arts standards.

(G) *PROHIBITIONS.*—

(i) *STANDARDS REVIEW OR APPROVAL.*—A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

(ii) *FEDERAL CONTROL.*—The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

(H) *EXISTING STANDARDS.*—Nothing in this part shall prohibit a State from revising, consistent with this section, any standard adopted under this part before or after the date of enactment of the Every Child Achieves Act of 2015.

(2) *ACADEMIC ASSESSMENTS.*—

(A) *IN GENERAL.*—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality statewide academic assessments that—

(i) includes, at a minimum, academic statewide assessments in mathematics, reading or language arts, and science; and

(ii) meets the requirements of subparagraph (B).

(B) *REQUIREMENTS.*—The assessments under subparagraph (A) shall—

(i) except as provided in subparagraph (D), be—

(I) the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and

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

(ii) be aligned with the challenging State academic standards, and provide coherent and timely information about student attainment of such standards and whether the student is performing at the student's grade level;

(iii) be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing standards, and objectively measure academic achievement, knowledge, and skills;

(iv) be of adequate technical quality for each purpose required under this Act and consistent with the requirements of this section, the evidence of which is made public, including on the website of the State educational agency;

(v)(I) measure the annual academic achievement of all students against the challenging State academic standards in, at a minimum, mathematics and reading or language arts, and be administered—

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

(bb) at least once in grades 9 through 12; and

(II) measure the academic achievement of all students against the challenging State academic standards in science, and be administered not less than one time, during—

(aa) grades 3 through 5;

(bb) grades 6 through 9; and

(cc) grades 10 through 12;

(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks;

(vii) provide for—

(I) the participation in such assessments of all students;

(II) the appropriate accommodations for children with disabilities and students with a disability who are provided accommodations under another Act, necessary to measure the academic achievement of such children relative to the challenging State academic standards;

(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as determined under paragraph (1)(F);

(viii) at the State's choosing—

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

(II) be administered through multiple state-wide assessments during the course of the year if the State can demonstrate that the results of these multiple assessments, taken in their totality, provide a summative score that provides valid and reliable information on individual student achievement or growth;

(ix) notwithstanding clause (vii)(III), provide for assessments (using tests in English) of reading or language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except that if the local educational agency determines, on a case-by-case individual basis, that academic assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed 2 additional consecutive years, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;

(x) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii), that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments aligned with challenging State academic achievement standards, and that are provided to parents, teachers, principals, and other school leaders as soon as is practicable after the assessment is given, in an understandable and uniform format, and, to the extent practicable, in a language that the parents can understand;

(xi) enable results to be disaggregated within each State, local educational agency, and school, by—

(I) each major racial and ethnic group;

(II) economically disadvantaged students as compared to students who are not economically disadvantaged;

(III) children with disabilities as compared to children without disabilities;

(IV) English proficiency status;

(V) gender; and

(VI) migrant status;

(xii) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, so that parents, teachers, principals, other school leaders, and administrators can interpret and address the specific academic needs

of students as indicated by the students' achievement on assessment items; and

(xiii) be developed, to the extent practicable, using the principles of universal design for learning.

(C) *EXCEPTION TO DISAGGREGATION.*—Notwithstanding subparagraph (B)(xi), the disaggregated results of assessments shall not be required in the case of a local educational agency or school if—

(i) the number of students in a category described under subparagraph (B)(xi) is insufficient to yield statistically reliable information; or

(ii) the results would reveal personally identifiable information about an individual student.

(D) *ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.*—

(i) *ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.*—A State may provide for alternate assessments aligned with the challenging State academic content standards and alternate academic achievement standards described in paragraph (1)(E) for students with the most significant cognitive disabilities, if the State—

(I) ensures that for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject;

(II) establishes and monitors implementation of clear and appropriate guidelines for individualized education program teams (as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act) to apply in determining, individually for each subject, when a child's significant cognitive disability justifies assessment based on alternate academic achievement standards;

(III) ensures that, consistent with the requirements of the Individuals with Disabilities Education Act, parents are involved in the decision to use the alternate assessment for their child;

(IV) ensures that, consistent with the requirements of the Individuals with Disabilities Education Act, students with the most significant cognitive disabilities are involved in and make progress in the general education curriculum;

(V) describes in the State plan the appropriate accommodations provided to ensure access to the alternate assessment;

(VI) describes in the State plan the steps the State has taken to incorporate universal design for learning, to the extent feasible, in alternate assessments;

(VII) ensures that general and special education teachers and other appropriate staff know how to administer assessments, including making

*appropriate use of accommodations, to children with disabilities;*

*(VIII) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities participating in academic instruction and assessments and increase the number of students with significant cognitive disabilities who are tested against challenging State academic achievement standards; and*

*(IX) ensures that students who take alternate assessments based on alternate academic achievement standards are not precluded from attempting to complete the requirements for a regular high school diploma.*

*(ii) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In determining the achievement of students in the State accountability system, a State educational agency shall include, for all schools in the State, the performance of the State’s students with the most significant cognitive disabilities on alternate assessments as described in this subparagraph in the subjects included in the State’s accountability system, consistent with the 1 percent limitation of clause (i)(I).*

*(E) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt challenging State academic standards, and academic assessments aligned with such standards, which will be applicable to all students enrolled in the State’s public elementary schools and secondary schools, then the State educational agency may meet the requirements of this subsection by—*

*(i) adopting academic standards and academic assessments that meet the requirements of this subsection, on a statewide basis, and limiting their applicability to students served under this part; or*

*(ii) adopting and implementing policies that ensure that each local educational agency in the State that receives grants under this part will adopt academic content and student academic achievement standards, and academic assessments aligned with such standards, which—*

*(I) meet all of the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish; and*

*(II) are applicable to all students served by each such local educational agency.*

*(F) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present to a significant extent in the participating student population of the State and indicate the languages for which annual student academic assessments are not available and*



are needed, and such State shall make every effort to develop such assessments as necessary.

(G) *ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.*—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency, which is valid, reliable, and consistent with relevant nationally recognized professional and technical testing standards measuring students' speaking, listening, reading, and writing skills in English, of all children who are English learners in the schools served by the State educational agency.

(H) *DEFERRAL.*—A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, for 1 year for each year for which the amount appropriated for grants under part B is less than \$378,000,000.

(I) *RULE OF CONSTRUCTION REGARDING USE OF ASSESSMENTS FOR STUDENT PROMOTION OR GRADUATION.*—Nothing in this paragraph shall be construed to prescribe or prohibit the use of the academic assessments described in this part for student promotion or graduation purposes.

(J) *RULE OF CONSTRUCTION REGARDING ASSESSMENTS.*—

(i) *IN GENERAL.*—Except as provided in clause (ii), nothing in this paragraph shall be construed to prohibit a State from developing and administering computer adaptive assessments as the assessments described in this paragraph, as long as the computer adaptive assessments—

(I) meet the requirements of this paragraph; and

(II) assess the student's academic achievement in order to measure, in the subject being assessed, whether the student is performing above or below the student's grade level.

(ii) *APPLICABILITY TO ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.*—In developing and administering computer adaptive assessments as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—

(I) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and

(II) assess the student's academic achievement in order to measure, in the subject being assessed, whether the student is performing at the student's grade level.

(K) *RULE OF CONSTRUCTION ON PARENT AND GUARDIAN RIGHTS.*—Nothing in this part shall be construed as preempting a State or local law regarding the decision of a parent or guardian to not have the parent or guardian's child participate in the statewide academic assessments under this paragraph.

(3) *STATE ACCOUNTABILITY SYSTEM.*—

(A) *CATEGORY OF STUDENTS.*—*In this paragraph, the term “category of students” means—*

- (i) *economically disadvantaged students;*
- (ii) *students from major racial and ethnic groups;*
- (iii) *children with disabilities; and*
- (iv) *English learner students.*

(B) *DESCRIPTION OF SYSTEM.*—*Each State plan shall describe a single, statewide State accountability system that will be based on the challenging State academic standards adopted by the State to ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation and at a minimum complies with the following:*

(i) *Annually establishes State-designed goals for all students and each of the categories of students in the State that take into account the progress necessary for all students and each of the categories of students to graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation, for, at a minimum each of the following:*

(I) *Academic achievement, which may include student growth, on the State assessments under paragraph (2).*

(II) *High school graduation rates, including—*  
 (aa) *the 4-year adjusted cohort graduation rate; and*

(bb) *at the State’s discretion, the extended-year adjusted cohort graduation rate.*

(ii) *Annually measures and reports on the following indicators:*

(I) *The academic achievement of all public school students in all public schools and local educational agencies in the State towards meeting the goals described in clause (i) and the challenging State academic standards for all students and for each of the categories of students using student performance on State assessments required under paragraph (2), which may include measures of student academic growth to such standards.*

(II) *The academic success of all public school students in all public schools and local educational agencies in the State, that is with respect to—*

(aa) *elementary schools and secondary schools that are not high schools, an academic indicator, as determined by the State, that is the same statewide for all public elementary school students and all students at such secondary schools, and each category of students; and*

(bb) *high schools, the high school graduation rates of all public high school students in all public high schools in the State toward*

*meeting the goals described in clause (i), for all students and for each of the categories of students, including the 4-year adjusted cohort graduation rate and at the State's discretion, the extended-year adjusted cohort graduation rate.*

*(III) English language proficiency of all English learners in all public schools and local educational agencies, which may include measures of student growth.*

*(IV) Not less than one other valid and reliable indicator of school quality, success, or student supports, as determined appropriate by the State, that will be applied to all local educational agencies and schools consistently throughout the State for all students and for each of the categories of students, which may include measures of—*

*(aa) student readiness to enter postsecondary education or the workforce without the need for postsecondary remediation;*

*(bb) student engagement, such as attendance rates and chronic absenteeism;*

*(cc) educator engagement, such as educator satisfaction (including working conditions within the school), teacher quality and effectiveness, and teacher absenteeism;*

*(dd) results from student, parent, and educator surveys;*

*(ee) school climate and safety, such as incidents of school violence, bullying, and harassment, and disciplinary rates, including rates of suspension, expulsion, referrals to law enforcement, school-based arrests, disciplinary transfers (including placements in alternative schools), and student detentions;*

*(ff) student access to or success in advanced coursework or educational programs or opportunities; and*

*(gg) any other State-determined measure of school quality or student success.*

*(iii) Establishes a system of annually identifying and meaningfully differentiating among all public schools in the State, which shall—*

*(I) be based on all indicators in the State's accountability system for all students and for each of the categories of students; and*

*(II) use the indicators described in subclauses (I) and (II) of clause (ii) as substantial factors in the annual identification of schools, and the weight of such factors shall be determined by the State.*

*(iv) For public schools receiving assistance under this part, meets the requirements of section 1114.*

(v) Provides a clear and understandable explanation of the method of identifying and meaningfully differentiating schools under clause (iii).

(vi) Measures the annual progress of not less than 95 percent of all students, and students in each of the categories of students, who are enrolled in the school and are required to take the assessments under paragraph (2) and provides a clear and understandable explanation of how the State will factor this requirement into the State-designed accountability system determinations.

(4) **EXCEPTION FOR ENGLISH LEARNERS.**—A State may choose to—

(A) exclude a recently arrived English learner who has attended school in one of the 50 States in the United States or in the District of Columbia for less than 12 months from one administration of the reading or language arts assessment required under paragraph (2);

(B) exclude the results of a recently arrived English learner who has attended school in one of the 50 States in the United States or in the District of Columbia for less than 12 months on the assessments under paragraph (2), except for the results on the English language proficiency assessments required under paragraph (2)(G), for the first year of the English learner's enrollment in a school in the United States for the purposes of the State-determined accountability system under this subsection; and

(C) include the results on the assessments under paragraph (2), except for results on the English language proficiency assessments required under paragraph (2)(G), of former English learners for not more than 2 years after the student is no longer identified as an English learner within the English learner category of the categories of students, as defined in paragraph (3)(A), for the purposes of the State-determined accountability system.

(5) **ACCOUNTABILITY FOR CHARTER SCHOOLS.**—The accountability provisions under this title shall be overseen for charter schools in accordance with State charter school law.

(6) **PROHIBITION ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.**—Nothing in this subsection shall be construed to permit the Secretary to establish any criterion that specifies, defines, or prescribes—

(A) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

(B) the specific types of academic assessments or assessment items that States or local educational agencies use to meet the requirements of paragraph (2)(B) or otherwise use to measure student academic achievement or student growth;

(C) the specific goals that States establish within State-designed accountability systems for all students and for each of the categories of students, as defined in paragraph (3)(A), for student academic achievement or high school

graduation rates, as described in subclauses (I) and (II) of paragraph (3)(B)(i);

(D) any requirement that States shall measure student growth or the specific metrics used to measure student academic growth if a State chooses to measure student growth;

(E) the specific indicator under paragraph (3)(B)(ii)(II)(aa), or any indicator under paragraph (3)(B)(ii)(IV), that a State must use within the State-designed accountability system;

(F) setting specific benchmarks, targets, or goals, for any other measures or indicators established by a State under subclauses (III) and (IV) of paragraph (3)(B)(ii), including progress or growth on such measures or indicators;

(G) the specific weight or specific significance of any measures or indicators used to measure, identify, or differentiate schools in the State-determined accountability system, as described in clauses (ii) and (iii) of paragraph (3)(B);

(H) the terms ‘meaningfully’ or ‘substantially’ as used in this part;

(I) the specific methods used by States and local educational agencies to identify and meaningfully differentiate among public schools;

(J) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency; or

(K) indicators or measures of teacher, principal, or other school leader effectiveness or quality.

(c) OTHER PLAN PROVISIONS.—

(1) DESCRIPTIONS.—Each State plan shall describe—

(A) with respect to any accountability provisions under this part that require disaggregation of information by each of the categories of students, as defined in subsection (b)(3)(A)—

(i) the minimum number of students that the State determines are necessary to be included in each such category of students to carry out such requirements and how that number is statistically sound;

(ii) how such minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when setting the minimum number; and

(iii) how the State ensures that such minimum number does not reveal personally identifiable information about students;

(B) the State educational agency’s system to monitor and evaluate the intervention and support strategies implemented by local educational agencies in schools identified as in need of intervention and support under section 1114, including the lowest-performing schools and schools identified for other reasons, including schools with categories of students, as defined in subsection (b)(3)(A), not meeting the goals described in subsection (b)(3)(B)(i), and the steps the

*State will take to further assist local educational agencies, if such strategies are not effective;*

*(C) in the case of a State that proposes to use funds under this part to offer early childhood education programs, how the State provides assistance and support to local educational agencies and individual elementary schools that are creating, expanding, or improving such programs;*

*(D) in the case of a State that proposes to use funds under this part to support a multi-tiered system of supports, positive behavioral interventions and supports, or early intervening services, how the State educational agency will assist local educational agencies in the development, implementation, and coordination of such activities and services with similar activities and services carried out under the Individuals with Disabilities Education Act in schools served by the local educational agency, including by providing technical assistance, training, and evaluation of the activities and services;*

*(E) how the State educational agency will provide support to local educational agencies for the education of homeless children and youths, and how the State will comply with the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;*

*(F) how low-income and minority children enrolled in schools assisted under this part are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers, principals, or other school leaders, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description;*

*(G) how the State will make public the methods or criteria the State or its local educational agencies are using to measure teacher, principal, and other school leader effectiveness for the purpose of meeting the requirements described in subparagraph (F), however nothing in this subparagraph shall be construed as requiring a State to develop or implement a teacher, principal, or other school leader evaluation system;*

*(H) how the State educational agency will protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience, which may include how such agency will identify and support, including through professional development, training, and technical assistance, local educational agencies and schools that have high levels of seclusion and restraint or disproportionality in rates of seclusion and restraint;*

*(I) how the State educational agency will address school discipline issues, which may include how such agency will identify and support, including through professional development, training, and technical assistance, local educational agencies and schools that have high levels of exclu-*

sionary discipline or disproportionality in rates of exclusionary discipline;

(J) how the State educational agency will address school climate issues, which may include providing technical assistance on effective strategies to reduce the incidence of school violence, bullying, harassment, drug and alcohol use and abuse, and rates of chronic absenteeism;

(K) how the State determines, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, the timelines and annual goals for progress necessary to move English learners from the lowest levels of English proficiency to the State-defined proficient level in a State-determined number of years, including an assurance that such goals will be based on students' initial language proficiency when first identified as an English learner and may take into account the amount of time that an individual child has been enrolled in a language program and grade level;

(L) the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to improve the educational stability of children or youth in foster care, including an assurance that—

(i) any such child or youth is immediately enrolled in a school, even if the child or youth is unable to produce records normally required for enrollment; and

(ii) the enrolling school shall immediately contact the school last attended by any such child or youth to obtain relevant academic and other records; and

(M) any other information on how the State proposes to use funds under this part to meet the purposes of this part, and that the State determines appropriate to provide, which may include how the State educational agency will—

(i) assist local educational agencies in identifying and serving gifted and talented students; and

(ii) encourage the offering of a variety of well-rounded education experiences to students.

(2) ASSURANCES.—Each State plan shall provide an assurance that—

(A) the State educational agency will notify local educational agencies, Indian tribes and tribal organizations, schools, teachers, parents, and the public of the challenging State academic standards, academic assessments, and State accountability system, developed under this section;

(B) the State educational agency will assist each local educational agency and school affected by the State plan to meet the requirements of this part;

(C) the State will participate in the biennial State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments;

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

(E) the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parent and family engagement strategies, including those included in the parent and family engagement policy under section 1115;

(F) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

(G) the State educational agency will ensure that local educational agencies, in developing and implementing programs under this part, will, to the extent feasible, work in consultation with outside intermediary organizations, such as educational service agencies, or individuals, that have practical expertise in the development or use of evidence-based strategies and programs to improve teaching, learning, and schools;

(H) the State educational agency has appropriate procedures and safeguards in place to ensure the validity of the assessment process;

(I) the State educational agency will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements;

(J) the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate;

(K) the State educational agency has involved the committee of practitioners established under section 1503(b) in developing the plan and monitoring its implementation;

(L) the State has professional standards for paraprofessionals working in a program supported with funds under this part, including qualifications that were in place on the day before the date of enactment of the Every Child Achieves Act of 2015; and

(M) the State educational agency will assess the system for collecting data from local educational agencies, and the technical assistance provided to local educational agencies on data collection, and will evaluate the need to upgrade or change the system and to provide additional support to help minimize the burden on local educational agencies related to reporting data required for the annual State report card described in subsection (d)(1) and annual local educational agency report cards described in subsection (d)(2).

(d) REPORTS.—

(1) ANNUAL STATE REPORT CARD.—

(A) IN GENERAL.—A State that receives assistance under this part shall prepare and disseminate widely to the



*public an annual State report card for the State as a whole that meets the requirements of this paragraph.*

**(B) IMPLEMENTATION.—**

*(i) IN GENERAL.—The State report card required under this paragraph shall be—*

*(I) concise;*

*(II) presented in an understandable and uniform format and, to the extent practicable, in a language that parents can understand; and*

*(III) widely accessible to the public, which shall include making the State report card, along with all local educational agency and school report cards required under paragraph (2), and the annual report to the Secretary under paragraph (5), available on a single webpage of the State educational agency's website.*

*(ii) ENSURING PRIVACY.—No State report card required under this paragraph shall include any personally identifiable information about any student. Each such report card shall be consistent with the privacy protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').*

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

*(i) A clear and concise description of the State's accountability system under subsection (b)(3), including the goals for all students and for each of the categories of students, as defined in subsection (b)(3)(A), the indicators used in the accountability system to evaluate school performance described in subsection (b)(3)(B), and the weights of the indicators used in the accountability system to evaluate school performance.*

*(ii) For all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi), homeless status, and status as a child in foster care, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student, information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).*

*(iii) For all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi), the percentage of students assessed and not assessed.*

*(iv) For all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), except that such disaggregation shall not be required in a case in which the number of students in*

*a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student—*

*(I) information on the performance on the other academic indicator under subsection (b)(3)(B)(ii)(II)(aa) used by the State in the State accountability system; and*

*(II) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates.*

*(v) Information on indicators or measures of school quality, climate and safety, and discipline, including the rates of in-school suspensions, out-of-school suspensions, expulsions, school-based arrests, referrals to law enforcement, chronic absenteeism, and incidences of violence, including bullying and harassment, that the State educational agency and each local educational agency in the State reported to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department that is the most recent to the date of the determination in the same manner that such information is presented on such survey.*

*(vi) The minimum number of students that the State determines are necessary to be included in each of the categories of students, as defined in subsection (b)(3)(A), for use in the accountability system under subsection (b)(3).*

*(vii) The professional qualifications of teachers, principals, and other school leaders in the State, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in each quartile based on school poverty level, and high-minority and low-minority schools in the State) on the number, percentage, and distribution of—*

*(I) inexperienced teachers, principals, and other school leaders;*

*(II) teachers teaching with emergency or provisional credentials;*

*(III) teachers who are not teaching in the subject or field for which the teacher is certified or licensed;*

*(IV) teachers, principals, and other school leaders who are ineffective, as determined by the State, using the methods or criteria under subsection (c)(1)(G); and*

*(V) the annual retention rates of effective and ineffective teachers, principals, and other school leaders, as determined by the State, using the methods or criteria under subsection (c)(1)(G).*

*(viii) Information on the performance of local educational agencies and schools in the State, including*

*the number and names of each school identified for intervention and support under section 1114.*

*(ix) For a State that implements a teacher, principal, and other school leader evaluation system consistent with title II, the evaluation results of teachers, principals, and other school leaders, except that such information shall not provide personally identifiable information on individual teachers, principals, or other school leaders.*

*(x) The per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual nonpersonnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year.*

*(xi) The number and percentages of students with the most significant cognitive disabilities that take an alternate assessment under subsection (b)(2)(D), by grade and subject.*

*(xii) Information on the acquisition of English language proficiency by students who are English learners.*

*(xiii) Information that the State educational agency and each local educational agency in the State reported to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department that is the most recent to the date of the determination in the same manner that such information is presented on such survey that includes—*

*(I) the number and percentage of—*

*(aa) students enrolled in gifted and talented programs;*

*(bb) students enrolled in rigorous coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual enrollment and early college high schools; and*

*(cc) children enrolled in preschool programs;*

*(II) the average class size, by grade; and*

*(III) any other indicators determined by the State.*

*(xiv) The number and percentage of students attaining career and technical proficiencies, as defined by section 113(b) of the Carl D. Perkins Career and Technical Education Act of 2006 and reported by States only in a manner consistent with section 113(c) of that Act.*

*(xv) Results on the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 for the State, compared to the national average.*

*(xvi) Information on the percentage of students, including for each of the categories of students, as de-*

fined in subsection (b)(3)(A), who did not meet the annual State goals established under subsection (b)(3)(B).

(xvii) Information regarding the number of military-connected students (which, for purposes of this clause, shall mean students with parents who serve in the uniformed services, including the National Guard and Reserves), and information regarding the academic achievement of such students, except that such information shall not be used for school or local educational agency accountability purposes under sections 1111(b)(3) and 1114.

(xviii) Any additional information that the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and secondary schools.

(D) RULE OF CONSTRUCTION.—

(i) IN GENERAL.—Nothing in clause (v) or (xiii) of subparagraph (C) shall be construed as requiring a State to report any data that are not otherwise required or voluntarily submitted to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department.

(ii) CONTINUATION OF SUBMISSION TO DEPARTMENT OF INFORMATION.—If, at any time after the date of enactment of the Every Child Achieves Act of 2015, the Civil Rights Data Collection biennial survey is no longer conducted by the Office for Civil Rights of the Department, a State educational agency shall still include the information under clauses (v) and (xiii) of subparagraph (C) in the State report card under this paragraph in the same manner that such information is presented on such survey.

(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

(A) IN GENERAL.—

(i) PREPARATION AND DISSEMINATION.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes—

(I) information on such agency as a whole;  
and

(II) for each school served by the agency, a school report card that meets the requirements of this paragraph.

(ii) NO PERSONALLY IDENTIFIABLE INFORMATION.—No local educational agency report card required under this paragraph shall include any personally identifiable information about any student.

(iii) CONSISTENT WITH FERPA.—Each local educational agency report card shall be consistent with the privacy protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

(B) *IMPLEMENTATION.*—Each local educational agency report card shall be—

(i) concise;

(ii) presented in an understandable and uniform format, and to the extent practicable in a language that parents can understand; and

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

(I) placing such report card on the website of the local educational agency and on the website of each school served by the agency; and

(II) in any case in which a local educational agency or school does not operate a website, providing the information to the public in another manner determined by the local educational agency.

(C) *MINIMUM REQUIREMENTS.*—Each local educational agency report card required under this paragraph shall include—

(i) the information described in paragraph (1)(C), disaggregated in the same manner as under paragraph (1)(C), except for clause (xv) of such paragraph, as applied to the local educational agency, and each school served by the local educational agency, including—

(I) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole; and

(II) in the case of a school, information that shows how the school's students' achievement on the academic assessments described in subsection (b)(2) compared to students served by the local educational agency and the State as a whole;

(ii) any information required by the State under paragraph (1)(C)(xviii); and

(iii) any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the local educational agency, whether or not such information is included in the annual State report card.

(D) *PUBLIC DISSEMINATION.*—

(i) *IN GENERAL.*—Except as provided in clause (ii), a local educational agency shall—

(I) publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending such schools; and

(II) make the information widely available through public means, including through electronic means, including posting in an easily accessible manner on the local educational agency's website, except in the case in which an agency does

*not operate a website, such agency shall determine how to make the information available, such as through distribution to the media, and distribution through public agencies.*

*(ii) EXCEPTION.—If a local educational agency issues a report card for all students, the local educational agency may include the information described in this paragraph as part of such report.*

*(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Every Child Achieves Act of 2015, may use such report cards for the purpose of disseminating information under this subsection if the report card is modified, as may be needed, to contain the information required by this subsection.*

*(4) COST REDUCTION.—Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.*

*(5) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—*

*(A) information on student achievement on the academic assessments described in subsection (b)(2) for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), including—*

*(i) the percentage of students who achieved at each level of achievement the State has set in subsection (b)(1);*

*(ii) the percentage of students who did not meet the annual State goals set in subsection (b)(3)(B); and*

*(iii) if applicable, the percentage of students making at least one year of academic growth over the school year, as determined by the State;*

*(B) the percentage of students assessed and not assessed on the academic assessments described in subsection (b)(2) for all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi);*

*(C) for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A)—*

*(i) information on the performance on the other academic indicator under subsection (b)(3)(B)(ii)(II)(aa) used by the State in the State accountability system;*

*(ii) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates; and*

*(iii) information on each State-determined indicator of school quality, success, or student support under subsection (b)(3)(B)(ii)(IV) selected by the State in the State accountability system;*

(D) information on the acquisition of English language proficiency by students who are English learners;

(E) the per-pupil expenditures of Federal, State, and local funds, including actual staff personnel expenditures and actual nonpersonnel expenditures, disaggregated by source of funds for each school served by the agency for the preceding fiscal year;

(F) the number and percentage of students with the most significant cognitive disabilities that take an alternate assessment under subsection (b)(2)(D), by grade and subject;

(G) the number and names of the schools identified as in need of intervention and support under section 1114, and the school intervention and support strategies developed and implemented by the local educational agency under section 1114(b) to address the needs of students in each school;

(H) the number of students and schools that participated in public school choice under section 1114(b)(4);

(I) information on the quality and effectiveness of teachers for each quartile of schools based on the school's poverty level and high-minority and low-minority schools in the local educational agencies in the State, including the number, percentage, and distribution of—

(i) inexperienced teachers;

(ii) teachers who are not teaching in the subject or field for which the teacher is certified or licensed; and

(iii) teachers who are not effective, as determined by the State if the State has a statewide teacher, principal, or other school leader evaluation system; and

(J) if the State has a statewide teacher, principal, or other school leader evaluation system, information on the results of such teacher, principal, or other school leader evaluation systems that does not reveal personally identifiable information.

(6) PRESENTATION OF DATA.—

(A) IN GENERAL.—A State educational agency or local educational agency shall only include in its annual report card described under paragraphs (1) and (2) data that are sufficient to yield statistically reliable information, and that do not reveal personally identifiable information about an individual student, teacher, principal, or other school leader.

(B) STUDENT PRIVACY.—In carrying out this subsection, student education records shall not be released without written consent consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

(7) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that provides national and State level data on the information collected

under paragraph (5). Such report shall be submitted through electronic means only.

(8) SECRETARY'S REPORT CARD.—

(A) *IN GENERAL.*—Not later than July 1, 2017, and annually thereafter, the Secretary, acting through the Director of the Institute of Education Sciences, shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a national report card on the status of elementary and secondary education in the United States. Such report shall—

(i) analyze existing data from State reports required under this Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Technical Education Act of 2006, and summarize major findings from such reports;

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

(iii) identify trends in student achievement and high school graduation rates (including 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates), by analyzing and reporting on the status and performance of students, disaggregated by achievement level and by each of the categories of students, as defined in subsection (b)(3)(A);

(iv) analyze data on Federal, State, and local expenditures on education, including per-pupil spending, teacher salaries, school level spending, and other financial data publicly available, and report on current trends and major findings; and

(v) analyze information on the teaching, principal, and other school leader professions, including education and training, retention and mobility, and effectiveness in improving student achievement.

(B) *SPECIAL RULE.*—The information used to prepare the report described in subparagraph (A) shall be derived from existing State and local reporting requirements and data sources. Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized by any other Federal law.

(C) *PUBLIC RECOGNITION.*—The Secretary may identify and publicly recognize States, local educational agencies, schools, programs, and individuals for exemplary performance.

(e) VOLUNTARY PARTNERSHIPS.—

(1) *IN GENERAL.*—Nothing in this section shall be construed to prohibit a State from entering into a voluntary partnership with another State to develop and implement the academic assessments, challenging State academic standards, and accountability systems required under this section.



(2) *PROHIBITION.*—*The Secretary shall be prohibited from requiring or coercing a State to enter into a voluntary partnership described in paragraph (1), including—*

(A) *as a condition of approval of a State plan under this section;*

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

(C) *as a condition of approval of a waiver under section 9401; or*

(D) *by providing any priority, preference, or special consideration during the application process under any grant, contract, or cooperative agreement.*

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

(1) *Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.*

(2) *Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment in consultation with, and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.*

(3) *Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.*

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

(a) *PLANS REQUIRED.*—

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

(A) *is developed with timely and meaningful consultation with teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals (including organizations representing such individuals), administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part;*

(B) *satisfies the requirements of this section; and*

(C) *as appropriate, is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Education Sciences Reform Act of 2002, the Education*

*Technical Assistance Act, the NAEP Authorization Act, the McKinney-Vento Homeless Assistance Act, and the Adult Education and Family Literacy Act.*

(2) *CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.*

(3) *STATE REVIEW AND APPROVAL.—*

(A) *IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.*

(B) *APPROVAL.—The State educational agency shall approve a local educational agency’s plan only if the State educational agency determines that the local educational agency’s plan meets the requirements of this part and enables children served under this part to meet the challenging State academic standards described in section 1111(b)(1).*

(4) *DURATION.—Each local educational agency plan shall be submitted for the first year for which this part is in effect following the date of enactment of the Every Child Achieves Act of 2015 and shall remain in effect for the duration of the agency’s participation under this part.*

(5) *REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan to reflect changes in the local educational agency’s strategies and programs under this part.*

(6) *RENEWAL.—A local educational agency that desires to continue participating in a program under this part shall submit a renewed plan on a periodic basis, as determined by the State.*

(b) *PLAN PROVISIONS.—To ensure that all children receive a high-quality education that prepares them for postsecondary education or the workforce without the need for postsecondary remediation, and to close the achievement gap between children meeting the challenging State academic standards and those who are not, each local educational agency plan shall describe—*

(1) *how the local educational agency will work with each of the schools served by the agency so that students meet the challenging State academic standards by—*

(A) *developing and implementing a comprehensive program of instruction to meet the academic needs of all students;*

(B) *identifying quickly and effectively students who may be at risk for academic failure;*

(C) *providing additional educational assistance to individual students determined as needing help in meeting the challenging State academic standards;*

(D) *identifying significant gaps in student academic achievement and graduation rates between each of the categories of students, as defined in section 1111(b)(3)(A), and developing strategies to reduce such gaps in achievement and graduation rates; and*

(E) *identifying and implementing evidence-based methods and instructional strategies intended to strengthen the academic program of the school and improve school climate;*

(2) *how the local educational agency will monitor and evaluate the effectiveness of school programs in improving student academic achievement and academic growth, if applicable, especially for students not meeting the challenging State academic standards;*

(3) *how the local educational agency will—*

(A) *ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements; and*

(B) *identify and address, as required under State plans as described in section 1111(c)(1)(F), any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, and out-of-field teachers;*

(4) *the actions the local educational agency will take to assist schools identified as in need of intervention and support under section 1114, including the lowest-performing schools in the local educational agency, and schools identified for other reasons, including schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B), to improve student academic achievement, the funds used to conduct such actions, and how such agency will monitor such actions;*

(5) *the poverty criteria that will be used to select school attendance areas under section 1113;*

(6) *the programs to be conducted by such agency's schools under section 1113, and where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;*

(7) *the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(a)(4)(A)(i);*

(8) *the strategy the local educational agency will use to implement effective parent and family engagement under section 1115;*

(9) *if applicable, how the local educational agency will coordinate and integrate services provided under this part with preschool educational services at the local educational agency or individual school level, such as Head Start programs, the literacy program under part D of title II, State-funded preschool programs, and other community-based early childhood education programs, including plans for the transition of participants in such programs to local elementary school programs;*

(10) *how the local educational agency will coordinate programs and integrate services under this part with other Federal, State, tribal, and local services and programs, including programs supported under this Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Workforce Innovation and Opportunity Act, the McKinney-Vento Homeless Assistance Act, and the Education*

*Sciences Reform Act of 2002, violence prevention programs, nutrition programs, and housing programs;*

*(11) how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under section 1113, will identify the eligible children most in need of services under this part;*

*(12) in the case of a local educational agency that proposes to use funds under this part to support a multi-tiered system of supports, positive behavioral interventions and supports, or early intervening services, how the local educational agency will provide such activities and services and coordinate them with similar activities and services carried out under the Individuals with Disabilities Education Act in schools served by the local educational agency, including by providing technical assistance, training, and evaluation of the activities and services;*

*(13) how the local educational agency will provide opportunities for the enrollment, attendance, and success of homeless children and youths consistent with the requirements of the McKinney-Vento Homeless Assistance Act and the services the local educational agency will provide homeless children and youths;*

*(14) how the local educational agency will implement strategies to facilitate effective transitions for students from middle school to high school and from high school to postsecondary education;*

*(15) how the local educational agency will address school discipline issues, which may include identifying and supporting schools with significant discipline disparities, or high rates of discipline, disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A), including by providing technical assistance on effective strategies to reduce such disparities and high rates;*

*(16) how the local educational agency will address school climate issues, which may include identifying and improving performance on school climate indicators related to student achievement and providing technical assistance to schools; and*

*(17) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, which may include how the local educational agency will—*

*(A) assist schools in identifying and serving gifted and talented students; and*

*(B) encourage the offering of a variety of well-rounded education experiences to students.*

*(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—*

*(1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;*

*(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with sec-*

tion 1116, and timely and meaningful consultation with private school officials regarding such services;

(3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act; and

(4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program.

(d) PARENTS RIGHT-TO-KNOW.—

(1) TEACHER QUALIFICATIONS.—

(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

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

(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

(iii) The field of discipline of the certification of the teacher.

(iv) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—

(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

(2) LANGUAGE INSTRUCTION.—

(A) NOTICE.—Each local educational agency using funds under this part or title III to provide a language instruction educational program as determined under title III shall, not later than 30 days after the beginning of the school year, inform a parent or parents of a child who is

an English learner identified for participation or participating in such a program, of—

(i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

(ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

(iii) the methods of instruction used in the program in which their child is, or will be participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

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

(v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;

(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for children who are English learners, and the expected rate of graduation from high school (including 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools;

(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act; and

(viii) information pertaining to parental rights that includes written guidance—

(I) detailing the right that parents have to have their child immediately removed from such program upon their request;

(II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

(III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

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

(C) *PARENTAL PARTICIPATION.*—Each local educational agency receiving funds under this part and title III shall implement an effective means of outreach to parents of children who are English learners to inform the parents how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet the challenging State academic standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part and title III.

(D) *BASIS FOR ADMISSION OR EXCLUSION.*—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

(3) *NOTICE AND FORMAT.*—The notice and information provided to parents under this subsection shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

**SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS; SCHOOLWIDE PROGRAMS; TARGETED ASSISTANCE PROGRAMS.**

(a) *ELIGIBLE SCHOOL ATTENDANCE AREAS.*—

(1) *DETERMINATION.*—

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

(B) *ELIGIBLE SCHOOL ATTENDANCE AREAS.*—In this part—

(i) the term “school attendance area” means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

(ii) the term “eligible school attendance area” means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

(C) *RANKING ORDER.*—

(i) *IN GENERAL.*—Except as provided in clause (ii), if funds allocated in accordance with paragraph (3) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

(I) annually rank, without regard to grade spans, such agency’s eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent, or exceeds 50 percent in the case of the high schools served by such agency, from highest to lowest according to the percentage of children from low-income families; and

(II) serve such eligible school attendance areas in rank order.

(ii) *RULE OF CONSTRUCTION.*—Nothing in this subparagraph shall be construed as requiring a local educational agency to reduce, in order to comply with clause (i), the amount of funding provided under this part to elementary schools and middle schools from the amount of funding provided under this part to such schools for the fiscal year preceding the date of enactment of the Every Child Achieves Act of 2015 in order to provide funding under this part to high schools pursuant to clause (i).

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

(i) annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

(E) *MEASURES.*—

(i) *IN GENERAL.*—Except as provided in clause (ii), a local educational agency shall use the same measure of poverty, which measure shall be the number of children aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program established under title XIX of the Social Security Act, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

(I) to identify eligible school attendance areas;

(II) to determine the ranking of each area; and

(III) to determine allocations under paragraph

(3).

(ii) *SECONDARY SCHOOLS.*—For measuring the number of students in low-income families in secondary schools, the local educational agency shall use the same measure of poverty, which shall be—

(I) the calculation described under clause (i);

or

(II) an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under clause (i) that feed into the secondary school to the number of students enrolled in such school.



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

(G) *WAIVER FOR DESEGREGATION PLANS.*—The Secretary may approve a local educational agency's written request for a waiver of the requirements of this paragraph and paragraph (3) and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered, court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if—

(i) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school's total enrollment; and

(ii) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

(2) *LOCAL EDUCATIONAL AGENCY DISCRETION.*—

(A) *IN GENERAL.*—Notwithstanding paragraph (1)(B), a local educational agency may—

(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

(ii) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

(iii) designate and serve a school attendance area or school that is not eligible under this section, but that was eligible and that was served in the preceding fiscal year, but only for 1 additional fiscal year; and

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

(I) the school meets the comparability requirements of section 1117(c);

(II) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of this section; and

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

(B) *SPECIAL RULE.*—Notwithstanding subparagraph (A)(iv), the number of children attending private elementary schools and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

(3) *ALLOCATIONS.*—

(A) *IN GENERAL.*—A local educational agency shall allocate funds received under this part to eligible school at-

tendance areas or eligible schools, identified under paragraphs (1) and (2) in rank order, on the basis of the total number of children from low-income families in each area or school.

(B) SPECIAL RULE.—

(i) IN GENERAL.—Except as provided in clause (ii), the per-pupil amount of funds allocated to each school attendance area or school under subparagraph (A) shall be at least 125 percent of the per-pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this clause shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

(ii) EXCEPTION.—A local educational agency may reduce the amount of funds allocated under clause (i) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of this section.

(4) RESERVATION OF FUNDS.—

(A) IN GENERAL.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

(i) homeless children, including providing educationally related support services to children in shelters and other locations where children may live;

(ii) children in local institutions for neglected children; and

(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

(B) HOMELESS CHILDREN AND YOUTH.—Funds reserved under subparagraph (A)(i) may be—

(i) determined based on a needs assessment of homeless children and youths in the local educational agency, as conducted under section 723(b)(1) of the McKinney-Vento Homeless Assistance Act; and

(ii) used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing—

(I) funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of such Act; and

(II) transportation pursuant to section 722(g)(1)(J)(iii) of such Act.

(5) EARLY CHILDHOOD EDUCATION.—A local educational agency may reserve funds made available to carry out this section to provide early childhood education programs for eligible children.

(b) SCHOOLWIDE PROGRAMS AND TARGETED ASSISTANCE SCHOOLS.—

(1) IN GENERAL.—For each school that will receive funds under this part, the local educational agency shall determine

whether the school shall operate a schoolwide program consistent with subsection (c) or a targeted assistance school program consistent with subsection (d).

(2) *NEEDS ASSESSMENT.*—The determination under paragraph (1) shall be—

(A) based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards under section 1111(b)(1), particularly the needs of those children failing or are at risk of failing to meet the challenging State academic standards and any other factors as determined by the local educational agency; and

(B) conducted with the participation of individuals who would carry out the schoolwide plan, including those individuals under subsection (c)(2)(B).

(3) *COORDINATION.*—The needs assessment under paragraph (2) may be undertaken as part of other related needs assessments under this Act.

(c) *SCHOOLWIDE PROGRAMS.*—

(1) *IN GENERAL.*—

(A) *ELIGIBILITY.*—A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.

(B) *EXCEPTION.*—A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this section if—

(i) the local educational agency in which the school is located allows such school to do so; and

(ii) the results of the comprehensive needs assessment conducted under subsection (b)(2) determine a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.

(2) *SCHOOLWIDE PROGRAM PLAN.*—An eligible school operating a schoolwide program shall develop a comprehensive plan, in consultation with the local educational agency, tribes and tribal organizations present in the community, and other individuals as determined by the school, that—

(A) is developed during a 1-year period, unless—

(i) the local educational agency determines in consultation with the school that less time is needed to develop and implement the schoolwide program; or

(ii) the school is operating a schoolwide program on the day before the date of enactment of the Every Child Achieves Act of 2015, in which case such school may continue to operate such program, but shall de-

*velop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;*

*(B) is developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals present in the school, and administrators (including administrators of programs described in other parts of this title), and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, and students;*

*(C) remains in effect for the duration of the school's participation under this part, except that the plan and the implementation of, and results achieved by, the schoolwide program shall be regularly monitored and revised as necessary to ensure students are meeting the challenging State academic standards;*

*(D) is available to the local educational agency, parents, and the public, and the information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand;*

*(E) if appropriate and applicable, developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and interventions and supports for schools identified as in need of intervention and support under section 1114; and*

*(F) includes a description of—*

*(i) the results of the comprehensive needs assessments of the entire school required under subsection (b)(2);*

*(ii) the strategies that the school will be implementing to address school needs, including a description of how such strategies will—*

*(I) provide opportunities for all children, including each of the categories of students, as defined in section 1111(b)(3)(A), to meet the challenging State academic standards under section 1111(b)(1);*

*(II) use evidence-based methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum;*

*(III) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, which may include—*

*(aa) counseling, specialized instructional support services, and mentoring services;*

(bb) preparation for and awareness of opportunities for postsecondary education and the workforce, including career and technical education programs;

(cc) implementation of a schoolwide multi-tiered system of supports, including positive behavioral interventions and supports and early intervening services, including through coordination with such activities and services carried out under the Individuals with Disabilities Education Act;

(dd) implementation of supports for teachers and other school personnel, which may include professional development and other activities to improve instruction, activities to recruit and retain effective teachers, particularly in high-need schools, and using data from academic assessments under section 1111(b)(2) and other formative and summative assessments to improve instruction;

(ee) programs, activities, and courses in the core academic subjects to assist children in meeting the challenging State academic standards; and

(ff) other strategies to improve student's academic and nonacademic skills essential for success; and

(IV) be monitored and improved over time based on student needs, including increased supports for those students who are lowest-achieving;

(iii) if programs are consolidated, a list of State educational agency and local educational agency programs and other Federal programs that will be consolidated in the schoolwide program; and

(iv) if appropriate, how funds will be used to establish or enhance early childhood education programs for children who are aged 5 or younger, including how programs will help transition such children to local elementary school programs.

(3) IDENTIFICATION OF STUDENTS NOT REQUIRED.—

(A) IN GENERAL.—No school participating in a schoolwide program shall be required to identify—

(i) particular children under this part as eligible to participate in a schoolwide program; or

(ii) individual services as supplementary.

(B) SUPPLEMENTAL FUNDS.—In accordance with the method of determination described in section 1117, a school participating in a schoolwide program shall use funds available to carry out this paragraph only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children who are English learners.

(4) *EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.*—

(A) *EXEMPTION.*—*The Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.*

(B) *REQUIREMENTS.*—*A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, comparability of services, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds (in accordance with the method of determination described in section 1117), or the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.*

(C) *RECORDS.*—*A school that chooses to consolidate and use funds from different Federal programs under this paragraph shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.*

(5) *PRESCHOOL PROGRAMS.*—*A school that operates a schoolwide program under this subsection may use funds made available under this part to establish, expand, or enhance preschool programs for children aged 5 or younger.*

(d) *TARGETED ASSISTANCE SCHOOL PROGRAMS.*—

(1) *IN GENERAL.*—*Each school selected to receive funds under subsection (a)(3) for which the local educational agency serving such school, based on the results of the comprehensive needs assessment conducted under subsection (b)(2), determines the school shall operate a targeted assistance school program, may use funds received under this part only for programs that provide services to eligible children under paragraph (3) who are identified as having the greatest need for special assistance.*

(2) *TARGETED ASSISTANCE SCHOOL PROGRAM.*—*Each school operating a targeted assistance school program shall develop a plan, in consultation with the local educational agency and other individuals as determined by the school, that includes—*

(A) *a description of the results of the comprehensive needs assessments of the entire school required under subsection (b)(2);*

(B) *a description of the process for determining which students will be served and the students to be served;*

(C) a description of how the activities supported under this part will be coordinated with and incorporated into the regular education program of the school;

(D) a description of how the program will serve participating students identified under subparagraph (B), including by—

(i) using resources under this part, such as support for programs, activities, and courses in core academic subjects to help participating children meet the challenging State academic standards;

(ii) using methods and instructional strategies that are evidence-based to strengthen the core academic program of the school and that may include—

(I) expanded learning time, before- and after-school programs, and summer programs and opportunities; or

(II) a multi-tiered system of supports, positive behavioral interventions and supports, and early intervening services;

(iii) coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood education programs such as Head Start, the literacy program under part D of title II, or State-run preschool programs to elementary school programs;

(iv) supporting effective teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with participating children in programs under this subsection or in the regular education program with resources provided under this part, and, to the extent practicable, from other sources, through professional development;

(v) implementing strategies to increase parental involvement of parents of participating children in accordance with section 1115; and

(vi) if applicable, coordinating and integrating Federal, State, and local services and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education, and intervention and supports in schools identified as in need of intervention and support under section 1114; and

(E) assurances that the school will—

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

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

(iii) on an ongoing basis, review the progress of participating children and revise the plan under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

(3) *ELIGIBLE CHILDREN.*—(A) *ELIGIBLE POPULATION.*—

(i) *IN GENERAL.*—*The eligible population for services under this subsection shall be—*

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

(II) *children who are not yet at a grade level at which the local educational agency provides a free public education.*

(ii) *ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION.*—*From the population described in clause (i), eligible children are children identified by the school as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the local educational agency and supplemented by the school.*

(B) *CHILDREN INCLUDED.*—

(i) *IN GENERAL.*—*Children who are economically disadvantaged, children with disabilities, migrant children, or children who are English learners, are eligible for services under this subsection on the same basis as other children selected to receive services under this subsection.*

(ii) *HEAD START AND PRESCHOOL CHILDREN.*—*A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start program, the literacy program under part D of title II, or in preschool services under this title, is eligible for services under this subsection.*

(iii) *MIGRANT CHILDREN.*—*A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this subsection.*

(iv) *NEGLECTED OR DELINQUENT CHILDREN.*—*A child in a local institution for neglected or delinquent children and youth or attending a community day program for such children is eligible for services under this subsection.*

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

(C) *SPECIAL RULE.*—*Funds received under this subsection may not be used to provide services that are otherwise required by law to be made available to children described in subparagraph (B) but may be used to coordinate or supplement such services.*

(4) *INTEGRATION OF PROFESSIONAL DEVELOPMENT.*—*To promote the integration of staff supported with funds under this*



subsection into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this subsection may—

(A) participate in general professional development and school planning activities; and

(B) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

(5) SPECIAL RULES.—

(A) SIMULTANEOUS SERVICE.—Nothing in this subsection shall be construed to prohibit a school from serving students under this subsection simultaneously with students with similar educational needs, in the same educational settings where appropriate.

(B) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligible children in a school operating a targeted assistance school program and such school, if appropriate, has established a collaborative partnership with local service providers and funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this subsection may be used to provide such services, including through—

(i) the provision of basic medical equipment and services, such as eyeglasses and hearing aids;

(ii) compensation of a coordinator;

(iii) family support and engagement services;

(iv) health care services and integrated student supports to address the physical, mental, and emotional well-being of children; and

(v) professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

(e) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to require a local educational agency or school to submit the results of a comprehensive needs assessment under subsection (b)(2) or a plan under subsection (c) or (d) for review or approval by the Secretary.

**SEC. 1114. SCHOOL IDENTIFICATION, INTERVENTIONS, AND SUPPORTS.**

(a) STATE REVIEW AND RESPONSIBILITIES.—

(1) IN GENERAL.—Each State educational agency receiving funds under this part shall use the system designed by the State under section 1111(b)(3) to annually—

(A) identify the public schools that receive funds under this part and are in need of intervention and support using the method established by the State in section 1111(b)(3)(B)(iii);

(B) require for inclusion—

(i) on each local educational agency report card required under section 1111(d), the names of schools served by the agency identified under subparagraph (A); and

(ii) on each school report card required under section 1111(d), whether the school was identified under subparagraph (A);

(C) ensure that all public schools that receive funds under this part and are identified as in need of intervention and support under subparagraph (A), implement an evidence-based intervention or support strategy designed by the State or local educational agency described in subparagraph (A) or (B) of subsection (b)(3);

(D) prioritize intervention and supports in the identified schools most in need of intervention and support, as determined by the State, using the results of the accountability system under 1111(b)(3)(B)(iii); and

(E) monitor and evaluate the implementation of school intervention and support strategies by local educational agencies, including in the lowest-performing elementary schools and secondary schools in the State, and use the results of the evaluation to take appropriate steps to change or improve interventions or support strategies as necessary.

(2) *STATE EDUCATIONAL AGENCY RESPONSIBILITIES.*—*The State educational agency shall—*

(A) make technical assistance available to local educational agencies that serve schools identified as in need of intervention and support under paragraph (1)(A);

(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, take such actions as the State educational agency determines to be appropriate and in compliance with State law to assist the local educational agency and ensure that such local educational agency is carrying out its responsibilities;

(C) inform local educational agencies of schools identified as in need of intervention and support under paragraph (1)(A) in a timely and easily accessible manner that is before the beginning of the school year; and

(D) publicize and disseminate to the public, including teachers, principals and other school leaders, and parents, the results of the State review under paragraph (1).

(b) *LOCAL EDUCATIONAL AGENCY REVIEW AND RESPONSIBILITIES.*—

(1) *IN GENERAL.*—*Each local educational agency with a school identified as in need of intervention and support under subsection (a)(1)(A) shall, in consultation with teachers, principals and other school leaders, school personnel, parents, and community members—*

(A) conduct a review of such school, including by examining the indicators and measures included in the State-determined accountability system described in section 1111(b)(3)(B) to determine the factors that led to such identification;

(B) conduct a review of the policies, procedures, personnel decisions, and budgetary decisions of the local educational agency, including the measures on the local educational agency and school report cards under section 1111(d) that impact the school and could have contributed to the identification of the school;

(C) develop and implement appropriate intervention and support strategies, as described in paragraph (3), that are proportional to the identified needs of the school, for assisting the identified school;

(D) develop a rigorous comprehensive plan that will be publicly available and provided to parents, for ensuring the successful implementation of the intervention and support strategies described in paragraph (3) in identified schools, which may include—

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

(ii) improved delivery of services to be provided by the local educational agency;

(iii) increased support for stronger curriculum, program of instruction, wraparound services, or other resources provided to students in the school;

(iv) any changes to personnel necessary to improve educational opportunities for children in the school;

(v) redesigning how time for student learning or teacher collaboration is used within the school;

(vi) using data to inform instruction for continuous improvement;

(vii) providing increased coaching or support for principals and other school leaders and teachers;

(viii) improving school climate and safety;

(ix) providing ongoing mechanisms for family and community engagement to improve student learning; and

(x) establishing partnerships with entities, including private entities with a demonstrated record of improving student achievement, that will assist the local educational agency in fulfilling its responsibilities under this section; and

(E) collect and use data on an ongoing basis to monitor the results of the intervention and support strategies and adjust such strategies as necessary during implementation in order to improve student academic achievement.

(2) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent or parents of each student enrolled in a school identified as in need of intervention and support under subsection (a)(1)(A) in an easily accessible and understandable form and, to the extent practicable, in a language that parents can understand—

(A) an explanation of what the identification means, and how the school compares in terms of academic achievement and other measures in the State accountability system under section 1111(b)(3)(B) to other schools served by the local educational agency and the State educational agency involved;

(B) the reasons for the identification;

(C) an explanation of what the local educational agency or State educational agency is doing to help the school address student academic achievement and other measures, including a description of the intervention and support strategies developed under paragraph (1)(C) that will be implemented in the school;

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

(E) an explanation of the parents' option to transfer their child to another public school under paragraph (4), if applicable.

**(3) SCHOOL INTERVENTION AND SUPPORT STRATEGIES.—**

(A) *IN GENERAL.*—Consistent with subsection (a)(1) and paragraph (1), a local educational agency shall develop and implement evidence-based intervention and support strategies for an identified school that the local educational agency determines appropriate to address the needs of students in such identified school, which shall—

(i) be designed to address the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1);

(ii) be implemented, at a minimum, in a manner that is proportional to the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1); and

(iii) distinguish between the lowest-performing schools and other schools identified as in need of intervention and support for other reasons, including schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B)(i), as determined by the review in subparagraphs (A) and (B) of paragraph (1).

(B) *STATE DETERMINED STRATEGIES.*—Consistent with State law, a State educational agency may establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified as in need of intervention and support under subsection (a)(1)(A), in addition to the assistance strategies developed by a local educational agency under subparagraph (A).

**(4) PUBLIC SCHOOL CHOICE.—**

(A) *IN GENERAL.*—A local educational agency may provide all students enrolled in a school identified as in need of intervention and support under subsection (a)(1)(A) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

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

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

(D) *SPECIAL RULE.*—A local educational agency shall permit a child who transfers to another public school under this paragraph to remain in that school until the child has completed the highest grade in that school.

(E) *FUNDING FOR TRANSPORTATION.*—A local educational agency may spend an amount equal to not more than 5 percent of its allocation under subpart 2 to pay for the provision of transportation for students who transfer under this paragraph to the public schools to which the students transfer.

(5) *PROHIBITIONS ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.*—Nothing in this section shall be construed to authorize or permit the Secretary to establish any criterion that specifies, defines, or prescribes—

(A) any school intervention or support strategy that States or local educational agencies shall use to assist schools identified as in need of intervention and support under this section; or

(B) the weight of any indicator or measure that a State shall use to identify schools under subsection (a).

(c) *FUNDS FOR LOCAL SCHOOL INTERVENTIONS AND SUPPORTS.*—

(1) *IN GENERAL.*—

(A) *GRANTS AUTHORIZED.*—From the total amount appropriated under section 1002(f) for a fiscal year, the Secretary shall award grants to States and the Bureau of Indian Education of the Department of the Interior, through an allotment as determined under subparagraph (B), to carry out the activities described in this subsection.

(B) *ALLOTMENTS.*—From the total amount appropriated under section 1002(f) for a fiscal year, the Secretary shall allot to each State, the Bureau of Indian Education of the Department of the Interior, and each outlying area for such fiscal year with an approved application, an amount that bears the same relationship to such total amount as the amount such State, the Bureau of Indian Education of the Department of the Interior, or such outlying area received under parts A, C, and D of this title for the most recent preceding fiscal year for which the data are available bears to the amount received by all such States, the Bureau of Indian Education of the Department of the Interior, and all such outlying areas under parts A, C, and D of this title for such most recent preceding fiscal year.

(2) *STATE APPLICATION.*—A State that desires to receive school improvement funds under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require, which shall include a description of—

(A) the process and the criteria that the State will use to award subgrants under paragraph (4)(A), including how

*the subgrants will serve schools identified by the State as the lowest-performing schools under subsection (a)(1);*

*(B) the process and the criteria the State will use to determine whether the local educational agency's proposal for serving each identified school meets the requirements of paragraph (6) and other provisions of this section;*

*(C) how the State will ensure that local educational agencies conduct a comprehensive review of each identified school as required under subsection (b) to identify evidence-based school intervention and support strategies that are likely to be successful in each particular school;*

*(D) how the State will ensure geographic diversity in making subgrants;*

*(E) how the State will set priorities in awarding subgrants to local educational agencies, including how the State will prioritize local educational agencies serving elementary schools and secondary schools identified as the lowest-performing schools under subsection (a)(1) that will use subgrants to serve such schools;*

*(F) how the State will monitor and evaluate the implementation of evidence-based school intervention and support strategies supported by funds under this subsection; and*

*(G) how the State will reduce barriers for schools in the implementation of school intervention and support strategies, including by providing operational flexibility that would enable complete implementation of the selected school improvement strategy.*

**(3) STATE ADMINISTRATION; TECHNICAL ASSISTANCE; EXCEPTION.—**

*(A) IN GENERAL.—A State that receives an allotment under this subsection may reserve not more than a total of 5 percent of such allotment for the administration of this subsection to carry out its responsibilities under subsection (a)(2) to support school and local educational agency interventions and supports, which may include activities aimed at building State capacity to support and monitor the local educational agency and school intervention and supports.*

*(B) EXCEPTION.—Notwithstanding subparagraph (A), a State educational agency may reserve from the amount allotted under this subsection additional funds to meet its responsibilities under subsection (a)(2)(B) if a local educational agency fails to carry out its responsibilities under subsection (b), but shall not reserve more than necessary to meet such State responsibilities.*

**(4) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—**

*(A) IN GENERAL.—From the amounts awarded to a State under this subsection, the State educational agency shall allocate not less than 95 percent to make subgrants to local educational agencies, on a competitive basis, to serve schools identified as in need of intervention and support under subsection (a)(1)(A).*

*(B) DURATION.—The State educational agency shall award subgrants under this paragraph for a period of not*

more than 5 years, which period may include a planning year.

(C) *CRITERIA.*—Subgrants awarded under this section shall be of sufficient size to enable a local educational agency to effectively implement the selected intervention and support strategy.

(D) *RULE OF CONSTRUCTION.*—Nothing in this subsection shall be construed as prohibiting a State from allocating subgrants under this subsection to a statewide school district, consortium of local educational agencies, or an educational service agency that serves schools identified as in need of intervention and support under this section, if such entities are legally constituted or recognized as local educational agencies in the State.

(5) *APPLICATION.*—In order to receive a subgrant under this subsection, a local educational agency shall submit an application to the State educational agency at such time, in such form, and including such information as the State educational agency may require. Each application shall include, at a minimum—

(A) a description of the process the local educational agency has used for selecting an appropriate evidence-based school intervention and support strategy for each school to be served, including how the local educational agency has analyzed the needs of each such school in accordance with subsection (b)(1) and meaningfully consulted with teachers, principals, and other school leaders in selecting such intervention and support strategy;

(B) the specific evidence-based school interventions and supports to be used in each school to be served, how these interventions and supports will address the needs identified in the review under subsection (b)(1), and the timeline for implementing such school interventions and supports in each school to be served;

(C) a detailed budget covering the grant period, including planned expenditures at the school level for activities supporting full and effective implementation of the selected school intervention and support strategy;

(D) a description of how the local educational agency will—

(i) design and implement the selected school intervention and support strategy, in accordance with the requirements under subsection (b)(1)(C), including the use of appropriate measures to monitor the effectiveness of implementation;

(ii) use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the local educational agency will partner;

(iii) align other Federal, State, and local resources with the intervention and support strategy to reduce duplication, increase efficiency, and assist identified schools in complying with reporting requirements of Federal and State programs;

(iv) modify practices and policies, if necessary, to provide operational flexibility that enables full and ef-

*fective implementation of the selected school intervention and support strategy;*

*(v) collect and use data on an ongoing basis to adjust the intervention and support strategy during implementation, and if necessary, modify or implement a different strategy if implementation is not effective, in order to improve student academic achievement;*

*(vi) ensure that the implementation of the intervention and support strategy meets the needs of each of the categories of students, as defined in section 1111(b)(3)(A);*

*(vii) provide information to parents, guardians, teachers, and other stakeholders about the effectiveness of implementation, to the extent practicable, in a language that the parents can understand; and*

*(viii) sustain successful reforms and practices after the funding period ends;*

*(E) a description of the technical assistance and other support that the local educational agency will provide to ensure effective implementation of school intervention and support strategies in identified schools, in accordance with subsection (b)(1)(D), such as ensuring identified schools have access to resources like facilities, professional development, and technology and adopting human resource policies that prioritize recruitment, retention, and placement of effective staff in identified schools; and*

*(F) an assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this subsection.*

*(6) LOCAL ACTIVITIES.—A local educational agency that receives a subgrant under this subsection—*

*(A) shall use the subgrant funds to implement evidence-based school intervention and support strategies in schools identified as in need of intervention and support under subsection (a)(1)(A); and*

*(B) may use the subgrant funds to carry out, at the local educational agency level, activities that directly support the implementation of the intervention and support strategies such as—*

*(i) assistance in data collection and analysis;*

*(ii) recruiting and retaining staff;*

*(iii) high-quality, evidence-based professional development;*

*(iv) coordination of services to address students' non-academic needs; and*

*(v) progress monitoring.*

*(7) REPORTING.—A State that receives funds under this subsection shall report to the Secretary a list of all the local educational agencies that received a subgrant under this subsection and for each local educational agency that received a subgrant, a list of all the schools that were served, the amount of funds each school received, and the intervention and support strategies implemented in each school.*



(8) *SUPPLEMENT NOT SUPPLANT.*—A local educational agency or State shall use Federal funds received under this subsection only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in programs funded under this subsection.

(d) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

**SEC. [1118]1115. [PARENTAL INVOLVEMENT]PARENT AND FAMILY ENGAGEMENT.**

(a) **LOCAL EDUCATIONAL AGENCY POLICY.**—

(1) **IN GENERAL.**—A local educational agency may receive funds under this part only if such agency *conducts outreach to all parents and family members* and implements programs, activities, and procedures for the involvement of parents *and family members* in programs assisted under this part consistent with this section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children.

(2) **WRITTEN POLICY.**—Each local educational agency that receives funds under this part shall develop jointly with, agree on with, and distribute to, parents *and family members* of participating children a [written parent involvement policy]*written parent and family engagement policy*. The policy shall be incorporated into the local educational agency's plan developed under section 1112, establish the agency's [expectations for parent involvement]*expectations and objectives for meaningful parent and family involvement*, and describe how the agency will—

[(A) involve parents in the joint development of the plan under section 1112, and the process of school review and improvement under section 1116;

[(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;

[(C) build the schools' and parents' capacity for strong parental involvement as described in subsection (e);

[(D) coordinate and integrate parental involvement strategies under this part with parental involvement strategies under other programs, such as the Head Start program, Reading First program, Early Reading First program, Even Start program, Parents as Teachers program, and Home Instruction Program for Preschool Youngsters, and State-run preschool programs;

[(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part, including identi-

fyng barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background), and use the findings of such evaluation to design strategies for more effective parental involvement, and to revise, if necessary, the parental involvement policies described in this section; and

**[(F) involve parents in the activities of the schools served under this part.]**

*(A) involve parents and family members in jointly developing the local educational agency plan under section 1112 and the process of school review and intervention and support under section 1114;*

*(B) provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the local educational agency in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;*

*(C) coordinate and integrate parent and family engagement strategies under this part with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs;*

*(D) conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying—*

*(i) barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, are English learners, have limited literacy, or are of any racial or ethnic minority background);*

*(ii) the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and*

*(iii) strategies to support successful school and family interactions;*

*(E) use the findings of such evaluation in subparagraph (D) to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in this section; and*

*(F) involve parents in the activities of the schools served under this part, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members*

*served by the local educational agency to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy.*

(3) RESERVATION.—

(A) IN GENERAL.—Each local educational agency shall reserve not less than 1 percent of such agency’s allocation under subpart 2 of this part ~~to carry out this section, including promoting family literacy and parenting skills,~~ *to assist schools to carry out the activities described in this section,* except that this paragraph shall not apply if 1 percent of such agency’s allocation under subpart 2 of this part for the fiscal year for which the determination is made is \$5,000 or less.

~~[(B) PARENTAL INPUT.—Parents of children]~~ *(B) PARENT AND FAMILY MEMBER INPUT.—Parents and family members of children* receiving services under this part shall be involved in the decisions regarding how funds reserved under subparagraph (A) are allotted for parental involvement activities.

(C) DISTRIBUTION OF FUNDS.—Not less than ~~95 percent~~ *85 percent* of the funds reserved under subparagraph (A) shall be distributed to schools served under this part, *with priority given to high-need schools.*

*(D) USE OF FUNDS.—Funds reserved under subparagraph (A) by a local educational agency shall be used to carry out activities and strategies consistent with the local educational agency’s parent and family engagement policy, including not less than 1 of the following:*

*(i) Supporting schools and nonprofit organizations in providing professional development for local educational agency and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.*

*(ii) Supporting home visitation programs.*

*(iii) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.*

*(iv) Collaborating or providing subgrants to schools to enable such schools to collaborate with community-based or other organizations or employers with a demonstrated track record of success in improving and increasing parent and family engagement.*

*(v) Engaging in any other activities and strategies that the local educational agency determines are appropriate and consistent with such agency’s parent and family engagement policy, which may include adult education and literacy activities, as defined in section 203 of the Adult Education and Family Literacy Act.*

(b) SCHOOL ~~[(PARENTAL INVOLVEMENT POLICY)]~~ *PARENTAL AND FAMILY ENGAGEMENT POLICY.*—

(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents *and family members* of participating children a ~~written parental involvement policy~~*written parent and family engagement policy*, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

(2) SPECIAL RULE.—If the school has a ~~parental involvement policy~~*parent and family engagement policy* that applies to all parents *and family members*, such school may amend that policy, if necessary, to meet the requirements of this subsection.

(3) AMENDMENT.—If the local educational agency involved has a ~~school district-level parental involvement policy~~*district-level parent and family engagement policy* that applies to all parents *and family members in all schools served by the local educational agency*, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

(4) PARENTAL COMMENTS.—\* \* \*

(c) POLICY INVOLVEMENT.—Each school served under this part shall—

(1) \* \* \*

\* \* \* \* \*

(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the planning, review, and improvement of the school ~~parental involvement policy~~*parent and family engagement policy* and the joint development of the schoolwide program plan under section 1114(b)(2), except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

(4) provide parents of participating children—

(A) \* \* \*

(B) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and ~~the proficiency levels students are expected to meet~~*the achievement levels of the challenging State academic standards*; and

(C) \* \* \*

(5) if the schoolwide program plan under ~~section 1114(b)(2)~~*section 1113(c)(2)* is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT ACADEMIC ACHIEVEMENT.—As a component of the school-level ~~parental involvement policy~~*parent and family engagement policy* developed under subsection (b), each school served under this part shall joint-

ly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet **the State's student academic achievement standards***the challenging State academic standards*, and the ways in which each parent will be responsible for supporting their children's learning**],** such as monitoring attendance, homework completion, and television watching**];** volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

(2) address the importance of communication between teachers and parents on an ongoing basis through, at a minimum—

(A) \* \* \*

(B) frequent reports to parents on their children's progress; **and]**

(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities**].];** and

(D) *ensuring regular two-way, meaningful communication between family members and school staff, to the extent practicable, in a language that family members can understand and access.*

(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, each school and local educational agency assisted under this part—

(1) shall provide assistance to parents of children served by the school or local educational agency, as appropriate, in understanding such topics as **the State's academic content standards and State student academic achievement standards***the challenging State academic standards*, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;

\* \* \* \* \*

(3) shall educate teachers, **pupil services personnel, principals***specialized instructional support personnel, principals, and other school leaders*, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

(4) shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with **Head Start, Reading First, Early Reading First, Even Start,** the Home Instruction Programs for Preschool Youngsters, the

Parents as Teachers Program,] *other relevant Federal, State, and local laws*, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;

(5) \* \* \*

\* \* \* \* \*

[(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.]

(f) ACCESSIBILITY.—*In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide opportunities for the full and informed participation of parents and family members (including parents and family members who are English learners, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.*

\* \* \* \* \*

(h) REVIEW.—The State educational agency shall review the local educational agency’s [parental involvement policies] *parent and family engagement policies* and practices to determine if the policies and practices meet the requirements of this section.

**[SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFES- SIONALS.**

[(a) TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES.—

[(1) IN GENERAL.—Beginning with the first day of the first school year after the date of enactment of the No Child Left Behind Act of 2001, each local educational agency receiving assistance under this part shall ensure that all teachers hired after such day and teaching in a program supported with funds under this part are highly qualified.

[(2) STATE PLAN.—As part of the plan described in section 1111, each State educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005–2006 school year. Such plan shall establish annual measurable objectives for each local educational agency and school that, at a minimum—

[(A) shall include an annual increase in the percentage of highly qualified teachers at each local educational agency and school, to ensure that all teachers teaching in core academic subjects in each public elementary school and secondary school are highly qualified not later than the end of the 2005–2006 school year;

[(B) shall include an annual increase in the percentage of teachers who are receiving high-quality professional

development to enable such teachers to become highly qualified and successful classroom teachers; and

[(C) may include such other measures as the State educational agency determines to be appropriate to increase teacher qualifications.

[(3) LOCAL PLAN.—As part of the plan described in section 1112, each local educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching within the school district served by the local educational agency are highly qualified not later than the end of the 2005–2006 school year.

[(b) REPORTS.—

[(1) ANNUAL STATE AND LOCAL REPORTS.—

[(A) LOCAL REPORTS.—Each State educational agency described in subsection (a)(2) shall require each local educational agency receiving funds under this part to publicly report, each year, beginning with the 2002–2003 school year, the annual progress of the local educational agency as a whole and of each of the schools served by the agency, in meeting the measurable objectives described in subsection (a)(2).

[(B) STATE REPORTS.—Each State educational agency receiving assistance under this part shall prepare and submit each year, beginning with the 2002–2003 school year, a report to the Secretary, describing the State educational agency’s progress in meeting the measurable objectives described in subsection (a)(2).

[(C) INFORMATION FROM OTHER REPORTS.—A State educational agency or local educational agency may submit information from the reports described in section 1111(h) for the purposes of this subsection, if such report is modified, as may be necessary, to contain the information required by this subsection, and may submit such information as a part of the reports required under section 1111(h).

[(2) ANNUAL REPORTS BY THE SECRETARY.—Each year, beginning with the 2002–2003 school year, the Secretary shall publicly report the annual progress of State educational agencies, local educational agencies, and schools, in meeting the measurable objectives described in subsection (a)(2).

[(c) NEW PARAPROFESSIONALS.—

[(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired after the date of enactment of the No Child Left Behind Act of 2001 and working in a program supported with funds under this part shall have—

[(A) completed at least 2 years of study at an institution of higher education;

[(B) obtained an associate’s (or higher) degree; or

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

[(i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

[(ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

[(2) CLARIFICATION.—The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements of paragraph (1)(C).

[(d) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and working in a program supported with funds under this part shall, not later than 4 years after the date of enactment satisfy the requirements of subsection (c).

[(e) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (c) and (d) shall not apply to a paraprofessional—

[(1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

[(2) whose duties consist solely of conducting parental involvement activities consistent with section 1118.

[(f) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessionals' hiring date, have earned a secondary school diploma or its recognized equivalent.

[(g) DUTIES OF PARAPROFESSIONALS.—

[(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

[(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED.—A paraprofessional described in paragraph (1) may be assigned—

[(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

[(B) to assist with classroom management, such as organizing instructional and other materials;

[(C) to provide assistance in a computer laboratory;

[(D) to conduct parental involvement activities;

[(E) to provide support in a library or media center;

[(F) to act as a translator; or

[(G) to provide instructional services to students in accordance with paragraph (3).

[(3) ADDITIONAL LIMITATIONS.—A paraprofessional described in paragraph (1)—

[(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119; and

[(B) may assume limited duties that are assigned to similar personnel who are not working in a program sup-



ported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

[(h) USE OF FUNDS.—A local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

[(i) VERIFICATION OF COMPLIANCE.—

[(1) IN GENERAL.—In verifying compliance with this section, each local educational agency, at a minimum, shall require that the principal of each school operating a program under section 1114 or 1115 attest annually in writing as to whether such school is in compliance with the requirements of this section.

[(2) AVAILABILITY OF INFORMATION.—Copies of attestations under paragraph (1)—

[(A) shall be maintained at each school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

[(B) shall be available to any member of the general public on request.

[(j) COMBINATIONS OF FUNDS.—Funds provided under this part that are used for professional development purposes may be combined with funds provided under title II of this Act, other Acts, and other sources.

[(k) SPECIAL RULE.—Except as provided in subsection (l), no State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(c)(3).

[(l) MINIMUM EXPENDITURES.—Each local educational agency that receives funds under this part shall use not less than 5 percent, or more than 10 percent, of such funds for each of fiscal years 2002 and 2003, and not less than 5 percent of the funds for each subsequent fiscal year, for professional development activities to ensure that teachers who are not highly qualified become highly qualified not later than the end of the 2005–2006 school year.]

**SEC. [1120]1116. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.**

(a) GENERAL REQUIREMENT.—

(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under [section 1115(b)]*section 1113(d)(3)* in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs, and shall ensure that teachers and families of the children partici-

pate, on an equitable basis, in services and activities developed pursuant to [sections 1118 and 1119] *section 1115*.

\* \* \* \* \*

[(4) EXPENDITURES.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools, which the local educational agency may determine each year or every 2 years.]

(4) EXPENDITURES.—

(A) IN GENERAL.—*Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.*

(B) TERM OF DETERMINATION.—*The local educational agency may determine the equitable share each year or every 2 years.*

(C) METHOD OF DETERMINATION.—*The proportional share of funds shall be determined—*

*(i) based on the total allocation received by the local educational agency; and*

*(ii) prior to any allowable expenditures or transfers by the local educational agency.*

(5) PROVISION OF SERVICES.—\* \* \*

(b) CONSULTATION.—

(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency's programs under this part, on issues such as—

(A) \* \* \*

\* \* \* \* \*

(E) the size and scope of the equitable services to be provided to the eligible private school children, [and] the proportion of funds that is allocated under subsection (a)(4) for such services, *and how that proportion of funds is determined;*

(F) the method or sources of data that are used under subsection (c) and [section 1113(c)(1)] *section 1113(a)(3)* to determine the number of children from low-income families in participating school attendance areas who attend private schools;

(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers; [and]

(H) how, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the

reasons why the local educational agency has chosen not to use a contractor[.]; and

(I) whether the agency shall provide services directly or assign responsibility for the provision of services to a separate government agency, consortium, or entity, or to a third-party contractor.

(2) TIMING.—\* \* \*

\* \* \* \* \*

(5) COMPLIANCE.—

(A) IN GENERAL.—A private school official shall have the right to complain to the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, [or] did not give due consideration to the views of the private school official, or did not make a decision that treats the private school students equitably as required by this section.

(B) PROCEDURE.—\* \* \*

\* \* \* \* \*

**SEC. [1120A]1117. FISCAL REQUIREMENTS.**

(a) MAINTENANCE OF EFFORT.—\* \* \*

**[(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—**

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

**[(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).]**

**(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—**

**(1) IN GENERAL.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted under this part, and not to supplant such funds.**

**(2) COMPLIANCE.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.**

**(3) SPECIAL RULE.—No local educational agency shall be required to—**

**(A) identify that an individual cost or service supported under this part is supplemental; and**

**(B) provide services under this part through a particular instructional method or in a particular instructional setting.**

*tional setting in order to demonstrate such agency's compliance with paragraph (1).*

(4) *PROHIBITION.—Nothing in this section shall be construed to authorize or permit the Secretary to establish any criterion that specifies, defines, or prescribes the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under this part.*

(5) *TIMELINE.—A local educational agency—*

*(A) shall meet the compliance requirement under paragraph (2) not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015; and*

*(B) may demonstrate compliance with the requirement under paragraph (1) before the end of such 2-year period using the method such local educational agency used on the day before the date of enactment of the Every Child Achieves Act of 2015.*

\* \* \* \* \*

(d) **EXCLUSION OF FUNDS.**—\* \* \*

\* \* \* \* \*

**SEC. [1120B]1118. COORDINATION REQUIREMENTS.**

(a) **IN GENERAL.**—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) with Head Start agencies and, if feasible, other entities carrying out **[early childhood development programs such as the Early Reading First program]**, *early childhood education programs, including by developing agreements with such Head Start agencies and other entities to carry out such activities.*

(b) **ACTIVITIES.**—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out **[early childhood development programs, such as the Early Reading First program]**, *early childhood education programs* serving children who will attend the schools of the local educational agency, including—

(1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another **[early childhood development program such as the Early Reading First program]** *early childhood education program;*

(2) establishing channels of communication between school staff and their counterparts (including teachers, social workers, and health staff) in such Head Start agencies or other entities carrying out **[early childhood development programs such as the Early Reading First program]** *early childhood education programs*, as appropriate, to facilitate coordination of programs;

(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other **[early childhood development programs such as the Early Reading First program]** *early childhood education programs*, to discuss the developmental and other needs of individual children;

(4) organizing and participating in joint transition-related training of school staff, Head Start program staff, **[Early Reading First program staff,]** and, where appropriate, other **[early childhood development program]***early childhood education program* staff; and

(5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies**[and entities carrying out Early Reading First programs].**

(c) COORDINATION OF REGULATIONS.—\* \* \*

\* \* \* \* \*

### Subpart 2—Allocations

#### SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a) and 1125A(f), the Secretary shall reserve a total of 1 percent to provide assistance to—

(1) \* \* \*

\* \* \* \* \*

(b) ASSISTANCE TO OUTLYING AREAS.—

(1) FUNDS RESERVED.—\* \* \*

\* \* \* \* \*

(3) LIMITATION FOR COMPETITIVE GRANTS.—

(A) COMPETITIVE GRANTS.—\* \* \*

\* \* \* \* \*

(C) USES.—Except as provided in subparagraph (D), grant funds awarded under this paragraph may be used only—

(i) \* \* \*

(ii) to provide direct educational services that assist all students with meeting **[challenging State academic content standards]***challenging State academic standards*.

(D) ADMINISTRATIVE COSTS.—\* \* \*

\* \* \* \* \*

#### SEC. 1122. ALLOCATIONS TO STATES.

(a) ALLOCATION FORMULA.—Of the amount appropriated under section 1002(a) to carry out this part **[for each of fiscal years 2002–2007]***for each of fiscal years 2016 through 2021* (referred to in this subsection as the current fiscal year)—

(1) \* \* \*

\* \* \* \* \*

#### SEC. 1125A. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

(a) GRANTS.—\* \* \*

\* \* \* \* \*

(c) USE OF FUNDS; ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—All funds awarded to each State under this section shall be

allocated to local educational agencies under the following provisions. Within local educational agencies, funds allocated under this section shall be distributed to schools on a basis consistent with section 1113, and may only be used to carry out activities under this part. A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if—

- [(A)](1) \* \* \*
- [(B)](2) \* \* \*

\* \* \* \* \*

(d) ALLOCATION OF FUNDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Funds received by States under this section shall be allocated within States to eligible local educational agencies on the basis of weighted child counts calculated in accordance with paragraph (1), (2), or (3), as appropriate for each State.

(1) STATES WITH AN EQUITY FACTOR LESS THAN .10.—In States with an equity factor less than .10, the weighted child counts referred to in subsection (d) shall be calculated as follows:

(A) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

(i) IN GENERAL.—\* \* \*

(ii) BY PERCENTAGE OF CHILDREN.—The amount referred to in [clause “(i)"]clause (i) is determined by adding—

(I) \* \* \*

\* \* \* \* \*

[(e) MAINTENANCE OF EFFORT.—

[(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

[(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of funds awarded to any State under this section in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

[(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.]

(e) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State’s fiscal effort per student or the ag-

*aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).*

**(2) REDUCTION IN CASE OF FAILURE TO MEET.—**

*(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section in any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.*

*(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.*

*(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—*

*(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or*

*(B) a precipitous decline in the financial resources of the State.*

**(f) AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated to carry out this section such sums as may be necessary for **[fiscal year 2002]***fiscal year 2016* and for each of the 5 succeeding fiscal years.

**(g) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—**

**(1) IN GENERAL.—**\* \* \*

\* \* \* \* \*

**(3) HOLD-HARMLESS AMOUNTS.—**For each fiscal year, if sufficient funds are available, the amount made available to each local educational agency under this section **[shall be]***shall be—*

**(A)** \* \* \*

\* \* \* \* \*

**[PART B—STUDENT READING SKILLS IMPROVEMENT GRANTS]**

**[Subpart 1—Reading First]**

**[SEC. 1201. PURPOSES.**

**[**The purposes of this subpart are as follows:

**[(1)** To provide assistance to State educational agencies and local educational agencies in establishing reading programs for students in kindergarten through grade 3 that are based on scientifically based reading research, to ensure that every student can read at grade level or above not later than the end of grade 3.

[(2) To provide assistance to State educational agencies and local educational agencies in preparing teachers, including special education teachers, through professional development and other support, so the teachers can identify specific reading barriers facing their students and so the teachers have the tools to effectively help their students learn to read.

[(3) To provide assistance to State educational agencies and local educational agencies in selecting or administering screening, diagnostic, and classroom-based instructional reading assessments.

[(4) To provide assistance to State educational agencies and local educational agencies in selecting or developing effective instructional materials (including classroom-based materials to assist teachers in implementing the essential components of reading instruction), programs, learning systems, and strategies to implement methods that have been proven to prevent or remediate reading failure within a State.

[(5) To strengthen coordination among schools, early literacy programs, and family literacy programs to improve reading achievement for all children.

**[SEC. 1202. FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.**

**[(a) IN GENERAL.—**

[(1) AUTHORIZATION TO MAKE GRANTS.—In the case of each State educational agency that in accordance with section 1203 submits to the Secretary an application for a 6-year period, the Secretary, from amounts appropriated under section 1002(b)(1) and subject to the application's approval, shall make a grant to the State educational agency for the uses specified in subsections (c) and (d). For each fiscal year, the funds provided under the grant shall equal the allotment determined for the State educational agency under subsection (b).

[(2) DURATION OF GRANTS.—Subject to subsection (e)(3), a grant under this section shall be awarded for a period of not more than 6 years.

**[(b) DETERMINATION OF AMOUNT OF ALLOTMENTS.—**

[(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

[(A) shall reserve one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart;

[(B) shall reserve one-half of 1 percent for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Affairs;

[(C) may reserve not more than 2½ percent or \$25,000,000, whichever is less, to carry out section 1205 (relating to external evaluation) and section 1206 (relating to national activities);

[(D) shall reserve \$5,000,000 to carry out sections 1207 and 1224 (relating to information dissemination); and



[(E) for any fiscal year, beginning with fiscal year 2004, for which the amount appropriated to carry out this subpart exceeds the amount appropriated for fiscal year 2003, shall reserve, to carry out section 1204, the lesser of—

[(i) \$90,000,000; or

[(ii) 10 percent of such excess amount.

[(2) STATE ALLOTMENTS.—In accordance with paragraph (3), the Secretary shall allot among each of the States the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1).

[(3) DETERMINATION OF STATE ALLOTMENT AMOUNTS.—

[(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allot the amount made available under paragraph (2) for a fiscal year among the States in proportion to the number of children, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

[(B) EXCEPTIONS.—

[(i) MINIMUM GRANT AMOUNT.—Subject to clause (ii), no State receiving an allotment under subparagraph (A) may receive less than one-fourth of 1 percent of the total amount allotted under such subparagraph.

[(ii) PUERTO RICO.—The percentage of the amount allotted under subparagraph (A) that is allotted to the Commonwealth of Puerto Rico for a fiscal year may not exceed the percentage that was received by the Commonwealth of Puerto Rico of the funds allocated to all States under subpart 2 of part A for the preceding fiscal year.

[(4) DISTRIBUTION OF SUBGRANTS.—The Secretary may make a grant to a State educational agency only if the State educational agency agrees to expend at least 80 percent of the amount of the funds provided under the grant for the purpose of making, in accordance with subsection (c), competitive subgrants to eligible local educational agencies.

[(5) REALLOTMENT.—If a State educational agency described in paragraph (2) does not apply for an allotment under this section for any fiscal year, or if the State educational agency's application is not approved, the Secretary shall reallocate such amount to the remaining State educational agencies in accordance with paragraph (3).

[(6) DEFINITION OF STATE.—For purposes of this subsection, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

[(1) AUTHORIZATION TO MAKE SUBGRANTS.—In accordance with paragraph (2), a State educational agency that receives a grant under this section shall make competitive subgrants to eligible local educational agencies.

[(2) ALLOCATION.—

【(A) MINIMUM SUBGRANT AMOUNT.—In making subgrants under paragraph (1), a State educational agency shall allocate to each eligible local educational agency that receives such a subgrant, at a minimum, an amount that bears the same relation to the funds made available under subsection (b)(4) as the amount the eligible local educational agency received under part A for the preceding fiscal year bears to the amount all the local educational agencies in the State received under part A for the preceding fiscal year.

【(B) PRIORITY.—In making subgrants under paragraph (1), a State educational agency shall give priority to eligible local educational agencies in which at least—

【(i) 15 percent of the children served by the eligible local educational agency are from families with incomes below the poverty line; or

【(ii) 6,500 children served by the eligible local educational agency are from families with incomes below the poverty line.

【(3) NOTICE.—A State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

【(4) LOCAL APPLICATION.—To be eligible to receive a subgrant under this subsection, an eligible local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

【(5) STATE REQUIREMENT.—In distributing subgrant funds to eligible local educational agencies under this subsection, a State educational agency shall—

【(A) provide funds in sufficient size and scope to enable the eligible local educational agencies to improve reading instruction; and

【(B) provide the funds in amounts related to the number or percentage of students in kindergarten through grade 3 who are reading below grade level.

【(6) LIMITATION TO CERTAIN SCHOOLS.—In distributing subgrant funds under this subsection, an eligible local educational agency shall provide funds only to schools that both—

【(A) are among the schools served by that eligible local educational agency with the highest percentages or numbers of students in kindergarten through grade 3 reading below grade level, based on the most currently available data; and

【(B)(i) are identified for school improvement under section 1116(b); or

【(ii) have the highest percentages or numbers of children counted under section 1124(c).

【(7) LOCAL USES OF FUNDS.—

【(A) REQUIRED USES.—Subject to paragraph (8), an eligible local educational agency that receives a subgrant

under this subsection shall use the funds provided under the subgrant to carry out the following activities:

【(i) Selecting and administering screening, diagnostic, and classroom-based instructional reading assessments.

【(ii) Selecting and implementing a learning system or program of reading instruction based on scientifically based reading research that—

【(I) includes the essential components of reading instruction; and

【(II) provides such instruction to the children in kindergarten through grade 3 in the schools served by the eligible local educational agency, including children who—

【(aa) may have reading difficulties;

【(bb) are at risk of being referred to special education based on these difficulties;

【(cc) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of that Act, have not been identified as being a child with a disability (as defined in section 602 of that Act);

【(dd) are being served under such Act primarily due to being identified as being a child with a specific learning disability (as defined in section 602 of that Act) related to reading;

【(ee) are deficient in the essential components of reading skills, as listed in subparagraphs (A) through (E) of section 1208(3); or

【(ff) are identified as having limited English proficiency.

【(iii) Procuring and implementing instructional materials, including education technology such as software and other digital curricula, that are based on scientifically based reading research.

【(iv) Providing professional development for teachers of kindergarten through grade 3, and special education teachers of kindergarten through grade 12, that—

【(I) will prepare these teachers in all of the essential components of reading instruction;

【(II) shall include—

【(aa) information on instructional materials, programs, strategies, and approaches based on scientifically based reading research, including early intervention, classroom reading materials, and remedial programs and approaches; and

【(bb) instruction in the use of screening, diagnostic, and classroom-based instructional reading assessments and other procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading;

[(III) shall be provided by eligible professional development providers; and

[(IV) will assist teachers in becoming highly qualified in reading instruction in accordance with the requirements of section 1119.

[(v) Collecting and summarizing data—

[(I) to document the effectiveness of activities carried out under this subpart in individual schools and in the local educational agency as a whole; and

[(II) to stimulate and accelerate improvement by identifying the schools that produce significant gains in reading achievement.

[(vi) Reporting data for all students and categories of students described in section 1111(b)(2)(C)(v)(II).

[(vii) Promoting reading and library programs that provide access to engaging reading material, including coordination with programs funded through grants received under subpart 4, where applicable.

[(B) ADDITIONAL USES.—Subject to paragraph (8), an eligible local educational agency that receives a subgrant under this subsection may use the funds provided under the subgrant to carry out the following activities:

[(i) Humanities-based family literacy programs (which may be referred to as “Prime Time Family Reading Time”) that bond families around the acts of reading and using public libraries.

[(ii) Providing training in the essential components of reading instruction to a parent or other individual who volunteers to be a student’s reading tutor, to enable such parent or individual to support instructional practices that are based on scientifically based reading research and are being used by the student’s teacher.

[(iii) Assisting parents, through the use of materials and reading programs, strategies, and approaches (including family literacy services) that are based on scientifically based reading research, to encourage reading and support their child’s reading development.

[(8) LOCAL PLANNING AND ADMINISTRATION.—An eligible local educational agency that receives a subgrant under this subsection may use not more than 3.5 percent of the funds provided under the subgrant for planning and administration.

[(d) STATE USES OF FUNDS.—

[(1) IN GENERAL.—A State educational agency that receives a grant under this section may expend not more than a total of 20 percent of the grant funds to carry out the activities described in paragraphs (3), (4), and (5).

[(2) PRIORITY.—A State educational agency shall give priority to carrying out the activities described in paragraphs (3), (4), and (5) for schools described in subsection (c)(6).

[(3) PROFESSIONAL INSERVICE AND PRESERVICE DEVELOPMENT AND REVIEW.—A State educational agency may expend

not more than 65 percent of the amount of the funds made available under paragraph (1)—

【(A) to develop and implement a program of professional development for teachers, including special education teachers, of kindergarten through grade 3 that—

【(i) will prepare these teachers in all the essential components of reading instruction;

【(ii) shall include—

【(I) information on instructional materials, programs, strategies, and approaches based on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches; and

【(II) instruction in the use of screening, diagnostic, and classroom-based instructional reading assessments and other scientifically based procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading; and

【(iii) shall be provided by eligible professional development providers;

【(B) to strengthen and enhance preservice courses for students preparing, at all public institutions of higher education in the State, to teach kindergarten through grade 3 by—

【(i) reviewing such courses to determine whether the courses' content is consistent with the findings of the most current scientifically based reading research, including findings on the essential components of reading instruction;

【(ii) following up such reviews with recommendations to ensure that such institutions offer courses that meet the highest standards; and

【(iii) preparing a report on the results of such reviews, submitting the report to the reading and literacy partnership for the State established under section 1203(d), and making the report available for public review by means of the Internet; and

【(C) to make recommendations on how the State licensure and certification standards in the area of reading might be improved.

【(4) TECHNICAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES AND SCHOOLS.—A State educational agency may expend not more than 25 percent of the amount of the funds made available under paragraph (1) for one or more of the following:

【(A) Assisting local educational agencies in accomplishing the tasks required to design and implement a program under this subpart, including—

【(i) selecting and implementing a program or programs of reading instruction based on scientifically based reading research;

【(ii) selecting screening, diagnostic, and classroom-based instructional reading assessments; and

[(iii) identifying eligible professional development providers to help prepare reading teachers to teach students using the programs and assessments described in clauses (i) and (ii).

[(B) Providing expanded opportunities to students in kindergarten through grade 3 who are served by eligible local educational agencies for receiving reading assistance from alternative providers that includes—

[(i) screening, diagnostic, and classroom-based instructional reading assessments; and

[(ii) as need is indicated by the assessments under clause (i), instruction based on scientifically based reading research that includes the essential components of reading instruction.

[(5) PLANNING, ADMINISTRATION, AND REPORTING.—

[(A) EXPENDITURE OF FUNDS.—A State educational agency may expend not more than 10 percent of the amount of funds made available under paragraph (1) for the activities described in this paragraph.

[(B) PLANNING AND ADMINISTRATION.—A State educational agency that receives a grant under this section may expend funds made available under subparagraph (A) for planning and administration relating to the State uses of funds authorized under this subpart, including the following:

[(i) Administering the distribution of competitive subgrants to eligible local educational agencies under subsection (c) and section 1204(d).

[(ii) Assessing and evaluating, on a regular basis, eligible local educational agency activities assisted under this subpart, with respect to whether they have been effective in increasing the number of children in grades 1, 2, and 3 served under this subpart who can read at or above grade level.

[(C) ANNUAL REPORTING.—

[(i) IN GENERAL.—A State educational agency that receives a grant under this section shall expend funds made available under subparagraph (A) to provide the Secretary annually with a report on the implementation of this subpart.

[(ii) INFORMATION INCLUDED.—Each report under this subparagraph shall include information on the following:

[(I) Evidence that the State educational agency is fulfilling its obligations under this subpart.

[(II) Specific identification of those schools and local educational agencies that report the largest gains in reading achievement.

[(III) The progress the State educational agency and local educational agencies within the State are making in reducing the number of students served under this subpart in grades 1, 2, and 3 who are reading below grade level, as demonstrated by such information as teacher reports

and school evaluations of mastery of the essential components of reading instruction.

【(IV) Evidence on whether the State educational agency and local educational agencies within the State have significantly increased the number of students reading at grade level or above, significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) who are reading at grade level or above, and successfully implemented this subpart.

【(iii) PRIVACY PROTECTION.—Data in the report shall be reported in a manner that protects the privacy of individuals.

【(iv) CONTRACT.—To the extent practicable, a State educational agency shall enter into a contract with an entity that conducts scientifically based reading research, under which contract the entity will assist the State educational agency in producing the reports required to be submitted under this subparagraph.

【(e) REVIEW.—

【(1) PROGRESS REPORT.—

【(A) SUBMISSION.—Not later than 60 days after the termination of the third year of the grant period, each State educational agency receiving a grant under this section shall submit a progress report to the Secretary.

【(B) INFORMATION INCLUDED.—The progress report shall include information on the progress the State educational agency and local educational agencies within the State are making in reducing the number of students served under this subpart in grades 1, 2, and 3 who are reading below grade level (as demonstrated by such information as teacher reports and school evaluations of mastery of the essential components of reading instruction). The report shall also include evidence from the State educational agency and local educational agencies within the State that the State educational agency and the local educational agencies have significantly increased the number of students reading at grade level or above, significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) who are reading at grade level or above, and successfully implemented this subpart.

【(2) PEER REVIEW.—The progress report described in paragraph (1) shall be reviewed by the peer review panel convened under section 1203(c)(2).

【(3) CONSEQUENCES OF INSUFFICIENT PROGRESS.—After submission of the progress report described in paragraph (1), if the Secretary determines that the State educational agency is not making significant progress in meeting the purposes of this subpart, the Secretary may withhold from the State educational agency, in whole or in part, further payments under this section in accordance with section 455 of the General Education Provisions Act or take such other action authorized by law as the Secretary determines necessary, including providing

technical assistance upon request of the State educational agency.

[(f) FUNDS NOT USED FOR STATE LEVEL ACTIVITIES.—Any portion of funds described in subsection (d)(1) that a State educational agency does not expend in accordance with subsection (d)(1) shall be expended for the purpose of making subgrants in accordance with subsection (c).

[(g) SUPPLEMENT, NOT SUPPLANT.—A State or local educational agency shall use funds received under this subpart only to supplement the level of non-Federal funds that, in the absence of funds under this subpart, would be expended for activities authorized under this subpart, and not to supplant those non-Federal funds.

**[SEC. 1203. STATE FORMULA GRANT APPLICATIONS.**

[(a) APPLICATIONS.—

[(1) IN GENERAL.—A State educational agency that desires to receive a grant under section 1202 shall submit an application to the Secretary at such time and in such form as the Secretary may require. The application shall contain the information described in subsection (b).

[(2) SPECIAL APPLICATION PROVISIONS.—For those State educational agencies that have received a grant under part C of title II (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001), the Secretary shall establish a modified set of requirements for an application under this section that takes into account the information already submitted and approved under that program and minimizes the duplication of effort on the part of such State educational agencies.

[(b) CONTENTS.—An application under this section shall contain the following:

[(1) An assurance that the Governor of the State, in consultation with the State educational agency, has established a reading and literacy partnership described in subsection (d), and a description of how such partnership—

[(A) coordinated the development of the application; and

[(B) will assist in the oversight and evaluation of the State educational agency's activities under this subpart.

[(2) A description, if applicable, of the State's strategy to expand, continue, or modify activities authorized under part C of title II (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001).

[(3) An assurance that the State educational agency, and any local educational agencies receiving a subgrant from that State educational agency under section 1202, will, if requested, participate in the external evaluation under section 1205.

[(4) A State educational agency plan containing a description of the following:

[(A) How the State educational agency will assist local educational agencies in identifying screening, diagnostic, and classroom-based instructional reading assessments.

[(B) How the State educational agency will assist local educational agencies in identifying instructional materials, programs, strategies, and approaches, based on scientifically based reading research, including early intervention



and reading remediation materials, programs, and approaches.

[(C) How the State educational agency will ensure that professional development activities related to reading instruction and provided under section 1202 are—

[(i) coordinated with other Federal, State, and local level funds, and used effectively to improve instructional practices for reading; and

[(ii) based on scientifically based reading research.

[(D) How the activities assisted under section 1202 will address the needs of teachers and other instructional staff in implementing the essential components of reading instruction.

[(E) How subgrants made by the State educational agency under section 1202 will meet the requirements of section 1202, including how the State educational agency will ensure that eligible local educational agencies receiving subgrants under section 1202 will use practices based on scientifically based reading research.

[(F) How the State educational agency will, to the extent practicable, make grants to eligible local educational agencies in both rural and urban areas.

[(G) How the State educational agency will build on, and promote coordination among literacy programs in the State (including federally funded programs such as programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and subpart 2), to increase the effectiveness of the programs in improving reading for adults and children and to avoid duplication of the efforts of the program.

[(H) How the State educational agency will assess and evaluate, on a regular basis, eligible local educational agency activities assisted under section 1202, with respect to whether the activities have been effective in achieving the purposes of section 1202.

[(I) Any other information that the Secretary may reasonably require.

[(c) APPROVAL OF APPLICATIONS.—

[(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section only if such application meets the requirements of this section.

[(2) PEER REVIEW.—

[(A) IN GENERAL.—The Secretary, in consultation with the National Institute for Literacy, shall convene a panel to evaluate applications under this section. At a minimum, the panel shall include—

[(i) three individuals selected by the Secretary;

[(ii) three individuals selected by the National Institute for Literacy;

[(iii) three individuals selected by the National Research Council of the National Academy of Sciences; and

[(iv) three individuals selected by the Eunice Kennedy Shriver National Institute of Child Health and Human Development.]

[(A) *IN GENERAL.*—*The Secretary shall convene a panel to evaluate applications under this section. At a minimum, the panel shall include—*

[(i) *three individuals selected by the Secretary;*

[(ii) *three individuals selected by the National Research Council of the National Academy of Sciences; and*

[(iii) *three individuals selected by the Eunice Kennedy Shriver National Institute of Child Health and Human Development.*

[(B) *EXPERTS.*—*The panel shall include—*

[(i) *experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section;*

[(ii) *experts who provide professional development to individuals who teach reading to children and adults based on scientifically based reading research;*

[(iii) *experts who provide professional development to other instructional staff based on scientifically based reading research; and*

[(iv) *an individual who has expertise in screening, diagnostic, and classroom-based instructional reading assessments.*

[(C) *RECOMMENDATIONS.*—*The panel shall recommend grant applications from State educational agencies under this section to the Secretary for funding or for disapproval.*

[(d) *READING AND LITERACY PARTNERSHIPS.*—

[(1) *IN GENERAL.*—*For a State educational agency to receive a grant under section 1202, the Governor of the State, in consultation with the State educational agency, shall establish a reading and literacy partnership.*

[(2) *REQUIRED PARTICIPANTS.*—*The reading and literacy partnership shall include the following participants:*

[(A) *The Governor of the State.*

[(B) *The chief State school officer.*

[(C) *The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.*

[(D) *A representative, selected jointly by the Governor and the chief State school officer, of at least one eligible local educational agency.*

[(E) *A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using tutors and scientifically based reading research.*

[(F) *State directors of appropriate Federal or State programs with a strong reading component, selected jointly by the Governor and the chief State school officer.*

[(G) *A parent of a public or private school student or a parent who educates the parent's child in the parent's*

home, selected jointly by the Governor and the chief State school officer.

[(H) A teacher, who may be a special education teacher, who successfully teaches reading, and another instructional staff member, selected jointly by the Governor and the chief State school officer.

[(I) A family literacy service provider selected jointly by the Governor and the chief State school officer.

[(3) OPTIONAL PARTICIPANTS.—The reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, and who may include a representative of—

[(A) an institution of higher education operating a program of teacher preparation in the State that is based on scientifically based reading research;

[(B) a local educational agency;

[(C) a private nonprofit or for-profit eligible professional development provider providing instruction based on scientifically based reading research;

[(D) an adult education provider;

[(E) a volunteer organization that is involved in reading programs; or

[(F) a school library or a public library that offers reading or literacy programs for children or families.

[(4) PREEXISTING PARTNERSHIP.—If, before the date of enactment of the No Child Left Behind Act of 2001, a State educational agency established a consortium, partnership, or any other similar body that was considered a reading and literacy partnership for purposes of part C of title II of this Act (as such part was in effect on the day before the date of enactment of No Child Left Behind Act of 2001), that consortium, partnership, or body may be considered a reading and literacy partnership for purposes of this subsection consistent with the provisions of this subpart.

**[SEC. 1204. TARGETED ASSISTANCE GRANTS.**

[(a) ELIGIBILITY CRITERIA FOR AWARDING TARGETED ASSISTANCE GRANTS TO STATES.—Beginning with fiscal year 2004, from funds appropriated under section 1202(b)(1)(E), the Secretary shall make grants, on a competitive basis, to those State educational agencies that—

[(1) for each of 2 consecutive years, demonstrate that an increasing percentage of third graders in each of the groups described in section 1111(b)(2)(C)(v)(II) in the schools served by the local educational agencies receiving funds under section 1202 are reaching the proficient level in reading; and

[(2) for each of the same such consecutive 2 years, demonstrate that schools receiving funds under section 1202 are improving the reading skills of students in grades 1, 2, and 3 based on screening, diagnostic, and classroom-based instructional reading assessments.

[(b) CONTINUATION OF PERFORMANCE AWARDS.—For any State educational agency that receives a competitive grant under this section, the Secretary shall make an award for each of the succeeding years that the State educational agency demonstrates it is continuing to meet the criteria described in subsection (a).

[(c) DISTRIBUTION OF TARGETED ASSISTANCE GRANTS.—

[(1) IN GENERAL.—The Secretary shall make a grant to each State educational agency with an application approved under this section in an amount that bears the same relation to the amount made available to carry out this section for a fiscal year as the number of children counted under section 1124(c) for the State bears to the number of such children so counted for all States with applications approved for that year.

[(2) PEER REVIEW.—The peer review panel convened under section 1203(c)(2) shall review the applications submitted under this subsection. The panel shall recommend such applications to the Secretary for funding or for disapproval.

[(3) APPLICATION CONTENTS.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall include the following:

[(A) Evidence that the State educational agency has carried out its obligations under section 1203.

[(B) Evidence that the State educational agency has met the criteria described in subsection (a).

[(C) The amount of funds requested by the State educational agency and a description of the criteria the State educational agency intends to use in distributing subgrants to eligible local educational agencies under this section to continue or expand activities under subsection (d)(5).

[(D) Evidence that the State educational agency has increased significantly the percentage of students reading at grade level or above.

[(E) Any additional evidence that demonstrates success in the implementation of this section.

[(d) SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—The Secretary may make a grant to a State educational agency under this section only if the State educational agency agrees to expend 100 percent of the amount of the funds provided under the grant for the purpose of making competitive subgrants in accordance with this subsection to eligible local educational agencies.

[(2) NOTICE.—A State educational agency receiving a grant under this section shall provide notice to all local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

[(3) APPLICATION.—To be eligible to receive a subgrant under this subsection, an eligible local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

[(4) DISTRIBUTION.—

[(A) IN GENERAL.—A State educational agency shall distribute subgrants under this section through a competitive process based on relative need of eligible local educational agencies and the evidence described in this paragraph.

[(B) EVIDENCE USED IN ALL YEARS.—For all fiscal years, a State educational agency shall distribute subgrants under this section based on evidence that an eligible local educational agency—

[(i) satisfies the requirements of section 1202(c)(4);

[(ii) will carry out its obligations under this subpart;

[(iii) will work with other local educational agencies in the State that have not received a subgrant under this subsection to assist such nonreceiving agencies in increasing the reading achievement of students; and

[(iv) is meeting the criteria described in subsection (a).

[(5) LOCAL USES OF FUNDS.—An eligible local educational agency that receives a subgrant under this subsection—

[(A) shall use the funds provided under the subgrant to carry out the activities described in section 1202(c)(7)(A); and

[(B) may use such funds to carry out the activities described in section 1202(c)(7)(B).

**[SEC. 1205. EXTERNAL EVALUATION.**

[(a) IN GENERAL.—From funds reserved under section 1202(b)(1)(C), the Secretary shall contract with an independent organization outside of the Department for a 5-year, rigorous, scientifically valid, quantitative evaluation of this subpart.

[(b) PROCESS.—The evaluation under subsection (a) shall be conducted by an organization that is capable of designing and carrying out an independent evaluation that identifies the effects of specific activities carried out by State educational agencies and local educational agencies under this subpart on improving reading instruction. Such evaluation shall take into account factors influencing student performance that are not controlled by teachers or education administrators.

[(c) ANALYSIS.—The evaluation under subsection (a) shall include the following:

[(1) An analysis of the relationship between each of the essential components of reading instruction and overall reading proficiency.

[(2) An analysis of whether assessment tools used by State educational agencies and local educational agencies measure the essential components of reading.

[(3) An analysis of how State reading standards correlate with the essential components of reading instruction.

[(4) An analysis of whether the receipt of a targeted assistance grant under section 1204 results in an increase in the number of children who read proficiently.

[(5) A measurement of the extent to which specific instructional materials improve reading proficiency.

[(6) A measurement of the extent to which specific screening, diagnostic, and classroom-based instructional reading assessments assist teachers in identifying specific reading deficiencies.

[(7) A measurement of the extent to which professional development programs implemented by State educational agencies using funds received under this subpart improve reading instruction.

[(8) A measurement of how well students preparing to enter the teaching profession are prepared to teach the essential components of reading instruction.

[(9) An analysis of changes in students' interest in reading and time spent reading outside of school.

[(10) Any other analysis or measurement pertinent to this subpart that is determined to be appropriate by the Secretary.

[(d) PROGRAM IMPROVEMENT.—The findings of the evaluation conducted under this section shall be provided to State educational agencies and local educational agencies on a periodic basis for use in program improvement.

**[SEC. 1206. NATIONAL ACTIVITIES.**

[(From funds reserved under section 1202(b)(1)(C), the Secretary—

[(1) may provide technical assistance in achieving the purposes of this subpart to State educational agencies, local educational agencies, and schools requesting such assistance;

[(2) shall, at a minimum, evaluate the impact of services provided to children under this subpart with respect to their referral to, and eligibility for, special education services under the Individuals with Disabilities Education Act (based on their difficulties learning to read); and

[(3) shall carry out the external evaluation as described in section 1205.

**[SEC. 1207. INFORMATION DISSEMINATION.**

[(a) IN GENERAL.—From funds reserved under section 1202(b)(1)(D), the National Institute for Literacy, in collaboration with the Secretary of Education, the Secretary of Health and Human Services, and the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development shall—

[(1) disseminate information on scientifically based reading research pertaining to children, youth, and adults;

[(2) identify and disseminate information about schools, local educational agencies, and State educational agencies that have effectively developed and implemented classroom reading programs that meet the requirements of this subpart, including those State educational agencies, local educational agencies, and schools that have been identified as effective through the evaluation and peer review provisions of this subpart; and

[(3) support the continued identification and dissemination of information on reading programs that contain the essential components of reading instruction as supported by scientifically based reading research, that can lead to improved reading outcomes for children, youth, and adults.

[(b) DISSEMINATION AND COORDINATION.—At a minimum, the National Institute for Literacy shall disseminate the information described in subsection (a) to—

[(1) recipients of Federal financial assistance under this title, title III, the Head Start Act, the Individuals with Disabil-

ities Education Act, and the Adult Education and Family Literacy Act; and

[(2) each Bureau funded school (as defined in section 1141 of the Education Amendments of 1978).

[(c) USE OF EXISTING NETWORKS.—In carrying out this section, the National Institute for Literacy shall, to the extent practicable, use existing information and dissemination networks developed and maintained through other public and private entities including through the Department and the National Center for Family Literacy.

[(d) NATIONAL INSTITUTE FOR LITERACY.—For purposes of funds reserved under section 1202(b)(1)(D) to carry out this section, the National Institute for Literacy shall administer such funds in accordance with section 242(b) of Public Law 105–220 (relating to the establishment and administration of the National Institute for Literacy).

**[SEC. 1208. DEFINITIONS.**

[In this subpart:

[(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term “eligible local educational agency” means a local educational agency that—

[(A) is among the local educational agencies in the State with the highest numbers or percentages of students in kindergarten through grade 3 reading below grade level, based on the most currently available data; and

[(B) has—

[(i) jurisdiction over a geographic area that includes an area designated as an empowerment zone, or an enterprise community, under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986;

[(ii) jurisdiction over a significant number or percentage of schools that are identified for school improvement under section 1116(b); or

[(iii) the highest numbers or percentages of children who are counted under section 1124(c), in comparison to other local educational agencies in the State.

[(2) ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER.—The term “eligible professional development provider” means a provider of professional development in reading instruction to teachers, including special education teachers, that is based on scientifically based reading research.

[(3) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term “essential components of reading instruction” means explicit and systematic instruction in—

[(A) phonemic awareness;

[(B) phonics;

[(C) vocabulary development;

[(D) reading fluency, including oral reading skills; and

[(E) reading comprehension strategies.

[(4) INSTRUCTIONAL STAFF.—The term “instructional staff”—

[(A) means individuals who have responsibility for teaching children to read; and

【(B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

【(5) READING.—The term “reading” means a complex system of deriving meaning from print that requires all of the following:

【(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

【(B) The ability to decode unfamiliar words.

【(C) The ability to read fluently.

【(D) Sufficient background information and vocabulary to foster reading comprehension.

【(E) The development of appropriate active strategies to construct meaning from print.

【(F) The development and maintenance of a motivation to read.

【(6) SCIENTIFICALLY BASED READING RESEARCH.—The term “scientifically based reading research” means research that—

【(A) applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

【(B) includes research that—

【(i) employs systematic, empirical methods that draw on observation or experiment;

【(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

【(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

【(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

【(7) SCREENING, DIAGNOSTIC, AND CLASSROOM-BASED INSTRUCTIONAL READING ASSESSMENTS.—

【(A) IN GENERAL.—The term “screening, diagnostic, and classroom-based instructional reading assessments” means—

【(i) screening reading assessments;

【(ii) diagnostic reading assessments; and

【(iii) classroom-based instructional reading assessments.

【(B) SCREENING READING ASSESSMENT.—The term “screening reading assessment” means an assessment that is—

【(i) valid, reliable, and based on scientifically based reading research; and

【(ii) a brief procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of their need for special services or additional reading instruction.



**[(C) DIAGNOSTIC READING ASSESSMENT.**—The term “diagnostic reading assessment” means an assessment that is—

**[(i)** valid, reliable, and based on scientifically based reading research; and

**[(ii)** used for the purpose of—

**[(I)** identifying a child’s specific areas of strengths and weaknesses so that the child has learned to read by the end of grade 3;

**[(II)** determining any difficulties that a child may have in learning to read and the potential cause of such difficulties; and

**[(III)** helping to determine possible reading intervention strategies and related special needs.

**[(D) CLASSROOM-BASED INSTRUCTIONAL READING ASSESSMENT.**—The term “classroom-based instructional reading assessment” means an assessment that—

**[(i)** evaluates children’s learning based on systematic observations by teachers of children performing academic tasks that are part of their daily classroom experience; and

**[(ii)** is used to improve instruction in reading, including classroom instruction.

## **[Subpart 2—Early Reading First]**

### **[SEC. 1221. PURPOSES; DEFINITIONS.**

**[(a) PURPOSES.**—The purposes of this subpart are as follows:

**[(1)** To support local efforts to enhance the early language, literacy, and prereading development of preschool age children, particularly those from low-income families, through strategies and professional development that are based on scientifically based reading research.

**[(2)** To provide preschool age children with cognitive learning opportunities in high-quality language and literature-rich environments, so that the children can attain the fundamental knowledge and skills necessary for optimal reading development in kindergarten and beyond.

**[(3)** To demonstrate language and literacy activities based on scientifically based reading research that supports the age-appropriate development of—

**[(A)** recognition, leading to automatic recognition, of letters of the alphabet;

**[(B)** knowledge of letter sounds, the blending of sounds, and the use of increasingly complex vocabulary;

**[(C)** an understanding that written language is composed of phonemes and letters each representing one or more speech sounds that in combination make up syllables, words, and sentences;

**[(D)** spoken language, including vocabulary and oral comprehension abilities; and

**[(E)** knowledge of the purposes and conventions of print.

**[(4)** To use screening assessments to effectively identify preschool age children who may be at risk for reading failure.

[(5) To integrate such scientific reading research-based instructional materials and literacy activities with existing programs of preschools, child care agencies and programs, Head Start centers, and family literacy services.

[(b) DEFINITIONS.—For purposes of this subpart:

[(1) ELIGIBLE APPLICANT.—The term “eligible applicant” means—

[(A) one or more local educational agencies that are eligible to receive a subgrant under subpart 1;

[(B) one or more public or private organizations or agencies, acting on behalf of one or more programs that serve preschool age children (such as a program at a Head Start center, a child care program, or a family literacy program), which organizations or agencies shall be located in a community served by a local educational agency described in subparagraph (A); or

[(C) one or more local educational agencies described in subparagraph (A) in collaboration with one or more organizations or agencies described in subparagraph (B).

[(2) SCIENTIFICALLY BASED READING RESEARCH.—The term “scientifically based reading research” has the same meaning given to that term in section 1208.

[(3) SCREENING READING ASSESSMENT.—The term “screening reading assessment” has the same meaning given to that term in section 1208.

**[SEC. 1222. LOCAL EARLY READING FIRST GRANTS.**

[(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 1002(b)(2), the Secretary shall award grants, on a competitive basis, for periods of not more than 6 years, to eligible applicants to enable the eligible applicants to carry out the authorized activities described in subsection (d).

[(b) APPLICATIONS.—An eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary, which shall include a description of—

[(1) the programs to be served by the proposed project, including demographic and socioeconomic information on the preschool age children enrolled in the programs;

[(2) how the proposed project will enhance the school readiness of preschool age children in high-quality oral language and literature-rich environments;

[(3) how the proposed project will prepare and provide ongoing assistance to staff in the programs, through professional development and other support, to provide high-quality language, literacy, and prereading activities using scientifically based reading research, for preschool age children;

[(4) how the proposed project will provide services and use instructional materials that are based on scientifically based reading research on early language acquisition, prereading activities, and the development of spoken vocabulary skills;

[(5) how the proposed project will help staff in the programs to meet more effectively the diverse needs of preschool age children in the community, including such children with limited English proficiency, disabilities, or other special needs;

[(6) how the proposed project will integrate such instructional materials and literacy activities with existing preschool programs and family literacy services;

[(7) how the proposed project will help children, particularly children experiencing difficulty with spoken language, prereading, and early reading skills, to make the transition from preschool to formal classroom instruction in school;

[(8) if the eligible applicant has received a subgrant under subpart 1, how the activities conducted under this subpart will be coordinated with the eligible applicant's activities under subpart 1 at the kindergarten through grade 3 level;

[(9) how the proposed project will evaluate the success of the activities supported under this subpart in enhancing the early language, literacy, and prereading development of preschool age children served by the project; and

[(10) such other information as the Secretary may require.

[(c) APPROVAL OF LOCAL APPLICATIONS.—The Secretary shall select applicants for funding under this subpart based on the quality of the applications and the recommendations of a peer review panel convened under section 1203(c)(2), that includes, at a minimum, three individuals, selected from the entities described in clauses (ii), (iii), and (iv) of section 1203(c)(2)(A), who are experts in early reading development and early childhood development.

[(d) AUTHORIZED ACTIVITIES.—An eligible applicant that receives a grant under this subpart shall use the funds provided under the grant to carry out the following activities:

[(1) Providing preschool age children with high-quality oral language and literature-rich environments in which to acquire language and prereading skills.

[(2) Providing professional development that is based on scientifically based reading research knowledge of early language and reading development for the staff of the eligible applicant and that will assist in developing the preschool age children's—

[(A) recognition, leading to automatic recognition, of letters of the alphabet, knowledge of letters, sounds, blending of letter sounds, and increasingly complex vocabulary;

[(B) understanding that written language is composed of phonemes and letters each representing one or more speech sounds that in combination make up syllables, words, and sentences;

[(C) spoken language, including vocabulary and oral comprehension abilities; and

[(D) knowledge of the purposes and conventions of print.

[(3) Identifying and providing activities and instructional materials that are based on scientifically based reading research for use in developing the skills and abilities described in paragraph (2).

[(4) Acquiring, providing training for, and implementing screening reading assessments or other appropriate measures that are based on scientifically based reading research to determine whether preschool age children are developing the skills described in this subsection.

[(5) Integrating such instructional materials, activities, tools, and measures into the programs offered by the eligible applicant.

[(e) AWARD AMOUNTS.—The Secretary may establish a maximum award amount, or ranges of award amounts, for grants under this subpart.

**[SEC. 1223. FEDERAL ADMINISTRATION.**

[The Secretary shall consult with the Secretary of Health and Human Services to coordinate the activities under this subpart with preschool age programs administered by the Department of Health and Human Services.

**[SEC. 1224. INFORMATION DISSEMINATION.**

[From the funds the National Institute for Literacy receives under section 1202(b)(1)(D), the National Institute for Literacy, in consultation with the Secretary, shall disseminate information regarding projects assisted under this subpart that have proven effective.

**[SEC. 1225. REPORTING REQUIREMENTS.**

[Each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart. Such report shall include, at a minimum, a description of—

[(1) the research-based instruction, materials, and activities being used in the programs funded under the grant;

[(2) the types of programs funded under the grant and the ages of children served by such programs;

[(3) the qualifications of the program staff who provide early literacy instruction under such programs and the type of ongoing professional development provided to such staff; and

[(4) the results of the evaluation described in section 1222(b)(9).

**[SEC. 1226. EVALUATION.**

[(a) IN GENERAL.—From the total amount made available under section 1002(b)(2) for the period beginning October 1, 2002, and ending September 30, 2006, the Secretary shall reserve not more than \$3,000,000 to conduct an independent evaluation of the effectiveness of this subpart.

[(b) REPORTS.—

[(1) INTERIM REPORT.—Not later than October 1, 2004, the Secretary shall submit an interim report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

[(2) FINAL REPORT.—Not later than September 30, 2006, the Secretary shall submit a final report to the committees described in paragraph (1).

[(c) CONTENTS.—The reports submitted under subsection (b) shall include information on the following:

[(1) How the grant recipients under this subpart are improving the prereading skills of preschool children.

[(2) The effectiveness of the professional development program assisted under this subpart.

[(3) How early childhood teachers are being prepared with scientifically based reading research on early reading development.

[(4) What activities and instructional practices are most effective.

[(5) How prereading instructional materials and literacy activities based on scientifically based reading research are being integrated into preschools, child care agencies and programs, programs carried out under the Head Start Act, and family literacy programs.

[(6) Any recommendations on strengthening or modifying this subpart.

### **[Subpart 3—William F. Goodling Even Start Family Literacy Programs]**

#### **[SEC. 1231. STATEMENT OF PURPOSE.**

[(It is the purpose of this subpart to help break the cycle of poverty and illiteracy by—

[(1) improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as "Even Start"; and

[(2) establishing a program that shall—

[(A) be implemented through cooperative projects that build on high-quality existing community resources to create a new range of services;

[(B) promote the academic achievement of children and adults;

[(C) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student achievement standards; and

[(D) use instructional programs based on scientifically based reading research and addressing the prevention of reading difficulties for children and adults, to the extent such research is available.

#### **[SEC. 1232. PROGRAM AUTHORIZED.**

[(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—

[(1) IN GENERAL.—For each fiscal year, the Secretary shall reserve 5 percent of the amount appropriated under section 1002(b)(3) (or, if such appropriated amount exceeds \$200,000,000, 6 percent of such amount) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this subpart, and according to their relative needs, for—

[(A) children of migratory workers;

[(B) the outlying areas; and

[(C) Indian tribes and tribal organizations.

[(2) SPECIAL RULE.—After December 21, 2000, the Secretary shall award a grant, on a competitive basis, of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that

houses women and their preschool age children and that has the capability of developing a program of high quality.

【(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high-quality family literacy programs serving American Indians.

【(b) RESERVATION FOR FEDERAL ACTIVITIES.—

【(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—Subject to paragraph (2), from amounts appropriated under section 1002(b)(3), the Secretary may reserve not more than 3 percent of such amounts for purposes of—

【(A) carrying out the evaluation required by section 1239; and

【(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

【(2) RESEARCH.—In any fiscal year, if the amount appropriated under section 1002(b)(3) for such year—

【(A) is equal to or less than the amount appropriated for the preceding fiscal year, the Secretary may reserve from such amount only the amount necessary to continue multi-year activities carried out pursuant to section 1241(b) that began during or prior to the fiscal year preceding the fiscal year for which the determination is made; or

【(B) exceeds the amount appropriated for the preceding fiscal year, then the Secretary shall reserve from such excess amount \$2,000,000 or 50 percent, whichever is less, to carry out section 1241(b).

【(c) RESERVATION FOR GRANTS.—

【(1) GRANTS AUTHORIZED.—

【(A) IN GENERAL.—For any fiscal year for which at least one State educational agency applies and submits an application that meets the requirements and goals of this subsection and for which the amount appropriated under section 1002(b)(3) exceeds the amount appropriated under that section for the preceding fiscal year, the Secretary shall reserve, from the amount of the excess remaining after the application of subsection (b)(2), the amount of the remainder or \$1,000,000, whichever is less, to award grants, on a competitive basis, to State educational agencies to enable them to plan and implement statewide family literacy initiatives to coordinate and, where appropriate, integrate existing Federal, State, and local literacy resources consistent with the purposes of this subpart.

【(B) COORDINATION AND INTEGRATION.—The coordination and integration described in subparagraph (A) shall include coordination and integration of funds available under the Adult Education and Family Literacy Act, the Head Start Act, this subpart, part A of this title, and part A of title IV of the Social Security Act.

[(C) RESTRICTION.—No State educational agency may receive more than one grant under this subsection.

[(2) CONSORTIA.—

[(A) ESTABLISHMENT.—To receive a grant under this subsection, a State educational agency shall establish a consortium of State-level programs under the following provisions of laws:

[(i) This title (other than part D).

[(ii) The Head Start Act.

[(iii) The Adult Education and Family Literacy Act.

[(iv) All other State-funded preschool programs and programs providing literacy services to adults.

[(B) PLAN.—To receive a grant under this subsection, the consortium established by a State educational agency shall create a plan to use a portion of the State educational agency's resources, derived from the programs referred to in subparagraph (A), to strengthen and expand family literacy services in the State.

[(C) COORDINATION WITH SUBPART 1.—The consortium shall coordinate its activities under this paragraph with the activities of the reading and literacy partnership for the State educational agency established under section 1203(d), if the State educational agency receives a grant under section 1202.

[(3) READING INSTRUCTION.—Statewide family literacy initiatives implemented under this subsection shall base reading instruction on scientifically based reading research.

[(4) TECHNICAL ASSISTANCE.—The Secretary shall provide, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to State educational agencies receiving a grant under this subsection.

[(5) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State educational agency under this subsection unless the State educational agency agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State educational agency will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

[(d) STATE EDUCATIONAL AGENCY ALLOCATION.—

[(1) IN GENERAL.—From amounts appropriated under section 1002(b)(3) and not reserved under subsection (a), (b), or (c), the Secretary shall make grants to State educational agencies from allocations under paragraph (2).

[(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available under paragraph (1) for allocation to State educational agencies in any fiscal year, each State educational agency shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to the total amount as the amount allocated under part A to that State educational agency bears to the total amount allocated under that part to all State educational agencies.

[(3) MINIMUM.—No State educational agency shall receive a grant under paragraph (1) in any fiscal year in an amount that is less than \$250,000, or one-half of 1 percent of the amount appropriated under section 1002(b)(3) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.

[(e) DEFINITIONS.—For the purpose of this subpart—

[(1) the term “eligible entity” means a partnership composed of—

[(A) a local educational agency; and

[(B) a nonprofit community-based organization, a public agency other than a local educational agency, an institution of higher education, or a public or private nonprofit organization other than a local educational agency, of demonstrated quality;

[(2) the term “eligible organization” means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

[(3) the terms “Indian tribe” and “tribal organization” have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act;

[(4) the term “scientifically based reading research” has the meaning given that term in section 1208; and

[(5) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**[SEC. 1233. STATE EDUCATIONAL AGENCY PROGRAMS.**

[(a) STATE EDUCATIONAL AGENCY LEVEL ACTIVITIES.—Each State educational agency that receives a grant under section 1232(d)(1) may use not more than a total of 6 percent of the grant funds for the costs of—

[(1) administration, which amount shall not exceed half of the total;

[(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b); and

[(3) carrying out sections 1240 and 1234(c).

[(b) SUBGRANTS FOR LOCAL PROGRAMS.—

[(1) IN GENERAL.—Each State educational agency shall use the grant funds received under section 1232(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

[(2) MINIMUM SUBGRANT AMOUNTS.—

[(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State educational agency shall award a subgrant under paragraph (1) in an amount less than \$75,000.

[(B) SUBGRANTEES IN NINTH AND SUCCEEDING YEARS.—No State educational agency shall award a subgrant under paragraph (1) in an amount less than \$52,500 to an eligible entity for a fiscal year to carry out an Even Start program that is receiving assistance under



this subpart or its predecessor authority for the ninth (or any subsequent) fiscal year.

[(C) EXCEPTION FOR SINGLE SUBGRANT.—A State educational agency may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for that fiscal year in accordance with subparagraphs (A) and (B), less than \$75,000 is available to the State educational agency to award those subgrants.

**[SEC. 1234. USES OF FUNDS.**

[(a) IN GENERAL.—In carrying out an Even Start program under this subpart, a recipient of funds under this subpart shall use those funds to pay the Federal share of the cost of providing intensive family literacy services that involve parents and children, from birth through age 7, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

[(b) FEDERAL SHARE LIMITATION.—

[(1) IN GENERAL.—

[(A) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share under this subpart may not exceed—

[(i) 90 percent of the total cost of the program in the first year that the program receives assistance under this subpart or its predecessor authority;

[(ii) 80 percent in the second year;

[(iii) 70 percent in the third year;

[(iv) 60 percent in the fourth year;

[(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

[(vi) 35 percent in any subsequent year.

[(B) REMAINING COST.—The remaining cost of a program assisted under this subpart may be provided in cash or in kind, fairly evaluated, and may be obtained from any source, including other Federal funds under this Act.

[(2) WAIVER.—The State educational agency may waive, in whole or in part, the Federal share described in paragraph (1) for an eligible entity if the entity—

[(A) demonstrates that it otherwise would not be able to participate in the program assisted under this subpart; and

[(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

[(3) PROHIBITION.—Federal funds provided under this subpart may not be used for the indirect costs of a program assisted under this subpart, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1232(a)(1)(C) demonstrates to the Secretary's satisfaction that the recipient otherwise would not be able to participate in the program assisted under this subpart.

[(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

[(1) IN GENERAL.—A State educational agency may use a portion of funds reserved under section 1233(a), to assist eligible entities receiving a subgrant under section 1233(b) in im-

proving the quality of family literacy services provided under Even Start programs under this subpart, except that in no case may a State educational agency's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

[(2) PRIORITY.—In carrying out paragraph (1), a State educational agency shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State educational agency under section 1240.

[(3) TECHNICAL ASSISTANCE TO HELP LOCAL PROGRAMS RAISE ADDITIONAL FUNDS.—In carrying out paragraph (1), a State educational agency may use the funds referred to in that paragraph to provide technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists, including requesting and applying for non-Federal resources.

[(4) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State educational agency through a grant, contract, or cooperative agreement with an entity that has experience in offering high-quality training and technical assistance to family literacy providers.

**[SEC. 1235. PROGRAM ELEMENTS.**

[Each program assisted under this subpart shall—

[(1) include the identification and recruitment of families most in need of services provided under this subpart, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

[(2) include screening and preparation of parents, including teenage parents, and children to enable those parents and children to participate fully in the activities and services provided under this subpart, including testing, referral to necessary counselling, other developmental and support services, and related services;

[(3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when those services are unavailable from other sources, necessary for participation in the activities assisted under this subpart, such as—

[(A) scheduling and locating of services to allow joint participation by parents and children;

[(B) child care for the period that parents are involved in the program provided under this subpart; and

[(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this subpart;

[(4) include high-quality, intensive instructional programs that promote adult literacy and empower parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

[(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this subpart, ensure that—

[(A) not later than December 21, 2004—

[(i) a majority of the individuals providing academic instruction—

[(I) shall have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school or secondary school education, or adult education; and

[(II) if applicable, shall meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

[(ii) the individual responsible for administration of family literacy services under this subpart has received training in the operation of a family literacy program; and

[(iii) paraprofessionals who provide support for academic instruction have a secondary school diploma or its recognized equivalent; and

[(B) all new personnel hired to provide academic instruction—

[(i) have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school or secondary school education, or adult education; and

[(ii) if applicable, meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

[(6) include special training of staff, including child-care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this subpart;

[(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

[(8) operate on a year-round basis, including the provision of some program services, including instructional and enrichment services, during the summer months;

[(9) be coordinated with—

[(A) other programs assisted under this Act;

[(B) any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and title I of the Workforce Investment Act of 1998; and

[(C) the Head Start program, volunteer literacy programs, and other relevant programs;

[(10) use instructional programs based on scientifically based reading research for children and adults, to the extent that research is available;

[(11) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;

[(12) include reading-readiness activities for preschool children based on scientifically based reading research, to the extent available, to ensure that children enter school ready to learn to read;

[(13) if applicable, promote the continuity of family literacy to ensure that individuals retain and improve their educational outcomes;

[(14) ensure that the programs will serve those families most in need of the activities and services provided by this subpart; and

[(15) provide for an independent evaluation of the program, to be used for program improvement.

**[SEC. 1236. ELIGIBLE PARTICIPANTS.**

[(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

[(1) a parent or parents—

[(A) who are eligible for participation in adult education and literacy activities under the Adult Education and Family Literacy Act; or

[(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this subpart, or who are attending secondary school; and

[(2) the child or children, from birth through age 7, of any individual described in paragraph (1).

[(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

[(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this subpart, when appropriate to serve the purpose of this subpart.

[(2) SPECIAL RULE.—Any family participating in a program assisted under this subpart that becomes ineligible to participate as a result of one or more members of the family becoming ineligible to participate may continue to participate in the program until all members of the family become ineligible to participate, which—

[(A) in the case of a family in which ineligibility was due to the child or children of the family attaining the age of 8, shall be in 2 years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

[(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of the family, shall be when all children in the family attain the age of 8.

[(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this subpart collaborates with a program under part A, and funds received under the part A

program contribute to paying the cost of providing programs under this subpart to children 8 years of age or older, the Even Start program may, notwithstanding subsection (a)(2), permit the participation of children 8 years of age or older if the focus of the program continues to remain on families with young children.

**[SEC. 1237. APPLICATIONS.**

**[(a) SUBMISSION.—**To be eligible to receive a subgrant under this subpart, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

**[(b) REQUIRED DOCUMENTATION.—**Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

**[(1)** to develop, administer, and implement an Even Start program under this subpart; and

**[(2)** to provide access to the special training necessary to prepare staff for the program, which may be offered by an eligible organization.

**[(c) PLAN.—**

**[(1) IN GENERAL.—**The application shall also include a plan of operation and continuous improvement for the program, that includes—

**[(A)** a description of the program objectives, strategies to meet those objectives, and how those strategies and objectives are consistent with the program indicators established by the State;

**[(B)** a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1235;

**[(C)** a description of the population to be served and an estimate of the number of participants to be served;

**[(D)** as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

**[(E)** a statement of the methods that will be used—

**[(i)** to ensure that the programs will serve families most in need of the activities and services provided by this subpart;

**[(ii)** to provide services under this subpart to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

**[(iii)** to encourage participants to remain in the program for a time sufficient to meet the program's purpose;

**[(F)** a description of how the plan is integrated with other programs under this Act or other Acts, as appropriate; and

[(G) a description of how the plan provides for rigorous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement.

[(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1) shall—

[(A) remain in effect for the duration of the eligible entity's participation under this subpart; and

[(B) be periodically reviewed and revised by the eligible entity as necessary.

[(d) CONSOLIDATED APPLICATION.—The plan described in subsection (c)(1) may be submitted as part of a consolidated application under section 9305.

**[SEC. 1238. AWARD OF SUBGRANTS.**

[(a) SELECTION PROCESS.—

[(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with paragraph (3) that will approve applications that—

[(A) are most likely to be successful in—

[(i) meeting the purpose of this subpart; and

[(ii) effectively implementing the program elements required under section 1235;

[(B) demonstrate that the area to be served by the program has a high percentage or a large number of children and families who are in need of those services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators, such as a high percentage of children to be served by the program who reside in a school attendance area served by a local educational agency eligible for participation in programs under part A, a high number or percentage of parents who have been victims of domestic violence, or a high number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

[(C) provide services for at least a 3-year age range, which may begin at birth;

[(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

[(E) include cost-effective budgets, given the scope of the application;

[(F) demonstrate the applicant's ability to provide the non-Federal share required by section 1234(b);

[(G) are representative of urban and rural regions of the State; and

[(H) show the greatest promise for providing models that may be adopted by other family literacy projects and other local educational agencies.

[(2) PRIORITY FOR SUBGRANTS.—The State educational agency shall give priority for subgrants under this subsection to applications that—

[(A) target services primarily to families described in paragraph (1)(B); or

[(B) are located in areas designated as empowerment zones or enterprise communities.

[(3) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one individual with expertise in family literacy programs, and may include other individuals, such as one or more of the following:

[(A) A representative of a parent-child education organization.

[(B) A representative of a community-based literacy organization.

[(C) A member of a local board of education.

[(D) A representative of business and industry with a commitment to education.

[(E) An individual who has been involved in the implementation of programs under this title in the State.

[(b) DURATION.—

[(1) IN GENERAL.—Subgrants under this subpart may be awarded for a period not to exceed 4 years.

[(2) STARTUP PERIOD.—The State educational agency may provide subgrant funds to an eligible recipient, at the recipient's request, for a 3- to 6-month start-up period during the first year of the 4-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

[(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this subpart after the first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1237(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1240.

[(4) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds to an eligible entity if the agency finds that the eligible entity has not sufficiently improved the performance of the program, as evaluated based on the indicators of program quality developed by the State under section 1240, after—

[(A) providing technical assistance to the eligible entity; and

[(B) affording the eligible entity notice and an opportunity for a hearing.

[(5) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this subpart may reapply under this subpart for additional subgrants.

[(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1234(b).

**[SEC. 1239. EVALUATION.**

[(From funds reserved under section 1232(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this subpart—

[(1) to determine the performance and effectiveness of programs assisted under this subpart;

[(2) to identify effective Even Start programs assisted under this subpart that can be duplicated and used in providing technical assistance to Federal, State, and local programs; and

[(3) to provide State educational agencies and eligible entities receiving a subgrant under this subpart, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to ensure that local evaluations undertaken under section 1235(15) provide accurate information on the effectiveness of programs assisted under this subpart.

**[SEC. 1240. INDICATORS OF PROGRAM QUALITY.**

[(Each State educational agency receiving funds under this subpart shall develop, based on the best available research and evaluation data, indicators of program quality for programs assisted under this subpart. The indicators shall be used to monitor, evaluate, and improve those programs within the State. The indicators shall include the following:

[(1) With respect to eligible participants in a program who are adults—

[(A) achievement in the areas of reading, writing, English-language acquisition, problem solving, and numeracy;

[(B) receipt of a secondary school diploma or a general equivalency diploma (GED);

[(C) entry into a postsecondary school, job retraining program, or employment or career advancement, including the military; and

[(D) such other indicators as the State may develop.

[(2) With respect to eligible participants in a program who are children—

[(A) improvement in ability to read on grade level or reading readiness;

[(B) school attendance;

[(C) grade retention and promotion; and

[(D) such other indicators as the State may develop.

**[SEC. 1241. RESEARCH.**

[(a) IN GENERAL.—The Secretary shall carry out, through grant or contract, research into the components of successful family literacy services, in order to—

[(1) improve the quality of existing programs assisted under this subpart or other family literacy programs carried out under this Act or the Adult Education and Family Literacy Act; and

[(2) develop models for new programs to be carried out under this Act or the Adult Education and Family Literacy Act.

[(b) SCIENTIFICALLY BASED RESEARCH ON FAMILY LITERACY.—

[(1) IN GENERAL.—From amounts reserved under section 1232(b)(2), the National Institute for Literacy, in consultation with the Secretary, shall carry out research that—

[(A) is scientifically based reading research; and

[(B) determines—



[(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and

[(ii) how family literacy services can best provide parents with the knowledge and skills the parents need to support their children's literacy development.

[(2) USE OF EXPERT ENTITY.—The National Institute for Literacy, in consultation with the Secretary, shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties.

[(c) DISSEMINATION.—The National Institute for Literacy shall disseminate, pursuant to section 1207, the results of the research described in subsections (a) and (b) to State educational agencies and recipients of subgrants under this subpart.

**[SEC. 1242. CONSTRUCTION.**

[Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

**[Subpart 4—Improving Literacy Through School Libraries]**

**[SEC. 1251. IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.**

[(a) PURPOSES.—The purpose of this subpart is to improve literacy skills and academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists.

[(b) RESERVATION.—From the funds appropriated under section 1002(b)(4) for a fiscal year, the Secretary shall reserve—

[(1) one-half of 1 percent to award assistance under this section to the Bureau of Indian Affairs to carry out activities consistent with the purpose of this subpart; and

[(2) one-half of 1 percent to award assistance under this section to the outlying areas according to their respective needs for assistance under this subpart.

[(c) GRANTS.—

[(1) COMPETITIVE GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—If the amount of funds appropriated under section 1002(b)(4) for a fiscal year is less than \$100,000,000, then the Secretary shall award grants, on a competitive basis, to eligible local educational agencies under subsection (e).

[(2) FORMULA GRANTS TO STATES.—If the amount of funds appropriated under section 1002(b)(4) for a fiscal year equals or exceeds \$100,000,000, then the Secretary shall award grants to State educational agencies from allotments under subsection (d).

[(3) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section the term “eligible local educational agency” means—

[(A) in the case of a local educational agency receiving assistance made available under paragraph (1), a local educational agency in which 20 percent of the students served by the local educational agency are from families with incomes below the poverty line; and

[(B) in the case of a local educational agency receiving assistance from State allocations made available under paragraph (2), a local educational agency in which—

[(i) 15 percent of the students who are served by the local educational agency are from such families; or

[(ii) the percentage of students from such families who are served by the local educational agency is greater than the statewide percentage of children from such families.

[(d) STATE GRANTS.—

[(1) ALLOTMENTS.—From funds made available under subsection (c)(2) and not reserved under subsections (b) and (j) for a fiscal year, the Secretary shall allot to each State educational agency having an application approved under subsection (f)(1) an amount that bears the same relation to the funds as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount all such State educational agencies received under part A for the preceding fiscal year, to increase literacy and reading skills by improving school libraries.

[(2) COMPETITIVE GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving an allotment under paragraph (1) for a fiscal year—

[(A) may reserve not more than 3 percent of the allotted funds to provide technical assistance, disseminate information about school library media programs that are effective and based on scientifically based research, and pay administrative costs related to activities under this section; and

[(B) shall use the allotted funds that remain after making the reservation under subparagraph (A) to award grants, for a period of 1 year, on a competitive basis, to eligible local educational agencies in the State that have an application approved under subsection (f)(2) for activities described in subsection (g).

[(3) REALLOTMENT.—If a State educational agency does not apply for an allotment under this section for any fiscal year, or if the State educational agency’s application is not approved, the Secretary shall reallocate the amount of the State educational agency’s allotment to the remaining State educational agencies in accordance with paragraph (1).

[(e) DIRECT COMPETITIVE GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—From amounts made available under subsection (c)(1) and not reserved under subsections (b) and (j) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible local educational agencies that have

applications approved under subsection (f)(2) for activities described in subsection (g).

[(2) DURATION.—The Secretary shall award grants under this subsection for a period of 1 year.

[(3) DISTRIBUTION.—The Secretary shall ensure that grants under this subsection are equitably distributed among the different geographic regions of the United States, and among local educational agencies serving urban and rural areas.

[(f) APPLICATIONS.—

[(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring assistance under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

[(A) how the State educational agency will assist eligible local educational agencies in meeting the requirements of this section and in using scientifically based research to implement effective school library media programs; and

[(B) the standards and techniques the State educational agency will use to evaluate the quality and impact of activities carried out under this section by eligible local educational agencies to determine the need for technical assistance and whether to continue to provide additional funding to the agencies under this section.

[(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring assistance under this section shall submit to the Secretary or State educational agency, as appropriate, an application at such time, in such manner, and containing such information as the Secretary or State educational agency, respectively, shall require. The application shall contain a description of—

[(A) a needs assessment relating to the need for school library media improvement, based on the age and condition of school library media resources, including book collections, access of school library media centers to advanced technology, and the availability of well-trained, professionally certified school library media specialists, in schools served by the eligible local educational agency;

[(B) the manner in which the eligible local educational agency will use the funds made available through the grant to carry out the activities described in subsection (g);

[(C) how the eligible local educational agency will extensively involve school library media specialists, teachers, administrators, and parents in the activities assisted under this section, and the manner in which the eligible local educational agency will carry out the activities described in subsection (g) using programs and materials that are grounded in scientifically based research;

[(D) the manner in which the eligible local educational agency will effectively coordinate the funds and activities provided under this section with Federal, State, and local funds and activities under this subpart and other literacy, library, technology, and professional development funds and activities; and

[(E) the manner in which the eligible local educational agency will collect and analyze data on the quality and impact of activities carried out under this section by schools served by the eligible local educational agency.

to— [(g) LOCAL ACTIVITIES.—Funds under this section may be used

[(1) acquire up-to-date school library media resources, including books;

[(2) acquire and use advanced technology, incorporated into the curricula of the school, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

[(3) facilitate Internet links and other resource-sharing networks among schools and school library media centers, and public and academic libraries, where possible;

[(4) provide professional development described in section 1222(d)(2) for school library media specialists, and activities that foster increased collaboration between school library media specialists, teachers, and administrators; and

[(5) provide students with access to school libraries during nonschool hours, including the hours before and after school, during weekends, and during summer vacation periods.

[(h) ACCOUNTABILITY AND REPORTING.—

[(1) LOCAL REPORTS.—Each eligible local educational agency that receives funds under this section for a fiscal year shall report to the Secretary or State educational agency, as appropriate, on how the funding was used and the extent to which the availability of, the access to, and the use of, up-to-date school library media resources in the elementary schools and secondary schools served by the eligible local educational agency was increased.

[(2) STATE REPORT.—Each State educational agency that receives funds under this section shall compile the reports received under paragraph (1) and submit the compiled reports to the Secretary.

[(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

[(j) NATIONAL ACTIVITIES.—

[(1) EVALUATIONS.—From the funds appropriated under section 1002(b)(4) for each fiscal year, the Secretary shall reserve not more than 1 percent for annual, independent, national evaluations of the activities assisted under this section and their impact on improving the reading skills of students. The evaluations shall be conducted not later than 3 years after the date of enactment of the No Child Left Behind Act of 2001, and biennially thereafter.

[(2) REPORT TO CONGRESS.—The Secretary shall transmit the State reports received under subsection (h)(2) and the evaluations conducted under paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.]

## **PART B—ACADEMIC ASSESSMENTS**

### **SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.**

*From amounts made available in accordance with section 1204, the Secretary shall make grants to States to enable the States to carry out 1 or more of the following:*

*(1) To pay the costs of the development of the State assessments and standards adopted under section 1111(b), which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State.*

*(2) If a State has developed the assessments adopted under section 1111(b), to administer those assessments or to carry out other assessment activities described in this part, such as the following:*

*(A) Expanding the range of appropriate accommodations available to children who are English learners and children with disabilities to improve the rates of inclusion in regular assessments of such children, including professional development activities to improve the implementation of such accommodations in instructional practice.*

*(B) Developing challenging State academic standards and aligned assessments in academic subjects for which standards and assessments are not required under section 1111(b).*

*(C) Developing or improving assessments of English language proficiency necessary to comply with section 1111(b)(2)(G).*

*(D) Ensuring the continued validity and reliability of State assessments.*

*(E) Refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials.*

*(F) Developing or improving the quality, validity, and reliability of assessments for children who are English learners, including alternative assessments aligned with the challenging State academic standards, testing accommodations for children who are English learners, and assessments of English language proficiency.*

*(G) Developing or improving balanced assessment systems that include summative, interim, and formative assessments, including supporting local educational agencies in developing or improving such assessments.*

### **SEC. 1202. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.**

*(a) GRANT PROGRAM AUTHORIZED.—From amounts made available in accordance with section 1204, the Secretary shall award, on a competitive basis, grants to State educational agencies that have submitted applications at such time, in such manner, and containing such information as the Secretary may reasonably require, which demonstrate, to the satisfaction of the Secretary, that the requirements of this section will be met, for one of more of the following:*

*(1) Allowing for collaboration with institutions of higher education, other research institutions, or other organizations to*

improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(2).

(2) *Developing or improving assessments for students who are children with disabilities, including using the principles of universal design for learning, which may include developing assessments aligned to alternate academic achievement standards for students with the most significant cognitive disabilities described in section 1111(b)(2)(D).*

(3) *Measuring student progress or academic growth over time, including by using multiple measures.*

(4) *Evaluating student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments that emphasize the mastery of standards and aligned competencies in a competency-based education model, technology-based academic assessments, computer adaptive assessments, and portfolios, projects, or extended performance task assessments.*

(b) **ANNUAL REPORT.**—*Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities under the grant and the result of such activities.*

(c) **PROHIBITION.**—*No funds provided under this section to the Secretary shall be used to mandate, direct, control, incentivize, or make financial awards conditioned upon States (or a consortia of States) developing any assessment common to a number of States, including testing activities prohibited under section 9529.*

**SEC. 1203. AUDITS OF ASSESSMENT SYSTEMS.**

(a) **IN GENERAL.**—*From the amount reserved under section 1204(b)(1)(C) for a fiscal year, the Secretary shall make grants, from allotments in accordance with subsection (b), to States to enable the States to—*

(1) *in the case of a grant awarded under this section to a State for the first time—*

(A) *carry out audits of State assessment systems and ensure that local educational agencies carry out audits of local assessments under subsection (e)(1);*

(B) *prepare and carry out the State plan under subsection (e)(6); and*

(C) *award subgrants under subsection (f); and*

(2) *in the case of a grant awarded under this section to a State that has previously received a grant under this section—*

(A) *carry out the State plan under subsection (e)(6); and*

(B) *award subgrants under subsection (f).*

(b) **MINIMUM AMOUNT.**—*Each State with an approved application shall receive a grant amount of not less than \$1,500,000 per fiscal year.*

(c) **REALLOCATION.**—*If a State chooses not to apply to receive a grant under this subsection, or if such State's application under subsection (d) is disapproved by the Secretary, the Secretary shall reallocate such grant amount to other States with approved applications.*

(d) *APPLICATION.*—A State desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(e) *AUDITS OF STATE ASSESSMENT SYSTEMS AND LOCAL ASSESSMENTS.*—

(1) *AUDIT REQUIREMENTS.*—Not later than 1 year after a State receives a grant under this section for the first time, the State shall—

(A) conduct an audit of the State assessment system;

(B) ensure that each local educational agency under the State's jurisdiction and receiving funds under this Act—

(i) conducts an audit of each local assessment administered by the local educational agency; and

(ii) submits the results of such audit to the State; and

(C) report the results of each State and local educational agency audit conducted under subparagraphs (A) and (B), in a format that is—

(i) publicly available, such as a widely accessible online platform; and

(ii) with appropriate accessibility provisions for children with disabilities and English learners.

(2) *RESOURCES FOR LOCAL EDUCATIONAL AGENCIES.*—In carrying out paragraph (1)(B), each State shall develop and provide local educational agencies with resources, such as guidelines and protocols, to assist the agencies in conducting and reporting the results of the audit required under such paragraph.

(3) *STATE ASSESSMENT SYSTEM DESCRIPTION.*—An audit of a State assessment system conducted under paragraph (1) shall include a description of each State assessment carried out in the State, including—

(A) the grade and subject matter assessed;

(B) whether the assessment is required under section 1111(b)(2) or allowed under section 1111(b)(2)(D);

(C) the annual cost to the State educational agency involved in developing, purchasing, administering, and scoring the assessment;

(D) the purpose for which the assessment was designed and the purpose for which the assessment is used, including assessments designed to contribute to systems of improvement of teaching and learning;

(E) the time for disseminating assessment results;

(F) a description of how the assessment is aligned with the challenging State academic standards under section 1111(b)(1);

(G) a description of any State law or regulation that established the requirement for the assessment;

(H) the schedule and calendar for all State assessments given; and

(I) a description of the State's policies for inclusion of English learners and children with disabilities participating in assessments, including developing and promoting the use of appropriate accommodations.

(4) *LOCAL ASSESSMENT DESCRIPTION.*—An audit of a local assessment conducted under paragraph (1) shall include a description of the local assessment carried out by the local educational agency, including—

(A) the descriptions listed in subparagraphs (A), (D), and (E) of paragraph (3);

(B) the annual cost to the local educational agency of developing, purchasing, administering, and scoring the assessment;

(C) the extent to which the assessment is aligned to the challenging State academic standards under section 1111(b)(1);

(D) a description of any State or local law or regulation that establishes the requirement for the assessment; and

(E) in the case of a summative assessment that is used for accountability purposes, whether the assessment is valid and reliable and consistent with nationally recognized professional and technical standards.

(5) *STAKEHOLDER FEEDBACK.*—Each audit of a State assessment system or local assessment system conducted under subparagraph (A) or (B) of paragraph (1) shall include feedback on such system from education stakeholders, which shall cover information such as—

(A) how educators, school leaders, and administrators use assessment data to improve and differentiate instruction;

(B) the timing of release of assessment data;

(C) the extent to which assessment data is presented in an accessible and understandable format for educators, school leaders, parents, students (if appropriate), and the community;

(D) the opportunities, resources, and training educators and administrators are given to review assessment results and make effective use of assessment data;

(E) the distribution of technological resources and personnel necessary to administer assessments;

(F) the amount of time educators spend on assessment preparation;

(G) the assessments that administrators, educators, parents, and students, if appropriate, do and do not find useful;

(H) the amount of time students spend taking the assessments; and

(I) other information as appropriate.

(6) *STATE PLAN ON AUDIT FINDINGS.*—

(A) *PREPARING THE STATE PLAN.*—Not later than 6 months after a State conducts an audit under paragraph (1) and based on the results of such audit, the State shall, in coordination with the local educational agencies under the jurisdiction of the State, prepare and submit to the Secretary, a plan to improve and streamline State assessment systems and local assessment systems, including through activities such as—



(i) *eliminating any assessments that are not required by section 1111(b)(2) (such as by buying out the remainder of procurement contracts with assessment developers) and that—*

*(I) are low-quality;*

*(II) are not aligned to the challenging State academic standards under section 1111(b)(1);*

*(III) in the case of summative assessments used for accountability purposes, are not valid or reliable and are inconsistent with nationally recognized professional and technical standards;*

*(IV) do not contribute to systems of improvement for teaching and learning; or*

*(V) are redundant;*

*(ii) supporting the dissemination of best practices from local educational agencies or other States that have successfully improved assessment quality and efficiency to improve teaching and learning;*

*(iii) supporting local educational agencies or consortia of local educational agencies to carry out efforts to streamline local assessment systems and implementing a regular process of review and evaluation of assessment use in local educational agencies;*

*(iv) disseminating the assessment data in an accessible and understandable format for educators, parents, and families; and*

*(v) decreasing time between administering such State assessments and releasing assessment data.*

*(B) CARRY OUT THE STATE PLAN.—A State shall carry out a State plan as soon as practicable after the State prepares such State plan under subparagraph (A) and during each grant period of a grant described in subsection (a)(2) that is awarded to the State.*

*(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—*

*(1) IN GENERAL.—From the amount awarded to a State under this section, the State shall reserve not less than 20 percent of funds to make subgrants to local educational agencies in the State, or consortia of such local educational agencies, based on demonstrated need in the agency's or consortium's application to improve assessment quality, use, and alignment with the challenging State academic standards under section 1111(b)(1).*

*(2) LOCAL EDUCATIONAL AGENCY APPLICATION.—Each local educational agency, or consortium of local educational agencies, seeking a subgrant under this subsection shall submit an application to the State at such time, in such manner, and containing such other information as determined by the State. The application shall include a description of the agency's or consortium's needs to improve assessment quality, use, and alignment (as described in paragraph (1)).*

*(3) USE OF FUNDS.—A subgrant awarded under this subsection to a local educational agency or consortium of such agencies may be used to—*

*(A) conduct an audit of local assessments under subsection (e)(1)(B);*

(B) eliminate any assessments identified for elimination by such audit, such as by buying out the remainder of procurement contracts with assessment developers;

(C) disseminate the best practices described in subsection (e)(6)(A)(ii);

(D) improve the capacity of school leaders and educators to disseminate assessment data in an accessible and understandable format for parents and families, including for children with disabilities or English learners;

(E) improve assessment delivery systems and schedules, including by increasing access to technology and exam proctors, where appropriate;

(F) hire instructional coaches, or promote educators who may receive increased compensation to serve as instructional coaches, to support educators to develop classroom-based assessments, interpret assessment data, and design instruction; and

(G) provide for appropriate accommodations to maximize inclusion of children with disabilities and English learners participating in assessments.

(g) **DEFINITIONS.**—In this section:

(1) **LOCAL ASSESSMENT.**—The term ‘local assessment’ means an academic assessment selected and carried out by a local educational agency that is separate from an assessment required by section 1111(b)(2).

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

**SEC. 1204. FUNDING.**

(a) **NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.**—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated such sums as may be necessary for fiscal years 2016 through 2021.

(b) **ALLOTMENT OF APPROPRIATED FUNDS.**—

(1) From amounts made available for each fiscal year under subsection 1002(b) that are equal to or less than the amount described in section 1111(b)(2)(H), the Secretary shall—

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

(B) reserve  $\frac{1}{2}$  of 1 percent for the outlying areas;

(C) reserve not more than 20 percent to carry out section 1203; and

(D) from the remainder, allocate to each State for section 1201 an amount equal to—

(i) \$3,000,000; and

(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students aged 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(2) **REMAINDER.**—Any amounts made available for a fiscal year under subsection 1002(b) that are remaining after the Sec-

retary carries out paragraph (1) shall be made available as follows:

(A)(i) To award funds under section 1202 to States selected for such grants, according to the quality, needs, and scope of the State application under that section.

(ii) In determining the grant amount under clause (i), the Secretary shall ensure that a State's grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(c) **STATE DEFINED.**—In this section, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**SEC. 1205. INNOVATIVE ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY.**

(a) **INNOVATIVE ASSESSMENT SYSTEM DEFINED.**—The term “innovative assessment system” means a system of assessments that may include—

(1) competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer adaptive assessments; and

(2) assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs.

(b) **DEMONSTRATION AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary may provide a State educational agency, in accordance with paragraph (3), with the authority to establish an innovative assessment system.

(2) **DEMONSTRATION PERIOD.**—Each authorization of demonstration authority under this section shall be for a period of 3 years.

(3) **INITIAL DEMONSTRATION AUTHORITY; EXPANSION.**—

(A) **INITIAL PERIOD.**—During the initial 3-year period of demonstration authority under this section, the Secretary shall provide 5 State educational agencies, subject to meeting the application requirements in subsection (c), with the authority described in paragraph (1).

(B) **EXPANSION OF DEMONSTRATION AUTHORITY.**—After the end of the initial demonstration period described in subparagraph (A), the Secretary may provide additional State educational agencies with demonstration authority

described in paragraph (1), if the Secretary determines that overall the innovative assessment systems have—

(i) demonstrated progress for all students, including at-risk students, through such measures as—

(I) increasing student achievement and improving academic outcomes;

(II) increasing graduation rates for high schools;

(III) increasing retention rates of students in school; or

(IV) decreasing rates of remediation for students;

(ii) been developed in accordance with the requirements of subsection (c), including substantial evidence that such system meets such requirements; and

(iii) demonstrated that the same system of assessments was used to measure the achievement of all students that participated in the demonstration authority, and at least 95 percent of such students overall and in each of the categories of students, as defined in section 1111(b)(3)(A), were assessed under the innovative assessment system.

(c) *APPLICATION.*—A State educational agency that desires to participate in the program of demonstration authority under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include a description of the innovative assessment system. In addition, the application shall include the following:

(1) A demonstration that the innovative assessment system will—

(A) meet all the requirements of section 1111(b)(2)(B), except the requirements of clauses (i) and (v) of such section;

(B) be aligned to the standards under section 1111(b)(1) and address the depth and breadth of the challenging State academic standards under such section;

(C) express student results or student competencies in terms consistent with the State aligned academic achievement standards;

(D) be able to generate comparable, valid, and reliable results for all students and for each category of students described in section 1111(b)(2)(B)(xi), compared to the results for such students on the State assessments under section 1111(b)(2);

(E) be developed in collaboration with stakeholders representing the interests of children with disabilities, English learners, and other vulnerable children, educators, including teachers, principals, and other school leaders, local educational agencies, and civil rights organizations in the State;

(F) be accessible to all students, such as by incorporating the principles of universal design for learning;

(G) provide educators, students, and parents with timely data, disaggregated by each category of students de-

scribed in section 1111(b)(2)(B)(xi), to inform and improve instructional practice and student supports;

(H) be able to identify which students are not making progress toward the State's academic achievement standards so that educators can provide instructional support and targeted intervention to all students to ensure every student is making progress;

(I) measure the annual progress of not less than 95 percent of all students and students in each of the categories of students, as defined in section 1111(b)(3)(A), who are enrolled in each school that is participating in the innovative assessment system and are required to take assessments;

(J) generate an annual, summative achievement determination based on annual data for each individual student based on the challenging State academic standards under section 1111(b)(1) and be able to validly and reliably aggregate data from the innovative assessment system for purposes of accountability, consistent with the requirements of section 1111(b)(3), and reporting, consistent with the requirements of section 1111(d); and

(K) continue use of the high-quality statewide academic assessments required under section 1111(b)(2) if such assessments will be used for accountability purposes for the duration of the demonstration.

(2) A description of how the State educational agency will—

(A) identify the distinct purposes for each assessment that is part of the innovative assessment system;

(B) provide support and training to local educational agency and school staff to implement the innovative assessment system described in this subsection;

(C) inform parents of students in participating local educational agencies about the innovative assessment system at the beginning of each school year during which the innovative assessment system will be implemented;

(D) engage and support teachers in developing and scoring assessments that are part of the innovative assessment system, including through the use of high-quality professional development, standardized and calibrated scoring rubrics, and other strategies, consistent with relevant nationally recognized professional and technical standards, to ensure inter-rater reliability and comparability;

(E) acclimate students to the innovative assessment system;

(F) ensure that students with the most significant cognitive disabilities may be assessed with alternate assessments consistent with section 1111(b)(2)(D);

(G) if the State is proposing to administer the innovative assessment system initially in a subset of local educational agencies, scale up the innovative assessment system to administer such system statewide or with additional local educational agencies in the initial demonstration and 2-year renewal period, if applicable, including the timeline that explains the process for scaling to statewide implementation by either the end of the initial demonstration authority or the 2-year renewal period;

- (H) gather data, solicit regular feedback from educators and parents, and assess the results of each year of the program of demonstration authority under this section, and respond by making needed changes to the innovative assessment system; and
- (I) report data from the innovative assessment system annually to the Secretary, including—
- (i) demographics of participating local educational agencies, if such system is not statewide, and additional local educational agencies if added to the system during the course of the initial demonstration or 2-year renewal period;
  - (ii) performance of all participating students and for each category of students, as defined in section 1111(b)(3)(A), on the innovative assessment, consistent with the requirements in section 1111(d); and
  - (iii) feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system.
- (3) A description of the State educational agency's plan to—
- (A) ensure that all students and each of the categories of students, as defined in section 1111(b)(3)(A)—
    - (i) are held to the same high standard as other students in the State; and
    - (ii) receive the instructional support needed to meet challenging State academic standards;
  - (B) ensure that each local educational agency has the technological infrastructure to implement the innovative assessment system; and
  - (C) hold all participating schools in the local educational agencies participating in the program of demonstration authority accountable for meeting the State's expectations for student achievement.
- (4) If the innovative assessment system will initially be administered in a subset of local educational agencies—
- (A) a description of the local educational agencies within the State educational agency that will participate, including what criteria the State has for approving any additional local educational agencies to participate during the demonstration period;
  - (B) assurances from such local educational agencies that such agencies will comply with the requirements of this subsection; and
  - (C) a demonstration that the participating local educational agencies, as a group, will be demographically similar to the State as a whole.
- (d) **PEER REVIEW.**—The Secretary shall—
- (1) implement a peer review process, which shall include a review team comprised of practitioners and experts who are knowledgeable about the assessment innovation being proposed for all students, including English learners and children with disabilities, to inform—
    - (A) the awarding, renewal, and expansion of the demonstration authority under this section; and

(B) determinations about whether the innovative assessment system—

(i) is comparable, valid, reliable, of high technical quality, and consistent with relevant, nationally recognized professional and technical standards; and

(ii) provides an unbiased, rational, and consistent determination of progress toward annual goals for all students and schools; and

(2) make publicly available the applications submitted under subsection (c) and the peer review comments and recommendations regarding such applications.

(e) RENEWAL.—The Secretary may renew an authorization of demonstration authority under this subsection for an additional 2 years if the State educational agency demonstrates with evidence that the State educational agency's innovative assessment system is continuing to meet the requirements of subsection (c).

(f) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A State may, during the initial 3-year demonstration period or 2-year renewal period, include results from the innovative assessment systems developed under this authority in accountability determinations for each student in the participating local educational agencies instead of, or in addition to, those from the assessment system under section 1111(b)(2), provided the State demonstrates that the State has met the requirements in subsection (c). The State shall continue to meet all other requirements of section 1111(b)(3).

(g) AUTHORITY WITHDRAWN.—The Secretary shall withdraw the authorization for demonstration authority provided to a State educational agency under this section and any participating local educational agency or the State as a whole shall return to the statewide assessment system under section 1111(b)(2) if, at any point after the 3-year demonstration period described in subsection (b)(2) or 2-year renewal period described in subsection (e), the State educational agency cannot present to the Secretary a body of substantial evidence that the innovative assessment system developed under this section—

(1) meets requirements of subsection (c);

(2) includes all students attending schools participating in the demonstration authority, including each of the categories of students, as defined in section 1111(b)(3)(A), in the innovative assessment system demonstration;

(3) provides an unbiased, rational, and consistent determination of progress toward annual goals for schools, which are comparable to determinations under section 1111(b)(3)(B)(iii) across the State in which the local educational agencies are located;

(4) presents a high-quality plan to transition to full statewide use of the innovative assessment system by the end of the initial demonstration period and 2-year renewal, if the innovative assessment system will initially be administered in a subset of local educational agencies; and

(5) is equivalent to the statewide assessments under section 1111(b)(2) in content coverage, difficulty, and quality.

(h) TRANSITION.—

(1) IN GENERAL.—If, after the initial demonstration and renewal period, the State educational agency has met all the re-

quirements of this section, such entity shall be permitted to operate the innovative assessment system approved under the program of demonstration authority under this section for the purposes of paragraphs (2) and (3) of section 1111(b).

(2) *WAIVER AUTHORITY.*—If, after the initial demonstration and renewal period, the State has met all of the requirements of this section, except transition to full statewide use for States that will initially administer an innovative assessment system in a subset of local educational agencies, and continues to comply with the other requirements of this section, and demonstrates a high-quality plan for transition to statewide use in a reasonable period of time, the State may request, and the Secretary shall review such request, a delay of the withdrawal of authority under subsection (g) for the purpose of providing the State time necessary to implement the innovative assessment system statewide.

(i) *AVAILABLE FUNDS.*—A State may use funds available under section 1201 to carry out this section.

(j) *RULE OF CONSTRUCTION.*—A consortium of States may apply to participate in the program of demonstration authority under this section and the Secretary may provide each State member of such consortium with such authority if each such State member meets all of the requirements of this section.

**PART C—EDUCATION OF MIGRATORY CHILDREN**

**SEC. 1301. PROGRAM PURPOSE.**

It is the purpose of this part to assist States to—

(1) \* \* \*  
(2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and [State academic content and student academic achievement standards]challenging State academic standards;

\* \* \* \* \*  
(4) ensure that migratory children receive full and appropriate opportunities to meet the same challenging [State academic content and student academic achievement standards]State academic standards that all children are expected to meet;

(5) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment *without the need for postsecondary remediation*; and

(6) \* \* \*  
\* \* \* \* \*

**SEC. 1303. STATE ALLOCATIONS.**

[(a) STATE ALLOCATIONS.—



【(1) FISCAL YEAR 2002.—For fiscal year 2002, each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to—

【(A) the sum of the estimated number of migratory children aged 3 through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged 3 through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

【(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

【(2) SUBSEQUENT YEARS.—

【(A) BASE AMOUNT.—

【(i) IN GENERAL.—Except as provided in subsection (b) and clause (ii), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for fiscal year 2003 and succeeding fiscal years, an amount equal to—

【(I) the amount that such State received under this part for fiscal year 2002; plus

【(II) the amount allocated to the State under subparagraph (B).

【(ii) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2002 under this part, the State shall receive, for fiscal year 2003 and succeeding fiscal years, an amount equal to—

【(I) the amount that such State would have received under this part for fiscal year 2002 if its application under section 1304 for the year had been approved; plus

【(II) the amount allocated to the State under subparagraph (B).

【(B) ALLOCATION OF ADDITIONAL AMOUNT.—For fiscal year 2003 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2002 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—

【(i) the sum of—

【(I) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and

【(II) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by

【(ii) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this clause may not be less than 32 percent, or

more than 48 percent, of the average per-pupil expenditure in the United States.】

(a) STATE ALLOCATIONS.—

(1) BASE AMOUNT.—

(A) IN GENERAL.—*Except as provided in subsection (b) and subparagraph (B), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for fiscal year 2003 and succeeding fiscal years, an amount equal to—*

(i) *the amount that such State received under this part for fiscal year 2002; plus*

(ii) *the amount allocated to the State under paragraph (2).*

(B) NONPARTICIPATING STATES.—*In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2002 under this part, the State shall receive, for fiscal year 2003 and succeeding fiscal years, an amount equal to—*

(i) *the amount that such State would have received under this part for fiscal year 2002 if its application under section 1304 for the year had been approved; plus*

(ii) *the amount allocated to the State under paragraph (2).*

(2) ALLOCATION OF ADDITIONAL AMOUNT.—*For fiscal year 2003 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2002 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—*

(A) *the sum of—*

(i) *the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and*

(ii) *the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intercession programs provided by the State during such year; multiplied by*

(B) *40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph may not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.*

(b) ALLOCATION TO PUERTO RICO.—

(1) IN GENERAL.—*For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children who would be counted under subsection (a)(1)(A) if such subsection applied to the Commonwealth of Puerto Rico by the product of—*

(A) \* \* \*

\* \* \* \* \*

(c) RATABLE REDUCTIONS; REALLOCATIONS.—

(1) IN GENERAL.—【(A) If, after】

(A) *IN GENERAL.*—*If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.*

(B) *【If additional】REALLOCATION.*—*If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.*

(2) *SPECIAL RULE.*—*【(A) The Secretary】(A) FURTHER REDUCTIONS.*—*The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1304.*

(B) *【The Secretary】REALLOCATION.*—*The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.*

(d) *CONSORTIUM ARRANGEMENTS.*—

(1) *IN GENERAL.*—\* \* \*

\* \* \* \* \*

(3) *APPROVAL.*—*The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—*

(A) \* \* \*

(B) *make more funds available for direct services to add substantially to the 【welfare or educational attainment】academic achievement of children to be served under this part.*

(e) *DETERMINING NUMBERS OF ELIGIBLE CHILDREN.*—*In order to determine the 【estimated】identified number of migratory children residing in each State for purposes of this section, 【the Secretary shall—*

*【(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children;*

*【(2) develop and implement a procedure for more accurately reflecting cost factors for different types of summer and intersession program designs;*

*【(3) adjust the full-time equivalent number of migratory children who reside in each State to take into account—*

*【(A) the special needs of those children participating in special programs provided under this part that operate during the summer and intersession periods; and*

*【(B) the additional costs of operating such programs; and*

*【(4) conduct an analysis of the options for adjusting the formula so as to better direct services to the child whose education has been interrupted.】the Secretary shall use such information as the Secretary finds most accurately reflects the actual number of migratory children.*

**SEC. 1304. STATE APPLICATIONS; SERVICES.**

(a) APPLICATION REQUIRED.—\* \* \*

(b) PROGRAM INFORMATION.—Each such application shall include—

(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the [special educational needs] *unique educational needs* of migratory children, including preschool migratory children *and out of school migratory children*, are identified and addressed through—

(A) \* \* \*

(B) joint planning among local, State, and Federal educational programs serving migrant children, including language instruction educational programs under [part A or B of title III] *part A of title III*;

(C) \* \* \*

[(D) measurable program goals and outcomes;] *(D) measurable program objectives and outcomes*;

(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same [challenging State academic content standards and challenging State student academic achievement standards] *challenging State academic standards* that all children are expected to meet;

(3) a description of how the State will use funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how[, consistent with procedures the Secretary may require,] the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

(4) \* \* \*

(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs; *and*

[(6) such budgetary and other information as the Secretary may require; and]

[(7)] *(6)* \* \* \*

(c) ASSURANCES.—Each such application shall also include assurances[, satisfactory to the Secretary,] that—

(1) funds received under this part will be used only—

(A) \* \* \*

\* \* \* \* \*

(2) such programs and projects will be carried out [in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1120A, and part I] *in a manner consistent with the objectives of section 1113(c), paragraphs (3) and (4) of section 1113(d), subsections (b) and (c) of section 1117, and part E*;

(3) in the planning and operation of programs and projects at both the State and local agency operating level, there is consultation with ~~parent advisory councils~~ *parents of migratory children, including parent advisory councils* for programs of 1 school year in duration, and that all such programs and projects are carried out—

(A) in a manner that provides for the same parental involvement as is required for programs and projects under ~~section 1118~~ *section 1115*, unless extraordinary circumstances make such provision impractical; and

(B) \* \* \*

(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children *and out of school migratory children*;

(5) \* \* \*

(6) ~~to the extent feasible,~~ such programs and projects will provide for—

(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

(B) \* \* \*

~~(C) family literacy programs, including such programs that use models developed under Even Start;~~ *(C) evidence-based family literacy programs*;

(D) \* \* \*

(E) programs to facilitate the transition of secondary school students to postsecondary education or employment, *without the need for postsecondary remediation*; and

(7) the State will assist the Secretary in determining the number of migratory children under ~~paragraphs (1)(A) and (2)(B)(i) of section 1303(a), through such procedures as the Secretary may require~~ *section 1303(a)(2)(A)*.

**[(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State’s challenging State academic content standards and challenging State student academic achievement standards, and whose education has been interrupted during the regular school year.]**

*(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and who—*

*(1) are failing, or most at risk of failing, to meet the challenging State academic standards; or*

*(2) have dropped out of school.*

**(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—**

(1) \* \* \*

\* \* \* \* \*

(3) [secondary school students]students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

**SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.**

(a) SECRETARIAL APPROVAL.—The Secretary shall, *to the extent practicable*, approve each State application that meets the requirements of this part.

(b) PEER REVIEW.—\* \* \*

**SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.**

(a) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the [special]unique educational needs of migratory children in accordance with a comprehensive State plan that—

(A) is integrated with other programs under this Act or other Acts, as appropriate;

(B) may be submitted as a part of a consolidated application under section 9302, if—

(i) the [special]unique needs of migratory children are specifically addressed in the comprehensive State plan;

\* \* \* \* \*

(C) provides that migratory children will have an opportunity to meet the same [challenging State academic content standards and challenging State student academic achievement standards]challenging State academic standards that all children are expected to meet;

\* \* \* \* \*

(F) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early childhood programs, and language instruction educational programs under part A [or B] of title III; and

(G) \* \* \*

\* \* \* \* \*

(b) AUTHORIZED ACTIVITIES.—

(1) FLEXIBILITY.—\* \* \*

\* \* \* \* \*

(4) SPECIAL RULE.—Notwithstanding [section 1114]section 1113(c), a school that receives funds under this part shall continue to address the identified needs described in paragraph (1), and shall meet the [special]unique educational needs of migratory children before using funds under this part for schoolwide programs under [section 1114]section 1113(c).

**SEC. 1307. BYPASS.**

The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private [nonprofit] agency to carry out the purpose of this part in such State if the Secretary determines that—

(1) the State is unable or unwilling to conduct educational programs for migratory children;

\* \* \* \* \*

(3) such arrangements would add substantially to the [welfare or educational attainment] *educational achievement* of such children.

**SEC. 1308. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.**

(a) IMPROVEMENT OF COORDINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among such agencies' educational programs, including *through* the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

(2) DURATION.—\* \* \*

(b) STUDENT RECORDS.—

(1) ASSISTANCE.—The Secretary shall assist States in [developing effective methods for] the electronic transfer of student records and in determining the number of migratory children in each State.

(2) INFORMATION SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the States, shall [ensure the linkage of migrant student] *maintain a migratory record [systems] system* for the purpose of electronically exchanging, *within and* among the States, health and educational information regarding [all migratory students] *all migratory children eligible under this part*. [The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, the date of enactment of the No Child Left Behind Act of 2001, and shall determine the minimum data elements that each State receiving funds under this part shall collect and maintain.] Such elements may include—

(i) immunization records and other health information;

(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments [required] under section 1111(b);

\* \* \* \* \*

(B) CONSULTATION.—*The Secretary shall maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on—*

(i) *the effectiveness of the system described in subparagraph (A); and*

(ii) *the ongoing improvement of such system.*

[(B)](C) NOTICE AND COMMENT.—After consulting with the States under subparagraph (A), the Secretary shall publish a notice in the Federal Register seeking public comment on [the proposed data elements] *any new proposed data elements* that each State receiving funds under

this part shall be required to collect for purposes of electronic transfer of migratory student information and the requirements that States shall meet for immediate electronic access to such information. [Such publication shall occur not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001.]

(3) NO COST FOR CERTAIN TRANSFERS.—\* \* \*

[(4) REPORT TO CONGRESS.—

[(A) IN GENERAL.—Not later than April 30, 2003, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the Secretary’s findings and recommendations regarding the maintenance and transfer of health and educational information for migratory students by the States.

[(B) REQUIRED CONTENTS.—The Secretary shall include in such report—

[(i) a review of the progress of States in developing and linking electronic records transfer systems;

[(ii) recommendations for the development and linkage of such systems; and

[(iii) recommendations for measures that may be taken to ensure the continuity of services provided for migratory students.]

(c) AVAILABILITY OF FUNDS.—\* \* \*

\* \* \* \* \*

**SEC. 1309. DEFINITIONS.**

As used in this part:

(1) LOCAL OPERATING AGENCY.—\* \* \*

(A) \* \* \*

(B) a public or [nonprofit] private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

(C) \* \* \*

[(2) MIGRATORY CHILD.—The term “migratory child” means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work—

[(A) has moved from one school district to another;

[(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

[(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.]

(2) MIGRATORY AGRICULTURAL WORKER.—The term “migratory agricultural worker” means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the ini-



tial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought new employment and has a recent history of moves for agricultural employment.

(3) *MIGRATORY CHILD*.—The term “migratory child” means a child or youth who made a qualifying move in the preceding 36 months—

(A) as a migratory agricultural worker or a migratory fisher; or

(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

(4) *MIGRATORY FISHER*.—The term “migratory fisher” means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought new employment and has a recent history of moves for fishing work.

(5) *QUALIFYING MOVE*.—The term “qualifying move” means a move due to economic necessity—

(A) from one residence to another residence; and

(B) from one school district to another school district, except—

(i) in the case of a State that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district;

(ii) in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence to engage in a fishing activity; or

(iii) in a case in which another exception applies, as defined by the Secretary.

\* \* \* \* \*

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

### **SEC. 1401. PURPOSE AND PROGRAM AUTHORIZATION.**

(a) *PURPOSE*.—It is the purpose of this part—

(1) to improve educational services for children and youth in local, *tribal*, and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same [challenging State academic content standards and challenging State student academic achievement standards] *challenging State academic standards* that all children in the State are expected to meet;

(2) \* \* \*

(3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning

from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education *and the involvement of their families and communities.*

(b) PROGRAM AUTHORIZED.—\* \* \*

\* \* \* \* \*

**SEC. 1412. ALLOCATION OF FUNDS.**

(a) SUBGRANTS TO STATE AGENCIES.—

(1) IN GENERAL.—Each State agency described in section 1411 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, in an amount equal to the product of—

(A) the number of neglected or delinquent children and youth described in section 1411 who—

(i)\* \* \*

\* \* \* \* \*

(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—

(1) IN GENERAL.—For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this subpart shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

(A) \* \* \*

\* \* \* \* \*

[(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than—

[(A) for fiscal year 2002, 77.5 percent;

[(B) for fiscal year 2003, 80.0 percent;

[(C) for fiscal year 2004, 82.5 percent; and

[(D) for fiscal year 2005 and succeeding fiscal years, 85.0 percent.]

(2) MINIMUM PERCENTAGE.—*The percentage in paragraph (1)(A) shall not be less than 85 percent.*

\* \* \* \* \*

**SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.**

(a) STATE PLAN.—

(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a plan—

(A) \* \* \*

(B) for assisting in the transition of children and youth [from correctional facilities to locally operated programs] *between correctional facilities and locally operated programs*; and

(C) \* \* \*

(2) CONTENTS.—Each such State plan shall—

(A) describe [the program goals, objectives, and performance measures established by the State] *the program objectives and outcomes established by the State* that will be used to assess the effectiveness of the program in im-

proving the academic, [vocalional]career, and technical skills of children in the program;

(B) provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State; [and]

(C) contain an assurance that the State educational agency will—

(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection; *and*

[(ii) carry out the evaluation requirements of section 1431;]

[(iii)](ii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

[(iv) provide such other information as the Secretary may reasonably require.]

(D) *provide assurances that the State educational agency has established—*

(i) *procedures to ensure the prompt re-enrollment of each student who has been placed in the juvenile justice system in secondary school or in a re-entry program that best meets the needs of the student, including the transfer of credits that such students earn during placement; and*

(ii) *opportunities for such students to participate in higher education or career pathways.*

(3) DURATION OF THE PLAN.—Each such State plan shall—

(A) \* \* \*

\* \* \* \* \*

(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this subpart shall submit an application to the State educational agency that—

(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess *and respond* to the educational needs of the children to be served under this subpart *and to the extent practicable, provide for an assessment upon entry into a correctional facility;*

(2) \* \* \*

\* \* \* \* \*

(6) describes how the State agency will [carry out the evaluation requirements of section 9601 and how]use the results of the most recent evaluation *under section 9601* [will be used] to plan and improve the program;

(7) \* \* \*

(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of Public Law 105–220, [vocalional]career and technical education programs, State and local dropout prevention programs, and special education programs;

(9) describes how the State agency will encourage correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education

programs attended by incarcerated children and youth prior to *and following* their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program *and, to the extent practicable, to ensure that transition plans are in place;*

\* \* \* \* \*

(11) designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the **transition of children and youth from such facility or institution to** *transition of such children and youth between such facility or institution and locally operated programs;*

\* \* \* \* \*

(16) provides an assurance that the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school *and obtain a high school diploma* once the term of the incarceration is completed or provide the child or youth with the skills necessary to gain employment, continue the education of the child or youth, or achieve a secondary school diploma or its recognized equivalent if the child or youth does not intend to return to school;

(17) provides an assurance that *certified or licensed* teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;

\* \* \* \* \*

**SEC. 1415. USE OF FUNDS.**

(a) USES.—

(1) IN GENERAL.—A State agency shall use funds received under this subpart only for programs and projects that—

(A) \* \* \*

(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to, *without the need for remediation,* secondary school completion, **vocational or technical training** *career and technical education,* further education, or employment.

(2) PROGRAMS AND PROJECTS.—Such programs and projects—

**[(A) may include the acquisition of equipment;]**

(A) may include—

(i) *the acquisition of equipment; and*

(ii) *pay for success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government;*

(B) shall be designed to support educational services that—

(i) except for institution-wide projects under section 1416, are provided to children and youth identi-

fied by the State agency as failing, or most at-risk of failing, to meet the State’s challenging academic [content standards and student academic achievement] standards;

(ii) \* \* \*

(iii) afford such children and youth an opportunity to meet [challenging State academic achievement standards] *challenging State academic standards*; and (C) shall be carried out in a manner consistent with [section 1120A] *section 1117* and part I (as applied to programs and projects under this part); and].

[(D) may include the costs of meeting the evaluation requirements of section 9601.]

(b) SUPPLEMENT, NOT SUPPLANT.—A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of [section 1120A] *section 1117* (as applied to this part) without regard to the subject areas in which instruction is given during those hours.

**SEC. 1416. INSTITUTION-WIDE PROJECTS.**

A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children and youth may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

(1) \* \* \*

\* \* \* \* \*

(3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet [challenging State academic content standards and student academic achievement standards] *challenging State academic standards* in order to improve the likelihood that the children and youth will [complete secondary school, attain a secondary diploma] *attain a high school diploma* or its recognized equivalent, or find employment after leaving the institution;

(4) describes the instructional program, [pupil] *specialized instructional support* services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1) *and, to the extent practicable, the development and implementation of transition plans*;

(5) \* \* \*

(6) describes the measures and procedures that will be used to assess [student progress] *and improve student achievement*;

(7) \* \* \*

\* \* \* \* \*

**SEC. 1418. TRANSITION SERVICES.**

(a) TRANSITION SERVICES.—Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this subpart for any fiscal year to support—

[(1) projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or]

(1) *projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education; or*

(2) the successful reentry, *without the need for remediation*, of youth offenders, who are age 20 or younger and have received a [secondary]high school diploma or its recognized equivalent, into postsecondary education, or [vocational]career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or [vocational]career and technical training programs, such as—

(A) \* \* \*

\* \* \* \* \*

(C) essential support services to ensure the success of the youth, such as—

(i) personal, [vocational]career and technical, and academic, counseling;

(ii) \* \* \*

\* \* \* \* \*

**SEC. 1419. EVALUATION; TECHNICAL ASSISTANCE; ANNUAL MODEL PROGRAM.**

The Secretary may reserve not more than 2.5 percent of the amount made available to carry out this subpart [for a fiscal year—

[(1) to develop a uniform model to evaluate the effectiveness of programs assisted under this subpart; and

[(2) to provide]for a fiscal year to provide technical assistance to and support the capacity building of State agency programs assisted under this subpart.

**Subpart 2—Local Agency Programs**

**SEC. 1421. PURPOSE.**

The purpose of this subpart is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

(1) to carry out high quality education programs to prepare children and youth, *without the need for remediation*, for secondary school completion, training, employment, or further education;

(2) \* \* \*

(3) to operate programs in local schools, *including schools operated or funded by the Bureau of Indian Education*, for chil-

dren and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

**SEC. 1422. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.**

(a) LOCAL SUBGRANTS.—\* \* \*

\* \* \* \* \*

(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs, *and may include the nonacademic needs*, of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative [impact on meeting the transitional] *impact on meeting such transitional* and academic needs of the students returning from correctional facilities.

**SEC. 1423. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

Each local educational agency desiring assistance under this subpart shall submit an application to the State educational agency that contains such information as the State educational agency may require. Each such application shall include—

(1) \* \* \*

(2) a description of formal agreements, regarding the program to be assisted, between—

(A) \* \* \*

(B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system, *including such facilities operated by the Secretary of the Interior and Indian tribes*;

(3) \* \* \*

[(4) a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;]

(4) *a description of the activities that the local educational agency will carry out to facilitate the successful transition of children and youth in locally operated institutions for neglected and delinquent children and other correctional institutions into schools served by the local educational agency, or as appropriate, into career and technical education and postsecondary education programs*;

\* \* \* \* \*

(8) as appropriate, a description of how the program will involve parents *and family members* in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105-220 and [vocational] *career* and technical education programs serving at-risk children and youth;

(10) \* \* \*

[(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of children and youth returning from correctional facilities;]

(11) as appropriate, a description of how the local educational agency and schools will address the educational needs of children and youth who return from institutions for neglected and delinquent children and youth or from correctional institutions and attend regular or alternative schools;

(12) a description of the efforts [participating schools]the local educational agency will make to ensure correctional facilities working with children and youth are aware of a child's or youth's existing individualized education program; and

(13) \* \* \*

\* \* \* \* \*

**SEC. 1424. USES OF FUNDS.**

Funds provided to local educational agencies under this subpart may be used, as appropriate, for—

(1) \* \* \*

(2) dropout prevention programs which serve at-risk children and youth[, including pregnant and parenting teens, children and youth who have come in contact with the juvenile justice system, children and youth at least 1 year behind their expected grade level, migrant youth, immigrant youth, students with limited English proficiency, and gang members];

(3) \* \* \*

(4) special programs to meet the unique academic needs of participating children and youth, including [vocationa]career and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; [and]

(5) programs providing mentoring and peer mediation[.];

(6) programs for at-risk Indian children and youth, including such children and youth in correctional facilities in the area served by the local educational agency that are operated by the Secretary of the Interior or Indian tribes; and

(7) pay for success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal government.

**SEC. 1425. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.**

Each correctional facility entering into an agreement with a local educational agency under section 1423(2) to provide services to children and youth under this subpart shall—

(1) \* \* \*

\* \* \* \* \*

(4) provide support programs that encourage children and youth who have dropped out of school to reenter school and obtain a high school diploma once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment [or seek a secondary school diploma or its recognized equivalent];



(5) \* \* \*

(6) ensure that educational programs in the correctional facility are related to assisting students to meet [high academic achievement standards]*the challenging State academic standards*;

\* \* \* \* \*

(9) coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220, and [vocational]*career* and technical education funds;

(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; [and]

(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth[.];

(12) *to the extent practicable, develop an initial educational services and transition plan for each child or youth served under this subpart upon entry into the correctional facility, in partnership with the child's or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable), consistent with section 1414(a)(1); and*

(13) *consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child's or youth's achievement.*

**SEC. 1426. ACCOUNTABILITY.**

The State educational agency may—

(1) \* \* \*

(2) require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a [secondary]*high* school diploma or its recognized equivalent, or obtaining employment after such children and youth are released.

### Subpart 3—General Provisions

**SEC. 1431. PROGRAM EVALUATIONS.**

(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, not less than once every 3 years, to determine the program's impact on the ability of participants—

(1) to maintain and improve educational achievement *and to graduate high school in the standard number of years*;

(2) to accrue school credits that meet State requirements for grade promotion and [secondary]*high* school graduation;

- (3) to make the transition to a regular program or other education program operated by a local educational agency or school operated or funded by the Bureau of Indian Education;
- (4) to complete [secondary]high school (or [secondary]high school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and
- (5) \* \* \*

(b) EXCEPTION.—\* \* \*

\* \* \* \* \*

**SEC. 1432. DEFINITIONS.**

In this part:

- (1) ADULT CORRECTIONAL INSTITUTION.—\* \* \*
- (2) AT-RISK.—The term “at-risk”, when used with respect to a child, youth, or student, means a school aged individual who is at-risk of academic failure, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, [has limited English proficiency]is an *English learner*, is a gang member, has dropped out of school in the past, [or has a high absenteeism rate at school.]has a high absenteeism rate at school, or has other life conditions that make the individual at high risk for dependency or delinquency adjudication.

(3) \* \* \*  
\* \* \* \* \*

**[PART E—NATIONAL ASSESSMENT OF TITLE I]**

**[SEC. 1501. EVALUATIONS.**

[(a) NATIONAL ASSESSMENT OF TITLE I.—

[(1) IN GENERAL.—The Secretary shall conduct a national assessment of the programs assisted under this title and the impact of this title on States, local educational agencies, schools, and students.

[(2) ISSUES TO BE EXAMINED.—In conducting the assessment under this subsection, the Secretary shall examine, at a minimum, the following:

[(A) The implementation of programs assisted under this title and the impact of such implementation on increasing student academic achievement (particularly in schools with high concentrations of children living in poverty), relative to the goal of all students reaching the proficient level of achievement based on State academic assessments, challenging State academic content standards, and challenging State student academic achievement standards under section 1111.

[(B) The types of programs and services that have demonstrated the greatest likelihood of helping students reach the proficient and advanced levels of achievement based on State student academic achievement standards and State academic content standards.

[(C) The implementation of State academic standards, assessments, and accountability systems developed under this title, including—

[(i) the time and cost required for the development of academic assessments for students in grades 3 through 8;

[(ii) how well such State assessments meet the requirements for assessments described in this title; and

[(iii) the impact of such standards, assessments, and accountability systems on educational programs and instruction at the local level.

[(D) Each State's definition of adequate yearly progress, including—

[(i) the impact of applying this definition to schools, local educational agencies, and the State;

[(ii) the number of schools and local educational agencies not meeting this definition; and

[(iii) the changes in the identification of schools in need of improvement as a result of such definition.

[(E) How schools, local educational agencies, and States have—

[(i) publicized and disseminated the local educational agency report cards required under section 1111(h)(2) to teachers, school staff, students, parents, and the community;

[(ii) used funds made available under this title to provide preschool and family literacy services and the impact of these services on students' school readiness;

[(iii) implemented the provisions of section 1118 and afforded parents meaningful opportunities to be involved in the education of their children;

[(iv) used Federal, State, and local educational agency funds and resources to support schools and provide technical assistance to improve the achievement of students in low-performing schools, including the impact of the technical assistance on such achievement; and

[(v) used State educational agency and local educational agency funds and resources to help schools in which 50 percent or more of the students are from families with incomes below the poverty line meet the requirement described in section 1119 of having all teachers highly qualified not later than the end of the 2005–2006 school year.

[(F) The implementation of schoolwide programs and targeted assistance programs under this title and the impact of such programs on improving student academic achievement, including the extent to which schools meet the requirements of such programs.

[(G) The extent to which varying models of comprehensive school reform are funded and implemented under this title, and the effect of the implementation of such models on improving achievement of disadvantaged students.

[(H) The costs as compared to the benefits of the activities assisted under this title.

[(I) The extent to which actions authorized under section 1116 are implemented by State educational agencies and local educational agencies to improve the academic achievement of students in low-performing schools, and the effectiveness of the implementation of such actions, including the following:

[(i) The number of schools identified for school improvement and how many years the schools remain in this status.

[(ii) The types of support provided by the State educational agencies and local educational agencies to schools and local educational agencies respectively identified as in need of improvement, and the impact of such support on student achievement.

[(iii) The number of parents who take advantage of the public school choice provisions of this title, the costs (including transportation costs) associated with implementing these provisions, the implementation of these provisions, and the impact of these provisions (including the impact of attending another school) on student achievement.

[(iv) The number of parents who choose to take advantage of the supplemental educational services option, the criteria used by the States to determine the quality of providers, the kinds of services that are available and utilized, the costs associated with implementing this option, and the impact of receiving supplemental educational services on student achievement.

[(v) The implementation and impact of actions that are taken with regard to schools and local educational agencies identified for corrective action and restructuring.

[(J) The extent to which State and local fiscal accounting requirements under this title affect the flexibility of schoolwide programs.

[(K) The implementation and impact of the professional development activities assisted under this title and title II on instruction, student academic achievement, and teacher qualifications.

[(L) The extent to which the assistance made available under this title, including funds under section 1002, is targeted to disadvantaged students, schools, and local educational agencies with the greatest need.

[(M) The effectiveness of Federal administration assistance made available under this title, including monitoring and technical assistance.

[(N) The academic achievement of the groups of students described in section 1111(b)(2)(C)(v)(II).

[(O) Such other issues as the Secretary considers appropriate.

[(3) SOURCES OF INFORMATION.—In conducting the assessment under this subsection, the Secretary shall use informa-

tion from a variety of sources, including the National Assessment of Educational Progress (carried out under section 303 of the National Assessment of Educational Progress Authorization Act), State evaluations, and other research studies.

[(4) COORDINATION.—In carrying out this subsection, the Secretary shall—

[(A) coordinate the national assessment under this subsection with the longitudinal study described in subsection (c); and

[(B) ensure that the independent review panel described in subsection (d) participates in conducting the national assessment under this subsection, including planning for and reviewing the assessment.

[(5) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment under this subsection, the Secretary shall use developmentally appropriate measures to assess student academic achievement.

[(6) REPORTS.—

[(A) INTERIM REPORT.—Not later than 3 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall transmit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate an interim report on the national assessment conducted under this subsection.

[(B) FINAL REPORT.—Not later than 5 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall transmit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a final report on the national assessment conducted under this subsection.

[(b) STUDIES AND DATA COLLECTION.—

[(1) IN GENERAL.—In addition to other activities described in this section, the Secretary may, directly or through awarding grants to or entering into contracts with appropriate entities—

[(A) assess the implementation and effectiveness of programs under this title;

[(B) collect the data necessary to comply with the Government Performance and Results Act of 1993; and

[(C) provide guidance and technical assistance to State educational agencies and local educational agencies in developing and maintaining management information systems through which such agencies may develop program performance indicators to improve services and performance.

[(2) MINIMUM INFORMATION.—In carrying out this subsection, the Secretary shall collect, at a minimum, trend information on the effect of each program authorized under this title, which shall complement the data collected and reported under subsections (a) and (c).

[(c) NATIONAL LONGITUDINAL STUDY.—

【(1) IN GENERAL.—The Secretary shall conduct a longitudinal study of schools receiving assistance under part A.

【(2) ISSUES TO BE EXAMINED.—In carrying out this subsection, the Secretary shall ensure that the study referred to in paragraph (1) provides Congress and educators with each of the following:

【(A) An accurate description and analysis of the short- and long-term effect of the assistance made available under this title on academic achievement.

【(B) Information that can be used to improve the effectiveness of the assistance made available under this title in enabling students to meet challenging academic achievement standards.

【(C) An analysis of educational practices or model programs that are effective in improving the achievement of disadvantaged children.

【(D) An analysis of the costs as compared to the benefits of the assistance made available under this title in improving the achievement of disadvantaged children.

【(E) An analysis of the effects of the availability of school choice options under section 1116 on the academic achievement of disadvantaged students, on schools in school improvement, and on schools from which students have transferred under such options.

【(F) Such other information as the Secretary considers appropriate.

【(3) SCOPE.—In conducting the study referred to in paragraph (1), the Secretary shall ensure that the study—

【(A) bases its analysis on a nationally representative sample of schools participating in programs under this title;

【(B) to the extent practicable, includes in its analysis students who transfer to different schools during the course of the study; and

【(C) analyzes varying models or strategies for delivering school services, including—

【(i) schoolwide and targeted services; and

【(ii) comprehensive school reform models.

【(d) INDEPENDENT REVIEW PANEL.—

【(1) IN GENERAL.—The Secretary shall establish an independent review panel (in this subsection referred to as the “Review Panel”) to advise the Secretary on methodological and other issues that arise in carrying out subsections (a) and (c).

【(2) APPOINTMENT OF MEMBERS.—

【(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall appoint members of the Review Panel from among qualified individuals who are—

【(i) specialists in statistics, evaluation, research, and assessment;

【(ii) education practitioners, including teachers, principals, and local and State superintendents;

【(iii) parents and members of local school boards or other organizations involved with the implementation and operation of programs under this title; and

[(iv) other individuals with technical expertise who will contribute to the overall rigor and quality of the program evaluation.

[(B) LIMITATIONS.—In appointing members of the Review Panel, the Secretary shall ensure that—

[(i) in order to ensure diversity, the Review Panel includes individuals appointed under subparagraph (A)(i) who represent disciplines or programs outside the field of education; and

[(ii) the total number of the individuals appointed under subparagraph (A)(ii) or (A)(iv) does not exceed one-fourth of the total number of the individuals appointed under this paragraph.

[(3) FUNCTIONS.—The Review Panel shall consult with and advise the Secretary—

[(A) to ensure that the assessment conducted under subsection (a) and the study conducted under subsection (c)—

[(i) adhere to the highest possible standards of quality with respect to research design, statistical analysis, and the dissemination of findings; and

[(ii) use valid and reliable measures to document program implementation and impacts; and

[(B) to ensure—

[(i) that the final report described in subsection (a)(6)(B) is reviewed not later than 120 days after its completion by not less than two independent experts in program evaluation (who may be from among the members of the Review Panel appointed under paragraph (2));

[(ii) that such experts evaluate and comment on the degree to which the report complies with subsection (a); and

[(iii) that the comments of such experts are transmitted with the report under subsection (a)(6)(B).]

**[SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

[(a) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(e)(1), the Secretary may award grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public or private partnerships involving business and industry organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State academic content standards and challenging State student academic achievement standards.

[(b) EVALUATION.—The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

[(c) PARTNERSHIPS.—From funds appropriated under section 1002(e)(1) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest

quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.]

**[SEC. 1503. ASSESSMENT EVALUATION.**

**[(a) IN GENERAL.—**The Secretary shall conduct an independent study of assessments used for State accountability purposes and for making decisions about the promotion and graduation of students. Such research shall be conducted over a period not to exceed 5 years and shall address the components described in subsection (d).

**[(b) CONTRACT AUTHORIZED.—**The Secretary is authorized to award a contract, through a peer review process, to an organization or entity capable of conducting rigorous, independent research. The Assistant Secretary of Educational Research and Improvement shall appoint peer reviewers to evaluate the applications for this contract.

**[(c) STUDY.—**The study shall—

**[(1)** synthesize and analyze existing research that meets standards of quality and scientific rigor; and

**[(2)** evaluate academic assessment and accountability systems in State educational agencies, local educational agencies, and schools; and

**[(3)** make recommendations to the Department and to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate, based on the findings of the study.

**[(d) COMPONENTS OF THE RESEARCH PROGRAM.—**The study described in subsection (a) shall examine—

**[(1)** the effect of the assessment and accountability systems described in section (c) on students, teachers, parents, families, schools, school districts, and States, including correlations between such systems and—

**[(A)** student academic achievement, progress to the State-defined level of proficiency, and progress toward closing achievement gaps, based on independent measures;

**[(B)** changes in course offerings, teaching practices, course content, and instructional material;

**[(C)** changes in turnover rates among teachers, principals, and pupil-services personnel;

**[(D)** changes in dropout, grade-retention, and graduation rates for students; and

**[(E)** such other effects as may be appropriate;

**[(2)** the effect of the academic assessments on students with disabilities;

**[(3)** the effect of the academic assessments on low, middle, and high socioeconomic status students, limited and nonlimited English proficient students, racial and ethnic minority students, and nonracial or nonethnic minority students;

**[(4)** guidelines for assessing the validity, reliability, and consistency of those systems using nationally recognized professional and technical standards;

**[(5)** the relationship between accountability systems and the inclusion or exclusion of students from the assessment system; and

**[(6)** such other factors as the Secretary finds appropriate.



[(e) REPORTING.—Not later than 3 years after the contract described in subsection (b) is awarded, the organization or entity conducting the study shall submit an interim report to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor and Pensions of the United States Senate, and to the President and the States, and shall make the report widely available to the public. The organization or entity shall submit a final report to the same recipients as soon as possible after the completion of the study. Additional reports may be periodically prepared and released as necessary.]

[(f) RESERVATION OF FUNDS.—The Secretary may reserve up to 15 percent of the funds authorized to be appropriated for this part to carry out the study, except such reservation of funds shall not exceed \$1,500,000.]

**[SEC. 1504. CLOSE UP FELLOWSHIP PROGRAM.]**

[(a) PROGRAM FOR MIDDLE SCHOOL AND SECONDARY SCHOOL STUDENTS.—

[(1) ESTABLISHMENT.—

[(A) GENERAL AUTHORITY.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a non-partisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among middle school and secondary school students.]

[(B) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to economically disadvantaged students who participate in the programs described in subparagraph (A).]

[(C) NAME OF FELLOWSHIPS.—Financial assistance received by students pursuant to this subsection shall be known as Close Up fellowships.]

[(2) APPLICATIONS.—

[(A) APPLICATION REQUIRED.—No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.]

[(B) CONTENTS OF APPLICATION.—Each application submitted under this paragraph shall contain assurances that—

[(i) Close Up fellowships provided under this subsection shall be made to economically disadvantaged middle school and secondary school students;

[(ii) every effort shall be made to ensure the participation of students from rural, small town, and urban areas;

[(iii) in awarding the fellowships to economically disadvantaged students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, ethnic minority students, and students with migrant parents; and

[(iv) the funds received under this subsection shall be properly disbursed.

[(b) PROGRAM FOR MIDDLE SCHOOL AND SECONDARY SCHOOL TEACHERS.—

[(1) ESTABLISHMENT.—

[(A) GENERAL AUTHORITY.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of professional development for middle school and secondary school teachers and its programs to increase civic responsibility and understanding of the Federal Government among the teachers' students.

[(B) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to teachers who participate in the programs described in subparagraph (A).

[(C) NAME OF FELLOWSHIPS.—Financial assistance received by teachers pursuant to this subsection shall be known as Close Up fellowships.

[(2) APPLICATIONS.—

[(A) APPLICATION REQUIRED.—No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(B) CONTENTS OF APPLICATION.—Each application submitted under this paragraph shall contain assurances that—

[(i) Close Up fellowships provided under this subsection shall be made only to a teacher who has worked with at least one student from such teacher's school who participates in a program described in subsection (a)(1)(A);

[(ii) no teacher shall receive more than one such fellowship in any fiscal year; and

[(iii) the funds received under this subsection shall be properly disbursed.

[(c) PROGRAMS FOR NEW AMERICANS.—

[(1) ESTABLISHMENT.—

[(A) GENERAL AUTHORITY.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among economically disadvantaged middle school and secondary school recent immigrant students.

[(B) DEFINITION.—In this subsection, the term "recent immigrant student" means a student who is a member of a family that immigrated to the United States within 5 years of the student's participation in such a program.

[(C) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to eco-

nomically disadvantaged recent immigrant students and their teachers who participate in the programs described in subparagraph (A).

【(D) NAME OF FELLOWSHIPS.—Financial assistance received by students and teachers pursuant to this subsection shall be known as Close Up Fellowships for New Americans.

【(2) APPLICATIONS.—

【(A) APPLICATION REQUIRED.—No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

【(B) CONTENTS OF APPLICATION.—Each application submitted under this paragraph shall contain assurances that—

【(i) Close Up Fellowships for New Americans shall be made to economically disadvantaged middle school and secondary school recent immigrant students;

【(ii) every effort shall be made to ensure the participation of recent immigrant students from rural, small town, and urban areas;

【(iii) in awarding the fellowships to economically disadvantaged recent immigrant students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, students with migrant parents, and ethnic minority students;

【(iv) fully describe the activities to be carried out with the proceeds of the grant made under paragraph (1); and

【(v) the funds received under this subsection shall be properly disbursed.

【(d) GENERAL PROVISIONS.—

【(1) ADMINISTRATIVE PROVISIONS.—

【(A) ACCOUNTABILITY.—In consultation with the Secretary, the Close Up Foundation shall devise and implement procedures to measure the efficacy of the programs authorized in subsections (a), (b), and (c) in attaining objectives that include the following:

【(i) Providing young people with an increased understanding of the Federal Government.

【(ii) Heightening a sense of civic responsibility among young people.

【(iii) Enhancing the skills of educators in teaching young people about civic responsibility, the Federal Government, and attaining citizenship competencies.

【(B) GENERAL RULE.—Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments.

【(C) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers,

and records that are pertinent to any grant under this section.

[(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this Act, any person or entity that was awarded a grant under part G of title X before the date of enactment of the No Child Left Behind Act of 2001 shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.]

## **[PART F—COMPREHENSIVE SCHOOL REFORM]**

### **[SEC. 1601. PURPOSE.**

[(The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State academic content and academic achievement standards.)]

### **[SEC. 1602. PROGRAM AUTHORIZATION.**

[(a) PROGRAM AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies, from allotments under paragraph (2), to enable the State educational agencies to award subgrants to local educational agencies to carry out the purpose described in section 1601.

[(2) ALLOTMENTS.—

[(A) RESERVATIONS.—Of the amount appropriated under section 1002(f), the Secretary may reserve—

[(i) not more than 1 percent for each fiscal year to provide assistance to schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this part;

[(ii) not more than 1 percent for each fiscal year to conduct national evaluation activities described in section 1607; and

[(iii) not more than 3 percent of the amount appropriated in fiscal year 2002 to carry out this part, for quality initiatives described in section 1608.

[(B) IN GENERAL.—Of the amount appropriated under section 1002(f) that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount made available under section 1124 to all States for that year.

[(C) REALLOTMENT.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the

amount allotted to such other States under subparagraph (B).】

**【SEC. 1603. STATE APPLICATIONS.**

【(a) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

【(b) CONTENTS.—Each such application shall describe—

【(1) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this part;

【(2) how the State educational agency will ensure that funds under this part are limited to comprehensive school reform programs that—

【(A) include each of the components described in section 1606(a);

【(B) have the capacity to improve the academic achievement of all students in core academic subjects within participating schools; and

【(C) are supported by technical assistance providers that have a successful track record, financial stability, and the capacity to deliver high quality materials, professional development for school personnel, and on-site support during the full implementation period of the reforms;

【(3) how the State educational agency will disseminate materials and information on comprehensive school reforms that are based on scientifically based research and effective practices;

【(4) how the State educational agency will evaluate annually the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic achievement; and

【(5) how the State educational agency will provide technical assistance to the local educational agency or consortia of local educational agencies, and to participating schools, in evaluating, developing, and implementing comprehensive school reform.

**【SEC. 1604. STATE USE OF FUNDS.**

【(a) IN GENERAL.—Except as provided in subsection (e), a State educational agency that receives a grant under this part shall use the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A, to support comprehensive school reforms in schools that are eligible for funds under part A.

【(b) SUBGRANT REQUIREMENTS.—A subgrant to a local educational agency or consortium shall be—

【(1) of sufficient size and scope to support the initial costs of comprehensive school reforms selected or designed by each school identified in the application of the local educational agency or consortium;

【(2) in an amount not less than \$50,000—

【(A) for each participating school; or

[(B) for each participating consortium of small schools (which for purposes of this subparagraph means a consortium of small schools serving a total of not more than 500 students); and

[(3) renewable for two additional 1-year subgrant periods after the initial 1-year subgrant is made if the school is or the schools are making substantial progress in the implementation of reforms.

[(c) PRIORITY.—A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that—

[(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

[(2) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

[(d) GRANT CONSIDERATION.—In awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

[(e) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

[(f) SUPPLEMENT.—Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

[(g) REPORTING.—Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, a description of the comprehensive school reforms selected and used, and a copy of the State's annual evaluation of the implementation of comprehensive school reforms supported under this part and the student achievement results.]

**[SEC. 1605. LOCAL APPLICATIONS.**

[(a) IN GENERAL.—Each local educational agency or consortium of local educational agencies desiring a subgrant under this part shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

[(b) CONTENTS.—Each such application shall—

[(1) identify the schools that are eligible for assistance under part A and plan to implement a comprehensive school reform program, including the projected costs of such a program;

[(2) describe the comprehensive school reforms based on scientifically based research and effective practices that such schools will implement;

[(3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the comprehensive school reforms based on scientifically based research and effective practices selected by such schools; and

[(4) describe how the local educational agency or consortium will evaluate the implementation of such comprehensive school reforms and measure the results achieved in improving student academic achievement.]

**[SEC. 1606. LOCAL USE OF FUNDS.**

[(a) USES OF FUNDS.—A local educational agency or consortium that receives a subgrant under this part shall provide the subgrant funds to schools that are eligible for assistance under part A and served by the agency, to enable the schools to implement a comprehensive school reform program that—

[(1) employs proven strategies and proven methods for student learning, teaching, and school management that are based on scientifically based research and effective practices and have been replicated successfully in schools;

[(2) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive school reform plan for schoolwide change designed to enable all students to meet challenging State content and student academic achievement standards and addresses needs identified through a school needs assessment;

[(3) provides high quality and continuous teacher and staff professional development;

[(4) includes measurable goals for student academic achievement and benchmarks for meeting such goals;

[(5) is supported by teachers, principals, administrators, school personnel staff, and other professional staff;

[(6) provides support for teachers, principals, administrators, and other school staff;

[(7) provides for the meaningful involvement of parents and the local community in planning, implementing, and evaluating school improvement activities consistent with section 1118;

[(8) uses high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

[(9) includes a plan for the annual evaluation of the implementation of school reforms and the student results achieved;

[(10) identifies other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the comprehensive school reform effort; and

[(11)(A) has been found, through scientifically based research to significantly improve the academic achievement of students participating in such program as compared to students in schools who have not participated in such program; or

[(B) has been found to have strong evidence that such program will significantly improve the academic achievement of participating children.]

[(b) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using nationally available approaches, but may develop the school’s own comprehensive school reform program for schoolwide change as described in subsection (a).]

**[SEC. 1607. EVALUATION AND REPORTS.]**

[(a) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs assisted under this part.]

[(b) EVALUATION.—The national evaluation shall—

[(1) evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms; and

[(2) assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.]

[(c) REPORTS.—The Secretary shall submit a report describing the results of the evaluation under subsection (b) for the Comprehensive School Reform Program to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.]

**[SEC. 1608. QUALITY INITIATIVES.]**

[The Secretary, through grants or contracts, shall provide funds for—

[(1) a public-private effort, in which funds are matched by private organizations, to assist States, local educational agencies, and schools, in making informed decisions regarding approving or selecting providers of comprehensive school reform, consistent with the requirements described in section 1606(a); and

[(2) activities to foster the development of comprehensive school reform models and to provide effective capacity building for comprehensive school reform providers to expand their work in more schools, assure quality, and promote financial stability.]

**[PART G—ADVANCED PLACEMENT PROGRAMS]**

**[SEC. 1701. SHORT TITLE.]**

[This part may be cited as the “Access to High Standards Act”.]

**[SEC. 1702. PURPOSES.]**

[The purposes of this part are—

[(1) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;

[(2) to encourage more of the 600,000 students who take advanced placement courses each year but do not take ad-



vanced placement exams each year, to demonstrate their achievements through taking the exams;

[(3) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Test (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;

[(4) to increase the availability and broaden the range of schools, including middle schools, that have advanced placement and pre-advanced placement programs;

[(5) to demonstrate that larger and more diverse groups of students can participate and succeed in advanced placement programs;

[(6) to provide greater access to advanced placement and pre-advanced placement courses and highly trained teachers for low-income and other disadvantaged students;

[(7) to provide access to advanced placement courses for secondary school students at schools that do not offer advanced placement programs, increase the rate at which secondary school students participate in advanced placement courses, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded;

[(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees; and

[(9) to increase the number of individuals that achieve a baccalaureate or advanced degree, and to decrease the amount of time such individuals require to attain such degrees.]

**[SEC. 1703. FUNDING DISTRIBUTION RULE.**

【From amounts appropriated under section 1002(g) for a fiscal year, the Secretary shall give priority to funding activities under section 1704 and shall distribute any remaining funds under section 1705.】

**[SEC. 1704. ADVANCED PLACEMENT TEST FEE PROGRAM.**

【(a) GRANTS AUTHORIZED.—From amounts made available under section 1703 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under this section to enable the State educational agencies to reimburse low-income individuals to cover part or all of the costs of advanced placement test fees, if the low-income individuals—

[(1) are enrolled in an advanced placement course; and

[(2) plan to take an advanced placement test.

【(b) AWARD BASIS.—In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all the States.

【(c) INFORMATION DISSEMINATION.—A State educational agency awarded a grant under this section shall disseminate information regarding the availability of advanced placement test fee payments

under this section to eligible individuals through secondary school teachers and guidance counselors.

[(d) APPLICATIONS.—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

[(1) describe the advanced placement test fees the State educational agency will pay on behalf of low-income individuals in the State from grant funds awarded under this section;

[(2) provide an assurance that any grant funds awarded under this section shall be used only to pay for advanced placement test fees; and

[(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965.

[(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

[(f) REPORT.—

[(1) IN GENERAL.—Each State educational agency awarded a grant under this section shall, with respect to each advanced placement subject, annually report to the Secretary on—

[(A) the number of students in the State who are taking an advanced placement course in that subject;

[(B) the number of advanced placement tests taken by students in the State who have taken an advanced placement course in that subject;

[(C) the number of students in the State scoring at different levels on advanced placement tests in that subject; and

[(D) demographic information regarding individuals in the State taking advanced placement courses and tests in that subject disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

[(2) REPORT TO CONGRESS.—The Secretary shall annually compile the information received from each State educational agency under paragraph (1) and report to the appropriate committees of Congress regarding the information.

[(g) BIA AS SEA.—For purposes of this section the Bureau of Indian Affairs shall be treated as a State educational agency.]

**[SEC. 1705. ADVANCED PLACEMENT INCENTIVE PROGRAM GRANTS.**

[(a) GRANTS AUTHORIZED.—

[(1) IN GENERAL.—From amounts made available under section 1703 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable those entities to carry out the authorized activities described in subsection (d).

[(2) DURATION AND PAYMENTS.—

[(A) DURATION.—The Secretary shall award a grant under this section for a period of not more than 3 years.

[(B) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

[(3) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term “eligible entity” means a State educational agency, local educational agency, or national nonprofit educational entity with expertise in advanced placement services.

[(b) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

[(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that submits an application under subsection (b) that—

[(1) demonstrates a pervasive need for access to advanced placement incentive programs;

[(2) provides for the involvement of business and community organizations in the activities to be assisted;

[(3) assures the availability of matching funds from State, local, or other sources to pay for the cost of activities to be assisted;

[(4) demonstrates a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science;

[(5) demonstrates an intent to carry out activities that target—

[(A) local educational agencies serving schools with a high concentration of low-income students; or

[(B) schools with a high concentration of low-income students; and

[(6) in the case of a local educational agency, assures that the local educational agency serves schools with a high concentration of low-income students; or

[(7) demonstrates an intent to carry out activities to increase the availability of, and participation in, on-line advanced placement courses.

[(d) AUTHORIZED ACTIVITIES.—

[(1) IN GENERAL.—Subject to paragraph (2), an eligible entity shall use grant funds made available under this section to expand access for low-income individuals to advanced placement incentive programs that involve—

[(A) teacher training;

[(B) pre-advanced placement course development;

[(C) coordination and articulation between grade levels to prepare students for academic achievement in advanced placement courses;

[(D) books and supplies; or

[(E) activities to increase the availability of, and participation in, on-line advanced placement courses; or

[(F) any other activity directly related to expanding access to and participation in advanced placement incentive programs, particularly for low-income individuals.

[(2) STATE EDUCATIONAL AGENCY.—In the case of an eligible entity that is a State educational agency, the entity may use grant funds made available under this section to award subgrants to local educational agencies to enable the local educational agencies to carry out the activities under paragraph (1).

[(e) **CONTRACTS.**—An eligible entity awarded a grant to provide online advanced placement courses under this part may enter into a contract with a nonprofit or for profit organization to provide the online advanced placement courses, including contracting for necessary support services.]

[(f) **DATA COLLECTION AND REPORTING.**—

[(1) **DATA COLLECTION.**—Each eligible entity awarded a grant under this section shall, with respect to each advanced placement subject, annually report to the Secretary on—

[(A) the number of students served by the eligible entity who are taking an advanced placement course in that subject;

[(B) the number of advanced placement tests taken by students served by the eligible entity in that subject;

[(C) the number of students served by the eligible entity scoring at different levels on advanced placement tests in that subject; and

[(D) demographic information regarding individuals served by such agency who taking advanced placement courses and tests in that subject disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.]

[(2) **REPORT.**—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to the appropriate committees of Congress regarding the information.]

**[SEC. 1706. SUPPLEMENT, NOT SUPPLANT.]**

Grant funds provided under this part shall supplement, and not supplant, other non-Federal funds that are available to assist low-income individuals to pay for the cost of advanced placement test fees or to expand access to advanced placement and pre-advanced placement courses.]

**[SEC. 1707. DEFINITIONS.]**

[In this part:

[(1) **ADVANCED PLACEMENT TEST.**—The term “advanced placement test” means an advanced placement test administered by the College Board or approved by the Secretary.]

[(2) **HIGH CONCENTRATION OF LOW-INCOME STUDENTS.**—The term “high concentration of low-income students”, used with respect to a school, means a school that serves a student population 40 percent or more of whom are low-income individuals.]

[(3) **LOW-INCOME INDIVIDUAL.**—The term “low-income individual” means an individual who is determined by a State educational agency or local educational agency to be a child, ages 5 through 19, from a low-income family, on the basis of data used by the Secretary to determine allocations under section 1124 of this Act, data on children eligible for free or reduced-price lunches under the National School Lunch Act, data on children in families receiving assistance under part A of title IV of the Social Security Act, or data on children eligible to receive medical assistance under the medicaid program under title XIX of the Social Security Act, or through an alternate method that combines or extrapolates from those data.]

## **[PART H—SCHOOL DROPOUT PREVENTION]**

### **[SEC. 1801. SHORT TITLE.**

**[This part may be cited as the “Dropout Prevention Act”.]**

### **[SEC. 1802. PURPOSE.**

**[The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants that—**

**[(1) challenge all children to attain their highest academic potential; and**

**[(2) ensure that all students have substantial and ongoing opportunities to attain their highest academic potential through schoolwide programs proven effective in school dropout prevention and reentry.]**

### **[SEC. 1803. AUTHORIZATION OF APPROPRIATIONS.**

**[For the purpose of carrying out this part, there are authorized to be appropriated \$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—**

**[(1) 10 percent shall be available to carry out subpart 1 for each fiscal year; and**

**[(2) 90 percent shall be available to carry out subpart 2 for each fiscal year.]**

## **[Subpart 1—Coordinated National Strategy]**

### **[SEC. 1811. NATIONAL ACTIVITIES.**

**[(a) IN GENERAL.—The Secretary is authorized—**

**[(1) to collect systematic data on the effectiveness of the programs assisted under this part in reducing school dropout rates and increasing school reentry and secondary school graduation rates;**

**[(2) to establish a national clearinghouse of information on effective school dropout prevention and reentry programs that shall disseminate to State educational agencies, local educational agencies, and schools—**

**[(A) the results of research on school dropout prevention and reentry; and**

**[(B) information on effective programs, best practices, and Federal resources to—**

**[(i) reduce annual school dropout rates;**

**[(ii) increase school reentry; and**

**[(iii) increase secondary school graduation rates;**

**[(3) to provide technical assistance to State educational agencies, local educational agencies, and schools in designing and implementing programs and securing resources to implement effective school dropout prevention and reentry programs;**

**[(4) to establish and consult with an interagency working group that shall—**

**[(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and reentry, and assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of**

various programs and approaches used to address school dropout prevention and reentry;

[(B) describe the ways in which State educational agencies and local educational agencies can implement effective school dropout prevention and reentry programs using funds from a variety of Federal programs, including the programs under this part; and

[(C) examine Federal programs that may have a positive impact on secondary school graduation or school reentry;

[(5) to carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates; and

[(6) to use funds made available for this subpart to carry out the evaluation required under section 1830(c).

[(b) RECOGNITION PROGRAM.—

[(1) ESTABLISHMENT.—The Secretary shall—

[(A) establish a national recognition program; and

[(B) develop uniform national guidelines for the recognition program that shall be used to recognize eligible schools from nominations submitted by State educational agencies.

[(2) RECOGNITION.—The Secretary shall recognize, under the recognition program established under paragraph (1), eligible schools.

[(3) SUPPORT.—The Secretary may make monetary awards to an eligible school recognized under this subsection in amounts determined appropriate by the Secretary that shall be used for dissemination activities within the eligible school district or nationally.

[(4) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term “eligible school” means a public middle school or secondary school, including a charter school, that has implemented comprehensive reforms that have been effective in lowering school dropout rates for all students—

[(A) in that secondary school or charter school; or

[(B) in the case of a middle school, in the secondary school that the middle school feeds students into.

[(c) CAPACITY BUILDING.—

[(1) IN GENERAL.—The Secretary, through a contract with one or more non-Federal entities, may conduct a capacity building and design initiative in order to increase the types of proven strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

[(2) NUMBER AND DURATION.—

[(A) NUMBER.—The Secretary may award not more than five contracts under this subsection.

[(B) DURATION.—The Secretary may award a contract under this subsection for a period of not more than 5 years.

[(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

[(1) IN GENERAL.—The Secretary may provide appropriate support to eligible entities to enable the eligible entities to pro-

vide training, materials, development, and staff assistance to schools assisted under this part.

[(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term “eligible entity” means an entity that, prior to the date of enactment of the Dropout Prevention Act—

[(A) provided training, technical assistance, and materials related to school dropout prevention or reentry to 100 or more elementary schools or secondary schools; and

[(B) developed and published a specific educational program or design related to school dropout prevention or reentry for use by the schools.]

## **[Subpart 2—School Dropout Prevention Initiative]**

### **[SEC. 1821. DEFINITIONS.**

[In this subpart:

[(1) LOW-INCOME STUDENT.—The term “low-income student” means a student who is determined by a local educational agency to be from a low-income family using the measures described in section 1113(c).

[(2) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau.]

### **[SEC. 1822. PROGRAM AUTHORIZED.**

[(a) GRANTS TO STATE EDUCATIONAL AGENCIES AND LOCAL EDUCATIONAL AGENCIES.—

[(1) AMOUNT LESS THAN \$75,000,000.—

[(A) IN GENERAL.—If the amount appropriated under section 1803 for a fiscal year equals or is less than \$75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to—

[(i) State educational agencies to support activities—

[(I) in schools that—

[(aa) serve students in grades 6 through 12; and

[(bb) have annual school dropout rates that are above the State average annual school dropout rate; or

[(II) in the middle schools that feed students into the schools described in subclause (I); or

[(ii) local educational agencies that operate—

[(I) schools that—

[(aa) serve students in grades 6 through 12; and

[(bb) have annual school dropout rates that are above the State average annual school dropout rate; or

[(II) middle schools that feed students into the schools described in subclause (I).

**[(B) USE OF GRANT FUNDS.—**Grant funds awarded under this paragraph shall be used to fund effective, sustainable, and coordinated school dropout prevention and reentry programs that may include the activities described in subsection (b)(2), in—

**[(i) schools serving students in grades 6 through 12 that have annual school dropout rates that are above the State average annual school dropout rate; or**

**[(ii) the middle schools that feed students into the schools described in clause (i).**

**[(2) AMOUNT LESS THAN \$250,000,000 BUT MORE THAN \$75,000,000.—**If the amount appropriated under section 1803 for a fiscal year is less than \$250,000,000 but more than \$75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to award subgrants under subsection (b).

**[(3) AMOUNT EQUAL TO OR EXCEEDS \$250,000,000.—**If the amount appropriated under section 1803 for a fiscal year equals or exceeds \$250,000,000, then the Secretary shall use such amount to award a grant to each State educational agency in an amount that bears the same relation to such appropriated amount as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount received by all State educational agencies under such part for the preceding fiscal year, to enable the State educational agency to award subgrants under subsection (b).

**[(b) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—**

**[(1) IN GENERAL.—**From amounts made available to a State educational agency under paragraph (2) or (3) of subsection (a), the State educational agency shall award subgrants, on a competitive basis, to local educational agencies that operate public schools that serve students in grades 6 through 12 and that have annual school dropout rates that are above the State average annual school dropout rate, to enable those schools, or the middle schools that feed students into those schools, to implement effective, sustainable, and coordinated school dropout prevention and reentry programs that involve activities such as—

**[(A) professional development;**

**[(B) obtaining curricular materials;**

**[(C) release time for professional staff to obtain professional development;**

**[(D) planning and research;**

**[(E) remedial education;**

**[(F) reduction in pupil-to-teacher ratios;**

**[(G) efforts to meet State student academic achievement standards;**

**[(H) counseling and mentoring for at-risk students;**

**[(I) implementing comprehensive school reform models, such as creating smaller learning communities; and**

**[(J) school reentry activities.**

**[(2) AMOUNT.—**Subject to paragraph (3), a subgrant under this subpart shall be awarded—



[(A) in the first year that a local educational agency receives a subgrant payment under this subpart, in an amount that is based on factors such as—

[(i) the size of schools operated by the local educational agency;

[(ii) costs of the model or set of prevention and re-entry strategies being implemented; and

[(iii) local cost factors such as poverty rates;

[(B) in the second year, in an amount that is not less than 75 percent of the amount the local educational agency received under this subpart in the first such year;

[(C) in the third year, in an amount that is not less than 50 percent of the amount the local educational agency received under this subpart in the first such year; and

[(D) in each succeeding year, in an amount that is not less than 30 percent of the amount the local educational agency received under this subpart in the first year.

[(3) DURATION.—A subgrant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1830(a), that significant progress has been made in lowering the annual school dropout rate for secondary schools participating in the program assisted under this subpart.]

**[SEC. 1823. APPLICATIONS.**

[(a) IN GENERAL.—To receive—

[(1) a grant under this subpart, a State educational agency or local educational agency shall submit an application and plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

[(2) a subgrant under this subpart, a local educational agency shall submit an application and plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

[(b) CONTENTS.—

[(1) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATIONAL AGENCY.—Each application and plan submitted under subsection (a) shall—

[(A) include an outline—

[(i) of the State educational agency's or local educational agency's strategy for reducing the State educational agency or local educational agency's annual school dropout rate;

[(ii) for targeting secondary schools, and the middle schools that feed students into those secondary schools, that have the highest annual school dropout rates; and

[(iii) for assessing the effectiveness of the efforts described in the plan;

[(B) contain an identification of the schools in the State or operated by the local educational agency that have annual school dropout rates that are greater than the average annual school dropout rate for the State;

[(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

[(D) describe a budget and timeline for implementing the strategies;

[(E) contain evidence of coordination with existing resources;

[(F) provide an assurance that funds provided under this subpart will supplement, and not supplant, other State and local funds available for school dropout prevention and reentry programs; and

[(G) describe how the activities to be assisted conform with research knowledge about school dropout prevention and reentry.

[(2) LOCAL EDUCATIONAL AGENCY.—Each application and plan submitted under subsection (a) by a local educational agency shall contain, in addition to the requirements of paragraph (1)—

[(A) an assurance that the local educational agency is committed to providing ongoing operational support for such schools to address the problem of school dropouts for a period of 5 years; and

[(B) an assurance that the local educational agency will support the plan, including—

[(i) provision of release time for teacher training;

[(ii) efforts to coordinate activities for secondary schools and the middle schools that feed students into those secondary schools; and

[(iii) encouraging other schools served by the local educational agency to participate in the plan.]

**[SEC. 1824. STATE RESERVATION.**

[A State educational agency that receives a grant under paragraph (2) or (3) of section 1822(a) may reserve not more than 5 percent of the grant funds for administrative costs and State activities related to the school dropout prevention and reentry activities, of which not more than 2 percent of the grant funds may be used for administrative costs.]

**[SEC. 1825. STRATEGIES AND CAPACITY BUILDING.**

[Each local educational agency receiving a grant or subgrant under this subpart and each State educational agency receiving a grant under this subpart shall implement scientifically based, sustainable, and widely replicated strategies for school dropout prevention and reentry. The strategies may include—

[(1) specific strategies for targeted purposes, such as—

[(A) effective early intervention programs designed to identify at-risk students;

[(B) effective programs serving at-risk students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school; and

[(C) effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

[(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, and developing clear linkages to career skills and employment.]

**[SEC. 1826. SELECTION OF LOCAL EDUCATIONAL AGENCIES FOR SUBGRANTS.**

[(a) STATE EDUCATIONAL AGENCY REVIEW AND AWARD.—The State educational agency shall review applications submitted under section 1823(a)(2) and award subgrants to local educational agencies with the assistance and advice of a panel of experts on school dropout prevention and reentry.

[(b) ELIGIBILITY.—A local educational agency is eligible to receive a subgrant under this subpart if the local educational agency operates a public school (including a public alternative school)—

[(1) that is eligible to receive assistance under part A; and

[(2)(A) that serves students 50 percent or more of whom are low-income students; or

[(B) in which a majority of the students come from feeder schools that serve students 50 percent or more of whom are low-income students.]

**[SEC. 1827. COMMUNITY BASED ORGANIZATIONS.**

[A local educational agency that receives a grant or subgrant under this subpart and a State educational agency that receives a grant under this subpart may use the funds to secure necessary services from a community-based organization or other government agency if the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts.]

**[SEC. 1828. TECHNICAL ASSISTANCE.**

[Notwithstanding any other provision of law, each local educational agency that receives funds under this subpart shall use the funds to provide technical assistance to secondary schools served by the agency that have not made progress toward lowering annual school dropout rates after receiving assistance under this subpart for 2 fiscal years.]

**[SEC. 1829. SCHOOL DROPOUT RATE CALCULATION.**

[For purposes of calculating an annual school dropout rate under this subpart, a school shall use the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data.]

**[SEC. 1830. REPORTING AND ACCOUNTABILITY.**

[(a) LOCAL EDUCATIONAL AGENCY REPORTS.—

[(1) IN GENERAL.—To receive funds under this subpart for a fiscal year after the first fiscal year that a local educational agency receives funds under this subpart, the local educational agency shall provide, on an annual basis, a report regarding the status of the implementation of activities funded under this subpart, and the dropout data for students at schools assisted under this subpart, disaggregated by race and ethnicity, to the—

[(A) Secretary, if the local educational agency receives a grant under section 1822(a)(1); or

[(B) State educational agency, if the local educational agency receives a subgrant under paragraph (2) or (3) of section 1822(a).

[(2) DROPOUT DATA.—The dropout data under paragraph (1) shall include annual school dropout rates for each fiscal year, starting with the 2 fiscal years before the local educational agency received funds under this subpart.

[(b) STATE REPORT ON PROGRAM ACTIVITIES.—Each State educational agency receiving funds under this subpart shall provide to the Secretary, at such time and in such format as the Secretary may require, information on the status of the implementation of activities funded under this subpart and outcome data for students in schools assisted under this subpart.

[(c) ACCOUNTABILITY.—The Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared, if feasible, to a control group using control procedures. The Secretary may use funds appropriated for subpart 1 to carry out this evaluation.]

## [PART I]PART E—GENERAL PROVISIONS

### [SEC. 1901]SEC. 1501. FEDERAL REGULATIONS.

(a) IN GENERAL.—The Secretary may issue, *in accordance with subsections (b) through (d)*, such regulations as are necessary to reasonably ensure that there is compliance with this title.

(b) NEGOTIATED RULEMAKING PROCESS.—

(1) IN GENERAL.—Before publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, *principals, other school leaders*, paraprofessionals, and members of local school boards and other organizations involved with the implementation and operation of programs under this title.

(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information. *All information from such regional meetings and electronic exchanges shall be made public in an easily accessible manner to interested parties.*

(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and before publishing proposed regulations, the Secretary shall—

(A) establish a negotiated rulemaking process on, at a minimum, ~~standards and assessments~~ *standards, assessments, the State accountability system under section 1111(b)(3), school intervention and support under section 1114, and the requirement that funds be supplemented and not supplanted under section 1117;*

\* \* \* \* \*

[(4) PROCESS.—Such process—

[(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later

than 1 year after the date of enactment of the No Child Left Behind Act of 2001; and

【(B) shall not be subject to the Federal Advisory Committee Act, but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).】

(4) *PROCESS.*—*Such process shall not be subject to the Federal Advisory Committee Act, but shall, unless otherwise provided as described in subsection (c), follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).*

【(5) *EMERGENCY SITUATION.*—*In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State educational agencies and local educational agencies with the operation of a program under this title, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and before issuing final regulations, conduct regional meetings to review such proposed regulations.*】

(5) *EMERGENCY SITUATION.*—*In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State educational agencies and local educational agencies with the operation of a program under this title, the Secretary may issue a proposed regulation without following such process but shall—*

(A) *designate the proposed regulation as an emergency with an explanation of the emergency in a notice provided to Congress;*

(B) *publish the duration of the comment and review period in such notice and in the Federal Register; and*

(C) *conduct regional meetings to review such proposed regulation before issuing any final regulation.*

(c) *ALTERNATIVE PROCESS IF FAILURE TO REACH CONSENSUS.*—*If consensus, as defined in section 562 of title 5, United States Code, on any proposed regulation is not reached by the individuals selected under paragraph (3)(B) for the negotiated rulemaking process, or if the Secretary determines that a negotiated rulemaking process is unnecessary, the Secretary may propose a regulation in the following manner:*

(1) *NOTICE TO CONGRESS.*—*Not less than 30 days prior to issuing a notice of proposed rulemaking in the Federal Register, the Secretary shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and other relevant congressional committees, notice of the Secretary's intent to issue a notice of proposed rulemaking that shall include—*

(A) *a copy of the regulation to be proposed;*

(B) *a justification of the need to issue a regulation;*

(C) *the anticipated burden, including the time, cost, and paperwork burden, the regulations will have on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;*

(D) *the anticipated benefits to State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;*

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

(F) an opportunity to comment on the information in subparagraphs (A) through (E).

(2) **COMMENT PERIOD FOR CONGRESS.**—The Secretary shall provide Congress with a 15-day period, beginning after the date on which the Secretary provided the notice of any proposed rulemaking to Congress under paragraph (1), to make comments on the proposed rule. After addressing all comments received from Congress during such period, the Secretary may proceed with the rulemaking process under section 553 of title 5, United States Code, as modified by this section.

(3) **PUBLIC COMMENT AND REVIEW PERIOD.**—The public comment and review period for any proposed regulation shall be not less than 90 days unless an emergency requires a shorter period, in which case the Secretary shall comply with the process outlined in subsection (b)(5).

(4) **ASSESSMENT.**—No regulation shall be made final after the comment and review period described in paragraph (3) until the Secretary has published in the Federal Register—

(A) an assessment of the proposed regulation that—

(i) includes a representative sampling of local educational agencies based on enrollment, geographic diversity (including suburban, urban, and rural local educational agencies), and other factors impacted by the proposed regulation;

(ii) addresses the burden, including the time, cost, and paperwork burden, that the regulation will impose on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

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

(iv) thoroughly addresses, based on the comments received during the comment and review period under paragraph (3), whether the rule is financially and operationally viable at the local level; and

(B) an explanation of how the entities described in subparagraph (A)(ii) may cover the cost of the burden assessed under such subparagraph.

[(c)](d) **LIMITATION.**—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”) or chapter 8 of title 5, United States Code (commonly known as the “Congressional Review Act”).

**[SEC. 1902]SEC. 1502. AGREEMENTS AND RECORDS.**

(a) **AGREEMENTS.**—All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in [section 1901]section 1501 unless the Secretary reopens the negotiated rulemaking process [or provides a written expla-

nation to the participants involved in the process explaining why the Secretary decided to depart from, and not adhere to, such agreements. *or where negotiated rulemaking is not pursued, shall conform to section 1501(c).*

(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

**[SEC. 1903]SEC. 1503. STATE ADMINISTRATION.**

(a) RULEMAKING.—

(1) IN GENERAL.—Each State that receives funds under this title shall—

(A) \* \* \*

\* \* \* \* \*

(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the challenging State *academic achievement* *academic* standards.

(b) COMMITTEE OF PRACTITIONERS.—

(1) IN GENERAL.—\* \* \*

(2) MEMBERSHIP.—Each such committee shall include—

(A) \* \* \*

\* \* \* \* \*

(C) teachers *including vocational educators*;

\* \* \* \* \*

(F) representatives of private school children; *and*

*[(G) pupil services personnel.]*

*(G) specialized instructional support personnel;*

*(H) representatives of charter schools, as appropriate;*

*and*

*(I) paraprofessionals.*

(3) DUTIES.—\* \* \*

\* \* \* \* \*

**[SEC. 1905]SEC. 1504. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.**

\* \* \*

**[SEC. 1906]SEC. 1505. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.**

\* \* \*

**[SEC. 1907. STATE REPORT ON DROPOUT DATA.**

*[Not later than 1 year after a State educational agency receives funds under this title, the agency shall report to the Secretary and statewide, all school district data regarding annual school dropout rates in the State disaggregated by race and ethnicity according to procedures that conform with the National Center for Education Statistics' Common Core of Data.]*

**[SEC. 1908. REGULATIONS FOR SECTIONS 1111 AND 1116.**

*[The Secretary shall issue regulations for sections 1111 and 1116 not later than 6 months after the date of enactment of the No Child Left Behind Act of 2001.]*

**[TITLE II—PREPARING, TRAINING, AND  
RECRUITING HIGH QUALITY TEACHERS  
AND PRINCIPALS]**

**[PART A—TEACHER AND PRINCIPAL  
TRAINING AND RECRUITING FUND]**

**[SEC. 2101. PURPOSE.**

【The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to—

【(1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and

【(2) hold local educational agencies and schools accountable for improvements in student academic achievement.】

**[SEC. 2102. DEFINITIONS.**

【In this part:

【(1) ARTS AND SCIENCES.—The term “arts and sciences” means—

【(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and

【(B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit described in subparagraph (A).

【(2) CHARTER SCHOOL.—The term “charter school” has the meaning given the term in section 5210.

【(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term “high-need local educational agency” means a local educational agency—

【(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

【(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

【(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

【(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

【(4) HIGHLY QUALIFIED PARAPROFESSIONAL.—The term “highly qualified paraprofessional” means a paraprofessional who has not less than 2 years of—

【(A) experience in a classroom; and



[(B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.

[(5) OUT-OF-FIELD TEACHER.—The term “out-of-field teacher” means a teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.

[(6) PRINCIPAL.—The term “principal” includes an assistant principal.]

**[SEC. 2103. AUTHORIZATIONS OF APPROPRIATIONS.**

[(a) GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS.—There are authorized to be appropriated to carry out this part (other than subpart 5) \$3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) NATIONAL PROGRAMS.—There are authorized to be appropriated to carry out subpart 5 such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.]

**[Subpart 1—Grants to States]**

**[SEC. 2111. ALLOTMENTS TO STATES.**

[(a) IN GENERAL.—The Secretary shall make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

[(b) DETERMINATION OF ALLOTMENTS.—

[(1) RESERVATION OF FUNDS.—

[(A) IN GENERAL.—From the total amount appropriated under section 2103(a) for a fiscal year, the Secretary shall reserve—

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

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

[(2) STATE ALLOTMENTS.—

[(A) HOLD HARMLESS.—

[(i) IN GENERAL.—Subject to subparagraph (B), from the funds appropriated under section 2103(a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under—

[(I) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(II) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

[(ii) RATABLE REDUCTION.—If the funds described in clause (i) are insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

[(B) ALLOTMENT OF ADDITIONAL FUNDS.—

[(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the funds appropriated under section 2103(a) and not reserved under paragraph (1) exceed the total amount required to make allotments under subparagraph (A), the Secretary shall allot to each of the States described in subparagraph (A) the sum of—

[(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

[(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

[(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than one-half of 1 percent of the total excess amount allotted under such clause for a fiscal year.

[(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.]

**[SEC. 2112. STATE APPLICATIONS.**

[(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

[(b) CONTENTS.—Each application submitted under this section shall include the following:

[(1) A description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

[(2) A description of how the State educational agency will ensure that a local educational agency receiving a subgrant to carry out subpart 2 will comply with the requirements of such subpart.

[(3) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with challenging State academic content and student academic achievement standards, State assessments, and State and local curricula.

[(4) A description of how the State educational agency will use funds under this part to improve the quality of the State's teachers and principals.

[(5)(A) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.

[(B) A description of the comprehensive strategy that the State educational agency will use, as part of such coordination effort, to ensure that teachers are trained in the use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate.

[(6) A description of how the State educational agency will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

[(7)(A) A description of how the State educational agency will ensure compliance with the requirements for professional development activities described in section 9101 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.

[(B) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.

[(8) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2.

[(9) A description of the State educational agency's annual measurable objectives under section 1119(a)(2).

[(10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 1119 and how the State educational agency will hold local educational agencies accountable for meeting the annual measurable objectives described in section 1119(a)(2).

[(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides for the exemption.

[(12) An assurance that the State educational agency will comply with section 9501 (regarding participation by private school children and teachers).

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

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

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

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

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

[(A) cite the specific provisions in the application that are not in compliance; and

[(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

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

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

[(2) the expiration of the 120-day period described in subsection (c).

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

**[SEC. 2113. STATE USE OF FUNDS.**

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

[(1) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies as described in subpart 2;

[(2) reserve 2.5 percent (or, for a fiscal year described in subsection (b), the percentage determined under subsection (b)) of the funds to make subgrants to local partnerships as described in subpart 3; and

[(3) use the remainder of the funds for State activities described in subsection (c).

[(b) SPECIAL RULE.—For any fiscal year for which the total amount that would be reserved by all States under subsection (a)(2), if the States applied a 2.5 percentage rate, exceeds \$125,000,000, the Secretary shall determine an alternative percent-

age that the States shall apply for that fiscal year under subsection (a)(2) so that the total amount reserved by all States under subsection (a)(2) equals \$125,000,000.

**[(c) STATE ACTIVITIES.—**The State educational agency for a State that receives a grant under section 2111 shall use the funds described in subsection (a)(3) to carry out one or more of the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:

**[(1) Reforming teacher and principal certification (including recertification) or licensing requirements to ensure that—**

**[(A)(i) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach; and**

**[(ii) principals have the instructional leadership skills to help teachers teach and students learn;**

**[(B) teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and**

**[(C) teachers have the subject matter knowledge and teaching skills, including technology literacy, and principals have the instructional leadership skills, necessary to help students meet challenging State student academic achievement standards.**

**[(2) Carrying out programs that provide support to teachers or principals, including support for teachers and principals new to their profession, such as programs that—**

**[(A) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development; and**

**[(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the requirements for professional development activities described in section 9101.**

**[(3) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers and principals, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers or principals.**

**[(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only—**

**[(A) if the State educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and**

**[(B) in a manner consistent with mechanisms to assist local educational agencies and schools in effectively re-**

cruiting and retaining highly qualified teachers and principals.

[(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

[(6) Providing professional development for teachers and principals and, in cases in which a State educational agency determines support to be appropriate, supporting the participation of pupil services personnel in the same type of professional development activities as are made available to teachers and principals.

[(7) Developing systems to measure the effectiveness of specific professional development programs and strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach.

[(8) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration of the programs carried out under this part, including provision of technical assistance to local educational agencies.

[(9) Funding projects to promote reciprocity of teacher and principal certification or licensing between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

[(10) Developing or assisting local educational agencies in the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

[(11) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability.

[(12) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in high-poverty schools and districts.

[(13) Providing assistance to local educational agencies for the development and implementation of professional development programs for principals that enable the principals to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards, and the development and support of school leadership academies to help exceptionally talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

[(14) Developing, or assisting local educational agencies in developing, teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as

paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

[(15) Providing assistance to teachers to enable them to meet certification, licensing, or other requirements needed to become highly qualified by the end of the fourth year for which the State receives funds under this part (as amended by the No Child Left Behind Act of 2001).

[(16) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement.

[(17) Funding projects and carrying out programs to encourage men to become elementary school teachers.

[(18) Establishing and operating a center that—

[(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

[(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

[(d) ADMINISTRATIVE COSTS.—A State educational agency or State agency for higher education receiving a grant under this part may use not more than 1 percent of the grant funds for planning and administration related to carrying out activities under subsection (c) and subpart 3.

[(e) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section.

[(f) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.]

## **[Subpart 2—Subgrants to Local Educational Agencies]**

### **[SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.**

[(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—The Secretary may make a grant to a State under subpart 1 only if the State educational agency agrees to distribute the funds described in this subsection as subgrants to local educational agencies under this subpart.

[(2) HOLD HARMLESS.—

[(A) IN GENERAL.—From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State an amount equal to the total amount that such agency received for fiscal year 2001 under—

[(i) section 2203(1)(B) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

【(B) NONPARTICIPATING AGENCIES.—In the case of a local educational agency that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if the agency had elected to participate in all of the programs for which the agency was eligible under each of the provisions referred to in those clauses.

【(C) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies in the State are eligible to receive under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.

【(3) ALLOCATION OF ADDITIONAL FUNDS.—For any fiscal year for which the funds reserved by a State under section 2113(a)(1) exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local educational agencies in the State the sum of—

【(A) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

【(B) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.】

**【SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.**

【(a) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

【(b) CONTENTS.—Each application submitted under this section shall be based on the needs assessment required in subsection (c) and shall include the following:

【(1)(A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with—

【(i) challenging State academic content standards and student academic achievement standards, and State assessments; and

【(ii) the curricula and programs tied to the standards described in clause (i).



[(B) A description of how the activities will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

[(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

[(3) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that—

[(A) have the lowest proportion of highly qualified teachers;

[(B) have the largest average class size; or

[(C) are identified for school improvement under section 1116(b).

[(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs.

[(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

[(6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D that are used for professional development to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy.

[(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.

[(8) A description of the results of the needs assessment described in subsection (c).

[(9) A description of how the local educational agency will provide training to enable teachers to—

[(A) teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

[(B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;

[(C) involve parents in their child's education; and

[(D) understand and use data and assessments to improve classroom practice and student learning.

[(10) A description of how the local educational agency will use funds under this subpart to meet the requirements of section 1119.

[(11) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

**[(c) NEEDS ASSESSMENT.—**

**[(1) IN GENERAL.—**To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.

**[(2) REQUIREMENTS.—**Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in programs under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.]

**[SEC. 2123. LOCAL USE OF FUNDS.**

**[(a) IN GENERAL.—**A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a for-profit or nonprofit entity:

**[(1) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only—**

**[(A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and**

**[(B) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.**

**[(2) Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, who will be assigned teaching positions within their fields, including—**

**[(A) providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach—**

**[(i) in academic subjects in which there exists a shortage of highly qualified teachers within a school or within the local educational agency; and**

**[(ii) in schools in which there exists a shortage of highly qualified teachers;**

**[(B) recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades; and**

**[(C) establishing programs that—**

**[(i) train and hire regular and special education teachers (which may include hiring special education**

teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

[(ii) train and hire highly qualified teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students;

[(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and

[(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

[(3) Providing professional development activities—

[(A) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning—

[(i) one or more of the core academic subjects that the teachers teach; and

[(ii) effective instructional strategies, methods, and skills, and use of challenging State academic content standards and student academic achievement standards, and State assessments, to improve teaching practices and student academic achievement; and

[(B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that—

[(i) involve collaborative groups of teachers and administrators;

[(ii) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

[(iii) provide training in methods of—

[(I) improving student behavior in the classroom; and

[(II) identifying early and appropriate interventions to help students described in clause (ii) learn;

[(iv) provide training to enable teachers and principals to involve parents in their child's education, especially parents of limited English proficient and immigrant children; and

[(v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.

[(4) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide—

[(A) teacher mentoring from exemplary teachers, principals, or superintendents;

[(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively;

[(C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or

[(D) incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.

[(5) Carrying out programs and activities that are designed to improve the quality of the teacher force, such as—

[(A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101, and are coordinated with activities carried out under part D;

[(B) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;

[(C) tenure reform;

[(D) merit pay programs; and

[(E) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.

[(6) Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

[(7) Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.

[(8) Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

[(10) Carrying out programs and activities related to exemplary teachers.

[(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.]

### **[Subpart 3—Subgrants to Eligible Partnerships]**

#### **[SEC. 2131. DEFINITIONS.**

**[In this subpart:**

**[(1) ELIGIBLE PARTNERSHIP.—The term “eligible partnership” means an entity that—**

**[(A) shall include—**

**[(i) a private or State institution of higher education and the division of the institution that prepares teachers and principals;**

**[(ii) a school of arts and sciences; and**

**[(iii) a high-need local educational agency; and**

**[(B) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, a principal organization, or a business.**

**[(2) LOW-PERFORMING SCHOOL.—The term “low-performing school” means an elementary school or secondary school that is identified under section 1116.]**

#### **[SEC. 2132. SUBGRANTS.**

**[(a) IN GENERAL.—The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2113(a)(2) to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 2134.**

**[(b) DISTRIBUTION.—The State agency for higher education shall ensure that—**

**[(1) such subgrants are equitably distributed by geographic area within a State; or**

**[(2) eligible partnerships in all geographic areas within the State are served through the subgrants.**

**[(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.]**

#### **[SEC. 2133. APPLICATIONS.**

**[To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.]**

#### **[SEC. 2134. USE OF FUNDS.**

**[(a) IN GENERAL.—An eligible partnership that receives a subgrant under section 2132 shall use the subgrant funds for—**

**[(1) professional development activities in core academic subjects to ensure that—**

**[(A) teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach, in-**

cluding the use of computer related technology to enhance student learning; and

[(B) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and

[(2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that—

[(A) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement;

[(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

[(C) may include activities of partnerships between one or more local educational agencies, one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

[(b) COORDINATION.—An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203.]

### **[Subpart 4—Accountability]**

#### **[SEC. 2141. TECHNICAL ASSISTANCE AND ACCOUNTABILITY.]**

[(a) IMPROVEMENT PLAN.—After the second year of the plan described in section 1119(a)(2), if a State educational agency determines, based on the reports described in section 1119(b)(1), that a local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), for 2 consecutive years, such local educational agency shall develop an improvement plan that will enable the agency to meet such annual measurable objectives and that specifically addresses issues that prevented the agency from meeting such annual measurable objectives.

[(b) TECHNICAL ASSISTANCE.—During the development of the improvement plan described in subsection (a) and throughout implementation of the plan, the State educational agency shall—

[(1) provide technical assistance to the local educational agency; and

[(2) provide technical assistance, if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to meet the annual measurable objectives described in section 1119(a)(2).

[(c) ACCOUNTABILITY.—After the third year of the plan described in section 1119(a)(2), if the State educational agency determines, based on the reports described in section 1119(b)(1), that the local educational agency has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), and has failed to make adequate yearly progress as described under section 1111(b)(2)(B), for 3 consecutive years, the State educational agency shall enter into an agreement with such local educational agency on the use of that agency's funds under this part. As part of this agreement, the State educational agency—

[(1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 1119(a)(2) and require such agency to utilize such strategies and activities; and

[(2)(A) except as provided in subparagraphs (B) and (C), shall prohibit the use of funds received under part A of title I to fund any paraprofessional hired after the date such determination is made;

[(B) shall allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under title I and such new paraprofessional satisfies the requirements of section 1119(c); and

[(C) may allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate—

[(i) that a significant influx of population has substantially increased student enrollment; or

[(ii) that there is an increased need for translators or assistance with parental involvement activities.

[(d) SPECIAL RULE.—During the development of the strategies and activities described in subsection (c)(1), the State educational agency shall, in conjunction with the local educational agency, provide from funds allocated to such local educational agency under subpart 2 directly to one or more schools served by such local educational agency, to enable teachers at the schools to choose, with continuing consultation with the principal involved, professional development activities that—

[(1) meet the requirements for professional development activities described in section 9101; and

[(2) are coordinated with other reform efforts at the schools.]

### **[Subpart 5—National Activities]**

#### **[SEC. 2151. NATIONAL ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.**

[(a) NATIONAL TEACHER RECRUITMENT CAMPAIGN.—The Secretary is authorized to establish and carry out a national teacher recruitment campaign, which may include activities carried out through the National Teacher Recruitment Clearinghouse, to assist high-need local educational agencies in recruiting teachers (particu-

larly those activities that are effective in retaining new teachers) and training teachers and to conduct a national public service campaign concerning the resources for, and the routes to, entering the field of teaching. In carrying out the campaign, the Secretary may promote and link the activities of the campaign to the information and referral activities of the National Teacher Recruitment Clearinghouse. The Secretary shall coordinate activities under this subsection with State and regional recruitment activities.

[(b) SCHOOL LEADERSHIP.—

[(1) IN GENERAL.—The Secretary is authorized to establish and carry out a national principal recruitment program to assist high-need local educational agencies in recruiting and training principals (including assistant principals) through such activities as—

[(A) providing financial incentives to aspiring new principals;

[(B) providing stipends to principals who mentor new principals;

[(C) carrying out professional development programs in instructional leadership and management; and

[(D) providing incentives that are appropriate for teachers or individuals from other fields who want to become principals and that are effective in retaining new principals.

[(2) GRANTS.—If the Secretary uses sums made available under section 2103(b) to carry out paragraph (1), the Secretary shall carry out such paragraph by making grants, on a competitive basis, to—

[(A) high-need local educational agencies;

[(B) consortia of high-need local educational agencies;

and

[(C) partnerships of high-need local educational agencies, nonprofit organizations, and institutions of higher education.

[(c) ADVANCED CERTIFICATION OR ADVANCED CREDENTIALING.—

[(1) IN GENERAL.—The Secretary is authorized to support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.

[(2) IMPLEMENTATION.—In carrying out paragraph (1), the Secretary shall make grants to eligible entities to—

[(A) develop teacher standards that include measures tied to increased student academic achievement; and

[(B) promote outreach, teacher recruitment, teacher subsidy, or teacher support programs, related to teacher certification or credentialing by the National Board for Professional Teaching Standards, the National Council on Teacher Quality, or other nationally recognized certification or credentialing organizations.

[(3) ELIGIBLE ENTITIES.—In this subsection, the term “eligible entity” includes—

[(A) a State educational agency;

[(B) a local educational agency;



[(C) the National Board for Professional Teaching Standards, in partnership with a high-need local educational agency or a State educational agency;

[(D) the National Council on Teacher Quality, in partnership with a high-need local educational agency or a State educational agency; or

[(E) another recognized entity, including another recognized certification or credentialing organization, in partnership with a high-need local educational agency or a State educational agency.

[(d) SPECIAL EDUCATION TEACHER TRAINING.—The Secretary is authorized to award a grant to the University of Northern Colorado to enable such university to provide, to other institutions of higher education, assistance in training special education teachers.

[(e) EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT.—

[(1) PURPOSE.—The purpose of this subsection is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent young children from encountering difficulties once the children enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

[(2) PROGRAM AUTHORIZED.—

[(A) GRANTS TO PARTNERSHIPS.—The Secretary is authorized to carry out the purpose of this subsection by awarding grants, on a competitive basis, to partnerships consisting of—

[(i)(I) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

[(II) another public or private entity that provides such professional development;

[(ii) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), Head Start agencies, or private organizations; and

[(iii) to the extent feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse.

[(B) DURATION AND NUMBER OF GRANTS.—

[(i) DURATION.—The Secretary shall award grants under this subsection for periods of not more than 4 years.

[(ii) NUMBER.—No partnership may receive more than one grant under this subsection.

[(3) APPLICATIONS.—

[(A) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(B) CONTENTS.—Each such application shall include—

[(i) a description of the high-need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may request;

[(ii) information on the quality of the early childhood educator professional development program currently conducted (as of the date of the submission of the application) by the institution of higher education or another provider in the partnership;

[(iii) the results of a needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

[(iv) a description of how the proposed project will be carried out, including a description of—

[(I) how individuals will be selected to participate;

[(II) the types of professional development activities, based on scientifically based research, that will be carried out;

[(III) how research on effective professional development and on adult learning will be used to design and deliver project activities;

[(IV) how the project will be coordinated with and build on, and will not supplant or duplicate, early childhood education professional development activities in the high-need community;

[(V) how the project will train early childhood educators to provide developmentally appropriate school-readiness services that are based on the best available research on early childhood pedagogy and child development and learning domains;

[(VI) how the project will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, children with disabilities, or children with other special needs; and

[(VII) how the project will train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;

[(v) a description of—

[(I) the specific objectives that the partnership will seek to attain through the project, and the methods that the partnership will use to measure progress toward attainment of those objectives; and

[(II) how the objectives and the measurement methods align with the achievement indicators established by the Secretary under paragraph (6)(A);

[(vi) a description of the partnership's plan for continuing the activities carried out under the project after Federal funding ceases;

[(vii) an assurance that, where applicable, the project will provide appropriate professional development to volunteers working directly with young children, as well as to paid staff; and

[(viii) an assurance that, in developing the application and in carrying out the project, the partnership has consulted with, and will consult with, relevant agencies, early childhood educator organizations, and early childhood providers that are not members of the partnership.

[(4) SELECTION OF GRANT RECIPIENTS.—

[(A) CRITERIA.—The Secretary shall select partnerships to receive grants under this subsection on the basis of the degree to which the communities proposed to be served require assistance and the quality of the applications submitted under paragraph (3).

[(B) GEOGRAPHIC DISTRIBUTION.—In selecting partnerships to receive grants under this subsection, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

[(5) USES OF FUNDS.—

[(A) IN GENERAL.—Each partnership receiving a grant under this subsection shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

[(B) ALLOWABLE ACTIVITIES.—Such activities may include—

[(i) professional development for early childhood educators, particularly to familiarize those educators with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

[(ii) professional development for early childhood educators in working with parents, so that the educators and parents can work together to provide and support developmentally appropriate school-readiness services that are based on scientifically based research on early childhood pedagogy and child development and learning domains;

[(iii) professional development for early childhood educators to work with children who have limited English proficiency, children with disabilities, and children with other special needs;

[(iv) professional development to train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;

[(v) activities that assist and support early childhood educators during their first 3 years in the field;

[(vi) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

[(vii) professional development activities related to the selection and use of screening and diagnostic assessments to improve teaching and learning; and

[(viii) data collection, evaluation, and reporting needed to meet the requirements of paragraph (6) relating to accountability.

[(6) ACCOUNTABILITY.—

[(A) ACHIEVEMENT INDICATORS.—On the date on which the Secretary first issues a notice soliciting applications for grants under this subsection, the Secretary shall announce achievement indicators for this subsection, which shall be designed—

[(i) to measure the quality and accessibility of the professional development provided;

[(ii) to measure the impact of that professional development on the early childhood education provided by the individuals who receive the professional development; and

[(iii) to provide such other measures of program impact as the Secretary determines to be appropriate.

[(B) ANNUAL REPORTS; TERMINATION.—

[(i) ANNUAL REPORTS.—Each partnership receiving a grant under this subsection shall report annually to the Secretary on the partnership's progress toward attaining the achievement indicators.

[(ii) TERMINATION.—The Secretary may terminate a grant under this subsection at any time if the Secretary determines that the partnership receiving the grant is not making satisfactory progress toward attaining the achievement indicators.

[(7) COST-SHARING.—

[(A) IN GENERAL.—Each partnership carrying out a project through a grant awarded under this subsection shall provide, from sources other than the program carried out under this subsection, which may include Federal sources—

[(i) at least 50 percent of the total cost of the project for the grant period; and

[(ii) at least 20 percent of the project cost for each year.

[(B) ACCEPTABLE CONTRIBUTIONS.—A partnership may meet the requirements of subparagraph (A) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

[(C) WAIVERS.—The Secretary may waive or modify the requirements of subparagraph (A) for partnerships in cases of demonstrated financial hardship.

[(8) FEDERAL COORDINATION.—The Secretary and the Secretary of Health and Human Services shall coordinate activities carried out through programs under this subsection with activities carried out through other early childhood programs administered by the Secretary or the Secretary of Health and Human Services.

[(9) DEFINITIONS.—In this subsection:

[(A) EARLY CHILDHOOD EDUCATOR.—The term “early childhood educator” means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

[(B) HIGH-NEED COMMUNITY.—

[(i) IN GENERAL.—The term “high-need community” means—

[(I) a political subdivision of a State, or a portion of a political subdivision of a State, in which at least 50 percent of the children are from low-income families; or

[(II) a political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children.

[(ii) DETERMINATION.—In determining which communities are described in clause (i), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

[(C) LOW-INCOME FAMILY.—The term “low-income family” means a family with an income below the poverty line for the most recent fiscal year for which satisfactory data are available.

[(f) TEACHER MOBILITY.—

[(1) ESTABLISHMENT.—The Secretary is authorized to establish a panel to be known as the National Panel on Teacher Mobility (referred to in this subsection as the “panel”).

[(2) MEMBERSHIP.—The panel shall be composed of 12 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

[(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel

shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.

**[(4) DUTIES.—**

**[(A) STUDY.—**

**[(i) IN GENERAL.—**The panel shall study strategies for increasing mobility and employment opportunities for highly qualified teachers, especially for States with teacher shortages and States with school districts or schools that are difficult to staff.

**[(ii) DATA AND ANALYSIS.—**As part of the study, the panel shall evaluate the desirability and feasibility of State initiatives that support teacher mobility by collecting data and conducting effective analysis concerning—

**[(I) teacher supply and demand;**

**[(II) the development of recruitment and hiring strategies that support teachers; and**

**[(III) increasing reciprocity of certification and licensing across States.**

**[(B) REPORT.—**Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.

**[(5) POWERS.—**

**[(A) HEARINGS.—**The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers advisable to carry out the objectives of this subsection.

**[(B) INFORMATION FROM FEDERAL AGENCIES.—**The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this subsection. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.

**[(C) POSTAL SERVICES.—**The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

**[(6) PERSONNEL.—**

**[(A) TRAVEL EXPENSES.—**The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

**[(B) DETAIL OF GOVERNMENT EMPLOYEES.—**Any Federal Government employee may be detailed to the panel

without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.  
**[(7) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.]**

## **[PART B—MATHEMATICS AND SCIENCE PARTNERSHIPS]**

### **[SEC. 2201. PURPOSE; DEFINITIONS.**

**[(a) PURPOSE.—**The purpose of this part is to improve the academic achievement of students in the areas of mathematics and science by encouraging State educational agencies, institutions of higher education, local educational agencies, elementary schools, and secondary schools to participate in programs that—

**[(1) improve and upgrade the status and stature of mathematics and science teaching by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education through the establishment of a comprehensive, integrated system of recruiting, training, and advising mathematics and science teachers;**

**[(2) focus on the education of mathematics and science teachers as a career-long process that continuously stimulates teachers' intellectual growth and upgrades teachers' knowledge and skills;**

**[(3) bring mathematics and science teachers in elementary schools and secondary schools together with scientists, mathematicians, and engineers to increase the subject matter knowledge of mathematics and science teachers and improve such teachers' teaching skills through the use of sophisticated laboratory equipment and work space, computing facilities, libraries, and other resources that institutions of higher education are better able to provide than the elementary schools and secondary schools;**

**[(4) develop more rigorous mathematics and science curricula that are aligned with challenging State and local academic content standards and with the standards expected for postsecondary study in engineering, mathematics, and science; and**

**[(5) improve and expand training of mathematics and science teachers, including training such teachers in the effective integration of technology into curricula and instruction.**

**[(b) DEFINITIONS.—**In this part:

**[(1) ELIGIBLE PARTNERSHIP.—**The term “eligible partnership” means a partnership that—

**[(A) shall include—**

**[(i) if grants are awarded under section 2202(a)(1), a State educational agency;**

**[(ii) an engineering, mathematics, or science department of an institution of higher education; and**

**[(iii) a high-need local educational agency; and**

**[(B) may include—**

**[(i) another engineering, mathematics, science, or teacher training department of an institution of higher education;**

[(ii) additional local educational agencies, public charter schools, public or private elementary schools or secondary schools, or a consortium of such schools;

[(iii) a business; or

[(iv) a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of mathematics and science teachers.

[(2) SUMMER WORKSHOP OR INSTITUTE.—The term “summer workshop or institute” means a workshop or institute, conducted during the summer, that—

[(A) is conducted for a period of not less than 2 weeks;

[(B) includes, as a component, a program that provides direct interaction between students and faculty; and

[(C) provides for followup training during the academic year that is conducted in the classroom for a period of not less than three consecutive or nonconsecutive days, except that—

[(i) if the workshop or institute is conducted during a 2-week period, the followup training shall be conducted for a period of not less than 4 days; and

[(ii) if the followup training is for teachers in rural school districts, the followup training may be conducted through distance learning.]

**[SEC. 2202. GRANTS FOR MATHEMATICS AND SCIENCE PARTNERSHIPS.**

[(a) GRANTS AUTHORIZED.—

[(1) GRANTS TO PARTNERSHIPS.—For any fiscal year for which the funds appropriated under section 2203 are less than \$100,000,000, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to carry out the authorized activities described in subsection (c).

[(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

[(A) IN GENERAL.—For any fiscal year for which the funds appropriated under section 2203 equal or exceed \$100,000,000—

[(i) if an eligible partnership in the State was previously awarded a grant under paragraph (1), and the grant period has not ended, the Secretary shall reserve funds in a sufficient amount to make payments to the partnership in accordance with the terms of the grant; and

[(ii) the Secretary is authorized to award grants to State educational agencies to enable such agencies to award subgrants, on a competitive basis, to eligible partnerships to carry out the authorized activities described in subsection (c).

[(B) ALLOTMENT.—The Secretary shall allot the amount made available under this part for a fiscal year and not reserved under subparagraph (A)(i) among the State educational agencies in proportion to the number of children, aged 5 to 17, who are from families with incomes below the poverty line and reside in a State for the most recent fiscal year for which satisfactory data are available, as compared to the number of such children who reside in all such States for such year.



[(C) MINIMUM ALLOTMENT.—The amount of any State educational agency's allotment under subparagraph (B) for any fiscal year may not be less than one-half of 1 percent of the amount made available under this part for such year.

[(3) DURATION.—The Secretary shall award grants under this part for a period of 3 years.

[(4) SUPPLEMENT, NOT SUPPLANT.—Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

[(b) APPLICATION REQUIREMENTS.—

[(1) IN GENERAL.—Each eligible partnership desiring a grant or subgrant under this part shall submit an application—

[(A) in the case of grants awarded pursuant to subsection (a)(1), to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may require; or

[(B) in the case of subgrants awarded pursuant to subsection (a)(2), to the State educational agency, at such time, in such manner, and accompanied by such information as the State educational agency may require.

[(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

[(A) the results of a comprehensive assessment of the teacher quality and professional development needs of any schools, local educational agencies, and State educational agencies that comprise the eligible partnership with respect to the teaching and learning of mathematics and science;

[(B) a description of how the activities to be carried out by the eligible partnership will be aligned with challenging State academic content and student academic achievement standards in mathematics and science and with other educational reform activities that promote student academic achievement in mathematics and science;

[(C) a description of how the activities to be carried out by the eligible partnership will be based on a review of scientifically based research, and an explanation of how the activities are expected to improve student academic achievement and strengthen the quality of mathematics and science instruction;

[(D) a description of—

[(i) how the eligible partnership will carry out the authorized activities described in subsection (c); and

[(ii) the eligible partnership's evaluation and accountability plan described in subsection (e); and

[(E) a description of how the eligible partnership will continue the activities funded under this part after the original grant or subgrant period has expired.

[(c) AUTHORIZED ACTIVITIES.—An eligible partnership shall use funds provided under this part for one or more of the following activities related to elementary schools or secondary schools:

[(1) Creating opportunities for enhanced and ongoing professional development of mathematics and science teachers that improves the subject matter knowledge of such teachers.

[(2) Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable scientifically based research teaching methods and technology-based teaching methods into the curriculum.

[(3) Establishing and operating mathematics and science summer workshops or institutes, including followup training, for elementary school and secondary school mathematics and science teachers that—

[(A) shall—

[(i) directly relate to the curriculum and academic areas in which the teacher provides instruction, and focus only secondarily on pedagogy;

[(ii) enhance the ability of the teacher to understand and use the challenging State academic content standards for mathematics and science and to select appropriate curricula; and

[(iii) train teachers to use curricula that are—

[(I) based on scientific research;

[(II) aligned with challenging State academic content standards; and

[(III) object-centered, experiment-oriented, and concept- and content-based; and

[(B) may include—

[(i) programs that provide teachers and prospective teachers with opportunities to work under the guidance of experienced teachers and college faculty;

[(ii) instruction in the use of data and assessments to inform and instruct classroom practice; and

[(iii) professional development activities, including supplemental and followup activities, such as curriculum alignment, distance learning, and activities that train teachers to utilize technology in the classroom.

[(4) Recruiting mathematics, engineering, and science majors to teaching through the use of—

[(A) signing and performance incentives that are linked to activities proven effective in retaining teachers, for individuals with demonstrated professional experience in mathematics, engineering, or science;

[(B) stipends provided to mathematics and science teachers for certification through alternative routes;

[(C) scholarships for teachers to pursue advanced course work in mathematics, engineering, or science; and

[(D) other programs that the State educational agency determines to be effective in recruiting and retaining individuals with strong mathematics, engineering, or science backgrounds.

[(5) Developing or redesigning more rigorous mathematics and science curricula that are aligned with challenging State and local academic content standards and with the standards expected for postsecondary study in mathematics and science.

[(6) Establishing distance learning programs for mathematics and science teachers using curricula that are innovative, content-based, and based on scientifically based research that is current as of the date of the program involved.

[(7) Designing programs to prepare a mathematics or science teacher at a school to provide professional development to other mathematics or science teachers at the school and to assist beginning and other teachers at the school, including (if applicable) a mechanism to integrate the teacher's experiences from a summer workshop or institute into the provision of professional development and assistance.

[(8) Establishing and operating programs to bring mathematics and science teachers into contact with working scientists, mathematicians, and engineers, to expand such teachers' subject matter knowledge of and research in science and mathematics.

[(9) Designing programs to identify and develop exemplary mathematics and science teachers in the kindergarten through grade 8 classrooms.

[(10) Training mathematics and science teachers and developing programs to encourage young women and other underrepresented individuals in mathematics and science careers (including engineering and technology) to pursue postsecondary degrees in majors leading to such careers.

[(d) COORDINATION AND CONSULTATION.—

[(1) PARTNERSHIP GRANTS.—An eligible partnership receiving a grant under section 203 of the Higher Education Act of 1965 shall coordinate the use of such funds with any related activities carried out by such partnership with funds made available under this part.

[(2) NATIONAL SCIENCE FOUNDATION.—In carrying out the activities authorized by this part, the Secretary shall consult and coordinate with the Director of the National Science Foundation, particularly with respect to the appropriate roles for the Department and the Foundation in the conduct of summer workshops, institutes, or partnerships to improve mathematics and science teaching in elementary schools and secondary schools.

[(e) EVALUATION AND ACCOUNTABILITY PLAN.—

[(1) IN GENERAL.—Each eligible partnership receiving a grant or subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of activities funded under this part.

[(2) CONTENTS.—The plan developed pursuant to paragraph (1)—

[(A) shall include measurable objectives to increase the number of mathematics and science teachers who participate in content-based professional development activities;

[(B) shall include measurable objectives for improved student academic achievement on State mathematics and science assessments or, where applicable, an International Mathematics and Science Study assessment; and

[(C) may include objectives and measures for—

[(i) increased participation by students in advanced courses in mathematics and science;

[(ii) increased percentages of elementary school teachers with academic majors or minors, or group majors or minors, in mathematics, engineering, or the sciences; and

[(iii) increased percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics, engineering, and science.

[(f) REPORT.—Each eligible partnership receiving a grant or subgrant under this part shall report annually to the Secretary regarding the eligible partnership’s progress in meeting the objectives described in the accountability plan of the partnership under subsection (e).]

**[SEC. 2203. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this part \$450,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.]

**[PART C—INNOVATION FOR TEACHER QUALITY]**

**[Subpart 1—Transitions to Teaching]**

**[CHAPTER B—TRANSITION TO TEACHING PROGRAM]**

**[SEC. 2311. PURPOSES.**

[The purposes of this chapter are—

[(1) to establish a program to recruit and retain highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, as teachers in high-need schools, including recruiting teachers through alternative routes to certification; and

[(2) to encourage the development and expansion of alternative routes to certification under State-approved programs that enable individuals to be eligible for teacher certification within a reduced period of time, relying on the experience, expertise, and academic qualifications of an individual, or other factors in lieu of traditional course work in the field of education.]

**[SEC. 2312. DEFINITIONS.**

[In this chapter:

[(1) ELIGIBLE PARTICIPANT.—The term “eligible participant” means—

[(A) an individual with substantial, demonstrable career experience, including a highly qualified paraprofessional; or

[(B) an individual who is a graduate of an institution of higher education who—

[(i) has graduated not more than 3 years before applying to an eligible entity to teach under this chapter; and

[(ii) in the case of an individual wishing to teach in a secondary school, has completed an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the individual will teach.

[(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term “high-need local educational agency” has the meaning given the term in section 2102.

[(3) HIGH-NEED SCHOOL.—The term “high-need school” means a school that—

[(A) is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more; or

[(B)(i) is located in an area with a high percentage of out-of-field teachers, as defined in section 2102;

[(ii) is within the top quartile of elementary schools and secondary schools statewide, as ranked by the number of unfilled, available teacher positions at the schools;

[(iii) is located in an area in which there is a high teacher turnover rate; or

[(iv) is located in an area in which there is a high percentage of teachers who are not certified or licensed.]

**[SEC. 2313. GRANT PROGRAM.**

[(a) IN GENERAL.—The Secretary may establish a program to make grants on a competitive basis to eligible entities to develop State and local teacher corps or other programs to establish, expand, or enhance teacher recruitment and retention efforts.

[(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—

[(1) a State educational agency;

[(2) a high-need local educational agency;

[(3) a for-profit or nonprofit organization that has a proven record of effectively recruiting and retaining highly qualified teachers, in a partnership with a high-need local educational agency or with a State educational agency;

[(4) an institution of higher education, in a partnership with a high-need local educational agency or with a State educational agency;

[(5) a regional consortium of State educational agencies; or

[(6) a consortium of high-need local educational agencies.

[(c) PRIORITY.—In making such a grant, the Secretary shall give priority to a partnership or consortium that includes a high-need State educational agency or local educational agency.

[(d) APPLICATION.—

[(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity described in subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(2) CONTENTS.—The application shall describe—

[(A) one or more target recruitment groups on which the applicant will focus its recruitment efforts;

[(B) the characteristics of each such target group that—

[(i) show the knowledge and experience of the group’s members; and

[(ii) demonstrate that the members are eligible to achieve the objectives of this section;

[(C) describe how the applicant will use funds received under this section to develop a teacher corps or other program to recruit and retain highly qualified midcareer professionals (which may include highly qualified paraprofessionals), recent college graduates, and recent graduate school graduates, as highly qualified teachers in high-need schools operated by high-need local educational agencies;

[(D) explain how the program carried out under the grant will meet the relevant State laws (including regulations) related to teacher certification or licensing and facilitate the certification or licensing of such teachers;

[(E) describe how the grant will increase the number of highly qualified teachers, in high-need schools operated by high-need local educational agencies (in urban or rural school districts), and in high-need academic subjects, in the jurisdiction served by the applicant; and

[(F) describe how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit (particularly through activities that have proven effective in retaining highly qualified teachers), train, place, support, and provide teacher induction programs to program participants under this chapter, including providing evidence of the commitment of the institutions, agencies, or organizations to the applicant's programs.

[(e) DURATION OF GRANTS.—The Secretary may make grants under this section for periods of 5 years. At the end of the 5-year period for such a grant, the grant recipient may apply for an additional grant under this section.

[(f) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section among the regions of the United States.

[(g) USES OF FUNDS.—

[(1) IN GENERAL.—An entity that receives a grant under this section shall use the funds made available through the grant to develop a teacher corps or other program in order to establish, expand, or enhance a teacher recruitment and retention program for highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, who are eligible participants, including activities that provide alternative routes to teacher certification.

[(2) AUTHORIZED ACTIVITIES.—The entity shall use the funds to carry out a program that includes two or more of the following activities:

[(A) Providing scholarships, stipends, bonuses, and other financial incentives, that are linked to participation in activities that have proven effective in retaining teachers in high-need schools operated by high-need local educational agencies, to all eligible participants, in an amount not to exceed \$5,000 per participant.

[(B) Carrying out pre- and post-placement induction or support activities that have proven effective in recruiting and retaining teachers, such as—

- [(i) teacher mentoring;
- [(ii) providing internships;
- [(iii) providing high-quality, preservice coursework; and
- [(iv) providing high-quality, sustained inservice professional development.

[(C) Carrying out placement and ongoing activities to ensure that teachers are placed in fields in which the teachers are highly qualified to teach and are placed in high-need schools.

[(D) Making payments to pay for costs associated with accepting teachers recruited under this section from among eligible participants or provide financial incentives to prospective teachers who are eligible participants.

[(E) Collaborating with institutions of higher education in developing and implementing programs to facilitate teacher recruitment (including teacher credentialing) and teacher retention programs.

[(F) Carrying out other programs, projects, and activities that are designed and have proven to be effective in recruiting and retaining teachers, and that the Secretary determines to be appropriate.

[(G) Developing long-term recruitment and retention strategies including developing—

- [(i) a statewide or regionwide clearinghouse for the recruitment and placement of teachers;
- [(ii) administrative structures to develop and implement programs to provide alternative routes to certification;
- [(iii) reciprocity agreements between or among States for the certification or licensing of teachers; or
- [(iv) other long-term teacher recruitment and retention strategies.

[(3) EFFECTIVE PROGRAMS.—The entity shall use the funds only for programs that have proven to be effective in both recruiting and retaining teachers.

[(h) REQUIREMENTS.—

[(1) TARGETING.—An entity that receives a grant under this section to carry out a program shall ensure that participants in the program recruited with funds made available under this section are placed in high-need schools operated by high-need local educational agencies. In placing the participants in the schools, the entity shall give priority to the schools that are located in areas with the highest percentages of students from families with incomes below the poverty line.

[(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit the teachers through alternative routes to certification.

[(3) PARTNERSHIPS AND CONSORTIA OF LOCAL EDUCATIONAL AGENCIES.—In the case of a partnership established by a local educational agency to carry out a program under this chapter, or a consortium of such agencies established to carry out a program under this chapter, the local educational agency or con-

sortium shall not be eligible to receive funds through a State program under this chapter.

[(i) PERIOD OF SERVICE.—A program participant in a program under this chapter who receives training through the program shall serve a high-need school operated by a high-need local educational agency for at least 3 years.

[(j) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a stipend or other financial incentive under subsection (g)(2)(A), but fail to complete their service obligation under subsection (i), repay all or a portion of such stipend or other incentive.

[(k) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant for the administration of a program under this chapter carried out under the grant.]

**[SEC. 2314. EVALUATION AND ACCOUNTABILITY FOR RECRUITING AND RETAINING TEACHERS.]**

[(a) EVALUATION.—Each entity that receives a grant under this chapter shall conduct—

[(1) an interim evaluation of the program funded under the grant at the end of the third year of the grant period; and

[(2) a final evaluation of the program at the end of the fifth year of the grant period.

[(b) CONTENTS.—In conducting the evaluation, the entity shall describe the extent to which local educational agencies that received funds through the grant have met the goals relating to teacher recruitment and retention described in the application.

[(c) REPORTS.—The entity shall prepare and submit to the Secretary and to Congress interim and final reports containing the results of the interim and final evaluations, respectively.

[(d) REVOCATION.—If the Secretary determines that the recipient of a grant under this chapter has not made substantial progress in meeting such goals and the objectives of the grant by the end of the third year of the grant period, the Secretary—

[(1) shall revoke the payment made for the fourth year of the grant period; and

[(2) shall not make a payment for the fifth year of the grant period.]

**[CHAPTER C—GENERAL PROVISIONS]**

**[SEC. 2321. AUTHORIZATION OF APPROPRIATIONS.]**

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart \$150,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) RESERVATION.—From the funds appropriated to carry out this subpart for fiscal year 2002, the Secretary shall reserve not more than \$30,000,000 to carry out chapter A.]

**[Subpart 2—National Writing Project]**

**[SEC. 2331. PURPOSES.]**

[(The purposes of this subpart are—



[(1) to support and promote the expansion of the National Writing Project network of sites so that teachers in every region of the United States will have access to a National Writing Project program;

[(2) to ensure the consistent high quality of the sites through ongoing review, evaluation, and technical assistance;

[(3) to support and promote the establishment of programs to disseminate effective practices and research findings about the teaching of writing; and

[(4) to coordinate activities assisted under this subpart with activities assisted under this Act.

**[SEC. 2332. NATIONAL WRITING PROJECT.]**

[(a) AUTHORIZATION.—The Secretary is authorized to award a grant to the National Writing Project, a nonprofit educational organization that has as its primary purpose the improvement of the quality of student writing and learning (hereafter in this section referred to as the “grantee”) to improve the teaching of writing and the use of writing as a part of the learning process in our Nation’s classrooms.

[(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

[(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as “contractors”) under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

[(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

[(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

[(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

[(1) be conducted during the school year and during the summer months;

[(2) train teachers who teach grades kindergarten through college;

[(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

[(4) encourage teachers from all disciplines to participate in such teacher training programs.

[(d) FEDERAL SHARE.—

[(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term “Federal share” means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

[(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (e) determines, on the basis of financial need, that such waiver is necessary.

[(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed \$100,000 for any one contractor, or \$200,000 for a statewide program administered by any one contractor in at least five sites throughout the State.

[(e) NATIONAL ADVISORY BOARD.—

[(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

[(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

[(A) national educational leaders;

[(B) leaders in the field of writing; and

[(C) such other individuals as the National Writing Project determines necessary.

[(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

[(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

[(B) review the activities and programs of the National Writing Project; and

[(C) support the continued development of the National Writing Project.

[(f) EVALUATION.—

[(1) IN GENERAL.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this subpart. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of Congress.

[(2) FUNDING LIMITATION.—The Secretary shall reserve not more than \$150,000 from the total amount appropriated pursuant to the authority of subsection (h) for fiscal year 2002 and each of the 5 succeeding fiscal years to conduct the evaluation described in paragraph (1).

[(g) APPLICATION REVIEW.—

[(1) REVIEW BOARD.—The National Writing Project shall establish and operate a National Review Board that shall consist of—

[(A) leaders in the field of research in writing; and

[(B) such other individuals as the National Writing Project deems necessary.

[(2) DUTIES.—The National Review Board shall—

[(A) review all applications for assistance under this subsection; and

[(B) recommend applications for assistance under this subsection for funding by the National Writing Project.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart \$15,000,000 as

may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.]

### **[Subpart 3—Civic Education]**

#### **[SEC. 2341. SHORT TITLE.**

【This subpart may be cited as the “Education for Democracy Act”.】

#### **[SEC. 2342. PURPOSE.**

【It is the purpose of this subpart—

【(1) to improve the quality of civics and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights;

【(2) to foster civic competence and responsibility; and

【(3) to improve the quality of civic education and economic education through cooperative civic education and economic education exchange programs with emerging democracies.】

#### **[SEC. 2343. GENERAL AUTHORITY.**

【(a) AUTHORITY.—The Secretary is authorized to award grants to, or enter into contracts with—

【(1) the Center for Civic Education, to carry out civic education activities under sections 2344 and 2345;

【(2) the National Council on Economic Education, to carry out economic education activities under section 2345; and

【(3) organizations experienced in the development of curricula and programs in civics and government education and economic education for students in elementary schools and secondary schools in countries other than the United States, to carry out civic education activities under section 2345.

【(b) DISTRIBUTION FOR COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.—

【(1) LIMITATION.—Not more than 40 percent of the amount appropriated under section 2346 for a fiscal year shall be used to carry out section 2345.

【(2) DISTRIBUTION.—Of the amount used to carry out section 2345 for a fiscal year (consistent with paragraph (1)), the Secretary shall use—

【(A) 37.5 percent for a grant or contract for the Center for Civic Education;

【(B) 37.5 percent for a grant or contract for the National Council on Economic Education; and

【(C) 25 percent for not less than 1, but not more than 3, grants or contracts for organizations described in subsection (a)(3).】

#### **[SEC. 2344. WE THE PEOPLE PROGRAM.**

【(a) THE CITIZEN AND THE CONSTITUTION.—

【(1) EDUCATIONAL ACTIVITIES.—The Center for Civic Education—

【(A) shall use funds made available under grants or contracts under section 2343(a)(1)—

【(i) to continue and expand the educational activities of the program entitled the “We the People... The

Citizen and the Constitution” program administered by such center;

【(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;

【(iii) to provide a course of instruction on the basic principles of the Nation’s constitutional democracy and the history of the Constitution of the United States, including the Bill of Rights;

【(iv) to provide, at the request of a participating school, school and community simulated congressional hearings following the course of instruction described in clause (iii); and

【(v) to provide an annual national competition of simulated congressional hearings for secondary school students who wish to participate in such a program; and

【(B) may use funds made available under grants or contracts under section 2343(a)(1)—

【(i) to provide advanced, sustained, and ongoing training of teachers about the Constitution of the United States and the political system of the United States;

【(ii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

【(iii) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

【(2) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private elementary schools and secondary schools, including Bureau funded schools, in the 435 congressional districts, and in the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

【(b) PROJECT CITIZEN.—

【(1) EDUCATIONAL ACTIVITIES.—The Center for Civic Education—

【(A) shall use funds made available under grants or contracts under section 2343(a)(1)—

【(i) to continue and expand the educational activities of the program entitled the “We the People... Project Citizen” program administered by the Center;

【(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;

【(iii) to provide a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution of the United States; and

【(iv) to provide an annual national showcase or competition; and

[(B) may use funds made available under grants or contracts under section 2343(a)(1)—

[(i) to provide optional school and community simulated State legislative hearings;

[(ii) to provide advanced, sustained, and ongoing training of teachers on the roles of State and local governments in the Federal system established by the Constitution of the United States;

[(iii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

[(iv) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

[(2) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private middle schools, including Bureau funded schools, in the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(c) BUREAU-FUNDED SCHOOL DEFINED.—In this section, the term “Bureau-funded school” has the meaning given such term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).]

**[SEC. 2345. COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.**

[(a) COOPERATIVE EDUCATION EXCHANGE PROGRAMS.—The Center for Civic Education, the National Council on Economic Education, and organizations described in section 2343(a)(3) shall use funds made available under grants or contracts under section 2343 to carry out cooperative education exchange programs in accordance with this section.

[(b) PURPOSE.—The purpose of the cooperative education exchange programs carried out under this section shall be—

[(1) to make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education, and economics education, developed in the United States;

[(2) to assist eligible countries in the adaptation, implementation, and institutionalization of such programs;

[(3) to create and implement civics and government education, and economic education, programs for students that draw upon the experiences of the participating eligible countries;

[(4) to provide a means for the exchange of ideas and experiences in civics and government education, and economic education, among political, educational, governmental, and private sector leaders of participating eligible countries; and

[(5) to provide support for—

[(A) independent research and evaluation to determine the effects of educational programs on students’ development of the knowledge, skills, and traits of character

essential for the preservation and improvement of constitutional democracy; and

[(B) effective participation in, and the preservation and improvement of, an efficient market economy.

[(c) ACTIVITIES.—In carrying out the cooperative education exchange programs assisted under this section, the Center for Civic Education, the National Council on Economic Education, and organizations described in section 2343(a)(3) shall—

[(1) provide to the participants from eligible countries—

[(A) seminars on the basic principles of United States constitutional democracy and economic system, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

[(B) visits to school systems, institutions of higher education, and nonprofit organizations conducting exemplary programs in civics and government education, and economic education, in the United States;

[(C) translations and adaptations with respect to United States civics and government education, and economic education, curricular programs for students and teachers, and in the case of training programs for teachers, translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas; and

[(D) independent research and evaluation assistance—

[(i) to determine the effects of the cooperative education exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

[(ii) to identify effective participation in, and the preservation and improvement of, an efficient market economy;

[(2) provide to the participants from the United States—

[(A) seminars on the histories, economies, and systems of government of eligible countries;

[(B) visits to school systems, institutions of higher education, and organizations conducting exemplary programs in civics and government education, and economic education, located in eligible countries;

[(C) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government, and economy of such countries that are useful in United States classrooms;

[(D) opportunities to provide onsite demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

[(E) independent research and evaluation assistance to determine—

[(i) the effects of the cooperative education exchange programs assisted under this section on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

[(ii) effective participation in, and improvement of, an efficient market economy; and

[(3) assist participants from eligible countries and the United States to participate in international conferences on civics and government education, and economic education, for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

[(d) PARTICIPANTS.—The primary participants in the cooperative education exchange programs assisted under this section shall be educational leaders in the areas of civics and government education, and economic education, including teachers, curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, and government and private sector leaders from the United States and eligible countries.

[(e) CONSULTATION.—The Secretary may award a grant to, or enter into a contract with, the entities described in section 2343 to carry out programs assisted under this section only if the Secretary of State concurs with the Secretary that such grant, or contract, respectively, is consistent with the foreign policy of the United States.

[(f) AVOIDANCE OF DUPLICATION.—With the concurrence of the Secretary of State, the Secretary shall ensure that—

[(1) the activities carried out under the programs assisted under this section are not duplicative of other activities conducted in eligible countries; and

[(2) any institutions in eligible countries, with which the Center for Civic Education, the National Council on Economic Education, or organizations described in section 2343(a)(3) may work in conducting such activities, are creditable.

[(g) ELIGIBLE COUNTRY DEFINED.—In this section, the term “eligible country” means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, the independent states of the former Soviet Union as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801), the Republic of Ireland, the province of Northern Ireland in the United Kingdom, and any developing country (as such term is defined in section 209(d) of the Education for the Deaf Act) if the Secretary, with the concurrence of the Secretary of State, determines that such developing country has a democratic form of government.

**[SEC. 2346. AUTHORIZATION OF APPROPRIATIONS.**

[(There are authorized to be appropriated to carry out this subpart \$30,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.)]

**[Subpart 4—Teaching of Traditional American History]**

**[SEC. 2351. ESTABLISHMENT OF PROGRAM.**

[(a) IN GENERAL.—The Secretary may establish and implement a program to be known as the “Teaching American History Grant Program”, under which the Secretary shall award grants on a competitive basis to local educational agencies—

[(1) to carry out activities to promote the teaching of traditional American history in elementary schools and secondary

schools as a separate academic subject (not as a component of social studies); and

[(2) for the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social studies) within elementary school and secondary school curricula, including the implementation of activities—

[(A) to improve the quality of instruction; and

[(B) to provide professional development and teacher education activities with respect to American history.

[(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with one or more of the following:

[(1) An institution of higher education.

[(2) A nonprofit history or humanities organization.

[(3) A library or museum.

[(c) APPLICATION.—To be eligible to receive an grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.]

**SEC. 2352. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.]

## **[Subpart 5—Teacher Liability Protection]**

**[SEC. 2361. SHORT TITLE.**

[This subpart may be cited as the “Paul D. Coverdell Teacher Protection Act of 2001”.]

**[SEC. 2362. PURPOSE.**

[The purpose of this subpart is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.]

**[SEC. 2363. DEFINITIONS.**

[For purposes of this subpart:

[(1) ECONOMIC LOSS.—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

[(2) HARM.—The term “harm” includes physical, nonphysical, economic, and noneconomic losses.

[(3) NONECONOMIC LOSS.—The term “noneconomic loss” means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.



[(4) SCHOOL.—The term “school” means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.]

[(5) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.]

[(6) TEACHER.—The term “teacher” means—

[(A) a teacher, instructor, principal, or administrator;

[(B) another educational professional who works in a school;

[(C) a professional or nonprofessional employee who—

[(i) works in a school; and

[(ii)(I) in the employee’s job, maintains discipline or ensures safety; or

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

[(D) an individual member of a school board (as distinct from the board).]

**[SEC. 2364. APPLICABILITY.]**

[This subpart shall only apply to States that receive funds under this Act, and shall apply to such a State as a condition of receiving such funds.]

**[SEC. 2365. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.]**

[(a) PREEMPTION.—This subpart preempts the laws of any State to the extent that such laws are inconsistent with this subpart, except that this subpart shall not preempt any State law that provides additional protection from liability relating to teachers.]

[(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This subpart shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

[(1) citing the authority of this subsection;

[(2) declaring the election of such State that this subpart shall not apply, as of a date certain, to such civil action in the State; and

[(3) containing no other provisions.]

**[SEC. 2366. LIMITATION ON LIABILITY FOR TEACHERS.]**

[(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsection (b), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

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

[(2) the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline,

expel, or suspend a student or maintain order or control in the classroom or school;

[(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

[(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

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

[(A) possess an operator's license; or

[(B) maintain insurance.

[(b) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

[(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

[(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

[(3) a law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

[(c) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

[(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an act or omission of such teacher that constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

[(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

[(d) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

[(1) IN GENERAL.—The limitations on the liability of a teacher under this subpart shall not apply to any misconduct that—

[(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

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

[(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

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

[(2) HIRING.—The limitations on the liability of a teacher under this subpart shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

[(e) RULES OF CONSTRUCTION.—

[(1) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

[(2) CONCERNING CORPORAL PUNISHMENT.—Nothing in this subpart shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.]

**[SEC. 2367. ALLOCATION OF RESPONSIBILITY FOR NONECONOMIC LOSS.**

[(a) GENERAL RULE.—In any civil action against a teacher, based on an act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

[(b) AMOUNT OF LIABILITY.—

[(1) IN GENERAL.—

[(A) LIABILITY.—Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable.

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

[(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

[(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.]

**[SEC. 2368. EFFECTIVE DATE.**

[(a) IN GENERAL.—This subpart shall take effect 90 days after the date of enactment of the No Child Left Behind Act of 2001.

[(b) APPLICATION.—This subpart applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.]

## **[PART D—ENHANCING EDUCATION THROUGH TECHNOLOGY]**

**[SEC. 2401. SHORT TITLE.**

[This part may be cited as the “Enhancing Education Through Technology Act of 2001”.]

**[SEC. 2402. PURPOSES AND GOALS.**

[(a) PURPOSES.—The purposes of this part are the following:

[(1) To provide assistance to States and localities for the implementation and support of a comprehensive system that effectively uses technology in elementary schools and secondary schools to improve student academic achievement.

[(2) To encourage the establishment or expansion of initiatives, including initiatives involving public-private partnerships, designed to increase access to technology, particularly in schools served by high-need local educational agencies.

[(3) To assist States and localities in the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure in a manner that expands access to technology for students (particularly for disadvantaged students) and teachers.

[(4) To promote initiatives that provide school teachers, principals, and administrators with the capacity to integrate technology effectively into curricula and instruction that are aligned with challenging State academic content and student academic achievement standards, through such means as high-quality professional development programs.

[(5) To enhance the ongoing professional development of teachers, principals, and administrators by providing constant access to training and updated research in teaching and learning through electronic means.

[(6) To support the development and utilization of electronic networks and other innovative methods, such as distance learning, of delivering specialized or rigorous academic courses and curricula for students in areas that would not otherwise have access to such courses and curricula, particularly in geographically isolated regions.

[(7) To support the rigorous evaluation of programs funded under this part, particularly regarding the impact of such programs on student academic achievement, and ensure that timely information on the results of such evaluations is widely accessible through electronic means.

[(8) To support local efforts using technology to promote parent and family involvement in education and communica-

tion among students, parents, teachers, principals, and administrators.

**[(b) GOALS.—**

**[(1) PRIMARY GOAL.—**The primary goal of this part is to improve student academic achievement through the use of technology in elementary schools and secondary schools.

**[(2) ADDITIONAL GOALS.—**The additional goals of this part are the following:

**[(A)** To assist every student in crossing the digital divide by ensuring that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student’s race, ethnicity, gender, family income, geographic location, or disability.

**[(B)** To encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based instructional methods that can be widely implemented as best practices by State educational agencies and local educational agencies.]

**[SEC. 2403. DEFINITIONS.**

**[In this part:**

**[(1) ELIGIBLE LOCAL ENTITY.—**The term “eligible local entity” means—

**[(A)** a high-need local educational agency; or

**[(B)** an eligible local partnership.

**[(2) ELIGIBLE LOCAL PARTNERSHIP.—**The term “eligible local partnership” means a partnership that—

**[(A)** shall include at least one high-need local educational agency and at least one—

**[(i)** local educational agency that can demonstrate that teachers in schools served by the agency are effectively integrating technology and proven teaching practices into instruction, based on a review of relevant research, and that the integration results in improvement in—

**[(I)** classroom instruction in the core academic subjects; and

**[(II)** the preparation of students to meet challenging State academic content and student academic achievement standards;

**[(ii)** institution of higher education that is in full compliance with the reporting requirements of section 207(f) of the Higher Education Act of 1965 and that has not been identified by its State as low-performing under section 208 of such Act;

**[(iii)** for-profit business or organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology in instruction; or

**[(iv)** public or private nonprofit organization with demonstrated experience in the application of educational technology to instruction; and

**[(B)** may include other local educational agencies, educational service agencies, libraries, or other educational entities appropriate to provide local programs.

[(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term “high-need local educational agency” means a local educational agency that—

[(A) is among the local educational agencies in a State with the highest numbers or percentages of children from families with incomes below the poverty line; and

[(B)(i) operates one or more schools identified under section 1116; or

[(ii) has a substantial need for assistance in acquiring and using technology.]

**[SEC. 2404. AUTHORIZATION OF APPROPRIATIONS.**

[(a) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1 and 2, \$1,000,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) ALLOCATION OF FUNDS BETWEEN STATE AND LOCAL AND NATIONAL INITIATIVES.—The amount of funds made available under subsection (a) for a fiscal year shall be allocated so that—

[(1) not less than 98 percent is made available to carry out subpart 1; and

[(2) not more than 2 percent is made available to carry out subpart 2.

[(c) ALLOCATION OF FUNDS FOR STUDY.—Of the total amount of funds allocated under subsection (b)(2) for fiscal years 2002 through 2007, not more than \$15,000,000 may be used to carry out section 2421(a).

[(d) LIMITATION.—Of the amount of funds made available to a recipient of funds under this part for a fiscal year, not more than 5 percent may be used by the recipient for administrative costs or technical assistance, of which not more than 60 percent may be used by the recipient for administrative costs.]

**[Subpart 1—State and Local Technology Grants]**

**[SEC. 2411. ALLOTMENT AND REALLOTMENT.**

[(a) RESERVATIONS AND ALLOTMENT.—From the amount made available to carry out this subpart under section 2404(b)(1) for a fiscal year—

[(1) the Secretary shall reserve—

[(A) three-fourths of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs;

[(B) one-half of 1 percent to provide assistance under this subpart to the outlying areas; and

[(C) such sums as may be necessary for continuation awards on grants awarded under section 3136 prior to the date of enactment of the No Child Left Behind Act of 2001; and

[(2) from the remainder of such amount and subject to subsection (b), the Secretary shall make grants by allotting to each eligible State educational agency under this subpart an amount that bears the same relationship to such remainder for such year as the amount received under part A of title I for such year by such State educational agency bears to the

amount received under such part for such year by all State educational agencies.

**[(b) MINIMUM ALLOTMENT.—**The amount of any State educational agency's allotment under subsection (a)(2) for any fiscal year may not be less than one-half of 1 percent of the amount made available for allotments to States under this part for such year.

**[(c) REALLOTMENT OF UNUSED FUNDS.—**If any State educational agency does not apply for an allotment under this subpart for a fiscal year, or does not use its entire allotment under this subpart for that fiscal year, the Secretary shall reallocate the amount of the State educational agency's allotment, or the unused portion of the allotment, to the remaining State educational agencies that use their entire allotments under this subpart in accordance with this section.

**[(d) STATE EDUCATIONAL AGENCY DEFINED.—**In this section, the term "State educational agency" does not include an agency of an outlying area or the Bureau of Indian Affairs.]

**[SEC. 2412. USE OF ALLOTMENT BY STATE.**

**[(a) IN GENERAL.—**Of the amount provided to a State educational agency (from the agency's allotment under section 2411(a)(2)) for a fiscal year—

**[(1)** the State educational agency may use not more than 5 percent to carry out activities under section 2415; and

**[(2)** the State educational agency shall distribute the remainder as follows:

**[(A)** From 50 percent of the remainder, the State educational agency shall award subgrants by allocating to each eligible local educational agency that has submitted an application to the State educational agency under section 2414, for the activities described in section 2416, an amount that bears the same relationship to 50 percent of the remainder for such year as the amount received under part A of title I for such year by such local educational agency bears to the amount received under such part for such year by all local educational agencies within the State.

**[(B)** From 50 percent of the remainder and subject to subsection (b), the State educational agency shall award subgrants, through a State-determined competitive process, to eligible local entities that have submitted applications to the State educational agency under section 2414, for the activities described in section 2416.

**[(b) SUFFICIENT AMOUNTS.—**

**[(1) SPECIAL RULE.—**In awarding a subgrant under subsection (a)(2)(B), the State educational agency shall—

**[(A)** determine the local educational agencies that—

**[(i)** received allocations under subsection (a)(2)(A) that are not of sufficient size to be effective, consistent with the purposes of this part; and

**[(ii)** are eligible local entities;

**[(B)** give priority to applications submitted by eligible local educational agencies described in subparagraph (A); and

**[(C)** determine the minimum amount for awards under subsection (a)(2)(B) to ensure that subgrants award-

ed under that subsection are of sufficient size to be effective.

[(2) SUFFICIENCY.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure that each subgrant is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.]

[(3) DISTRIBUTION.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure an equitable distribution of assistance under this subpart among urban and rural areas of the State, according to the demonstrated need of those local educational agencies serving the areas.]

[(c) FISCAL AGENT.—If an eligible local partnership receives a subgrant under subsection (a)(2)(B), a local educational agency in the partnership shall serve as the fiscal agent for the partnership.]

[(d) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under section 2411(a) shall—

[(1) identify the local educational agencies served by the State educational agency that—

[(A) have the highest numbers or percentages of children from families with incomes below the poverty line; and

[(B) demonstrate to such State educational agency the greatest need for technical assistance in developing an application under section 2414; and

[(2) offer the technical assistance described in paragraph (1)(B) to those local educational agencies.]]

**[SEC. 2413. STATE APPLICATIONS.]**

[(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing a new or updated statewide long-range strategic educational technology plan (which shall address the educational technology needs of local educational agencies) and such other information as the Secretary may reasonably require.]

[(b) CONTENTS.—Each State application submitted under subsection (a) shall include each of the following:

[(1) An outline of the State educational agency's long-term strategies for improving student academic achievement, including technology literacy, through the effective use of technology in classrooms throughout the State, including through improving the capacity of teachers to integrate technology effectively into curricula and instruction.]

[(2) A description of the State educational agency's goals for using advanced technology to improve student academic achievement, and how those goals are aligned with challenging State academic content and student academic achievement standards.]

[(3) A description of how the State educational agency will take steps to ensure that all students and teachers in the State, particularly students and teachers in districts served by high-need local educational agencies, have increased access to technology.]



[(4) A description of the process and accountability measures that the State educational agency will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction.

[(5) A description of how the State educational agency will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas of the State that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

[(6) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.

[(7) A description of how the plan incorporates teacher education, professional development, and curriculum development, and how the State educational agency will work to ensure that teachers and principals in a State receiving funds under this part are technologically literate.

[(8) A description of—

[(A) how the State educational agency will provide technical assistance to applicants under section 2414, especially to those applicants serving the highest numbers or percentages of children in poverty or with the greatest need for technical assistance; and

[(B) the capacity of the State educational agency to provide such assistance.

[(9) A description of technology resources and systems that the State will provide for the purpose of establishing best practices that can be widely replicated by State educational agencies and local educational agencies in the State and in other States.

[(10) A description of the State's long-term strategies for financing technology to ensure that all students, teachers, and classrooms have access to technology.

[(11) A description of the State's strategies for using technology to increase parental involvement.

[(12) A description of how the State educational agency will ensure that each subgrant awarded under section 2412(a)(2)(B) is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.

[(13) A description of how the State educational agency will ensure ongoing integration of technology into school curricula and instructional strategies in all schools in the State, so that technology will be fully integrated into the curricula and instruction of the schools by December 31, 2006.

[(14) A description of how the local educational agencies in the State will provide incentives to teachers who are technologically literate and teaching in rural or urban areas, to encourage such teachers to remain in those areas.

[(15) A description of how public and private entities will participate in the implementation and support of the plan.

[(c) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to

be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

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

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

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

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

[(A) cite the specific provisions in the application that are not in compliance; and

[(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

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

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

[(2) the expiration of the 120-day period described in subsection (c).

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

**[SEC. 2414. LOCAL APPLICATIONS.**

[(a) IN GENERAL.—To be eligible to receive a subgrant from a State educational agency under this subpart, a local educational agency or eligible local entity shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan that is consistent with the objectives of the statewide educational technology plan described in section 2413(a), and such other information as the State educational agency may reasonably require, at such time and in such manner as the State educational agency may require.

[(b) CONTENTS.—The application shall include each of the following:

[(1) A description of how the applicant will use Federal funds under this subpart to improve the student academic achievement, including technology literacy, of all students attending schools served by the local educational agency and to improve the capacity of all teachers teaching in schools served by the local educational agency to integrate technology effectively into curricula and instruction.

[(2) A description of the applicant's specific goals for using advanced technology to improve student academic achieve-

ment, aligned with challenging State academic content and student academic achievement standards.

[(3) A description of the steps the applicant will take to ensure that all students and teachers in schools served by the local educational agency involved have increased access to educational technology, including how the agency would use funds under this subpart (such as combining the funds with funds from other sources), to help ensure that—

[(A) students in high-poverty and high-needs schools, or schools identified under section 1116, have access to technology; and

[(B) teachers are prepared to integrate technology effectively into curricula and instruction.

[(4) A description of how the applicant will—

[(A) identify and promote curricula and teaching strategies that integrate technology effectively into curricula and instruction, based on a review of relevant research, leading to improvements in student academic achievement, as measured by challenging State academic content and student academic achievement standards; and

[(B) provide ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel serving the local educational agency, to further the effective use of technology in the classroom or library media center, including, if applicable, a list of the entities that will be partners with the local educational agency involved in providing the ongoing, sustained professional development.

[(5) A description of the type and costs of technologies to be acquired under this subpart, including services, software, and digital curricula, and including specific provisions for interoperability among components of such technologies.

[(6) A description of how the applicant will coordinate activities carried out with funds provided under this subpart with technology-related activities carried out with funds available from other Federal, State, and local sources.

[(7) A description of how the applicant will integrate technology (including software and other electronically delivered learning materials) into curricula and instruction, and a timeline for such integration.

[(8) A description of how the applicant will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

[(9) A description of how the applicant will ensure the effective use of technology to promote parental involvement and increase communication with parents, including a description of how parents will be informed of the technology being applied in their child's education so that the parents are able to reinforce at home the instruction their child receives at school.

[(10) A description of how programs will be developed, where applicable, in collaboration with adult literacy service providers, to maximize the use of technology.

[(11) A description of the process and accountability measures that the applicant will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(12) A description of the supporting resources (such as services, software, other electronically delivered learning materials, and print resources) that will be acquired to ensure successful and effective uses of technology.

[(c) COMBINED APPLICATIONS.—A local educational agency that is an eligible local entity and submits an application to the State educational agency under this section for funds awarded under section 2412(a)(2)(A) may combine the agency's application for funds awarded under that section with an application for funds awarded under section 2412(a)(2)(B).

[(d) SPECIAL RULE.—

[(1) CONSORTIUM APPLICATIONS.—

[(A) IN GENERAL.—For any fiscal year, a local educational agency applying for financial assistance described in section 2412(a)(2)(A) may apply as part of a consortium that includes other local educational agencies, institutions of higher education, educational service agencies, libraries, or other educational entities appropriate to provide local programs.

[(B) FISCAL AGENT.—If a local educational agency applies for and receives financial assistance described in section 2412(a)(2)(A) as part of a consortium, the local educational agency shall serve as the fiscal agent for the consortium.

[(2) STATE EDUCATIONAL AGENCY ASSISTANCE.—At the request of a local educational agency, a State educational agency may assist the local educational agency in the formation of a consortium described in paragraph (1) to provide services for the teachers and students served by the local educational agency.]

**[SEC. 2415. STATE ACTIVITIES.**

[(From funds made available under section 2412(a)(1), a State educational agency shall carry out activities and assist local efforts to carry out the purposes of this part, which may include the following activities:

[(1) Developing, or assisting applicants or recipients of funds under this subpart in the development and utilization of, innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, and providing other technical assistance to such applicants or recipients throughout the State, with priority given to high-need local educational agencies.

[(2) Establishing or supporting public-private initiatives (such as interest-free or reduced-cost loans) for the acquisition

of educational technology for high-need local educational agencies and students attending schools served by such agencies.

[(3) Assisting recipients of funds under this subpart in providing sustained and intensive, high-quality professional development based on a review of relevant research in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, including training in the use of technology to—

[(A) access data and resources to develop curricula and instructional materials;

[(B) enable teachers—

[(i) to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and

[(ii) to retrieve Internet-based learning resources; and

[(C) lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards and student academic achievement standards.

[(4) Assisting recipients of funds under this subpart in providing all students (including students with disabilities and students with limited English proficiency) and teachers with access to educational technology.

[(5) Developing performance measurement systems to determine the effectiveness of educational technology programs funded under this subpart, particularly in determining the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(6) Collaborating with other State educational agencies on distance learning, including making specialized or rigorous academic courses and curricula available to students in areas that would not otherwise have access to such courses and curricula.]

**[SEC. 2416. LOCAL ACTIVITIES.**

**[(a) PROFESSIONAL DEVELOPMENT.—**

**[(1) IN GENERAL.—**A recipient of funds made available under section 2412(a)(2) shall use not less than 25 percent of such funds to provide ongoing, sustained, and intensive, high-quality professional development. The recipient shall provide professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, such as professional development in the use of technology—

[(A) to access data and resources to develop curricula and instructional materials;

[(B) to enable teachers—

[(i) to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and

[(ii) to retrieve Internet-based learning resources;

and

[(C) to lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards, including increasing student technology literacy, and student academic achievement standards.

[(2) WAIVERS.—Paragraph (1) shall not apply to a recipient of funds made available under section 2412(a)(2) that demonstrates, to the satisfaction of the State educational agency involved, that the recipient already provides ongoing, sustained, and intensive, high-quality professional development that is based on a review of relevant research, to all teachers in core academic subjects in the integration of advanced technologies, including emerging technologies, into curricula and instruction.

[(b) OTHER ACTIVITIES.—In addition to the activities described in subsection (a), a recipient of funds made available by a State educational agency under section 2412(a)(2) shall use such funds to carry out other activities consistent with this subpart, which may include the following:

[(1) Establishing or expanding initiatives, particularly initiatives involving public-private partnerships, designed to increase access to technology for students and teachers, with special emphasis on the access of high-need schools to technology.

[(2) Adapting or expanding existing and new applications of technology to enable teachers to increase student academic achievement, including technology literacy—

[(A) through the use of teaching practices that are based on a review of relevant research and are designed to prepare students to meet challenging State academic content and student academic achievement standards; and

[(B) by the development and utilization of innovative distance learning strategies to deliver specialized or rigorous academic courses and curricula to areas that would not otherwise have access to such courses and curricula.

[(3) Acquiring proven and effective courses and curricula that include integrated technology and are designed to help students meet challenging State academic content and student academic achievement standards.

[(4) Utilizing technology to develop or expand efforts to connect schools and teachers with parents and students to promote meaningful parental involvement, to foster increased communication about curricula, assignments, and assessments between students, parents, and teachers, and to assist parents to understand the technology being applied in their child's education, so that parents are able to reinforce at home the instruction their child receives at school.

[(5) Preparing one or more teachers in elementary schools and secondary schools as technology leaders who are provided with the means to serve as experts and train other teachers in the effective use of technology, and providing bonus payments to the technology leaders.

[(6) Acquiring, adapting, expanding, implementing, repairing, and maintaining existing and new applications of tech-

nology, to support the school reform effort and to improve student academic achievement, including technology literacy.

[(7) Acquiring connectivity linkages, resources, and services (including the acquisition of hardware and software and other electronically delivered learning materials) for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement.

[(8) Using technology to collect, manage, and analyze data to inform and enhance teaching and school improvement efforts.

[(9) Implementing performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, particularly in determining the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(10) Developing, enhancing, or implementing information technology courses.]

## **[Subpart 2—National Technology Activities]**

### **[SEC. 2421. NATIONAL ACTIVITIES.**

[(a) STUDY.—Using funds made available under section 2404(b)(2), the Secretary—

[(1) shall conduct an independent, long-term study, utilizing scientifically based research methods and control groups or control conditions—

[(A) on the conditions and practices under which educational technology is effective in increasing student academic achievement; and

[(B) on the conditions and practices that increase the ability of teachers to integrate technology effectively into curricula and instruction, that enhance the learning environment and opportunities, and that increase student academic achievement, including technology literacy;

[(2) shall establish an independent review panel to advise the Secretary on methodological and other issues that arise in conducting the long-term study;

[(3) shall consult with other interested Federal departments or agencies, State and local educational practitioners and policymakers (including teachers, principals, and superintendents), and experts in technology, regarding the study; and

[(4) shall submit to Congress interim reports, when appropriate, and a final report, to be submitted not later than April 1, 2006, on the findings of the study.

[(b) DISSEMINATION.—Using funds made available under section 2404(b)(2), the Secretary shall make widely available, including through dissemination on the Internet and to all State educational agencies and other recipients of funds under this part, findings identified through activities carried out under this section

regarding the conditions and practices under which educational technology is effective in increasing student academic achievement.

[(c) TECHNICAL ASSISTANCE.—Using funds made available under section 2404(b)(2), the Secretary may provide technical assistance (directly or through the competitive award of grants or contracts) to State educational agencies, local educational agencies, and other recipients of funds, particularly in rural areas, under this part, in order to assist such State educational agencies, local educational agencies, and other recipients to achieve the purposes of this part.]

**[SEC. 2422. NATIONAL EDUCATION TECHNOLOGY PLAN.**

[(a) IN GENERAL.—Based on the Nation’s progress and an assessment by the Secretary of the continuing and future needs of the Nation’s schools in effectively using technology to provide all students the opportunity to meet challenging State academic content and student academic achievement standards, the Secretary shall update and publish, in a form readily accessible to the public, a national long-range technology plan, by not later than 12 months after the date of enactment of the No Child Left Behind Act of 2001.

[(b) CONTENTS.—The plan referred to in subsection (a) shall include each of the following:

[(1) A description of the manner in which the Secretary will promote—

[(A) higher student academic achievement through the integration of advanced technologies, including emerging technologies, into curricula and instruction;

[(B) increased access to technology for teaching and learning for schools with a high number or percentage of children from families with incomes below the poverty line; and

[(C) the use of technology to assist in the implementation of State systemic reform strategies.

[(2) A description of joint activities of the Department of Education and other Federal departments or agencies that will promote the use of technology in education.]

**[Subpart 3—Ready-to-Learn Television]**

**[SEC. 2431. READY-TO-LEARN TELEVISION.**

[(a) PROGRAM AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in paragraph (3) to enable such entities—

[(A) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

[(B) to facilitate the development, directly or through contracts with producers of children and family educational television programming, of educational programming for preschool and elementary school children, and the



accompanying support materials and services that promote the effective use of such programming;

[(C) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

[(D) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

[(E) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

[(i) to promote school readiness; and

[(ii) to promote the effective use of materials developed under subparagraphs (B) and (C) among parents, teachers, Head Start providers, Even Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

[(2) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, Even Start providers, and providers of family literacy services to increase the effective use of such programming.

[(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreements under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

[(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

[(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

[(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

[(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

[(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

[(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

[(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and Even Start, and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(E) to enhance parent and child care provider skills in early childhood development and education.

[(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

[(c) REPORTS AND EVALUATIONS.—

[(1) ANNUAL REPORT TO THE SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

[(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programs developed.

[(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

[(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

[(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

[(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report that includes the following:

[(A) A summary of the activities assisted under subsection (a).

[(B) A description of the education and training materials made available under subsection (a)(1)(E), the man-

ner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

[(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

[(e) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002, and for each of the 5 succeeding fiscal years.

[(2) FUNDING RULE.—Not less than 60 percent of the amount appropriated under paragraph (1) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).]

#### **[Subpart 4—Limitation on Availability of Certain Funds for Schools]**

##### **[SEC. 2441. INTERNET SAFETY.**

[(a) IN GENERAL.—No funds made available under this part to a local educational agency for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)) may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—

[(1)(A) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

- [(i) obscene;
- [(ii) child pornography; or
- [(iii) harmful to minors; and

[(B) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

[(2)(A) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

- [(i) obscene; or
- [(ii) child pornography; and

[(B) is enforcing the operation of such technology protection measure during any use of such computers.

[(b) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

[(1) IN GENERAL.—The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as part of the application process for the next pro-

gram funding year under this Act following December 21, 2000, and for each subsequent program funding year thereafter.

**[(2) PROCESS.—**

**[(A) SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—**A local educational agency with responsibility for a school covered by subsection (a) that has in place an Internet safety policy meeting the requirements of subsection (a) shall certify its compliance with subsection (a) during each annual program application cycle under this Act.

**[(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—**

**[(i) CERTIFICATION.—**A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a)—

**[(I)** for the first program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

**[(II)** for the second program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.

**[(ii) INELIGIBILITY.—**Any school covered by subsection (a) for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this part for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

**[(C) WAIVERS.—**Any school subject to a certification under subparagraph (B)(i)(II) for which the local educational agency concerned cannot make the certification otherwise required by that subparagraph may seek a waiver of that subparagraph if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that subparagraph. The local educational agency concerned shall notify the Secretary of the applicability of that subparagraph to the school. Such notice shall certify that the school will be brought into compliance with the requirements in subsection (a) before the start of the third program year after December 21, 2000, in which the school is applying for funds under this part.

**[(c) DISABLING DURING CERTAIN USE.—**An administrator, supervisor, or person authorized by the responsible authority under subsection (a) may disable the technology protection measure con-

cerned to enable access for bona fide research or other lawful purposes.

[(d) NONCOMPLIANCE.—

[(1) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—

[(A) withhold further payments to the recipient under this part;

[(B) issue a complaint to compel compliance of the recipient through a cease and desist order; or

[(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements, in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act.

[(2) RECOVERY OF FUNDS PROHIBITED.—The actions authorized by paragraph (1) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this section, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

[(3) RECOMMENCEMENT OF PAYMENTS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under paragraph (1)(A) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that paragraph.

[(e) DEFINITIONS.—In this subpart:

[(1) COMPUTER.—The term “computer” includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

[(2) ACCESS TO INTERNET.—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.

[(3) ACQUISITION OR OPERATION.—An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

[(A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

[(B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

[(4) MINOR.—The term “minor” means an individual who has not attained the age of 17.

[(5) CHILD PORNOGRAPHY.—The term “child pornography” has the meaning given that term in section 2256 of title 18, United States Code.

[(6) HARMFUL TO MINORS.—The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that—

[(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

[(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

[(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

[(7) OBSCENE.—The term “obscene” has the meaning applicable to that term under section 1460 of title 18, United States Code.

[(8) SEXUAL ACT AND SEXUAL CONTACT.—The terms “sexual act” and “sexual contact” have the meanings given those terms in section 2246 of title 18, United States Code.

[(f) SEVERABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.]

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

### **SEC. 2001. PURPOSE.**

*The purpose of this title is to improve student academic achievement by—*

(1) *increasing the ability of local educational agencies, schools, teachers, principals, and other school leaders to provide a well-rounded and complete education for all students;*

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

(3) *increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and*

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

### **SEC. 2002. DEFINITIONS.**

*In this title:*

(1) **SCHOOL LEADER RESIDENCY PROGRAM.**—*The term “school leader residency program” means a school-based principal, school leader, or principal and school leader preparation program in which a prospective principal or school leader—*

(A) *for 1 academic year, engages in sustained and rigorous clinical learning with substantial leadership responsibilities and an opportunity to practice and be evaluated in an authentic school setting; and*

(B) *during that academic year—*

(i) *participates in research-based coursework that is integrated with the clinical residency experience; and*

(ii) *receives ongoing support from a mentor principal or school leader who is effective.*

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

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

(A) for not less than 1 academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A (if applicable), who is the teacher of record for the classroom;

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

(i) through courses that may be taught by local educational agency personnel or by faculty of the teacher preparation program; and

(ii) in the teaching of the content area in which the teacher will become certified or licensed; and

(C) acquires effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the State, which may include a teacher performance assessment.

**SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.**

(a) *GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES*.—For the purposes of carrying out part A (other than section 2105), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(b) *NATIONAL ACTIVITIES*.—For the purposes of carrying out activities authorized under section 2105, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(c) *TEACHER AND SCHOOL LEADER INCENTIVE FUND*.—For the purposes of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(d) *AMERICAN HISTORY AND CIVICS EDUCATION*.—For the purposes of carrying out part C, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(e) *LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION*.—For the purposes of carrying out part D, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(f) *STEM INSTRUCTION AND STUDENT ACHIEVEMENT*.—For the purposes of carrying out part E, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

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

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

(a) *RESERVATION OF FUNDS*.—From the total amount appropriated under section 2003(a) for a fiscal year, the Secretary shall reserve—

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

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

(b) STATE ALLOTMENTS.—

(1) HOLD HARMLESS.—

(A) FISCAL YEARS 2016 THROUGH 2021.—For each of fiscal years 2016 through 2021, subject to paragraph (2) and subparagraph (C), from the funds appropriated under section 2003(a) for a fiscal year that remain after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State an amount equal to the total amount that such State received for fiscal year 2001 under—

(i) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

(B) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (A) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

(C) PERCENTAGE REDUCTION.—For each of fiscal years 2016 through 2021, the amount in subparagraph (A) shall be reduced by a percentage equal to the product of 14.29 percent and the number of years between the fiscal year for which the determination is being made and fiscal year 2015.

(2) ALLOTMENT OF ADDITIONAL FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), for any fiscal year for which the funds appropriated under section 2003(a) and not reserved under subsection (a) exceed the total amount required to make allotments under paragraph (1), the Secretary shall allot to each State the sum of—

(i) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(ii) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.



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

(3) *FISCAL YEAR 2022 AND SUCCEEDING FISCAL YEARS.*—For fiscal year 2022 and each of the succeeding fiscal years, the Secretary shall allot funds appropriated under section 2003(a) and not reserved under subsection (a) to each State in accordance with paragraph (2).

(4) *REALLOTMENT.*—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

(c) *STATE USE OF FUNDS.*—

(1) *IN GENERAL.*—Except as provided for under paragraph (3), each State that receives an allotment under subsection (b) for a fiscal year shall reserve not less than 95 percent of such allotment to make subgrants to local educational agencies for such fiscal year, as described in section 2102.

(2) *STATE ADMINISTRATION.*—A State educational agency may use not more than 1 percent of the amount allotted to such State under subsection (b) for the administrative costs of carrying out such State educational agency's responsibilities under this part.

(3) *PRINCIPALS AND OTHER SCHOOL LEADERS.*—Notwithstanding paragraph (1) and in addition to funds otherwise available for activities under paragraph (4), a State educational agency may reserve not more than 3 percent of the amount reserved for subgrants to local educational agencies under paragraph (1) for activities for principals and other school leaders described in paragraph (4), if such reservation would not result in a lower allocation to local educational agencies under section 2102, as compared to such allocation for the preceding fiscal year.

(4) *STATE ACTIVITIES.*—

(A) *IN GENERAL.*—The State educational agency for a State that receives an allotment under subsection (b) may use funds not reserved under paragraph (1) to carry out 1 or more of the activities described in subparagraph (B), which may be implemented in conjunction with a State agency of higher education (if such agencies are separate) and carried out through a grant or contract with a for-profit or nonprofit entity, including an institution of higher education.

(B) *TYPES OF STATE ACTIVITIES.*—The activities described in this subparagraph are the following:

(i) Reforming teacher, principal, and other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that—

(I) teachers have the necessary subject matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to

*help students meet challenging State academic standards described in section 1111(b)(1);*

*(II) principals and other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and*

*(III) teacher certification or licensing requirements are aligned with such challenging State academic standards.*

*(ii) Developing, improving, or providing assistance to local educational agencies to support the design and implementation of teacher, principal, and other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, and other schools leaders, such as by—*

*(I) developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;*

*(II) developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and*

*(III) developing a system for auditing the quality of evaluation and support systems.*

*(iii) Improving equitable access to effective teachers, principals, and other school leaders.*

*(iv) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State demonstrates a shortage of educators), principals, and other school leaders, for—*

*(I) individuals with a baccalaureate or master's degree, or other advanced degree;*

*(II) mid-career professionals from other occupations;*

*(III) paraprofessionals;*

*(IV) former military personnel; and*

*(V) recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become highly effective teachers, principals, or other school leaders.*

*(v) Developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, and other school leaders who are effective in*

*improving student academic achievement, including highly effective teachers from underrepresented minority groups and teachers with disabilities, such as through—*

*(I) opportunities for a cadre of effective teachers to lead evidence-based professional development for their peers;*

*(II) career opportunities for teachers to grow as leaders, including hybrid roles that allow teachers to voluntarily serve as mentors or academic coaches while remaining in the classroom; and*

*(III) providing training and support for teacher leaders and school leaders who are recruited as part of instructional leadership teams.*

*(vi) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration and monitoring of the programs carried out under this part, including provision of technical assistance to local educational agencies.*

*(vii) Developing, or assisting local educational agencies in developing—*

*(I) teacher advancement initiatives that promote professional growth and emphasize multiple career paths, such as school leadership, mentoring, involvement with school improvement, and instructional coaching;*

*(II) strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and*

*(III) new teacher, principal, and other school leader induction and mentoring programs that are evidence-based and designed to—*

*(aa) improve classroom instruction and student learning and achievement;*

*(bb) increase the retention of effective teachers, principals, and other school leaders;*

*(cc) improve school leadership to improve classroom instruction and student learning and achievement; and*

*(dd) provide opportunities for teachers, principals, and other school leaders who are experienced, effective, and have demonstrated an ability to work with adult learners to be mentors.*

*(viii) Providing assistance to local educational agencies for—*

*(I) the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards described in section 1111(b)(1); and*

(II) *the development and support of other school leadership programs to develop educational leaders.*

(ix) *Supporting efforts to train teachers, principals, and other school leaders to effectively integrate technology into curricula and instruction, which may include blended learning projects that include an element of online learning, combined with supervised learning time and student-led learning, in which the elements are connected to provide an integrated learning experience.*

(x) *Providing training, technical assistance, and capacity-building to local educational agencies that receive a subgrant under this part.*

(xi) *Supporting teacher, principal, and other school leader residency programs.*

(xii) *Reforming or improving teacher, principal, and other school leader preparation programs.*

(xiii) *Supporting the instructional services provided by school librarians.*

(xiv) *Supporting other activities identified by the State that are evidence-based and that meet the purpose of this title.*

(d) *STATE PLAN.—*

(1) *IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require.*

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

(A) *A description of how the State educational agency will use funds received under this title for State-level activities described in subsection (c).*

(B) *A description of the State's system of certification, licensing, and professional growth and improvement, such as clinical experience for prospective educators, support for new educators, professional development, professional growth and leadership opportunities, and compensation systems for teachers, principals, and other educators.*

(C) *A description of how activities under this part are aligned with challenging State academic standards and State assessments under section 1111, which may include, as appropriate, relevant State early learning and developmental guidelines, as required under section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)).*

(D) *A description of how the activities using funds under this part are expected to improve student achievement.*

(E) *If a State educational agency plans to use funds under this part to improve equitable access to effective teachers, principals, and other school leaders, a description of how such funds will be used to meet the State's commitment described in section 1111(c)(1)(F) to ensure equitable access to effective teachers, principals, and school leaders.*

(F) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

(G) An assurance that the State educational agency will work in consultation with the entity responsible for teacher and principal professional standards, certification, and licensing for the State, and encourage collaboration between educator preparation programs, the State, and local educational agencies to promote the readiness of new educators entering the profession.

(H) A description of how the State educational agency will improve the skills of teachers, principals, and other school leaders in order to enable them to identify students with specific learning needs, particularly students with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students.

(I) A description of how the State will use data and ongoing consultation with and input from teachers and teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and (where applicable) institutions of higher education, to continually update and improve the activities supported under this part.

(3) CONSULTATION.—In developing the State plan under this subsection, a State shall—

(A) involve teachers, teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title; and

(B) seek advice from the individuals, organizations, or partners described in subparagraph (A) regarding how best to improve the State's activities to meet the purpose of this title; and

(C) coordinate the State's activities under this part with other related strategies, programs, and activities being conducted in the State.

(e) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control any of the following:

(1) The development, improvement, or implementation of elements of any teacher, principal, or school leader evaluation systems.

(2) Any State or local educational agency's definition of teacher, principal, or other school leader effectiveness.

(3) Any teacher, principal, or other school leader professional standards, certification, or licensing.

**SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

(a) ALLOCATION OF FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—From funds reserved by a State under section 2101(c)(1) for a fiscal year, the State, acting through the

*State educational agency, shall award subgrants to eligible local educational agencies from allocations described in paragraph (2).*

(2) *ALLOCATION FORMULA.—From the funds described in paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State for a fiscal year the sum of—*

(A) *an amount that bears the same relationship to 20 percent of such funds for such fiscal year as the number of individuals aged 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all eligible local educational agencies in the State, as so determined; and*

(B) *an amount that bears the same relationship to 80 percent of the funds for such fiscal year as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the eligible local educational agencies in the State, as so determined.*

(3) *ADMINISTRATIVE COSTS.—Of the amounts allocated to a local educational agency under paragraph (2), the local educational agency may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this part.*

(4) *RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a consortium of local educational agencies that are designated with a school locale code of 41, 42, or 43, or such local educational agencies designated with a school locale code of 41, 42, or 43 that work in cooperation with an educational service agency, from voluntarily combining allocations received under this part for the collective use of funding by the consortium for activities under this section.*

(b) *LOCAL APPLICATIONS.—*

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

(2) *NEEDS ASSESSMENT.—*

(A) *IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall periodically conduct a comprehensive needs assessment of the local educational agency and of all schools served by the local educational agency.*

(B) *REQUIREMENTS.—The needs assessment under subparagraph (A) shall be designed to determine the schools with the most acute staffing needs related to—*

(i) increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement;

(ii) ensuring that low-income and minority students are not disproportionately served by ineffective teachers, principals, and other school leaders;

(iii) ensuring that low-income and minority students have access to a high-quality instructional program and appropriate class sizes that are evidence-based;

(iv) hiring, retention, and advancement and leadership opportunities for effective teachers, principals, and other school leaders;

(v) supporting and developing all educators, including preschool, kindergarten, elementary, middle, or high school teachers (including special education teachers), principals, other school leaders, early childhood directors, specialized instructional support personnel, paraprofessionals, or other staff members who provide or directly support instruction;

(vi) understanding and using data and assessments to improve student learning and classroom practice;

(vii) improving student behavior, including the response of teachers, principals, and other school leaders to student behavior, in the classroom and school, including the identification of early and appropriate interventions, which may include positive behavioral interventions and supports;

(viii) teaching students who are English learners, children who are in early childhood education programs, children with disabilities, American Indian children, Alaskan Native children, and gifted and talented students;

(ix) ensuring funds are used to support schools served by the local educational agency that are identified under section 1114(a)(1)(A) and schools with high percentages or numbers of children counted under section 1124(c);

(x) improving the academic and non-academic skills of all students essential for learning readiness and academic success; and

(xi) any other evidence-based factors that the local educational agency determines are appropriate to meet the needs of schools within the jurisdiction of the local educational agency and meet the purpose of this title.

(3) CONSULTATION.—

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

(i) involve teachers, teacher organizations, principals, and other school leaders, specialized instructional support personnel, parents, community partners, and others with relevant and demonstrated expertise in

*programs and activities designed to meet the purpose of this title; and*

*(ii) take into account the activities that need to be conducted in order to give teachers, principals, and other school leaders the skills to provide students with the opportunity to meet challenging State academic standards described in section 1111(b)(1).*

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

*(i) seek advice regarding how best to improve the local educational agency's activities to meet the purpose of this title; and*

*(ii) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.*

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

*(A) A description of the results of the comprehensive needs assessment carried out under paragraph (2).*

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

*(C) A description of how such activities will comply with the principles of effectiveness described in section 2103(c).*

*(D) A description of the activities, including professional development, that will be made available to meet needs identified by the needs assessment described in paragraph (2).*

*(E) A description of the local educational agency's systems of hiring and professional growth and improvement, such as induction for teachers, principals, and other school leaders.*

*(F) A description of how the local educational agency will support efforts to train teachers, principals, and other school leaders to effectively integrate technology into curricula and instruction.*

*(G) A description of how the local educational agency will prioritize funds to schools served by the agency that are identified under section 1114(a)(1)(A) and have the highest percentage or number of children counted under section 1124(c).*

*(H) Where a local educational agency has a significant number of schools identified under section 1114(a)(1)(A), as determined by the State, a description of how the local educational agency will seek the input of the State educational agency in planning and implementing activities under this part.*



(I) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

(J) An assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.

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

(a) *IN GENERAL.*—A local educational agency that receives a subgrant under section 2102 shall use the funds made available through the subgrant to develop, implement, and evaluate comprehensive, evidence-based programs and activities described in subsection (b), which may be carried out through a grant or contract with a for-profit or nonprofit entity, in partnership with an institution of higher education, or in partnership with an Indian tribe or tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

(b) *TYPES OF ACTIVITIES.*—The activities described in this subsection—

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

(2) shall be in accordance with the purpose of this title, evidence-based, and consistent with the principles of effectiveness described in subsection (c);

(3) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and

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

(A) developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, and other school leaders that is based in part on evidence of student achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, and other schools leaders;

(B) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers, principals, and other school leaders, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards described in section 1111(b)(1), to improve within-district equity in the distribution of teachers, principals, and school leaders consistent with the requirements of section 1111(c)(1)(F), such as initiatives that provide—

(i) expert help in screening candidates and enabling early hiring;

(ii) differential and incentive pay for teachers, principals, and other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;

(iii) teacher, paraprofessional, principal, and other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths and pay differentiation;

(iv) new teacher, principal, and other school leader induction and mentoring programs that are designed to—

(I) improve classroom instruction and student learning and achievement;

(II) increase the retention of effective teachers, principals, and other school leaders;

(III) improve school leadership to improve classroom instruction and student learning and achievement; and

(IV) provide opportunities for mentor teachers, principals, and other educators who are experienced, effective, and have demonstrated an ability to work with adult learners;

(v) the development and provision of training for school leaders, coaches, mentors and evaluators on how to accurately differentiate performance, provide useful feedback, and use evaluation results to inform decision-making about professional development, improvement strategies, and personnel decisions; and

(vi) a system for auditing the quality of evaluation and support systems;

(C) recruiting qualified individuals from other fields to become teachers, principals, or other school leaders including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with a record of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders;

(D) reducing class size to an evidence-based level to improve student achievement through the recruiting and hiring of additional effective teachers;

(E) providing high-quality, personalized professional development for teachers, instructional leadership teams, principals, and other school leaders, focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, and other school leaders to—

(i) effectively integrate technology into curricula and instruction;

(ii) use data from such technology to improve student achievement;

(iii) effectively engage parents, families and community partners, and coordinate services between school and community; and

(iv) help all students develop the academic and nonacademic skills essential for learning readiness and academic success;

(F) developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, and students who are English learners, so that such children with disabilities and students who are English learn-

ers can meet the challenging State academic standards described in section 1111(b)(1);

(G) providing programs and activities to increase the knowledge base of teachers and principals on instruction in the early grades, and strategies to measure whether young children are progressing, which may include providing joint professional learning activities for school staff and educators in preschool programs that address the transition to elementary school;

(H) providing training, technical assistance, and capacity-building in local educational agencies to assist teachers and school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and in using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate;

(I) supporting teacher, principal, and school leader residency programs;

(J) reforming or improving teacher, principal, and other school leader preparation programs;

(K) carrying out in-service training for school personnel in—

(i) the techniques and supports needed for early identification of children with trauma histories, and children with, or at risk of, mental illness;

(ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate; and

(iii) forming partnerships between school-based mental health programs and public or private mental health organizations;

(L) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as early entrance to kindergarten, enrichment, acceleration, and curriculum compacting activities, and dual enrollment in secondary school and postsecondary education;

(M) supporting the instructional services provided by school librarians;

(N) providing general liability insurance coverage for teachers related to actions performed in the scope of their duties; and

(O) carrying out other evidence-based activities identified by the local educational agencies that meet the purpose of this title.

(c) **PRINCIPLES OF EFFECTIVENESS.**—

(1) **IN GENERAL.**—For a program or activity supported with funds provided under this part to meet the principles of effectiveness, such program or activity shall—

(A) be based upon an assessment of objective data regarding the need for programs and activities in the schools to be served to—

(i) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement;

(ii) ensure that low-income and minority students are served by effective teachers, principals, and other school leaders; and

(iii) ensure that low-income and minority students have access to a high-quality instructional program;

(B) be based upon established and evidence-based criteria—

(i) aimed at ensuring that all students receive a high-quality education taught by effective teachers and attend schools led by effective principals and other school leaders; and

(ii) that result in improved student academic achievement in the school served by the program or activity; and

(C) include meaningful and ongoing consultation with and input from teachers, teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and (where applicable) institutions of higher education, in the development of the application and administration of the program or activity.

(2) PERIODIC EVALUATION.—

(A) IN GENERAL.—A program or activity carried out under this section shall undergo a periodic evaluation to assess its progress toward achieving the goal of providing students with a high-quality education, taught by effective teachers, in schools led by effective principals and school leaders that results in improved student academic achievement.

(B) USE OF RESULTS.—The results of an evaluation described in subparagraph (A) shall be—

(i) used to refine, improve, and strengthen the program or activity, and to refine the criteria described in paragraph (1)(B); and

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

(3) PROHIBITION.—Nothing in this subsection shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control the principles of effectiveness developed by local educational agencies under paragraph (1) or the specific programs or activities that will be implemented by a local educational agency.

#### **SEC. 2104. REPORTING.**

(a) STATE REPORT.—Each State educational agency receiving funds under this part shall annually submit to the Secretary a report that provides—

(1) the number and percent of teachers, principals, and other school leaders in the State and each local educational

agency in the State who are licensed or certified, provided such information does not reveal personally identifiable information;

(2) the first-time passage rate of teachers and principals in the State and each local educational agency in the State on teacher and principal licensure examinations, provided such information does not reveal personally identifiable information;

(3) a description of how chosen professional development activities improved teacher and principal performance; and

(4) if funds are used under this part to improve equitable access to teachers, principals, and other school leaders for low-income and minority students, a description of how funds have been used to improve such access.

(b) **LOCAL EDUCATIONAL AGENCY REPORT.**—Each local educational agency receiving funds under this part shall submit to the State educational agency such information that the State requires, which shall include the information described in subsection (a) for the local educational agency.

(c) **AVAILABILITY.**—The reports and information provided under subsections (a) and (b) shall be made readily available to the public.

(d) **LIMITATION.**—The reports and information provided under subsections (a) and (b) shall not reveal personally identifiable information about any individual.

**SEC. 2105. NATIONAL ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.**

(a) **IN GENERAL.**—From the funds appropriated under section 2003(b) to carry out this section, the Secretary—

(1) may reserve not more than 20 percent to carry out activities under subsection (b);

(2) shall reserve not less than 40 percent to carry out activities under subsection (c); and

(3) shall reserve not less than 40 percent to carry out activities under subsection (d).

(b) **TECHNICAL ASSISTANCE AND NATIONAL EVALUATION.**—From the funds reserved by the Secretary under subsection (a)(1), the Secretary may carry out—

(1) technical assistance to States and local educational agencies carrying out activities under this part, which may be carried out directly or through grants and contracts; and

(2) evaluations of activities carried out by States and local educational agencies under this part, which shall be conducted by a third party or by the Institute of Education Sciences.

(c) **PROGRAMS OF NATIONAL SIGNIFICANCE.**—

(1) **IN GENERAL.**—From the funds reserved by the Secretary under subsection (a)(2), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

(A) providing teachers, principals, and other school leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved local educational agencies;

(B) providing evidence-based professional development activities that addresses literacy, numeracy, remedial, or other needs of local educational agencies and the students the agencies serve;

(C) making freely available services and learning opportunities to local educational agencies, through partner-

ships and cooperative agreements or by making the services or opportunities publicly accessible through electronic means; or

(D) providing teachers, principals, and other school leaders with evidence-based professional enhancement activities, which may include activities that lead to an advanced credential.

(2) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

(A) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this subsection shall be for a period of not more than 3 years.

(B) RENEWAL.—The Secretary may renew a grant awarded under this subsection for 1 additional 2-year period.

(C) DIVERSITY OF PROJECTS.—In awarding grants under this subsection, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(D) LIMITATION.—The Secretary shall not award more than 1 grant under this subsection to an eligible entity during a grant competition.

(3) COST-SHARING.—

(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this subsection.

(B) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this subsection may meet the requirement of subparagraph (A) by providing contributions in cash or in-kind, fairly evaluated, including plant, equipment, and services.

(C) WAIVERS.—The Secretary may waive or modify the requirement of subparagraph (A) in cases of demonstrated financial hardship.

(4) APPLICATIONS.—In order to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information that the Secretary may reasonably require. Such application shall include, at a minimum, a certification that the services provided by an eligible entity under the grant to a local educational agency or to a school served by the local educational agency will not result in direct fees for participating students or parents.

(5) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term “eligible entity” means—

(A) an institution of higher education that provides course materials or resources that are evidence-based in increasing academic achievement, graduation rates, or rates of postsecondary education matriculation;

(B) a national nonprofit entity with a demonstrated track record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in pro-

viding preparation and professional development activities and programs for teachers, principals, and other school leaders; or

(C) a partnership consisting of—

(i) 1 or more entities described in subparagraph

(A) or (B); and

(ii) a for-profit entity.

(d) **SCHOOL LEADER RECRUITMENT AND SUPPORT PROGRAMS.**—

(1) **IN GENERAL.**—From the funds reserved by the Secretary under subsection (a)(3), the Secretary shall award grants, on a competitive basis to eligible entities to enable such entities to improve the recruitment, preparation, placement, support, and retention of effective principals and other school leaders in high-need schools, which may include—

(A) developing or implementing leadership training programs designed to prepare and support principals and other school leaders in high-need schools, including through new or alternative pathways and school leader residency programs;

(B) developing or implementing programs or activities for recruiting, selecting, and developing aspiring or current principals and other school leaders to serve in high-need schools;

(C) developing or implementing programs for recruiting, developing, and placing school leaders to improve schools identified for intervention and support under section 1114(a)(1)(A), including through cohort-based activities that build effective instructional and school leadership teams and develop a school culture, design, instructional program, and professional development program focused on improving student learning;

(D) providing continuous professional development for principals and other school leaders in high-need schools;

(E) developing and disseminating information on best practices and strategies for effective school leadership in high-need schools; and

(F) other evidence-based programs or activities described in section 2101(c)(3) or section 2103(b)(4) focused on principals and other school leaders in high-need schools.

(2) **PROGRAM PERIODS AND DIVERSITY OF PROJECTS.**—

(A) **IN GENERAL.**—A grant awarded by the Secretary to an eligible entity under this subsection shall be for a period of not more than 5 years.

(B) **RENEWAL.**—The Secretary may renew a grant awarded under this subsection for 1 additional 2-year period.

(C) **DIVERSITY OF PROJECTS.**—In awarding grants under this subsection, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(D) **LIMITATION.**—The Secretary shall not award more than 1 grant under this subsection to an eligible entity during a grant competition.

(3) **COST-SHARING.**—

(A) *IN GENERAL.*—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this subsection.

(B) *ACCEPTABLE CONTRIBUTIONS.*—An eligible entity that receives a grant under this subsection may meet the requirement of subparagraph (A) by providing contributions in cash or in-kind, fairly evaluated, including plant, equipment, and services.

(C) *WAIVERS.*—The Secretary may waive or modify the requirement of subparagraph (A) in cases of demonstrated financial hardship.

(4) *APPLICATIONS.*—An eligible entity that desires a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(5) *PRIORITY.*—In awarding grants under this subsection, the Secretary shall give priority to an eligible entity with a record of preparing or developing principals who—

(A) have improved school-level student outcomes;

(B) have become principals in high-need schools; and

(C) remain principals in high-need schools for multiple years.

(6) *DEFINITIONS.*—In this subsection—

(A) the term “eligible entity” means—

(i) a local educational agency, including an educational service agency, that serves a high-need school or a consortium of such agencies;

(ii) a State educational agency or a consortium of such agencies;

(iii) a State educational agency in partnership with 1 or more local educational agencies or educational service agencies that serve a high-need school; or

(iv) an entity described in clause (i), (ii), or (iii) in partnership with 1 or more nonprofit organizations or institutions of higher education; and

(B) the term “high-need school” means—

(i) an elementary school in which not less than 50 percent of the enrolled students are from families with incomes below the poverty line; or

(ii) a high school in which not less than 40 percent of the enrolled students are from families with incomes below the poverty line.

**SEC. 2106. SUPPLEMENT, NOT SUPPLANT.**

Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.



**PART B—TEACHER AND SCHOOL LEADER  
INCENTIVE PROGRAM**

**SEC. 2201. PURPOSES; DEFINITIONS.**

(a) *PURPOSES.*—*The purposes of this part are—*

(1) *to assist States, local educational agencies, and non-profit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders (especially for teachers, principals, and other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and*

(2) *to study and review performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.*

(b) *DEFINITIONS.*—*In this part:*

(1) *ELIGIBLE ENTITY.*—*The term “eligible entity” means—*

(A) *a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;*

(B) *a State educational agency or other State agency designated by the chief executive of a State to participate under this part; or*

(C) *a partnership consisting of—*

(i) *1 or more agencies described in subparagraph*

(A) *or (B); and*

(ii) *at least 1 nonprofit or for-profit entity.*

(2) *HIGH-NEED LOCAL EDUCATIONAL AGENCY.*—*The term “high-need local educational agency” means a local educational agency, public charter school, or charter management organization—*

(A) *that serves not fewer than 10,000 children from families with incomes below the poverty line; or*

(B) *for which not less than 20 percent of the children served by the agency, school, or organization are from families with incomes below the poverty line.*

(3) *HIGH-NEED SCHOOL.*—*The term “high-need school” means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.*

(4) *HUMAN CAPITAL MANAGEMENT SYSTEM.*—*The term “human capital management system” means a system—*

(A) *by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and*

(B) *that includes a performance-based compensation system.*

(5) *PERFORMANCE-BASED COMPENSATION SYSTEM.*—*The term “performance-based compensation system” means a system*

of compensation for teachers, principals, and other school leaders that—

(A) differentiates levels of compensation based in part on measurable increases in student academic achievement; and

(B) may include—

(i) differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, and other school leaders in hard-to-staff schools or high-need subject areas; and

(ii) recognition of the skills and knowledge of teachers, principals, and other school leaders as demonstrated through—

(I) successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and

(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

**SEC. 2202. TEACHER AND SCHOOL LEADER INCENTIVE FUND GRANTS.**

(a) **GRANTS AUTHORIZED.**—From the amounts appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

(b) **DURATION OF GRANTS.**—

(1) **IN GENERAL.**—A grant awarded under this part shall be for a period of not more than 3 years.

(2) **RENEWAL.**—The Secretary may renew a grant awarded under this part for a period of up to 2 years if the grantee demonstrates to the Secretary that the grantee is effectively utilizing funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

(3) **LIMITATION.**—A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this part only twice, as of the date of enactment of the Every Child Achieves Act of 2015.

(c) **APPLICATIONS.**—An eligible entity desiring a grant under this part shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

(1) a description of the performance-based compensation system or human capital management system that the eligible entity proposes to develop, implement, improve, or expand through the grant;

(2) a description of the most pressing gaps or insufficiencies in student access to effective teachers and school leaders in high-need schools, including gaps or inequities in how effective teachers and school leaders are distributed across the local educational agency, as identified using factors such as data on school resources, staffing patterns, school environment, educator support systems and other school level factors;

(3) a description and evidence of the support and commitment from teachers, principals, and other school leaders, which may include charter school leaders, in the school (including organizations representing teachers, principals, and other school leaders), the community, and the local educational agency to the activities proposed under the grant;

(4) a description of how the eligible entity will develop and implement a fair, rigorous, valid, reliable, and objective process to evaluate teacher, principal, school leader, and student performance under the system that is based in part on measures of student academic achievement, including the baseline performance against which evaluations of improved performance will be made;

(5) a description of the local educational agencies or schools to be served under the grant, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

(6) a description of the quality of teachers, principals, and other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the system will increase the quality of teachers, principals, and other school leaders in a high-need school;

(7) a description of how the eligible entity will use grant funds under this part in each year of the grant, including a timeline for implementation of such activities;

(8) a description of how the eligible entity will continue the activities assisted under the grant after the grant period ends;

(9) a description of the State, local, or other public or private funds that will be used to supplement the grant, including funds under part A, and sustain the activities assisted under the grant at the end of the grant period;

(10) a description of how the proposed activities are rational and evidence-based and, if applicable, the prior experience of the eligible entity in developing and implementing such activities; and

(11) a description of how activities funded under this part will be evaluated, monitored, and publically reported.

(d) AWARD BASIS.—

(1) PRIORITY.—In awarding a grant under this part, the Secretary shall give priority to an eligible entity that concentrates the activities proposed to be assisted under the grant on teachers, principals, and other school leaders serving in high-need schools.

(2) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this part, including the distribution of such grants between rural and urban areas.

(e) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity that receives a grant under this part shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school leaders, and members of the public, a performance-based compensation system or human capital management system consistent with this part.

(2) *AUTHORIZED ACTIVITIES.*—Grant funds under this part may be used for the following:

(A) *Developing or improving an evaluation and support system, including as part of a human capital management system as applicable, that—*

(i) *reflects clear and fair measures of teacher, principal, and other school leader performance, based in part on demonstrated improvement in student academic achievement; and*

(ii) *provides teachers, principals, and other school leaders with ongoing, differentiated, targeted and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness.*

(B) *Conducting outreach within a local educational agency or a State to gain input on how to construct an evaluation system described in subparagraph (A) and to develop support for the evaluation system, including by training appropriate personnel in how to observe and evaluate teachers, principals, and other school leaders.*

(C) *Providing principals and other school leaders with—*

(i) *balanced autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State;*

(ii) *authority to make staffing decisions that meet the needs of the school, such as building an instructional leadership team that includes teacher leaders or offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools together.*

(D) *Paying, as part of a comprehensive performance-based compensation system, a differentiated salary structure, which may include bonuses and stipends, to—*

(i) *teachers who—*

(I)(aa) *teach in high-need schools; or*

(bb) *teach in high-need subjects;*

(II) *raise student academic achievement; or*

(III) *take on additional leadership responsibilities; or*

(ii) *principals and other school leaders who serve in high-need schools and raise student academic achievement in the schools.*

(E) *Improving the local educational agency's system and process for the recruitment, selection, placement, and retention of effective teachers and school leaders in high-need schools, such as by improving local educational agency policies and procedures to ensure that high-need schools are competitive and timely in—*

(i) *attracting, hiring, and retaining effective educators;*

(ii) *offering bonuses or higher salaries to effective teachers; or*

(iii) establishing or strengthening residency programs.

(F) Instituting career advancement opportunities characterized by increased responsibility and pay that reward and recognize effective teachers and school leaders in high-need schools and enable them to expand their leadership and results, such as through teacher-led professional development, mentoring, coaching, hybrid roles, administrative duties, and career ladders.

(f) **MATCHING REQUIREMENT.**—Each eligible entity that receives a grant under this part shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

(g) **SUPPLEMENT, NOT SUPPLANT.**—Grant funds provided under this part shall be used to supplement, not supplant, other Federal or State funds available to carry out activities described in this part.

**SEC. 2203. REPORTS.**

(a) **ACTIVITIES SUMMARY.**—Each eligible entity receiving a grant under this part shall provide to the Secretary a summary of the activities assisted under the grant.

(b) **REPORT.**—The Secretary shall provide to Congress an annual report on the implementation of the program carried out under this part, including—

(1) information on eligible entities that received grant funds under this part, including—

- (A) information provided by eligible entities to the Secretary in the applications submitted under section 2202(c);
- (B) the summaries received under subsection (a); and
- (C) grant award amounts; and

(2) student academic achievement, and as applicable, growth data from the schools participating in the programs supported under the grant.

(c) **EVALUATION AND TECHNICAL ASSISTANCE.**—

(1) **RESERVATION OF FUNDS.**—Of the total amount reserved under section 2003(c) for this part for a fiscal year, the Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation under paragraph (2) and for technical assistance in carrying out this part.

(2) **EVALUATION.**—From amounts reserved under paragraph (1), the Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program assisted under this part.

(3) **CONTENTS.**—The evaluation under paragraph (2) shall measure—

- (A) the effectiveness of the program in improving student academic achievement;
- (B) the satisfaction of the participating teachers, principals, and other school leaders; and
- (C) the extent to which the program assisted the eligible entities in recruiting and retaining high-quality teachers, principals, and other school leaders, especially in high-need subject areas.

**PART C—AMERICAN HISTORY AND CIVICS  
EDUCATION.**

**SEC. 2301. PROGRAM AUTHORIZED.**

(a) *IN GENERAL.*—From amounts appropriated to carry out this part, the Secretary is authorized to carry out an American history and civics education program to improve—

(1) *the quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and*

(2) *the quality of teaching American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.*

(b) *FUNDING ALLOTMENT.*—From amounts made available under section 2305 for a fiscal year, the Secretary shall—

(1) *reserve not more than 85 percent for activities under section 2302;*

(2) *reserve not more than 10 percent for activities under section 2303; and*

(3) *reserve not more than 5 percent for activities under section 2304.*

**SEC. 2302. TEACHING OF TRADITIONAL AMERICAN HISTORY.**

(a) *IN GENERAL.*—From the amounts reserved by the Secretary under section 2301(b)(1), the Secretary shall award grants, on a competitive basis, to local educational agencies—

(1) *to carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and*

(2) *for the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social studies) within elementary school and secondary school curricula, including the implementation of activities—*

(A) *to improve the quality of instruction; and*

(B) *to provide professional development and teacher education activities with respect to American history.*

(b) *REQUIRED PARTNERSHIP.*—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with 1 or more of the following:

(1) *An institution of higher education.*

(2) *A nonprofit history or humanities organization.*

(3) *A library or museum.*

(c) *APPLICATION.*—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(d) *GRANT TERMS.*—Grants awarded under subsection (a) shall be for a term of not more than 5 years.

**SEC. 2303. PRESIDENTIAL AND CONGRESSIONAL ACADEMIES FOR AMERICAN HISTORY AND CIVICS.**

(a) *IN GENERAL.*—From the amounts reserved under section 2301(b)(2), the Secretary shall award not more than 12 grants on a competitive basis to—

(1) eligible entities to establish Presidential Academies for the Teaching of American History and Civics (in this section referred to as the ‘Presidential Academies’) in accordance with subsection (e); and

(2) eligible entities to establish Congressional Academies for Students of American History and Civics (in this section referred to as the ‘Congressional Academies’) in accordance with subsection (f).

(b) *APPLICATION.*—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(c) *ELIGIBLE ENTITY.*—The term “eligible entity” under this section means—

(1) an institution of higher education or nonprofit educational organization, museum, library, or research center with demonstrated expertise in historical methodology or the teaching of American history and civics; or

(2) a consortium of entities described in paragraph (1).

(d) *GRANT TERMS.*—Grants awarded to eligible entities under subsection (a) shall be for a term of not more than 5 years.

(e) *PRESIDENTIAL ACADEMIES.*—

(1) *USE OF FUNDS.*—Each eligible entity that receives a grant under subsection (a)(1) shall use the grant funds to establish a Presidential Academy that offers a seminar or institute for teachers of American history and civics, which—

(A) provides intensive professional development opportunities for teachers of American history and civics to strengthen such teachers’ knowledge of the subjects of American history and civics;

(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

(C) is conducted during the summer or other appropriate time; and

(D) is of not less than 2 weeks and not more than 6 weeks in duration.

(2) *SELECTION OF TEACHERS.*—Each year, each Presidential Academy shall select between 50 and 300 teachers of American history and civics from public or private elementary schools and secondary schools to attend the seminar or institute under paragraph (1).

(3) *TEACHER STIPENDS.*—Each teacher selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such teacher does not incur personal costs associated with the teacher’s participation in the seminar or institute.

(4) *PRIORITY.*—In awarding grants under this subsection, the Secretary shall give priority to eligible entities that coordi-

nate or align their activities with the National Park Service National Centennial Parks initiative to develop innovative and comprehensive programs using the resources of the National Parks.

(f) CONGRESSIONAL ACADEMIES.—

(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(2) shall use the grant funds to establish a Congressional Academy that offers a seminar or institute for outstanding students of American history and civics, which—

(A) broadens and deepens such students' understanding of American history and civics;

(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

(C) is conducted during the summer or other appropriate time; and

(D) is of not less than 2 weeks and not more than 6 weeks in duration.

(2) SELECTION OF STUDENTS.—

(A) IN GENERAL.—Each year, each Congressional Academy shall select between 100 and 300 eligible students to attend the seminar or institute under paragraph (1).

(B) ELIGIBLE STUDENTS.—A student shall be eligible to attend a seminar or institute offered by a Congressional Academy under this subsection if the student—

(i) is recommended by the student's secondary school principal or other school leader to attend the seminar or institute; and

(ii) will be a junior or senior in the academic year following attendance at the seminar or institute.

(3) STUDENT STIPENDS.—Each student selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such student does not incur personal costs associated with the student's participation in the seminar or institute.

(g) MATCHING FUNDS.—

(1) IN GENERAL.—An eligible entity that receives funds under subsection (a) shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the activities described in subsection (e) or (f).

#### SEC. 2304. NATIONAL ACTIVITIES.

(a) PURPOSE.—The purpose of this section is to promote innovative strategies to promote innovative history, civic, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, and other school leaders, particularly for low-income students in underserved areas.



(b) *IN GENERAL.*—From the funds reserved by the Secretary under section 2301(b)(3), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

(1) developing, implementing, evaluating and disseminating for voluntary use, innovative, evidenced-based approaches to civic learning, geography, and American history, which may include hands-on civic engagement activities for teachers and low-income students, that demonstrate innovation, scalability, accountability, and a focus on underserved populations; or

(2) other innovative evidence-based approaches to improving the quality of student achievement and teaching of American history, civics, geography, and government in elementary schools and secondary schools.

(c) *PROGRAM PERIODS AND DIVERSITY OF PROJECTS.*—

(1) *IN GENERAL.*—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

(2) *RENEWAL.*—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

(3) *DIVERSITY OF PROJECTS.*—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(d) *APPLICATIONS.*—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, and in such manner, and containing such information that the Secretary may reasonably require.

(e) *ELIGIBLE ENTITY.*—In this section, the term “eligible entity” means an institution of higher education or other nonprofit or for-profit organization with demonstrated expertise in the development of evidence-based approaches for improving the quality of American history, geography, and civics learning and teaching.

**SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2016 through 2021.

**PART D—LITERACY EDUCATION FOR ALL,  
RESULTS FOR THE NATION.**

**SEC. 2401. PURPOSES; DEFINITIONS.**

(a) *PURPOSES.*—The purpose of this part is—

(1) to improve student academic achievement in reading and writing by providing Federal support to States to develop, revise, or update comprehensive literacy instruction plans that when implemented ensure high-quality instruction and effective strategies in reading and writing from early education through grade 12; and

(2) for States to provide targeted subgrants to State-designated early childhood education programs and local educational agencies and their public or private partners to implement evidenced-based programs that ensure high-quality comprehensive literacy instruction for students most in need.

(b) *DEFINITIONS.—In this part:*

(1) *COMPREHENSIVE LITERACY INSTRUCTION.—The term “comprehensive literacy instruction” means instruction that—*

*(A) includes developmentally appropriate, contextually explicit, and systematic instruction, and frequent practice, in reading and writing across content areas;*

*(B) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;*

*(C) includes age-appropriate, explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff;*

*(D) makes available and uses diverse, high-quality print materials that reflect the reading and development levels, and interests, of children;*

*(E) uses differentiated instructional approaches, including individual and small group instruction and discussion;*

*(F) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;*

*(G) includes frequent practice of reading and writing strategies;*

*(H) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, formative assessment processes, and summative assessments to identify a child’s learning needs, to inform instruction, and to monitor the child’s progress and the effects of instruction;*

*(I) uses strategies to enhance children’s motivation to read and write and children’s engagement in self-directed learning;*

*(J) incorporates the principles of universal design for learning;*

*(K) depends on teachers’ collaboration in planning, instruction, and assessing a child’s progress and on continuous professional learning; and*

*(L) links literacy instruction to the challenging State academic standards under section 1111(b)(1), including the ability to navigate, understand, and write about, complex print and digital subject matter.*

(2) *ELIGIBLE ENTITY.—The term “eligible entity” means an entity that serves a high share or percentage of high-need schools and consists of—*

*(A) one or more local educational agencies that—*

*(i) have the highest number or proportion of children who are counted under section 1124(c), in comparison to other local educational agencies in the State;*

*(ii) are among the local educational agencies in the State with the highest number or percentages of children reading or writing below grade level, based on the most currently available State academic assessment data under section 1111(b)(2); or*

(iii) serve a significant number or percentage of schools that are identified under section 1114(a)(1)(A);  
 (B) one or more State-designated early childhood education programs, which may include home-based literacy programs for preschool aged children, that have a demonstrated record of providing comprehensive literacy instruction for the age group such program proposes to serve; or

(C) a local educational agency, described in subparagraph (A), or consortium of such local educational agencies, or a State-designated early childhood education program, which may include home-based literacy programs for preschool aged children, acting in partnership with 1 or more public or private nonprofit organizations or agencies (which may include State-designated early childhood education programs) that have a demonstrated record of effectiveness in—

(i) improving literacy achievement of children, consistent with the purposes of their participation, from birth through grade 12; and

(ii) providing professional development in comprehensive literacy instruction.

(3) **HIGH-NEED SCHOOL.**—

(A) **IN GENERAL.**—The term “high-need school” means—

(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families; or

(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from the schools that feed into the high school.

(B) **LOW-INCOME FAMILY.**—For purposes of subparagraph (A), the term “low-income family” means a family—

(i) in which the children are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(ii) receiving assistance under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

(iii) in which the children are eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

**SEC. 2402. COMPREHENSIVE LITERACY STATE DEVELOPMENT GRANTS.**

(a) **GRANTS AUTHORIZED.**—From the amounts appropriated to carry out this part and not reserved under subsection (b), the Secretary shall award grants, on a competitive basis, to States to enable the States to—

(1) provide subgrants to eligible entities serving a diversity of geographic areas, giving priority to entities serving greater numbers or percentages of disadvantaged children; and

(2) develop or enhance comprehensive literacy instruction plans that ensure high-quality instruction and effective strate-

gies in reading and writing for children from early childhood education through grade 12, including English learners and children with disabilities.

(b) *RESERVATION.*—From the amounts appropriated to carry out this part for a fiscal year, the Secretary shall reserve—

(1) not more than a total of 5 percent for national activities including a national evaluation, technical assistance and training, data collection, and reporting;

(2) one-half of 1 percent for the Secretary of the Interior to carry out a program described in this part at schools operated or funded by the Bureau of Indian Education; and

(3) one-half of 1 percent for the outlying areas to carry out a program under this part.

(c) *DURATION OF GRANTS.*—A grant awarded under this part shall be awarded for a period of not more than 5 years. Such grant may be renewed for an additional 2-year period upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that—

(1) the State has made adequate progress; and

(2) renewing the grant for an additional 2-year period is necessary to carry out the objectives of the grant described in subsection (d).

(d) *STATE APPLICATIONS.*—

(1) *IN GENERAL.*—A State educational agency desiring a grant under this part shall submit an application to the Secretary, at such time and in such manner as the Secretary may require. The State educational agency shall collaborate with the State agency responsible for administering early childhood education programs and the State agency responsible for administering child care programs in the State in writing and implementing the early childhood education portion of the grant application under this subsection.

(2) *CONTENTS.*—An application described in paragraph (1) shall include, at a minimum, the following:

(A) A needs assessment that analyzes literacy needs across the State and in high-need schools and local educational agencies that serve high-need schools, including identifying the most pressing gaps in literacy proficiency and inequities in student access to effective teachers of literacy, considering each of the categories of students, as defined in section 1111(b)(3)(A).

(B) A description of how the State educational agency, in collaboration with the State literacy team, if applicable, will develop a State comprehensive literacy instruction plan or will revise and update an already existing State comprehensive literacy instruction plan.

(C) An implementation plan that includes a description of how the State educational agency will carry out the State activities described in subsection (e).

(D) An assurance that the State educational agency will use implementation grant funds described in subsection (e)(1) for comprehensive literacy instruction programs as follows:

(i) Not less than 15 percent of such grant funds shall be used for State and local programs and activi-

ties pertaining to children from birth through kindergarten entry.

(ii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5.

(iii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

(E) An assurance that the State educational agency shall give priority in awarding a subgrant under section 2403 to an eligible entity that—

(i) serves children from birth through age 5 who are from families with income levels at or below 200 percent of the Federal poverty line; or

(ii) consists of a local educational agency serving a high number or percentage of high-need schools.

(e) STATE ACTIVITIES.—

(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use not less than 95 percent of such grant funds to award subgrants to eligible entities, based on their needs assessment and a competitive application process.

(2) RESERVATION.—A State educational agency receiving a grant under this section may reserve not more than 5 percent for activities identified through the needs assessment and comprehensive literacy plan described in subparagraphs (A) and (B) of subsection (d)(2), including the following activities:

(A) Providing technical assistance, or engaging qualified providers to provide technical assistance, to eligible entities to enable the eligible entities to design and implement literacy programs.

(B) Coordinating with institutions of higher education in the State to provide recommendations to strengthen and enhance pre-service courses for students preparing to teach children from birth through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods.

(C) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

(D) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve child literacy achievement.

(E) Administering and monitoring the implementation of subgrants by eligible entities.

(3) ADDITIONAL USES.—After carrying out the activities described in paragraphs (1) and (2), a State educational agency may use any remaining amount to carry out 1 or more of the following activities:

(A) *Developing literacy coach training programs and training literacy coaches.*

(B) *Administration and evaluation of activities carried out under this part.*

**SEC. 2403. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT LITERACY FOR CHILDREN FROM BIRTH THROUGH KINDERGARTEN ENTRY.**

(a) **SUBGRANTS.**—

(1) **IN GENERAL.**—A State educational agency receiving a grant under this part shall, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs, and, if applicable, the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)), use a portion of the grant funds, in accordance with section 2402(d)(2)(D)(i), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.

(2) **DURATION.**—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

(3) **SUFFICIENT SIZE AND SCOPE.**—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

(b) **LOCAL APPLICATIONS.**—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early childhood education programs, which shall include an analysis of data that support the proposed use of subgrant funds;

(2) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

(3) how the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels;

(4) how the subgrant funds will be used to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry; and

(5) such other information as the State educational agency may require.

(c) **LOCAL USES OF FUNDS.**—An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity's approved application under subsection (b), to—

(1) carry out high-quality professional development opportunities for early childhood educators, teachers, principals,

*other school leaders, paraprofessionals, specialized instructional support personnel, and instructional leaders;*

*(2) train providers and personnel to develop and administer high-quality early childhood education literacy initiatives; and*

*(3) coordinate the involvement of families, early childhood education program staff, principals, other school leaders, and teachers in literacy development of children served under the subgrant.*

**SEC. 2404. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF KINDERGARTEN THROUGH GRADE 12 LITERACY.**

*(a) SUBGRANTS TO ELIGIBLE ENTITIES.—*

*(1) SUBGRANTS.—A State educational agency receiving a grant under this part shall use a portion of the grant funds, in accordance with clauses (ii) and (iii) of section 2402(d)(2)(D), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsections (b) and (c).*

*(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.*

*(3) SUFFICIENT SIZE AND SCOPE.—A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality comprehensive literacy instruction in each grade level for which the subgrant funds are provided.*

*(4) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:*

*(A) A description of the eligible entity's needs assessment conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.*

*(B) How the school, the local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development to all teachers, principals, other school leaders, and other instructional leaders served by the school.*

*(C) How the school will identify children in need of literacy interventions or other support services.*

*(D) An explanation of how the school will integrate comprehensive literacy instruction into core academic subjects.*

*(E) A description of how the school will coordinate comprehensive literacy instruction with early childhood education and after-school programs and activities in the area served by the local educational agency.*

*(b) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:*

(1) *Developing and implementing a comprehensive literacy instruction plan across content areas for such children that—*

(A) *serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;*

(B) *provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and*

(C) *supports activities that are provided primarily during the regular school day but which may be augmented by after-school and out-of-school time instruction.*

(2) *Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, other school leaders, specialized instructional support personnel, paraprofessionals, and other program staff.*

(3) *Training principals, specialized instructional support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives.*

(4) *Coordinating the involvement of early childhood education program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, and school librarians in the literacy development of children served under this subsection.*

(5) *Engaging families and encouraging family literacy experiences and practices to support literacy development.*

(c) *LOCAL USES OF FUNDS FOR GRADES 6 THROUGH 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:*

(1) *Developing and implementing a comprehensive literacy instruction plan described in subsection (b)(1) for children in grades 6 through 12.*

(2) *Training principals, specialized instruction support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality comprehensive literacy instruction initiatives for grades 6 through 12.*

(3) *Assessing the quality of adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects.*

(4) *Providing time for teachers to meet to plan research-based adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects.*

(5) *Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), paraprofessionals, special educators, and school librarians in the literacy development of children served under this subsection.*



(d) **ALLOWABLE USES.**—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsection (b) or (c), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

(1) Recruiting, placing, training, and compensating literacy coaches.

(2) Connecting out-of-school learning opportunities to in-school learning in order to improve the literacy achievement of the children.

(3) Training families and caregivers to support the improvement of adolescent literacy.

(4) Providing for a multitier system of support.

(5) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success.

(6) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians) to meet to plan comprehensive literacy instruction.

**SEC. 2405. NATIONAL EVALUATION AND INFORMATION DISSEMINATION.**

(a) **NATIONAL EVALUATION.**—From funds reserved under section 2402(b)(1), the Director of the Institute of Education Sciences shall conduct a national evaluation of the grant and subgrant programs assisted under this part. Such evaluation shall include evidence-based research that applies rigorous and systematic procedures to obtain valid knowledge relevant to the implementation and effect of the programs and shall directly coordinate with individual State evaluations of the programs' implementation and impact.

(b) **PROGRAM IMPROVEMENT.**—The Secretary shall—

(1) provide the findings of the evaluation conducted under this section to State educational agencies and subgrant recipients for use in program improvement;

(2) make such findings publicly available, including on the websites of the Department and the Institute of Education Sciences; and

(3) submit such findings to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

**SEC. 2406. SUPPLEMENT, NOT SUPPLANT.**

Grant funds provided under this part shall be used to supplement, and not supplant, other Federal or State funds available to carry out activities described in this part.

**PART E—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT**

**SEC. 2501. PURPOSE.**

The purpose of this part is to improve student academic achievement in science, technology, engineering, and mathematics, including computer science, by—

- (1) *improving instruction in such subjects through grade 12;*
- (2) *improving student engagement in, and increasing student access to, such subjects;*
- (3) *improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting highly rated teachers and providing robust tools and supports for students and teachers in such subjects; and*
- (4) *closing student achievement gaps, and preparing more students to be college and career ready, in such subjects.*

**SEC. 2502. DEFINITIONS.**

*In this part:*

(1) **ELIGIBLE SUBGRANTEE.**—*The term “eligible subgrantee” means—*

- (A) *a high-need local educational agency;*
- (B) *an educational service agency serving more than 1 high-need local educational agency;*
- (C) *a consortium of high-need local educational agencies; or*
- (D) *an entity described in subparagraph (A) or (C) of paragraph (2) that has signed a memorandum of agreement with an entity described in subparagraph (A), (B), or (C) of this paragraph to implement the requirements of this part in partnership with such entity.*

(2) **OUTSIDE PARTNER.**—*The term “outside partner” means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in the identified subjects described in section 2504(b)(2), including any of the following:*

- (A) *A nonprofit or community-based organization, which may include a cultural organization, such as a museum or learning center.*
- (B) *A business.*
- (C) *An institution of higher education.*
- (D) *An educational service agency.*

(3) **STEM MASTER TEACHER CORPS.**—*The term “STEM master teacher corps” means a State-led effort to elevate the status of the science, technology, engineering, and mathematics teaching profession by recognizing, rewarding, attracting, and retaining outstanding science, technology, engineering, and mathematics teachers, particularly in high-need and rural schools, by offering such teachers additional compensation, instructional resources, and instructional leadership roles.*

**SEC. 2503. GRANTS; ALLOTMENTS.**

(a) **IN GENERAL.**—*From amounts made available to carry out this part for a fiscal year, the Secretary shall award grants to State educational agencies, through allotments described in subsection (b), to enable State educational agencies to carry out the activities described in section 2505.*

(b) **DISTRIBUTION OF FUNDS.**—

(1) **IN GENERAL.**—*Subject to paragraph (2), for each fiscal year, the Secretary shall allot to each State—*

- (A) *an amount that bears the same relationship to 35 percent of the amount available to carry out this part for*

such year, as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(B) an amount that bears the same relationship to 65 percent of the amount available to carry out this part for such year as the number of individuals ages 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(2) **FUNDING MINIMUM.**—No State receiving an allotment under this subsection may receive less than one-half of 1 percent of the total amount allotted under paragraph (1) for a fiscal year.

(c) **REALLOTMENT OF UNUSED FUNDS.**—If a State does not successfully apply for an allotment under this part, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.

**SEC. 2504. APPLICATIONS.**

(a) **IN GENERAL.**—Each State desiring an allotment under section 2503(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) **CONTENTS.**—At a minimum, an application submitted under subsection (a) shall include the following:

(1) A description of the needs, including assets, identified by the State educational agency based on a State analysis, which shall include—

(A) an analysis of science, technology, engineering, and mathematics education quality and outcomes in the State, which may include results from a pre-existing analysis;

(B) labor market information regarding the industry and business workforce needs within the State; and

(C) an analysis of the quality of pre-service preparation at all public institutions of higher education (including alternative pathways to teacher licensure or certification) for individuals preparing to teach science, technology, engineering, and mathematics subjects in the State.

(2) An identification of the specific subjects that the State educational agency will address through the activities described in section 2505, consistent with the needs identified under paragraph (1) (referred to in this part as "identified subjects").

(3) A description, in a manner that addresses any needs identified under paragraph (1), of—

(A) how grant funds will be used by the State educational agency to improve instruction in the identified subjects;

(B) the process that the State educational agency will use for awarding subgrants, including how relevant stakeholders will be involved;

(C) how the State's proposed project will ensure an increase in access for students who are members of groups underrepresented in science, technology, engineering, and

mathematics subject fields to high-quality courses in 1 or more of the identified subjects; and

(D) how the State educational agency will continue to involve stakeholders in education reform efforts related to science, technology, engineering, and mathematics instruction.

**SEC. 2505. AUTHORIZED ACTIVITIES.**

(a) **REQUIRED ACTIVITIES.**—Each State educational agency that receives an allotment under this part shall use the grant funds reserved under subsection (d)(2) to carry out each of the following activities:

(1) Increasing access for students through grade 12 who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in the identified subjects.

(2) Implementing evidence-based programs of instruction based on high-quality standards and assessments in the identified subjects.

(3) Providing professional development and other comprehensive systems of support for teachers and school leaders to promote high-quality instruction and instructional leadership in the identified subjects.

(b) **PERMISSIBLE ACTIVITIES.**—Each State educational agency that receives an allotment under this part may use the grant funds reserved under subsection (d)(2) to carry out 1 or more of the following activities:

(1) Recruiting qualified teachers and instructional leaders who are trained in identified subjects, including teachers who have transitioned into the teaching profession from a careers in the science, technology, engineering, and mathematics fields.

(2) Providing induction and mentoring services to new teachers in identified subjects.

(3) Developing instructional supports for identified subjects, such as curricula and assessments, which shall be evidence-based and aligned with challenging State academic standards under section 1111(b)(1).

(4) Supporting the development of a State-wide STEM master teacher corps.

(c) **SUBGRANTS.**—

(1) **IN GENERAL.**—Each State educational agency that receives a grant under this part shall use the amounts not reserved under subsection (d) to award subgrants, on a competitive basis, to eligible subgrantees to enable the eligible subgrantees to carry out the activities described in paragraph (4).

(2) **MINIMUM SUBGRANT.**—A State educational agency shall award subgrants under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purpose of this part.

(3) **SUBGRANTEE APPLICATION.**—

(A) **IN GENERAL.**—Each eligible subgrantee desiring a subgrant under this subsection shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

(B) *CONTENTS OF SUBGRANTEE APPLICATION.*—At a minimum, the application described in subparagraph (A) shall include the following:

(i) A description of the activities that the eligible subgrantee will carry out, and how such activities will improve teaching and student academic achievement in the State's identified subjects, in a manner consistent with scientifically valid research.

(ii) A description of how the eligible subgrantee will use funds provided under this subsection to serve students and teachers in high-need schools.

(iii) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006.

(iv) If the eligible subgrantee is working with outside partners, a description of how such outside partners will be involved in improving instruction and increasing access to high-quality learning experiences in the State's identified subjects.

(4) *SUBGRANTEE USE OF FUNDS.*—

(A) *REQUIRED USE OF FUNDS.*—Each subgrantee under this subsection shall use the subgrant funds to carry out activities for students through grade 12, as described in the subgrantee's application, which shall include—

(i) high-quality teacher and instructional leader recruitment, support, and evaluation in the State's identified subjects;

(ii) professional development, which may include development and support for instructional coaches, to enable teachers and instructional leaders to increase student achievement in identified subjects;

(iii) activities to—

(I) improve the content knowledge of teachers in the State's identified subjects;

(II) facilitate professional collaboration, which may include providing time for such collaborations; and

(III) improve the integration of informal and after school programs that target the identified subjects, with classroom instruction; and

(iv) the development, adoption, and improvement of high-quality curricula and instructional supports that—

(I) are aligned with the challenging State academic standards under section 1111(b)(1); and

(II) the eligible subgrantee will use to improve student academic achievement in the identified subjects.

(B) *ALLOWABLE USE OF FUNDS.*—In addition to the required activities described in subparagraph (A), each eligible subgrantee that receives a subgrant under this subsection may also use the subgrant funds to—

(i) support the participation of low-income students in nonprofit competitions related to science, technology, engineering, and mathematics subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions);

(ii) broaden secondary school students' access to, and interest in, careers that require academic preparation in 1 or more identified subjects; and

(iii) broaden secondary school students' access to early college high schools, dual enrollment, or concurrent enrollment courses in science, technology, engineering, and mathematics subjects, including providing professional development to teachers and leaders related to this work.

(C) **MATCHING FUNDS.**—A State may require an eligible subgrantee receiving a subgrant under this subsection to demonstrate that such subgrantee has obtained a commitment from 1 or more outside partners to match, using non-Federal funds, a portion of the amount of subgrant funds, in an amount determined by the State.

(d) **STATE ACTIVITIES.**—

(1) **IN GENERAL.**—Each State educational agency that receives an allotment under this part may use not more than 5 percent of grant funds for—

(A) administrative costs;

(B) monitoring the implementation of subgrants;

(C) providing technical assistance to eligible subgrantees; and

(D) evaluating subgrants in coordination with the evaluation described in section 2506(c).

(2) **RESERVATION.**—Each State educational agency that receives an allotment under this part shall reserve not less than 15 and not more than 20 percent of grant funds, inclusive of the amount described in paragraph (1), for additional State activities, consistent with subsections (a) and (b).

**SEC. 2506. PERFORMANCE METRICS; REPORT; EVALUATION.**

(a) **ESTABLISHMENT OF PERFORMANCE METRICS.**—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish performance metrics to evaluate the effectiveness of the activities carried out under this part.

(b) **ANNUAL REPORT.**—Each State educational agency that receives an allotment under this part shall prepare and submit an annual report to the Secretary, which shall include information relevant to the performance metrics described in subsection (a).

(c) **EVALUATION.**—The Secretary shall—

(1) acting through the Director of the Institute of Education Sciences, and in consultation with the Director of the National Science Foundation—

(A) evaluate the implementation and impact of the activities supported under this part, including progress measured by the metrics established under subsection (a);

(B) identify best practices to improve instruction in science, technology, engineering, and mathematics subjects; and

(C) ensure that the Department is taking appropriate action to avoid unnecessary duplication of efforts between the activities being supported under this part and other programmatic activities supported by the Department or by other Federal agencies; and

(2) disseminate, in consultation with the National Science Foundation, research on best practices to improve instruction in science, technology, engineering, and mathematics subjects.

**SEC. 2507. SUPPLEMENT NOT SUPPLANT.**

Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

**PART F—GENERAL PROVISIONS**

**SEC. 2601. RULES OF CONSTRUCTION.**

(a) **PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.**—Nothing in this title shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's—

(1) instructional content or materials, curriculum, program of instruction, academic standards, or academic assessments;

(2) teacher, principal, or other school leader evaluation system;

(3) specific definition of teacher, principal, or other school leader effectiveness; or

(4) teacher, principal, or other school leader professional standards, certification, or licensing.

(b) **SCHOOL OR DISTRICT EMPLOYEES.**—Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

**TITLE III—LANGUAGE INSTRUCTION FOR [LIMITED ENGLISH PROFICIENT]ENGLISH LEARNERS AND IMMIGRANT STUDENTS**

**[SEC. 3001. AUTHORIZATIONS OF APPROPRIATIONS; CONDITION ON EFFECTIVENESS OF PARTS.**

**[(a) AUTHORIZATIONS OF APPROPRIATIONS.—**

**[(1) IN GENERAL.—**Subject to subsection (b), there are authorized to be appropriated to carry out this title, except for subpart 4 of part B, \$750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

**[(2) EMERGENCY IMMIGRANT EDUCATION PROGRAM.—**There are authorized to be appropriated to carry out subpart 4 of part B (when such part is in effect) such sums as may be nec-

essary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(b) CONDITIONS ON EFFECTIVENESS OF PARTS A AND B.—

[(1) PART A.—Part A shall be in effect for any fiscal year for which the amount appropriated under paragraphs (1) and (2) of subsection (a) equals or exceeds \$650,000,000.

[(2) PART B.—Part B shall be in effect only for a fiscal year for which part A is not in effect.

[(c) REFERENCES.—In any fiscal year for which part A is in effect, references in Federal law (other than this title) to part B shall be considered to be references to part A. In any fiscal year for which part B is in effect, references in Federal law (other than this title) to part A shall be considered to be references to part B.]

**SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2016 through 2021.*

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

**SEC. 3101. SHORT TITLE.**

This part may be cited as the “English Language Acquisition, Language Enhancement, and Academic Achievement Act”.

**SEC. 3102. PURPOSES.**

The purposes of this part are—

[(1) to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;

[(2) to assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with section 1111(b)(1);

[(3) to develop high-quality language instruction educational programs designed to assist State educational agencies, local educational agencies, and schools in teaching limited English proficient children and serving immigrant children and youth;

[(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings;

[(5) to assist State educational agencies, local educational agencies, and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development for limited English proficient children;



[(6) to promote parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children;

[(7) to streamline language instruction educational programs into a program carried out through formula grants to State educational agencies and local educational agencies to help limited English proficient children, including immigrant children and youth, develop proficiency in English, while meeting challenging State academic content and student academic achievement standards;

[(8) to hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring—

[(A) demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and

[(B) adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and

[(9) to provide State educational agencies and local educational agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.]

*(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency, and develop high levels of academic achievement in English;*

*(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that children who are English learners can meet the same challenging State academic standards that all children are expected to meet, consistent with section 1111(b)(1);*

*(3) to assist early childhood educators, teachers, principals and other school leaders, State educational agencies, and local educational agencies in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;*

*(4) to assist early childhood educators, teachers, principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instruction programs designed to prepare English learners, including immigrant children and youth, to enter all English instruction settings;*

*(5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners; and*

*(6) to provide incentives to grantees to implement policies and practices that will lead to significant improvements in the instruction and achievement of English learners.*

## Subpart 1—Grants and Subgrants for English Language Acquisition and Language Enhancement

### SEC. 3111. FORMULA GRANTS TO STATES.

(a) IN GENERAL.—\* \* \*

(b) USE OF FUNDS.—

(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The Secretary may make a grant under subsection (a) only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency's allotment under subsection (c) for a fiscal year—

(A) \* \* \*

\* \* \* \* \*

(2) STATE ACTIVITIES.—Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to carry out one or more of the following activities:

    【(A) Professional development activities, and other activities, that assist personnel in meeting State and local certification and licensing requirements for teaching limited English proficient children.

    【(B) Planning, evaluation, administration, and inter-agency coordination related to the subgrants referred to in paragraph (1).

    【(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

    【(i) identifying and implementing language instruction educational programs and curricula that are based on scientifically based research on teaching limited English proficient children;

    【(ii) helping limited English proficient children meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;

    【(iii) identifying or developing, and implementing, measures of English proficiency; and

    【(iv) promoting parental and community participation in programs that serve limited English proficient children.

    【(D) Providing recognition, which may include providing financial awards, to subgrantees that have exceeded their annual measurable achievement objectives pursuant to section 3122.】

(A) *Establishing and implementing, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized statewide entrance and exit procedures, including a requirement that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State.*

(B) *Providing effective teacher and principal preparation, professional development activities, and other evidence-based activities related to the education of English learners, which may include assisting teachers, principals, and other educators in—*

(i) *meeting State and local certification and licensing requirements for teaching English learners; and*

(ii) *improving teaching skills in meeting the diverse needs of English learners, including how to implement effective programs and curricula on teaching English learners.*

(C) *Planning, evaluation, administration, and inter-agency coordination related to the subgrants referred to in paragraph (1).*

(D) *Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—*

(i) *identifying and implementing effective language instruction educational programs and curricula for teaching English learners, including those in early childhood settings;*

(ii) *helping English learners meet the same State academic standards that all children are expected to meet;*

(iii) *identifying or developing, and implementing, measures of English proficiency; and*

(iv) *strengthening and increasing parent, family, and community engagement in programs that serve English learners.*

(E) *Providing recognition, which may include providing financial awards, to recipients of subgrants under section 3115 that have significantly improved the achievement and progress of English learners in meeting—*

(i) *annual timelines and goals for progress established under section 1111(c)(1)(K) based on the State's English language proficiency assessment under section 1111(b)(2)(G); and*

(ii) *the challenging State academic standards described in section 1111(b)(1).*

(3) **DIRECT ADMINISTRATIVE EXPENSES.**—From the amount reserved under paragraph (2), a State educational agency may use not more than 60 percent of such amount or \$175,000, whichever is greater, for the planning and *direct* administrative costs of carrying out paragraphs (1) and (2).

(c) **RESERVATIONS AND ALLOTMENTS.**—

(1) **RESERVATIONS.**—From the amount appropriated under [section 3001(a)]*section 3001* for each fiscal year, the Secretary shall reserve—

(A) \* \* \*

(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart, as determined by the Secretary, for activities, approved by the Secretary, consistent with this subpart; *and*

(C) 6.5 percent of such amount for national activities under sections 3131 and ~~3303~~3202, except that ~~not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and~~ not more than \$2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section ~~3303~~3202~~;~~ and~~].~~

~~[(D) such sums as may be necessary to make continuation awards under paragraph (2).]~~

~~[(2) CONTINUATION AWARDS.—~~

~~[(A) IN GENERAL.—Before making allotments to State educational agencies under paragraph (3) for any fiscal year, the Secretary shall use the sums reserved under paragraph (1)(D) to make continuation awards to recipients who received grants or fellowships for the fiscal year preceding any fiscal year described in section 3001(b)(1)(A) under—~~

~~[(i) subparts 1 and 3 of part A of title VII (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); or~~

~~[(ii) subparts 1 and 3 of part B of this title.~~

~~[(B) USE OF FUNDS.—The Secretary shall make the awards in order to allow such recipients to receive awards for the complete period of their grants or fellowships under the appropriate subparts.]~~

~~[(3)](2) STATE ALLOTMENTS.—~~

~~(A) IN GENERAL.—Except as provided in subparagraph (B), from the amount appropriated under [section 3001(a)]section 3001 for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 3113(c)—~~

~~(i) an amount that bears the same relationship to 80 percent of the remainder as the number of [limited English proficient children in the State bears to the number of such children in all States;]English learners in the State bears to the number of English learners in all States, as determined by the Secretary under paragraph (3); and~~

~~(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States.~~

\* \* \* \* \*

*(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2)(A) for each fiscal year, the Secretary shall—*

*(A) determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—*

*(i) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;*

(ii) the number of students being assessed for English language proficiency, based on the State's English language proficiency assessment under section 1111(b)(2)(G), which may be multiyear estimates; or

(iii) a combination of data available under clauses (i) and (ii); and

(B) determine the number of immigrant children and youth in the State and in all States based only on data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates.

**[(4) USE OF DATA FOR DETERMINATIONS.—**

**[(A) IN GENERAL.—**In making State allotments under paragraph (3), for the purpose of determining the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date numbers of such children and youth.

**[(B) SPECIAL RULE.—**

**[(i) FIRST 2 YEARS.—**In making determinations under subparagraph (A) for the 2 fiscal years following the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall determine the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, using data available from the Bureau of Census or submitted by the States to the Secretary.

**[(ii) SUBSEQUENT YEARS.—**For subsequent fiscal years, the Secretary shall determine the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, using the more accurate of—

**[(I) the data available from the American Community Survey available from the Department of Commerce; or**

**[(II) the number of children being assessed for English proficiency in a State as required under section 1111(b)(7).]**

\* \* \* \* \*

**SEC. 3113. STATE AND SPECIALLY QUALIFIED AGENCY PLANS.**

(a) **PLAN REQUIRED.—**Each State educational agency and specially qualified agency desiring a grant under this subpart shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may *reasonably* require.

(b) **CONTENTS.—**Each plan submitted under subsection (a) shall—

(1) describe the process that the agency will use in **making** awarding subgrants to eligible entities under section 3114(d)(1);

[(2) describe how the agency will establish standards and objectives for raising the level of English proficiency that are derived from the four recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the challenging State academic content and student academic achievement standards described in section 1111(b)(1);

[(3) contain an assurance that—

[(A) in the case of a State educational agency, the agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and researchers, in developing the annual measurable achievement objectives described in section 3122;

[(B) in the case of a specially qualified agency, the agency consulted with education-related community groups and nonprofit organizations, parents, teachers, and researchers, in developing the annual measurable achievement objectives described in section 3122;

[(C) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(7) to annually assess in English children who have been in the United States for 3 or more consecutive years;

[(D) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all limited English proficient children participating in a program funded under this subpart, consistent with section 1111(b)(7);

[(E) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

[(F) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out high-quality language instruction educational programs for limited English proficient children; and

[(G) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs that assist limited English proficient children in meeting challenging State academic content and student academic achievement standards once assistance under this subpart is no longer available;

[(4) describe how the agency will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

[(5) describe how the agency will hold local educational agencies, eligible entities, elementary schools, and secondary schools accountable for—

[(A) meeting all annual measurable achievement objectives described in section 3122;

[(B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and

[(C) achieving the purposes of this part; and

[(6) describe how eligible entities in the State will be given the flexibility to teach limited English proficient children—

[(A) using a language instruction curriculum that is tied to scientifically based research on teaching limited English proficient children and that has been demonstrated to be effective; and

[(B) in the manner the eligible entities determine to be the most effective.]]

*(2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;*

*(3) provide an assurance that—*

*(A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(2)(B)(ix) to annually assess in English all English learners who have been in the United States for 3 or more years;*

*(B) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all English learners participating in a program funded under this subpart, consistent with section 1111(b)(2)(G);*

*(C) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;*

*(D) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out effective language instruction educational programs for English learners;*

*(E) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards described in section 1111(b)(1);*

*(F) the agency will monitor each eligible entity receiving a subgrant under this subpart for compliance with applicable Federal fiscal requirements; and*

*(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders;*

*(4) describe how the agency will coordinate its programs and activities under this subpart with other programs and activities under this Act and other Acts, as appropriate;*

(5) describe how each eligible entity will be given the flexibility to teach English learners—

(A) using a high quality, effective language instruction curriculum for teaching English learners; and

(B) in the manner the eligible entities determine to be the most effective;

(6) describe how the agency will assist eligible entities in meeting—

(A) annual timelines and goals for progress established under section 1111(c)(1)(K) based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

(B) the challenging State academic standards described in section 1111(b)(1);

(7) describe how the agency will assist eligible entities in decreasing the number of English learners who have not yet acquired English proficiency within 5 years of their initial classification as an English learner;

(8) describe how the agency will ensure that the unique needs of the State's population of English learners and immigrant children and youth are being addressed; and

(9) describe how the agency will monitor and evaluate the progress of each eligible entity receiving funds under this part toward meeting the timelines and goals for English proficiency required under section 1111(c)(1)(K) and the steps the State will take to further assist eligible entities if such strategies funded under this part are not effective in making such progress and meeting academic goals established under section 1111(b)(3)(B)(i) for English learners, such as providing technical assistance and modifying such strategies.

(c) APPROVAL.—\* \* \*

(d) DURATION OF PLAN.—

(1) IN GENERAL.—\* \* \*

\* \* \* \* \*

(2) ADDITIONAL INFORMATION.—

(A) AMENDMENTS.—\* \* \*

(B) APPROVAL.—The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this [part]subpart.

(e) CONSOLIDATED PLAN.—\* \* \*

(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English proficiency standards[, objectives,] and assessments.

#### SEC. 3114. WITHIN-STATE ALLOCATIONS.

(a) IN GENERAL.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under [section 3111(c)(3)]section 3111(c)(2) shall award subgrants for a fiscal year by allocating to each eligible entity in the State having a plan approved under section 3116 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of [limited English proficient children]English learners in schools served



by the eligible entity bears to the population of [limited English proficient children] *English learners* in schools served by all eligible entities in the State.

\* \* \* \* \*

(d) **REQUIRED RESERVATION.**—A State educational agency receiving a grant under this subpart for a fiscal year—

(1) shall reserve not more than 15 percent of the agency's allotment under [section 3111(c)(3)] *section 3111(c)(2)* to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year [preceding the fiscal year] for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

(2) in awarding subgrants under paragraph (1)—

(A) \* \* \*

\* \* \* \* \*

**[SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

**[(a) PURPOSES OF SUBGRANTS.**—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student academic achievement standards. In carrying out activities with such funds, the entity shall use approaches and methodologies based on scientifically based research on teaching limited English proficient children and immigrant children and youth for the following purposes:

[(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children, and such children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.

[(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children, and such children and youth.

[(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.

[(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.

**[(b) ADMINISTRATIVE EXPENSES.**—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

[(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

[(1) to increase the English proficiency of limited English proficient children by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing—

[(A) English proficiency; and

[(B) student academic achievement in the core academic subjects; and

[(2) to provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is—

[(A) designed to improve the instruction and assessment of limited English proficient children;

[(B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;

[(C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

[(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher.

[(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

[(1) Upgrading program objectives and effective instruction strategies.

[(2) Improving the instruction program for limited English proficient children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

[(3) Providing—

[(A) tutorials and academic or vocational education for limited English proficient children; and

[(B) intensified instruction.

[(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

[(5) Improving the English proficiency and academic achievement of limited English proficient children.

[(6) Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families—

[(A) to improve the English language skills of limited English proficient children; and

[(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

[(7) Improving the instruction of limited English proficient children by providing for—

[(A) the acquisition or development of educational technology or instructional materials;

[(B) access to, and participation in, electronic networks for materials, training, and communication; and

[(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

[(8) Carrying out other activities that are consistent with the purposes of this section.

[(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

[(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

[(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

[(B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

[(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

[(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

[(E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

[(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

[(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

[(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.]

[(f) SELECTION OF METHOD OF INSTRUCTION.—

[(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State academic content and student academic achievement standards.]

[(2) CONSISTENCY.—Such selection shall be consistent with sections 3125 through 3127.]

[(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.]

**SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

(a) *PURPOSES OF SUBGRANTS.*—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards described in section 1111(b)(1). In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

(1) *Developing and implementing new language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.*

(2) *Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth.*

(3) *Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.*

(4) *Implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.*

(b) *DIRECT ADMINISTRATIVE EXPENSES.*—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

(c) *REQUIRED SUBGRANTEE ACTIVITIES.*—An eligible entity receiving funds under section 3114(a) shall use the funds—

(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and are based on high-quality research demonstrating success in increasing—

- (A) English language proficiency; and
- (B) student academic achievement;

(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, other school leaders, administrators, and other school or community-based organizational personnel, that is—

- (A) designed to improve the instruction and assessment of English learners;
- (B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement appropriate curricula, assessment practices, and instruction strategies for English learners;
- (C) effective in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
- (D) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

(3) to provide and implement effective parent, family, and community engagement activities in order to enhance or supplement language instruction educational programs for English Learners.

(d) *AUTHORIZED SUBGRANTEE ACTIVITIES.*—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve 1 of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

(1) Upgrading program objectives and effective instruction strategies.

(2) Improving the instruction program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

(3) Providing to English learners—

- (A) tutorials and academic or career and technical education; and
- (B) intensified instruction.

(4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

(5) *Improving the English language proficiency and academic achievement of English learners.*

(6) *Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families—*

(A) *to improve the English language skills of English learners; and*

(B) *to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.*

(7) *Improving the instruction of English learners, including English learners with a disability, by providing for—*

(A) *the acquisition or development of educational technology or instructional materials;*

(B) *access to, and participation in, electronic networks for materials, training, and communication; and*

(C) *incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.*

(8) *Carrying out other activities that are consistent with the purposes of this section.*

(e) *ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—*

(1) *IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—*

(A) *family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;*

(B) *recruitment of, and support for personnel, including early childhood educators, teachers, paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;*

(C) *provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;*

(D) *identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;*

(E) *basic instruction services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;*

(F) *other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and*

(G) *activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant chil-*

*dren and youth by offering comprehensive community services.*

(2) *DURATION OF SUBGRANTS.*—*The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.*

(f) *SELECTION OF METHOD OF INSTRUCTION.*—

(1) *IN GENERAL.*—*To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet challenging State academic standards described in section 1111(b)(1).*

(2) *CONSISTENCY.*—*Such selection shall be consistent with sections 3124 through 3126.*

(g) *SUPPLEMENT, NOT SUPPLANT.*—*Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.*

**SEC. 3116. LOCAL PLANS.**

(a) *PLAN REQUIRED.*—\* \* \*

(b) *CONTENTS.*—Each plan submitted under subsection (a) shall—

[(1) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;

[(2) describe how the eligible entity will use the subgrant funds to meet all annual measurable achievement objectives described in section 3122;

[(3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—

[(A) meeting the annual measurable achievement objectives described in section 3122;

[(B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and

[(C) annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1);

[(4) describe how the eligible entity will promote parental and community participation in programs for limited English proficient children;

[(5) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing such plan; and

[(6) describe how language instruction educational programs carried out under the subgrant will ensure that limited

English proficient children being served by the programs develop English proficiency.】

(1) *describe the high-quality programs and activities proposed to be developed, implemented, and administered under the subgrant and how these activities will help English learners increase their English language proficiency and meet the challenging State academic standards described in section 1111(b)(1);*

(2) *describe how the eligible entity will ensure elementary schools and secondary schools receiving funds under this subpart assist English learners in meeting—*

(A) *annual timelines and goals for progress established under 1111(c)(1)(K) based on the State's English language proficiency assessment under section 1111(b)(2)(G); and*

(B) *the challenging State academic standards described in section 1111(b)(1);*

(3) *describe how the eligible entity will promote parent, family, and community engagement in the education of English learners;*

(4) *describe how language instruction educational programs carried out under the subgrant will ensure that English learners being served by the programs develop English proficiency and demonstrate such proficiency through academic content mastery;*

(5) *contain assurances that—*

(A) *each local educational agency that is included in the eligible entity is complying with section 1112(d)(2) prior to, and throughout, each school year as of the date of application, and will continue to comply with such section throughout each school year for which the grant is received;*

(B) *the eligible entity complies with any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;*

(C) *the eligible entity has based its proposed plan on high-quality research on teaching English learners;*

(D) *the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and*

(E) *the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.*

(c) **TEACHER ENGLISH FLUENCY.**—Each eligible entity receiving a subgrant under section 3114 shall include in its plan a certification that all teachers in any language instruction educational program for [limited English proficient children] *English learners* that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

[(d) **OTHER REQUIREMENTS FOR APPROVAL.**—Each local plan shall also contain assurances that—



[(1) each local educational agency that is included in the eligible entity is complying with section 3302 prior to, and throughout, each school year;

[(2) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;

[(3) the eligible entity has based its proposed plan on scientifically based research on teaching limited English proficient children;

[(4) the eligible entity will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards; and

[(5) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 3126 and 3127.]

## **Subpart 2—Accountability and Administration**

### **[SEC. 3121. EVALUATIONS.**

[(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation, in a form prescribed by the agency, that includes—

[(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the two immediately preceding fiscal years;

[(2) a description of the progress made by children in learning the English language and meeting challenging State academic content and student academic achievement standards;

[(3) the number and percentage of children in the programs and activities attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

[(4) a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part.

[(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

[(1) for improvement of programs and activities;

[(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State academic content and student academic achievement standards; and

[(3) in determining whether or not to continue funding for specific programs or activities.

[(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall—

[(1) provide an evaluation of children enrolled in a program or activity conducted by the entity using funds under subpart 1 (including the percentage of children) who—

[(A) are making progress in attaining English proficiency, including the percentage of children who have achieved English proficiency;

[(B) have transitioned into classrooms not tailored to limited English proficient children, and have a sufficient level of English proficiency to permit them to achieve in English and transition into classrooms not tailored to limited English proficient children;

[(C) are meeting the same challenging State academic content and student academic achievement standards as all children are expected to meet; and

[(D) are not receiving waivers for the reading or language arts assessments under section 1111(b)(3)(C); and

[(2) include such other information as the State educational agency may require.

[(d) EVALUATION MEASURES.—A State shall approve evaluation measures for use under subsection (c) that are designed to assess—

[(1) the progress of children in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English;

[(2) student attainment of challenging State student academic achievement standards on assessments described in section 1111(b)(3); and

[(3) progress in meeting the annual measurable achievement objectives described in section 3122.

[(e) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this part shall provide the evaluations described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.]

**SEC. 3121. REPORTING.**

(a) *IN GENERAL.*—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and children served under such subpart that includes—

(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years;

(2) the number and percentage of English learners in the programs and activities who meet the annual State-determined goals for progress established under section 1111(c)(1)(K), including disaggregated, at a minimum, by—

(A) long-term English learners; and

(B) English learners with a disability;

(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on State English language proficiency standards established under section 1111(b)(1)(F) by the end of each school

year, as determined by the State's English language proficiency assessment under section 1111(b)(2)(G);

(4) the number and percentage of English learners who exit the language instruction educational programs based on their attainment of English language proficiency;

(5) the number and percentage of English learners meeting challenging State academic standards described in section 1111(b)(1) for each of the 2 years after such children are no longer receiving services under this part, including disaggregated, at a minimum, by—

(A) long-term English learners; and

(B) English learners with a disability;

(6) the number and percentage of English learners who have not attained English language proficiency within 5 years of initial classification as an English learner; and

(7) any other information as the State educational agency may require.

(b) **REPORT.**—A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency for improvement or programs and activities under this part.

(c) **SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.**—Each specially qualified agency receiving a grant under this part shall provide the reports described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.

**[SEC. 3122. ACHIEVEMENT OBJECTIVES AND ACCOUNTABILITY.**

**[(a) ACHIEVEMENT OBJECTIVES.—**

**[(1) IN GENERAL.—**Each State educational agency or specially qualified agency receiving a grant under subpart 1 shall develop annual measurable achievement objectives for limited English proficient children served under this part that relate to such children's development and attainment of English proficiency while meeting challenging State academic content and student academic achievement standards as required by section 1111(b)(1).

**[(2) DEVELOPMENT OF OBJECTIVES.—**Such annual measurable achievement objectives shall be developed in a manner that—

**[(A)** reflects the amount of time an individual child has been enrolled in a language instruction educational program; and

**[(B)** uses consistent methods and measurements to reflect the increases described in subparagraphs (A)(i), (A)(ii), and (B) of paragraph (3).

**[(3) CONTENTS.—**Such annual measurable achievement objectives—

**[(A)** shall include—

**[(i)** at a minimum, annual increases in the number or percentage of children making progress in learning English;

**[(ii)** at a minimum, annual increases in the number or percentage of children attaining English proficiency by the end of each school year, as determined

by a valid and reliable assessment of English proficiency consistent with section 1111(b)(7); and

[(iii) making adequate yearly progress for limited English proficient children as described in section 1111(b)(2)(B); and

[(B) at the discretion of the agency, may include the number or percentage of children not receiving waivers for reading or language arts assessments under section 1111(b)(3)(C), but this achievement objective shall not be applied to an eligible entity that, in a given school year—

[(i) has experienced a large increase in limited English proficient children or immigrant children and youth;

[(ii) enrolls a statistically significant number of immigrant children and youth from countries where such children and youth had little or no access to formal education; or

[(iii) has a statistically significant number of immigrant children and youth who have fled from war or natural disaster.

**[(b) ACCOUNTABILITY.—**

**[(1) FOR STATES.—**Each State educational agency receiving a grant under subpart 1 shall hold eligible entities receiving a subgrant under such subpart accountable for meeting the annual measurable achievement objectives under subsection (a), including making adequate yearly progress for limited English proficient children.

**[(2) IMPROVEMENT PLAN.—**If a State educational agency determines, based on the annual measurable achievement objectives described in subsection (a), that an eligible entity has failed to make progress toward meeting such objectives for 2 consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. The improvement plan shall specifically address the factors that prevented the entity from achieving such objectives.

**[(3) TECHNICAL ASSISTANCE.—**During the development of the improvement plan described in paragraph (2), and throughout its implementation, the State educational agency shall—

[(A) provide technical assistance to the eligible entity;

[(B) provide technical assistance, if applicable, to schools served by such entity under subpart 1 that need assistance to enable the schools to meet the annual measurable achievement objectives described in subsection (a);

[(C) develop, in consultation with the entity, professional development strategies and activities, based on scientifically based research, that the agency will use to meet such objectives;

[(D) require such entity to utilize such strategies and activities; and

[(E) develop, in consultation with the entity, a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to limited English proficient children.

[(4) ACCOUNTABILITY.—If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 4 consecutive years, the agency shall—

[(A) require such entity to modify the entity’s curriculum, program, and method of instruction; or

[(B)(i) make a determination whether the entity shall continue to receive funds related to the entity’s failure to meet such objectives; and

[(ii) require such entity to replace educational personnel relevant to the entity’s failure to meet such objectives.

[(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—The Secretary shall hold specially qualified agencies receiving a grant under this subpart accountable for meeting the annual measurable achievement objectives described in subsection (a) in the same manner as State educational agencies hold eligible entities accountable under subsection (b).]

**SEC. [3123]3122. REPORTING REQUIREMENTS.**

(a) STATES.—Based upon the [evaluations]reports provided to a State educational agency under section 3121, each such agency that receives a grant under this part shall prepare and submit every second year to the Secretary a report on programs and activities carried out by the State educational agency under this part and the effectiveness of such programs and activities in improving the education provided to [children who are limited English proficient]English learners.

(b) SECRETARY.—Every second year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

(1) on programs and activities carried out to serve [limited English proficient children]English learners under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of [children who are limited English proficient]English learners;

\* \* \* \* \*

(4) containing a description of technical assistance and other assistance provided by State educational agencies under [section 3111(b)(2)(C)]section 3111(b)(2)(D);

\* \* \* \* \*

(6) containing the [major findings of scientifically based research carried out under this part]findings of the evaluation related to English learners carried out under section 9601;

\* \* \* \* \*

(8) containing the number [of limited English proficient children]of English learners served by eligible entities receiving funding under this part who were transitioned out of language instruction educational programs funded under this part [into classrooms where instruction is not tailored for limited English proficient children]; and

(9) containing other information gathered from the evaluations from specially qualified agencies and other reports submitted to the Secretary under this ~~part~~ when applicable.

**SEC. ~~3124~~3123. COORDINATION WITH RELATED PROGRAMS.**

In order to maximize Federal efforts aimed at serving the educational needs of ~~children of limited English proficiency~~ *English learners*, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and ~~limited English proficient children~~ *English learners* that are administered by the Department and other agencies.

**SEC. ~~3125~~3124. RULES OF CONSTRUCTION.**

Nothing in this part shall be construed—

(1) to prohibit a local educational agency from serving ~~limited English proficient children~~ *English learners* simultaneously with children with similar educational needs, in the same educational settings where appropriate;

(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for ~~limited English proficient children~~ *English learners*; or

(3) \* \* \*

\* \* \* \* \*

**SEC. ~~3126~~3125. LEGAL AUTHORITY UNDER STATE LAW.**

\* \* \*

**SEC. ~~3127~~3126. CIVIL RIGHTS.**

\* \* \*

**SEC. ~~3128~~3127. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.**

\* \* \*

**SEC. ~~3129~~3128. PROHIBITION.**

In carrying out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating ~~limited English proficient children~~ *English learners*.

**Subpart 3—National Activities**

**[SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.**

~~The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for limited English proficient children and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve limited English proficient children. Grants awarded under this subsection may be used—~~

~~(1) for preservice professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel~~

who are not certified or licensed, especially educational paraprofessionals;

[(2) for the development of curricula appropriate to the needs of the consortia participants involved; and

[(3) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve limited English proficient children.]

**SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.**

*The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private entities with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development, capacity building, or evidence-based activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this section may be used—*

*(1) for preservice or inservice effective professional development programs that will assist local schools and may assist institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals, and for other activities to increase teacher and school leader effectiveness;*

*(2) for the development of curricula or other instructional strategies appropriate to the needs of the consortia participants involved;*

*(3) to support strategies that strengthen and increase parent, family, and community member engagement in the education of English learners;*

*(4) to develop, share, and disseminate effective practices in the instruction of English learners and in increasing the student academic achievement of English learners, such as through the use of technology-based programs;*

*(5) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve English learners; and*

*(6) as appropriate, to support strategies that promote school readiness of English learners and their transition from early childhood education programs, such as Head Start or State-run preschool programs to elementary school programs.*

## Subpart 4—Definitions

### [SEC. 3141. ELIGIBLE ENTITY.

[In this part, the term “eligible entity” means—

- [(1) one or more local educational agencies; or
- [(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.]

### SEC. 3141. DEFINITIONS.

*In this part—*

- (1) the term “eligible entity” means—*
  - (A) one or more local educational agencies; or*
  - (B) one or more local educational agencies, in collaboration with an institution of higher education, educational service agency, community-based organization, or a State educational agency;*
- (2) the term “English Learner with a disability” means an English learner who is also a “child with a disability,” as that term is defined in section 602 of the Individuals with Disabilities Education Act; and*
- (3) the term “long-term English learner” means an English learner who has attended schools in the United States for not less than 5 years and who has not yet been exited from English learner status by the culmination of the fifth year of services.*

## [PART B—IMPROVING LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS]

### [SEC. 3201. SHORT TITLE.

This part may be cited as the “Improving Language Instruction Educational Programs For Academic Achievement Act”.]

### [SEC. 3202. PURPOSE.

[The purpose of this part is to help ensure that limited English proficient children master English and meet the same rigorous standards for academic achievement as all children are expected to meet, including meeting challenging State academic content and student academic achievement standards by—

- [(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient children;
- [(2) developing language skills and multicultural understanding;
- [(3) developing the English proficiency of limited English proficient children and, to the extent possible, the native language skills of such children;
- [(4) providing similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law;
- [(5) developing data collection and dissemination, research, materials, and technical assistance that are focused on school improvement for limited English proficient children; and



[(6) developing programs that strengthen and improve the professional training of educational personnel who work with limited English proficient children.]

**[SEC. 3203. NATIVE AMERICAN CHILDREN IN SCHOOL.**

[(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American (including Alaska Native) children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency.

[(b) APPLICATION.—Notwithstanding any other provision of this part, each tribe, authority, organization, or school described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the program proposed in the application.]

**[SEC. 3204. RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED STATES.**

[For the purpose of carrying out programs under this part in the outlying areas, the term “local educational agency” includes public institutions or agencies whose mission is the preservation and maintenance of native languages.]

**[Subpart 1—Program Development and Enhancement]**

**[SEC. 3211. FINANCIAL ASSISTANCE FOR LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS.**

[The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under sections 3212 and 3213—

[(1) to develop and enhance their capacity to provide high-quality instruction through language instruction educational programs or special alternative instruction programs to limited English proficient children; and

[(2) to help such children—

[(A) develop English proficiency and, to the extent possible, proficiency in their native language; and

[(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet under section 1111(b)(1).]

**[SEC. 3212. PROGRAM ENHANCEMENT ACTIVITIES.**

[(a) PROGRAM AUTHORIZED.—

[(1) AUTHORITY.—

[(A) IN GENERAL.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to provide innovative, locally designed, high-quality instruction to limited English proficient children, by expanding, developing, or strengthening language instruction educational programs or special alternative instruction programs.

【(B) PERIOD.—Each grant awarded under this section shall be awarded for a period of 3 years.

【(2) AUTHORIZED ACTIVITIES.—

【(A) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

【(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children, that are—

【(I) aligned with State and local academic content and student academic achievement standards, and local school reform efforts; and

【(II) coordinated with related academic services for children;

【(ii) providing high-quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient children; and

【(iii) annually assessing the English proficiency of all limited English proficient children served by activities carried out under this section.

【(B) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

【(i) implementing programs to upgrade the reading and other academic skills of limited English proficient children;

【(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient children;

【(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

【(iv) improving the instruction programs for limited English proficient children by identifying, acquiring, and applying effective curricula, instruction materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

【(v) providing intensified instruction, including tutorials and academic, or vocational and technical, training, for limited English proficient children;

【(vi) adapting best practice models for meeting the needs of limited English proficient children;

【(vii) assisting limited English proficient children with disabilities;

【(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary language instruction educational programs;

【(ix) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

[(x) participating in electronic networks for materials, training, and communication, and incorporating information derived from such participation in curricula and programs; and

[(xi) carrying out such other activities related to the purpose of this part as the Secretary may approve.

[(b) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

[(1) serves a school district—

[(A) that has a total district enrollment that is less than 10,000 students; or

[(B) with a large percentage or number of limited English proficient children; and

[(2) has limited or no experience in serving limited English proficient children.

[(c) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

[(1) one or more local educational agencies;

[(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency; or

[(3) a community-based organization or an institution of higher education that has an application approved by the local educational agency to participate in programs carried out under this subpart by enhancing early childhood education or family education programs or conducting instruction programs that supplement the educational services provided by a local educational agency.]

**[SEC. 3213. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT ACTIVITIES.**

[(a) PROGRAM AUTHORIZED.—

[(1) AUTHORITY.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to develop and implement language instruction educational programs, and improve, reform, or upgrade programs or operations that serve significant percentages or numbers of limited English proficient children.

[(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

[(A) improving instruction programs for limited English proficient children by acquiring and upgrading curricula and related instruction materials;

[(B) aligning the activities carried out under this section with State and local school reform efforts;

[(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient children;

[(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient children;

[(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and

training activities, that are designed to assist parents of limited English proficient children to become active participants in the education of their children;

【(F) coordinating the activities carried out under this section with other programs, such as programs carried out under this title;

【(G) providing services to meet the full range of the educational needs of limited English proficient children;

【(H) annually assessing the English proficiency of all limited English proficient children served by the activities carried out under this section; and

【(I) developing or improving accountability systems to monitor the academic progress of limited English proficient children.

【(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

【(A) implementing programs to upgrade reading and other academic skills of limited English proficient children;

【(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient children;

【(C) implementing scientifically based research programs to meet the needs of limited English proficient children;

【(D) providing tutorials and academic, or vocational and technical, training for limited English proficient children;

【(E) developing and implementing State and local academic content and student academic achievement standards for learning English as a second language, as well as for learning other languages;

【(F) developing and implementing programs for limited English proficient children to meet the needs of changing populations of such children;

【(G) implementing policies to ensure that limited English proficient children have access to other education programs (other than programs designed to address limited English proficiency);

【(H) assisting limited English proficient children with disabilities;

【(I) developing and implementing programs to help children become proficient in English and other languages;

【(J) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

【(K) participating in electronic networks for materials, training, and communication and incorporating information derived from such participation in curricula and programs; and

【(L) carrying out such other activities related to the purpose of this part as the Secretary may approve.

【(4) SPECIAL RULE.—

【(A) PLANNING.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or de-

velop materials, but shall not use funds made available under this section for planning purposes for more than 45 days.

[(B) COMMENCEMENT OF ACTIVITIES.—The recipient shall commence carrying out activities under this section not later than the later of—

[(i) the beginning of the first school year that begins after the grant is received; or

[(ii) 30 days after the date of receipt of the grant.

[(b) AVAILABILITY OF APPROPRIATIONS.—

[(1) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

[(A) COVERED GRANT.—In this paragraph, the term “covered grant” means a grant—

[(i) that was awarded under section 7112, 7113, 7114, or 7115 (as such sections were in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(ii) for which the grant period has not ended.

[(B) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 3001(a) and made available for carrying out this section.

[(C) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, in accordance with the terms of that grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).

[(2) AVAILABILITY.—Of the amount appropriated for a fiscal year under section 3001(a) that is made available to carry out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—

[(A) not less than one-third of the remainder shall be used to award grants to eligible entities for activities carried out within an entire school district; and

[(B) not less than two-thirds of the remainder shall be used to award grants to eligible entities for activities carried out within individual schools.

[(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an applicant that—

[(1) experiences a significant increase in the number or percentage of limited English proficient children enrolled in the applicant’s programs and has limited or no experience in serving limited English proficient children;

[(2) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

[(3) demonstrates that the applicant has a proven track record of success in helping limited English proficient children learn English and meet high academic standards; or

[(4) serves a school district with a large number or percentage of limited English proficient children.

[(d) ELIGIBLE ENTITIES.—In this section, the term “eligible entity” means—

- [(1) one or more local educational agencies; or
- [(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.]

**[SEC. 3214. APPLICATIONS.**

[(a) IN GENERAL.—

[(1) SECRETARY.—To receive a grant under this subpart, an eligible entity described in section 3212 or 3213 shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

[(2) STATE EDUCATIONAL AGENCY.—The eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.

[(b) STATE REVIEW AND COMMENTS.—

[(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and submit the written comments of the agency regarding the application to the Secretary.

[(2) COMMENTS.—

[(A) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the State educational agency shall—

[(i) submit to the Secretary written comments regarding all such applications; and

[(ii) submit to each eligible entity the comments that pertain to such entity.

[(B) SUBJECT.—For purposes of this subpart, such comments shall address—

[(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient children served under the grant; and

[(ii) how the grant application is consistent with the State plan required under section 1111.

[(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

[(d) COMMENT CONSIDERATION.—In making grants under this subpart, the Secretary shall take into consideration comments made by State educational agencies.

[(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency’s ability to fulfill the requirements of participation in the program authorized in section 3224, particularly such agency’s ability to carry out data collection efforts and such agency’s ability to provide technical assistance to local educational agencies not receiving funds under this subpart.

[(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

[(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

[(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.

[(g) CONTENTS.—

[(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

[(A) A description of the need for the proposed program, including—

[(i) data on the number of limited English proficient children in the school or school district to be served;

[(ii) information on the characteristics of the children, including—

[(I) the native languages of the children;

[(II) the proficiency of the children in English and their native language;

[(III) achievement data (current as of the date of submission of the application) for the limited English proficient children in—

[(aa) reading or language arts (in English and in the native language, if applicable); and

[(bb) mathematics;

[(IV) a comparison of that data for the children with that data for the English proficient peers of the children; and

[(V) the previous schooling experiences of the children;

[(iii) the professional development needs of the instruction personnel who will provide services for the limited English proficient children under the proposed program; and

[(iv) how the services provided through the grant will supplement the basic services provided to limited English proficient children.

[(B) A description of the program to be implemented and how such program's design—

[(i) relates to the linguistic and academic needs of the limited English proficient children to be served;

[(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient children;

[(iii) will ensure that the program is coordinated with other programs under this Act and other Acts;

[(iv) involves the parents of the limited English proficient children to be served;

[(v) ensures accountability in achieving high academic standards; and

[(vi) promotes coordination of services for the limited English proficient children to be served and their families.

[(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local educational agencies or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

[(D) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for language instruction educational programs or special alternative instruction programs if the applicant receives an award under this subpart.

[(E) An assurance that the applicant will employ teachers in the proposed program who, individually or in combination, are proficient in—

[(i) English, with respect to written, as well as oral, communication skills; and

[(ii) the native language of the majority of the children who the teachers teach, if instruction in the program is in the native language as well as English.

[(F) A budget for the grant funds.

[(2) ADDITIONAL INFORMATION.—Each application for a grant under section 3213 shall—

[(A) describe—

[(i) current services (as of the date of submission of the application) the applicant provides to limited English proficient children;

[(ii) what services limited English proficient children will receive under the grant that such children will not otherwise receive;

[(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve limited English proficient children;

[(iv) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

[(v) the current family education programs (as of the date of submission of the application) of the eligible entity, if applicable; and

[(B) provide assurances that—

[(i) the program funded with the grant will be integrated with the overall educational program of the children served through the proposed program; and

[(ii) the application has been developed in consultation with parents and other representatives of the children to be served in such program.

[(h) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

[(1) the program proposed in the application will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;

[(2) in designing the program, the eligible entity has, after consultation with appropriate private school officials—



[(A) taken into account the needs of children in non-profit private elementary schools and secondary schools; and

[(B) in a manner consistent with the number of such children enrolled in such schools in the area to be served, whose educational needs are of the type and whose language, and grade levels are of a similar type to the needs, language, and grade levels that the program is intended to address, provided for the participation of such children on a basis comparable to the basis on which public school children participate;

[(3)(A) student evaluation and assessment procedures in the program are valid and reliable for limited English proficient children; and

[(B) limited English proficient children with disabilities will be identified and served through the program in accordance with the requirements of the Individuals with Disabilities Education Act;

[(4) Federal funds made available for the program will be used to supplement the State and local funds that, in the absence of such Federal funds, would be expended for special programs for children of limited English proficient individuals, and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds made available under this subpart—

[(A) for activities carried out under an order of a Federal or State court respecting services to be provided to such children; or

[(B) to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided to such children;

[(5)(A) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, that will be of sufficient size, scope, and quality to promise significant improvement in the education of limited English proficient children; and

[(B) the eligible entity will have the resources and commitment to continue the program of sufficient size, scope, and quality when assistance under this subpart is reduced or no longer available; and

[(6) the eligible entity will use State and national dissemination sources for program design and dissemination of results and products.

[(i) CONSIDERATION.—In determining whether to approve an application under this subpart, the Secretary shall give consideration to—

[(1) the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local educational agency and State educational agency, or businesses; and

[(2) whether the application provides for training for personnel participating in, or preparing to participate in, a pro-

gram that will assist such personnel in meeting State and local certification requirements.】

**【SEC. 3215. CAPACITY BUILDING.**

【Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs and special alternative instruction programs to limited English proficient children after Federal assistance is reduced or eliminated.】

**【SEC. 3216. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.**

【Notwithstanding any other provision of this part, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.】

**【SEC. 3217. EVALUATIONS.**

【(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

【(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

【(1) for program improvement;

【(2) to further define the program's goals and objectives;

and

【(3) to determine program effectiveness.

【(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

【(1) use the data provided in the application submitted by the recipient under section 3214 as baseline data against which to report academic achievement and gains in English proficiency for children in the program;

【(2) disaggregate the results of the evaluation by gender, native languages spoken by children, socioeconomic status, and whether the children have disabilities;

【(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which children served by the program are meeting the challenging State academic content and student academic achievement standards, and including data comparing limited English proficient children with English proficient children with regard to school retention and academic achievement concerning—

【(A) reading and language arts;

【(B) English proficiency;

【(C) mathematics; and

【(D) the native language of the children, if the program develops native language proficiency;

【(4) include information on the extent that professional development activities carried out through the program have re-

sulted in improved classroom practices and improved student academic achievement;

[(6) include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children; and

[(6) include such other information as the Secretary may require.]

**[SEC. 3218. CONSTRUCTION.**

[(Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited English proficient children simultaneously with children with similar educational needs, in the same educational settings where appropriate.)]

**[Subpart 2—Research, Evaluation, and Dissemination]**

**[SEC. 3221. AUTHORITY.**

[(a) IN GENERAL.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this subpart for the purpose of improving language instruction educational programs and special alternative instruction programs for limited English proficient children.

[(b) COMPETITIVE AWARDS.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts, and cooperative agreements awarded to institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies.

[(c) ADMINISTRATION.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this subpart through the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.]

**[SEC. 3222. RESEARCH.**

[(a) ADMINISTRATION.—The Secretary shall conduct research activities authorized by this subpart through the Institute of Education Sciences in coordination and collaboration with the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

[(b) REQUIREMENTS.—Such research activities—

[(1) shall have a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited English proficient children and their families;

[(2) may include research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by a teacher or other staff member who does not know the native language of a limited English proficient child in the teacher's or staff member's classroom;

[(3) may include establishing (through the National Center for Education Statistics in consultation with experts in second language acquisition and scientifically based research on teaching limited English proficient children) a common defini-

tion of “limited English proficient child” for purposes of national data collection; and

[(4) shall be administered by individuals with expertise in second language acquisition, scientifically based research on teaching limited English proficient children, and the needs of limited English proficient children and their families.

[(c) FIELD-INITIATED RESEARCH.—

[(1) IN GENERAL.—The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by recipients of grants under subpart 1 or this subpart who have received such grants within the previous 5 years. Such research may provide for longitudinal studies of limited English proficient children or teachers who serve such children, monitoring the education of such children from entry into language instruction educational programs through secondary school completion.

[(2) APPLICATIONS.—An applicant for assistance under this subsection may submit an application for such assistance to the Secretary at the same time as the applicant submits another application under subpart 1 or this subpart. The Secretary shall complete a review of such applications on a timely basis to allow the activities carried out under research and program grants to be coordinated when recipients are awarded two or more of such grants.

[(d) CONSULTATION.—The Secretary shall consult with agencies, organizations, and individuals that are engaged in research and practice on the education of limited English proficient children, language instruction educational programs, or related research, to identify areas of study and activities to be funded under this section.

[(e) DATA COLLECTION.—The Secretary shall provide for the collection of data on limited English proficient children as part of the data systems operated by the Department.]

**[SEC. 3223. ACADEMIC EXCELLENCE AWARDS.**

[(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

[(1) demonstrated significant progress in assisting limited English proficient children to learn English according to age appropriate and developmentally appropriate standards; and

[(2) demonstrated significant progress in assisting limited English proficient children to meet, according to age appropriate and developmentally appropriate standards, the same challenging State academic content and student academic achievement standards as all children are expected to meet.

[(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 3224(e).]

**[SEC. 3224. STATE GRANT PROGRAM.**

[(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency’s programs and other Federal education programs, effec-

tively provides for the education of limited English proficient children within the State.

[(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies and entities within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than \$100,000.

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—A State educational agency shall use funds awarded under this section—

[(A) to assist local educational agencies in the State with activities that—

[(i) consist of program design, capacity building, assessment of student academic achievement, program evaluation, and development of data collection and accountability systems for limited English proficient children; and

[(ii) are aligned with State reform efforts; and

[(B) to collect data on the State's limited English proficient populations and document the services available to all such populations.

[(2) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

[(3) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

[(d) STATE CONSULTATION.—A State educational agency receiving funds under this section shall consult with recipients of grants under this subpart and other individuals or organizations involved in the development or operation of programs serving limited English proficient children to ensure that such funds are used in a manner consistent with the requirements of this subpart.

[(e) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

[(f) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the State funds that, in the absence of such Federal funds, would be made available for the purposes described in this section, and in no case to supplant such State funds.

[(g) REPORT TO THE SECRETARY.—A State educational agency receiving an award under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of the funds made available through the award.]

**[SEC. 3225. INSTRUCTION MATERIALS DEVELOPMENT.**

[(a) IN GENERAL.—The Secretary may make grants for the development, publication, and dissemination of high-quality instruction materials—

[(1) in Native American languages (including Native Hawaiian languages and the language of Native American Pacific Islanders), and the language of natives of the outlying areas, for which instruction materials are not readily available; and

[(2) in other low-incidence languages in the United States for which instruction materials are not readily available.

[(b) PRIORITY.—In making the grants, the Secretary shall give priority to applicants for the grants who propose—

[(1) to develop instruction materials in languages indigenous to the United States or the outlying areas; and

[(2) to develop and evaluate materials, in collaboration with entities carrying out activities assisted under subpart 1 and this subpart, that are consistent with challenging State academic content and student academic achievement standards.]

### **[Subpart 3—Professional Development]**

#### **[SEC. 3231. PROFESSIONAL DEVELOPMENT GRANTS.**

[(a) PURPOSE.—The purpose of this section is to provide assistance to prepare educators to improve educational services for limited English proficient children by—

[(1) supporting professional development programs and activities to prepare teachers, pupil service personnel, administrators, and other educational personnel working in language instruction educational programs to provide effective services to limited English proficient children;

[(2) incorporating curricula and resources concerning appropriate and effective instruction and assessment methodologies specific to limited English proficient children into preservice and inservice professional development programs;

[(3) upgrading the qualifications and skills of non-certified educational personnel, including paraprofessionals, to enable such personnel to meet high professional standards for educating limited English proficient children;

[(4) improving the quality of professional development programs in schools or departments of education at institutions of higher education, for educational personnel serving, or preparing to serve, limited English proficient children; and

[(5) supporting the recruitment and training of prospective educational personnel to serve limited English proficient children by providing fellowships for undergraduate, graduate, doctoral, and post-doctoral study related to the instruction of such children.

[(b) AUTHORIZATION.—

[(1) IN GENERAL.—The Secretary is authorized to award grants under this section to—

[(A) State educational agencies;

[(B) local educational agencies;

[(C) institutions of higher education; or

[(D) consortia of one or more local educational agencies, State educational agencies, institutions of higher education, for-profit organizations, or nonprofit organizations.

[(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 4 years.

[(c) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality professional development programs and effective activities to improve the quality of instruction and services provided to limited English proficient children, including—

[(1) implementing preservice and inservice professional development programs for teachers who serve limited English proficient children, administrators, and other educational personnel who are preparing to provide educational services for limited English proficient children, including professional development programs that assist limited English proficient children to attain English proficiency;

[(2) implementing school-based collaborative efforts among teachers to improve instruction in core academic subjects, especially reading, for limited English proficient children;

[(3) developing and implementing programs to assist beginning teachers who serve limited English proficient children with transitioning to the teaching profession, including programs that provide mentoring and team teaching with trained and experienced teachers;

[(4) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

[(5) developing curricular materials and assessments for teachers that are appropriate to the needs of limited English proficient children, and that are aligned with challenging State academic content and student academic achievement standards, including materials and assessments that ensure limited English proficient children attain English proficiency;

[(6) integrating and coordinating activities with entities carrying out other programs consistent with the purpose of this section and supported under this Act, or other Acts as appropriate;

[(7) developing and implementing career ladder programs to upgrade the qualifications and skills of non-certified educational personnel working in, or preparing to work in, language instruction educational programs to enable such personnel to meet high professional standards, including standards for certification and licensure as teachers;

[(8) developing and implementing activities to help recruit and train secondary school students as teachers who serve limited English proficient children;

[(9) providing fellowships and assistance for costs related to enrollment in a course of study at an institution of higher education that addresses the instruction of limited English proficient children in such areas as teacher training, program administration, research, evaluation, and curriculum development, and for the support of dissertation research related to such study, except that any person receiving such a fellowship or assistance shall agree to—

[(A) work in an activity related to improving the educational services for limited English proficient children authorized under this subpart, including work as a teacher that serves limited English proficient children, for a period

of time equivalent to the period of time during which such person receives assistance under this paragraph; or

[(B) repay such assistance; and

[(10) carrying out such other activities as are consistent with the purpose of this section.

[(d) APPLICATION.—

[(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

[(2) CONTENTS.—Each application shall—

[(A) describe the programs and activities proposed to be developed, implemented, and administered under the award;

[(B) describe how the applicant has consulted with, and assessed the needs of, public and private schools serving limited English proficient children to determine such schools' need for, and the design of, the program for which funds are sought; and

[(C) describe how the programs and activities to be carried out under the award will be used to ensure that limited English proficient children meet challenging State academic content and student academic achievement standards and attain English proficiency.

[(3) SPECIAL RULE.—An eligible entity that proposes to conduct a master's-level or doctoral-level program with funds received under this section shall include in the entity's application an assurance that such program will include a training practicum in a local elementary school or secondary school program serving limited English proficient children.

[(4) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under title III of the Higher Education Act of 1965, and institutions of higher education that are operated or funded by the Bureau of Indian Affairs, to facilitate the participation of such institutions in programs and activities under this section.

[(5) DISTRIBUTION RULE.—In making awards under this section, the Secretary shall ensure adequate representation of Hispanic-serving institutions that demonstrate competence and experience in carrying out the programs and activities authorized under this section and that are otherwise qualified.

[(e) PRIORITIES IN AWARDING GRANTS.—

[(1) GRANTS TO AGENCIES.—In awarding grants to State educational agencies and local educational agencies under this section, the Secretary shall give priority to agencies that propose programs and activities designed to implement professional development programs for teachers and educational personnel who are providing or preparing to provide educational services for limited English proficient children, including services provided through language instruction educational programs, that ensure such children attain English proficiency and meet challenging State academic content and student academic achievement standards.



[(2) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—In awarding grants to institutions of higher education under this section, the Secretary shall give priority to institutions that propose programs and activities to recruit and upgrade the qualifications and skills of certified and non-certified educational personnel by offering degree programs that prepare beginning teachers to serve limited English proficient children.]

[(f) PROGRAM EVALUATIONS.—Each recipient of an award under this section for a program or activity shall annually conduct an independent evaluation of the program or activity and submit to the Secretary a report containing such evaluation. Such report shall include information on—

[(1) the program or activity conducted by the recipient to provide high-quality professional development to participants in such program or activity;

[(2) the number of participants served through the program or activity, the number of participants who completed the requirements of the program or activity, and the number of participants who took positions in an instruction setting with limited English proficient children;

[(3) the effectiveness of the program or activity in imparting the professional skills necessary for participants to achieve the objectives of the program or activity; and

[(4) the teaching effectiveness of graduates of the program or activity or other participants who have completed the program or activity.]

### **[Subpart 4—Emergency Immigrant Education Program]**

#### **[SEC. 3241. PURPOSE.]**

[The purpose of this subpart is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration—

[(1) to provide high-quality instruction to immigrant children and youth; and

[(2) to help such children and youth—

[(A) with their transition into American society; and

[(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.]

#### **[SEC. 3242. STATE ADMINISTRATIVE COSTS.]**

[For any fiscal year, a State educational agency may reserve not more than 1.5 percent (2 percent if the State educational agency distributes funds received under this subpart to local educational agencies on a competitive basis) of the amount allotted to such agency under section 3244 to pay the costs of performing such agency's administrative functions under this subpart.]

#### **[SEC. 3243. WITHHOLDING.]**

[Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to comply with a requirement of any provision of this subpart, the Secretary shall notify that agency that further payments will not be made to the agency under this

subpart or, in the discretion of the Secretary, that the State educational agency shall not make further payments under this subpart to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this subpart, or payments by the State educational agency under this subpart shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.】

**【SEC. 3244. STATE ALLOTMENTS.**

**【(a) PAYMENTS.—**The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2002 through 2008 for the purpose set forth in section 3241.

**【(b) ALLOTMENTS.—**

**【(1) IN GENERAL.—**Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this subpart, each State participating in the program assisted under this subpart shall receive an allotment equal to the proportion of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of each local educational agency described in paragraph (2), and in nonpublic elementary schools or secondary schools within the district served by each such local educational agency within such State, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this subpart.

**【(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—**A local educational agency referred to in paragraph (1) is a local educational agency for which the sum of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of such agency, and in nonpublic elementary schools or secondary schools within the district served by such agency, during the fiscal year for which the payments are to be made under this subpart, is equal to at least—

**【(A) 500; or**

**【(B) 3 percent of the total number of children enrolled in such public or nonpublic schools during such fiscal year, whichever is less.**

**【(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—**

**【(1) IN GENERAL.—**Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

**【(2) SPECIAL RULE.—**No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allotment under this section that

such State would otherwise have received had such determination been made on the basis of accurate data.

**[(d) REALLOTMENT.—**

**[(1) IN GENERAL.—**Whenever the Secretary determines that any amount of a payment made to a State under this subpart for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose.

**[(2) FISCAL YEAR.—**Any amount made available to a State from any appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subpart, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

**[(e) RESERVATION OF FUNDS.—**

**[(1) IN GENERAL.—**Notwithstanding any other provision of this subpart, if the amount appropriated to carry out this subpart exceeds \$50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this subpart for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

**[(A) AGENCIES WITH IMMIGRANT CHILDREN AND YOUTH.—**At least ½ of the funds reserved under this paragraph shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

**[(B) AGENCIES WITH A SUDDEN INFLUX OF CHILDREN AND YOUTH.—**Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State that are experiencing a sudden influx of immigrant children and youth and that are otherwise not eligible for assistance under this subpart.

**[(2) USE OF GRANT FUNDS.—**Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 3247.

**[(3) INFORMATION.—**Local educational agencies receiving funds under paragraph (1) with the highest number of immigrant children and youth may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children and youth.]

**[SEC. 3245. STATE APPLICATIONS.**

**[(a) SUBMISSION.—**No State educational agency shall receive any payment under this subpart for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

[(1) provide that the educational programs, services, and activities for which payments under this subpart are made will be administered by or under the supervision of the agency;

[(2) provide assurances that payments under this subpart will be used for purposes set forth in sections 3241 and 3247, including a description of how local educational agencies receiving funds under this subpart will use such funds to meet such purposes and will coordinate with entities carrying out other programs and activities assisted under this Act, and other Acts as appropriate;

[(3) provide an assurance that local educational agencies receiving funds under this subpart will coordinate the use of such funds with entities carrying out programs and activities assisted under part A of title I;

[(4) provide assurances that such payments, with the exception of payments reserved under section 3244(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 3244(b)(1);

[(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this subpart without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

[(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this subpart;

[(7) provide assurances—

[(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary schools or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

[(B) that the control of funds provided under this subpart for any materials or equipment, or property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purpose provided in this subpart, and a public agency shall administer such funds and property; and

[(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary school or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

[(8) provide that funds reserved under section 3244(e) be awarded on a competitive basis based on merit and need in accordance with such section; and

[(9) provide an assurance that the State educational agency and local educational agencies in the State receiving funds under this subpart will comply with the requirements of section 1120(b).

[(b) APPLICATION REVIEW.—

[(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

[(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

[(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency that does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State educational agency.]

**[SEC. 3246. ADMINISTRATIVE PROVISIONS.**

[(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 3245 of the amount of such agency's allotment under section 3244 for the succeeding year.

[(b) SERVICES TO IMMIGRANT CHILDREN AND YOUTH ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for immigrant children and youth enrolled in nonpublic elementary schools and secondary schools, as required by section 3245(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of such children and youth enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this subpart, to such children and youth. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.]

**[SEC. 3247. USES OF FUNDS.**

[(a) USE OF FUNDS.—Funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

[(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

[(2) support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

[(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

[(4) identification and acquisition of curricular materials, educational software, and technologies;

[(5) the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services; and

[(6) such other activities, related to the purpose of this subpart, as the Secretary may authorize.

[(b) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

[(c) SUBGRANTS.—A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such institutions or organizations to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

[(d) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving immigrant children and youth simultaneously with children and youth with similar educational needs, in the same educational settings where appropriate.]

**[SEC. 3248. REPORTS.]**

[(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this subpart shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this subpart. Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information as may be necessary for such report.

[(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of Congress concerning programs assisted under this subpart.]

**[Subpart 5—Administration]**

**[SEC. 3251. RELEASE TIME.]**

[The Secretary shall allow entities carrying out professional development programs funded under this part to use funds provided under this part for professional release time to enable individuals to participate in programs assisted under this part.]

**[SEC. 3252. NOTIFICATION.]**

[A State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days after the date an award under this part is made to an eligible entity within the State.]

**[SEC. 3253. COORDINATION AND REPORTING REQUIREMENTS.]**

[(a) COORDINATION WITH RELATED PROGRAMS.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs

serving language-minority and limited English proficient children that are administered by the Department and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General, and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited English proficient children and their families. The Secretary shall provide for continuing consultation and collaboration, between the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students and relevant programs operated by the Department, including programs under this part and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high-quality educational opportunities to all language-minority and limited English proficient children.

[(b) DATA.—The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient children.

[(c) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under this part.

[(d) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

[(1) on programs and activities carried out to serve limited English proficient children under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of children who are limited English proficient;

[(2) containing a critical synthesis of data reported by States under section 3224, when applicable;

[(3) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating limited English proficient children, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

[(4) containing the major findings of scientifically based research carried out under this part; and

[(5) containing other information gathered from the reports submitted to the Secretary under this title when applicable.]

## **[PART C]PART B—GENERAL PROVISIONS]**

### **SEC. [3301]3201. DEFINITIONS.**

Except as otherwise provided, in this title:

(1) CHILD.—\* \* \*

\* \* \* \* \*

(5) FAMILY EDUCATION PROGRAM.—The term “family education program” means a language instruction educational program or special alternative instruction program that—

(A) is designed—

(i) to help **limited English proficient** *English learner* adults and out-of-school youths achieve English proficiency; and

(ii) to provide instruction on how parents and family members can facilitate the educational achievement of their children; *and*

**when feasible, uses instructional programs based on models developed under the Even Start Family Literacy Programs, which promote adult literacy and train parents to support the educational growth of their children, the Parents as Teachers Program, and the Home Instruction Program for Preschool Youngsters; and**

**gives preference to participation by parents and immediate family members of children attending school.**

\* \* \* \* \*

(8) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term “language instruction educational program” means an instruction course—

(A) in which **a limited English proficient child** *an English learner* is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic content and student academic achievement standards, as required by section 1111(b)(1); and

(B) \* \* \*

\* \* \* \* \*

**[SEC. 3302. PARENTAL NOTIFICATION.**

**[(a) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of—**

**[(1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;**

**[(2) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;**

**[(3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;**

**[(4) how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;**

**[(5) how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;**



[(6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;

[(7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

[(8) information pertaining to parental rights that includes written guidance—

[(A) detailing—

[(i) the right that parents have to have their child immediately removed from such program upon their request; and

[(ii) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

[(B) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

[(b) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

[(c) RECEIPT OF INFORMATION.—The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

[(d) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—For a child who has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) through (c) with respect to the parents of the child within 2 weeks of the child being placed in such a program.

[(e) PARENTAL PARTICIPATION.—

[(1) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall implement an effective means of outreach to parents of limited English proficient children to inform such parents of how they can—

[(A) be involved in the education of their children; and

[(B) be active participants in assisting their children—

[(i) to learn English;

[(ii) to achieve at high levels in core academic subjects; and

[(iii) to meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

[(2) RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.

[(f) BASIS FOR ADMISSION OR EXCLUSION.—A child shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.]

**SEC. [3303]3202. NATIONAL CLEARINGHOUSE.**

The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for [limited English proficient children]*English learners*, and related programs. The National Clearinghouse shall—

(1) \* \* \*

\* \* \* \* \*

(4) collect and disseminate information on—

(A) educational research and processes related to the education of [limited English proficient children]*English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners*; and

(B) accountability systems that monitor the academic progress of [limited English proficient children]*English learners* in language instruction educational programs, including information on academic content and English proficiency assessments for language instruction educational programs; and

(5) \* \* \*

**SEC. [3304]3203. REGULATIONS.**

In developing regulations under this title, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing [limited English proficient individuals]*English learners*, and organizations representing teachers and other personnel involved in the education of [limited English proficient children]*English learners*.

\* \* \* \* \*

**[TITLE IV—[21ST CENTURY SCHOOLS]  
TITLE IV—SAFE AND HEALTHY STUDENTS**

**[PART A—SAFE AND DRUG-FREE SCHOOLS  
AND COMMUNITIES]**

**[SEC. 4001. SHORT TITLE.**

[This part may be cited as the “Safe and Drug-Free Schools and Communities Act”.

**[SEC. 4002. PURPOSE.]**

【The purpose of this part is to support programs that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement, through the provision of Federal assistance to—

【(1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention and early intervention;

【(2) States for grants to, and contracts with, community-based organizations and public and private entities for programs of drug and violence prevention and early intervention, including community-wide drug and violence prevention planning and organizing activities;

【(3) States for development, training, technical assistance, and coordination activities; and

【(4) public and private entities to provide technical assistance; conduct training, demonstrations, and evaluation; and to provide supplementary services and community-wide drug and violence prevention planning and organizing activities for the prevention of drug use and violence among students and youth.

**[SEC. 4003. AUTHORIZATION OF APPROPRIATIONS.]**

【There are authorized to be appropriated—

【(1) \$650,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years, for State grants under subpart 1; and

【(2) such sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2.】

**[Subpart 1—State Grants]****[SEC. 4111. RESERVATIONS AND ALLOTMENTS.]**

【(a) RESERVATIONS.—

【(1) IN GENERAL.—From the amount made available under section 4003(1) to carry out this subpart for each fiscal year, the Secretary—

【(A) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this subpart;

【(B) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth; and

【(C) shall reserve 0.2 percent of such amount for Native Hawaiians to be used under section 4117 to carry out programs described in this subpart.

[(2) OTHER RESERVATIONS.—From the amount made available under section 4003(2) to carry out subpart 2 for each fiscal year, the Secretary—

[(A) may reserve not more than \$2,000,000 for the national impact evaluation required by section 4122(a);

[(B) notwithstanding section 3 of the No Child Left Behind Act of 2001, shall reserve an amount necessary to make continuation grants to grantees under the Safe Schools/Healthy Students initiative (under the same terms and conditions as provided for in the grants involved).

[(b) STATE ALLOTMENTS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allot among the States—

[(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

[(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

[(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than the greater of—

[(A) one-half of 1 percent of the total amount allotted to all the States under this subsection; or

[(B) the amount such State received for fiscal year 2001 under section 4111 as such section was in effect the day preceding the date of enactment of the No Child Left Behind Act of 2001.

[(3) REALLOTMENT.—

[(A) REALLOTMENT FOR FAILURE TO APPLY.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.

[(B) REALLOTMENT OF UNUSED FUNDS.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallocations shall be made on the same basis as allotments are made under paragraph (1).

[(4) DEFINITION.—In this section the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(c) LIMITATION.—Amounts appropriated under section 4003(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4003(1) for the fiscal year involved are at least 10 percent greater than the amounts appropriated under such section 4003(1) for the previous fiscal year.]

**[SEC. 4112. RESERVATION OF STATE FUNDS FOR SAFE AND DRUG-FREE SCHOOLS.**

**[(a) STATE RESERVATION FOR THE CHIEF EXECUTIVE OFFICER OF A STATE.—**

**[(1) IN GENERAL.—**The chief executive officer of a State may reserve not more than 20 percent of the total amount allocated to a State under section 4111(b) for each fiscal year to award competitive grants and contracts to local educational agencies, community-based organizations (including community anti-drug coalitions) other public entities and private organizations, and consortia thereof. Such grants and contracts shall be used to carry out the comprehensive State plan described in section 4113(a) through programs or activities that complement and support activities of local educational agencies described in section 4115(b). Such officer shall award grants based on—

- [(A)** the quality of the program or activity proposed;
- and
- [(B)** how the program or activity meets the principles of effectiveness described in section 4115(a).

**[(2) PRIORITY.—**In making such grants and contracts under this section, a chief executive officer shall give priority to programs and activities that prevent illegal drug use and violence for—

- [(A)** children and youth who are not normally served by State educational agencies or local educational agencies; or
- [(B)** populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

**[(3) SPECIAL CONSIDERATION.—**In awarding funds under paragraph (1), a chief executive officer shall give special consideration to grantees that pursue a comprehensive approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program.

**[(4) PEER REVIEW.—**Grants or contracts awarded under this section shall be subject to a peer review process.

**[(5) USE OF FUNDS.—**Grants and contracts under this section shall be used to implement drug and violence prevention activities, including—

- [(A)** activities that complement and support local educational agency activities under section 4115, including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;
- [(B)** dissemination of information about drug and violence prevention; and
- [(C)** development and implementation of community-wide drug and violence prevention planning and organizing.

**[(6) ADMINISTRATIVE COSTS.—**The chief executive officer of a State may use not more than 3 percent of the amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

**[(b) IN STATE DISTRIBUTION.—**

**[(1) IN GENERAL.—**A State educational agency shall distribute not less than 93 percent of the amount made available to the State under section 4111(b), less the amount reserved under subsection (a) of this section, to its local educational agencies.

**[(2) STATE ADMINISTRATION COSTS.—**

**[(A) IN GENERAL.—**A State educational agency may use not more than 3 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for State educational agency administrative costs, including the implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

**[(B) ADDITIONAL AMOUNTS FOR THE UNIFORM MANAGEMENT INFORMATION SYSTEM.—**In the case of fiscal year 2002, a State educational agency may, in addition to amounts provided for in subparagraph (A), use 1 percent of the amount made available to the State educational agency under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

**[(c) STATE ACTIVITIES.—**

**[(1) IN GENERAL.—**A State educational agency may use not more than 5 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for activities described in this subsection.

**[(2) ACTIVITIES.—**A State educational agency shall use the amounts described in paragraph (1), either directly, or through grants and contracts, to plan, develop, and implement capacity building, technical assistance and training, evaluation, program improvement services, and coordination activities for local educational agencies, community-based organizations, and other public and private entities. Such uses—

**[(A)** shall meet the principles of effectiveness described in section 4115(a);

**[(B)** shall complement and support local uses of funds under section 4115(b);

**[(C)** shall be in accordance with the purposes of this part; and

**[(D)** may include, among others activities—

**[(i)** identification, development, evaluation, and dissemination of drug and violence prevention strategies, programs, activities, and other information;

**[(ii)** training, technical assistance, and demonstration projects to address violence that is associated with prejudice and intolerance; and

**[(iii)** financial assistance to enhance drug and violence prevention resources available in areas that serve large numbers of low-income children, are sparsely populated, or have other special needs.

**[(3) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—**

**[(A) INFORMATION AND STATISTICS.—**A State shall establish a uniform management information and reporting system.

**[(B) USES OF FUNDS.—**A State may use funds described in subparagraphs (A) and (B) of subsection (b)(2), either directly or through grants and contracts, to implement the uniform management information and reporting system described in subparagraph (A), for the collection of information on—

**[(i) truancy rates;**

**[(ii) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools in the State;**

**[(iii) the types of curricula, programs, and services provided by the chief executive officer, the State educational agency, local educational agencies, and other recipients of funds under this subpart; and**

**[(iv) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities.**

**[(C) COMPILATION OF STATISTICS.—**In compiling the statistics required for the uniform management information and reporting system, the offenses described in subparagraph (B)(ii) shall be defined pursuant to the State's criminal code, but shall not identify victims of crimes or persons accused of crimes. The collected data shall include incident reports by school officials, anonymous student surveys, and anonymous teacher surveys.

**[(D) REPORTING.—**The information described under subparagraph (B) shall be reported to the public and the data referenced in clauses (i) and (ii) of such subparagraph shall be reported to the State on a school-by-school basis.

**[(E) LIMITATION.—**Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices with respect to crimes committed on school property or school security.】

**[SEC. 4113. STATE APPLICATION.**

**[(a) IN GENERAL.—**In order to receive an allotment under section 4111(b) for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

**[(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer of the State to provide safe, orderly, and drug-free schools and communities through programs and activities that complement and support activities of local educational agencies under section 4115(b), that comply with the principles of effectiveness under section 4115(a), and that otherwise are in accordance with the purpose of this part;**

[(2) describes how activities funded under this subpart will foster a safe and drug-free learning environment that supports academic achievement;

[(3) provides an assurance that the application was developed in consultation and coordination with appropriate State officials and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

[(4) describes how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies and other programs, as appropriate, in accordance with the provisions in section 9306;

[(5) provides an assurance that funds reserved under section 4112(a) will not duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based drug and violence prevention activities and that those funds will be used to serve populations not normally served by the State educational agencies and local educational agencies and populations that need special services, such as school dropouts, suspended and expelled students, youth in detention centers, runaway or homeless children and youth, and pregnant and parenting youth;

[(6) provides an assurance that the State will cooperate with, and assist, the Secretary in conducting data collection as required by section 4122;

[(7) provides an assurance that the local educational agencies in the State will comply with the provisions of section 9501 pertaining to the participation of private school children and teachers in the programs and activities under this subpart;

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

[(9) contains the results of a needs assessment conducted by the State for drug and violence prevention programs, which shall be based on ongoing State evaluation activities, including data on—

[(A) the incidence and prevalence of illegal drug use and violence among youth in schools and communities, including the age of onset, the perception of health risks, and the perception of social disapproval among such youth;

[(B) the prevalence of risk factors, including high or increasing rates of reported cases of child abuse or domestic violence;

[(C) the prevalence of protective factors, buffers, or assets; and



[(D) other variables in the school and community identified through scientifically based research;

[(10) provides a statement of the State's performance measures for drug and violence prevention programs and activities to be funded under this subpart that will be focused on student behavior and attitudes, derived from the needs assessment described in paragraph (9), and be developed in consultation between the State and local officials, and that consist of—

[(A) performance indicators for drug and violence prevention programs and activities; and

[(B) levels of performance for each performance indicator;

[(11) describes the procedures the State will use for assessing and publicly reporting progress toward meeting the performance measures described in paragraph (10);

[(12) provides an assurance that the State application will be available for public review after submission of the application;

[(13) describes the special outreach activities that will be carried out by the State educational agency and the chief executive officer of the State to maximize the participation of community-based organizations of demonstrated effectiveness that provide services such as mentoring programs in low-income communities;

[(14) describes how funds will be used by the State educational agency and the chief executive officer of the State to support, develop, and implement community-wide comprehensive drug and violence prevention planning and organizing activities;

[(15) describes how input from parents will be sought regarding the use of funds by the State educational agency and the chief executive officer of the State;

[(16) describes how the State educational agency will review applications from local educational agencies, including how the agency will receive input from parents in such review;

[(17) describes how the State educational agency will monitor the implementation of activities under this subpart, and provide technical assistance for local educational agencies, community-based organizations, other public entities, and private organizations;

[(18) describes how the chief executive officer of the State will award funds under section 4112(a) and implement a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

[(19) includes any other information the Secretary may require.

[(b) INTERIM APPLICATION.—

[(1) AUTHORITY.—Notwithstanding any other provision of this section, a State may submit for fiscal year 2002 a 1-year interim application and plan for the use of funds under this subpart that is consistent with the requirements of this section and contains such information as the Secretary may specify in regulations.

[(2) PURPOSE.—The purpose of such interim application and plan shall be to afford the State the opportunity to fully

develop and review such State's application and comprehensive plan otherwise required by this section.

[(3) EXCEPTION.—A State may not receive a grant under this subpart for a fiscal year after fiscal year 2002 unless the Secretary has approved such State's application and comprehensive plan as described in subsection (a).

[(c) APPROVAL PROCESS.—

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

[(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

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

[(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

[(B) notify the State educational agency and the chief executive officer of the State of the finding of noncompliance, and in such notification, shall—

[(i) cite the specific provisions in the application that are not in compliance; and

[(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(4) RESPONSE.—If the State educational agency and the chief executive officer of the State respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

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

[(B) the expiration of the 120-day period described in paragraph (1).

[(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.]

**[SEC. 4114. LOCAL EDUCATIONAL AGENCY PROGRAM.**

[(a) IN GENERAL.—

[(1) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—A State shall provide the amount made available to the State under this subpart, less the amounts reserved under section 4112 to

local educational agencies for drug and violence prevention and education programs and activities as follows:

【(A) 60 percent of such amount based on the relative amount such agencies received under part A of title I for the preceding fiscal year.

【(B) 40 percent of such amount based on the relative enrollments in public and private nonprofit elementary schools and secondary schools within the boundaries of such agencies.

【(2) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (1), a local educational agency may use not more than 2 percent for the administrative costs of carrying out its responsibilities under this subpart.

【(3) RETURN OF FUNDS TO STATE; REALLOCATION.—

【(A) RETURN.—Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date on which a local educational agency receives its allocation under this subpart—

【(i) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

【(ii) the State educational agency shall reallocate any such amount to local educational agencies that have submitted plans for using such amount for programs or activities on a timely basis.

【(B) CARRYOVER.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

【(i) an amount equal to not more than 25 percent of the allocation it received under this subpart for such fiscal year; or

【(ii) upon a demonstration of good cause by such agency and approval by the State educational agency, an amount that exceeds 25 percent of such allocation.

【(C) REALLOCATION.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under this subsection, or if such agency's application under subsection (d) is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

【(b) ELIGIBILITY.—To be eligible to receive a subgrant under this subpart, a local educational agency desiring a subgrant shall submit an application to the State educational agency in accordance with subsection (d). Such an application shall be amended, as necessary, to reflect changes in the activities and programs of the local educational agency.

【(c) DEVELOPMENT.—

【(1) CONSULTATION.—

【(A) IN GENERAL.—A local educational agency shall develop its application through timely and meaningful consultation with State and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, students, community-based organizations, and others with relevant and

demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals).

【(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency shall consult with such representatives and organizations in order to seek advice regarding how best to coordinate such agency’s activities under this subpart with other related strategies, programs, and activities being conducted in the community.

【(2) DESIGN AND DEVELOPMENT.—To ensure timely and meaningful consultation under paragraph (1), a local educational agency at the initial stages of design and development of a program or activity shall consult, in accordance with this subsection, with appropriate entities and persons on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in section 4115(a).

【(d) CONTENTS OF APPLICATIONS.—An application submitted by a local educational agency under this section shall contain—

【(1) an assurance that the activities or programs to be funded comply with the principles of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that supports academic achievement;

【(2) a detailed explanation of the local educational agency’s comprehensive plan for drug and violence prevention, including a description of—

【(A) how the plan will be coordinated with programs under this Act, and other Federal, State, and local programs for drug and violence prevention, in accordance with section 9306;

【(B) the local educational agency’s performance measures for drug and violence prevention programs and activities, that shall consist of—

【(i) performance indicators for drug and violence prevention programs and activities; including—

【(I) specific reductions in the prevalence of identified risk factors; and

【(II) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; and

【(ii) levels of performance for each performance indicator;

【(C) how such agency will assess and publicly report progress toward attaining its performance measures;

【(D) the drug and violence prevention activity or program to be funded, including how the activity or program will meet the principles of effectiveness described in section 4115(a), and the means of evaluating such activity or program; and

【(E) how the services will be targeted to schools and students with the greatest need;

【(3) a description for how the results of the evaluations of the effectiveness of the program will be used to refine, improve, and strengthen the program;

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

[(5) a description of the mechanisms used to provide effective notice to the community of an intention to submit an application under this subpart;

[(6) an assurance that drug and violence prevention programs supported under this subpart convey a clear and consistent message that acts of violence and the illegal use of drugs are wrong and harmful;

[(7) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

[(A) appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

[(B) security procedures at school and while students are on the way to and from school;

[(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments;

[(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

[(E) a code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that—

[(i) allows a teacher to communicate effectively with all students in the class;

[(ii) allows all students in the class to learn;

[(iii) has consequences that are fair, and developmentally appropriate;

[(iv) considers the student and the circumstances of the situation; and

[(v) is enforced accordingly;

[(8) an assurance that the application and any waiver request under section 4115(a)(3) will be available for public review after submission of the application; and

[(9) such other assurances, goals, and objectives identified through scientifically based research that the State may reasonably require in accordance with the purpose of this part.

[(e) REVIEW OF APPLICATION.—

[(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

[(2) CONSIDERATIONS.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of application and the extent to which the application meets the principles of effectiveness described in section 4115(a).

**[(f) APPROVAL PROCESS.—**

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

**[(2) DISAPPROVAL.—**The State educational agency shall not finally disapprove the application, except after giving the local educational agency notice and opportunity for a hearing.

**[(3) NOTIFICATION.—**If the State educational agency finds that the application is not in compliance, in whole or in part, with this subpart, the State educational agency shall—

**[(A)** give the local educational agency notice and an opportunity for a hearing; and

**[(B)** notify the local educational agency of the finding of noncompliance, and in such notification, shall—

**[(i)** cite the specific provisions in the application that are not in compliance; and

**[(ii)** request additional information, only as to the noncompliant provisions, needed to make the application compliant.

**[(4) RESPONSE.—**If the local educational agency responds to the State educational agency's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in paragraph (3)(B)(ii), the State educational agency shall approve or disapprove such application prior to the later of—

**[(A)** the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

**[(B)** the expiration of the 120-day period described in paragraph (1).

**[(5) FAILURE TO RESPOND.—**If the local educational agency does not respond to the State educational agency's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved. ]

**[SEC. 4115. AUTHORIZED ACTIVITIES.—****[(a) PRINCIPLES OF EFFECTIVENESS.—**

**[(1) IN GENERAL.—**For a program or activity developed pursuant to this subpart to meet the principles of effectiveness, such program or activity shall—

**[(A)** be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal drug use, including delinquency and serious discipline problems, among students who attend such schools (including private school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

[(B) be based on an established set of performance measures aimed at ensuring that the elementary schools and secondary schools and communities to be served by the program have a safe, orderly, and drug-free learning environment;

[(C) be based on scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use;

[(D) be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors, buffers, assets; or other variables in schools and communities in the State identified through scientifically based research; and

[(E) include meaningful and ongoing consultation with and input from parents in the development of the application and administration of the program or activity.

[(2) PERIODIC EVALUATION.—

[(A) REQUIREMENT.—The program or activity shall undergo a periodic evaluation to assess its progress toward reducing violence and illegal drug use in schools to be served based on performance measures described in section 4114(d)(2)(B).

[(B) USE OF RESULTS.—The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures, and shall also be made available to the public upon request, with public notice of such availability provided.

[(3) WAIVER.—A local educational agency may apply to the State for a waiver of the requirement of subsection (a)(1)(C) to allow innovative activities or programs that demonstrate substantial likelihood of success.

[(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

[(1) PROGRAM REQUIREMENTS.—A local educational agency shall use funds made available under section 4114 to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other school and community-based services and programs, that shall—

[(A) foster a safe and drug-free learning environment that supports academic achievement;

[(B) be consistent with the principles of effectiveness described in subsection (a)(1);

[(C) be designed to—

[(i) prevent or reduce violence; the use, possession and distribution of illegal drugs; and delinquency; and

[(ii) create a well disciplined environment conducive to learning, which includes consultation between teachers, principals, and other school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts; and

[(D) include activities to—

[(i) promote the involvement of parents in the activity or program;

【(ii) promote coordination with community groups and coalitions, and government agencies; and

【(iii) distribute information about the local educational agency's needs, goals, and programs under this subpart.

【(2) AUTHORIZED ACTIVITIES.—Each local educational agency, or consortium of such agencies, that receives a subgrant under this subpart may use such funds to carry out activities that comply with the principles of effectiveness described in subsection (a), such as the following:

【(A) Age appropriate and developmentally based activities that—

【(i) address the consequences of violence and the illegal use of drugs, as appropriate;

【(ii) promote a sense of individual responsibility;

【(iii) teach students that most people do not illegally use drugs;

【(iv) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;

【(v) teach students about the dangers of emerging drugs;

【(vi) engage students in the learning process; and

【(vii) incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.

【(B) Activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.

【(C) Dissemination of drug and violence prevention information to schools and the community.

【(D) Professional development and training for, and involvement of, school personnel, pupil services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.

【(E) Drug and violence prevention activities that may include the following:

【(i) Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.

【(ii) Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies.

【(iii) Reporting criminal offenses committed on school property.

【(iv) Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia



National Laboratory located in Albuquerque, New Mexico.

[(v) Supporting safe zones of passage activities that ensure that students travel safely to and from school, which may include bicycle and pedestrian safety programs.

[(vi) The hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth drug and violence prevention activities under this part that are implemented in the school.

[(vii) Expanded and improved school-based mental health services related to illegal drug use and violence, including early identification of violence and illegal drug use, assessment, and direct or group counseling services provided to students, parents, families, and school personnel by qualified school-based mental health service providers.

[(viii) Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.

[(ix) Alternative education programs or services for violent or drug abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make continued progress toward meeting the State academic achievement standards and to reenter the regular education setting.

[(x) Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.

[(xi) Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

[(xii) Drug and violence prevention activities designed to reduce truancy.

[(xiii) Age-appropriate, developmentally-based violence prevention and education programs that address victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence.

[(xiv) Consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or the inspecting of a stu-

dent's locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect.

[(xv) Emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident that have disrupted the learning environment.

[(xvi) Establishing or implementing a system for transferring suspension and expulsion records, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), by a local educational agency to any public or private elementary school or secondary school.

[(xvii) Developing and implementing character education programs, as a component of drug and violence prevention programs, that take into account the views of parents of the students for whom the program is intended and such students, such as a program described in subpart 3 of part D of title V.

[(xviii) Establishing and maintaining a school safety hotline.

[(xix) Community service, including community service performed by expelled students, and service-learning projects.

[(xx) Conducting a nationwide background check of each local educational agency employee, regardless of when hired, and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's fitness—

[(I) to be responsible for the safety or well-being of children;

[(II) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

[(III) to otherwise be employed by the local educational agency.

[(xxi) Programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide.

[(xxii) Programs that respond to the needs of students who are faced with domestic violence or child abuse.

[(F) The evaluation of any of the activities authorized under this subsection and the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives.

[(c) LIMITATION.—

[(1) IN GENERAL.—Except as provided in paragraph (2), not more than 40 percent of the funds available to a local educational agency under this subpart may be used to carry out the activities described in clauses (ii) through (vi) of subsection (b)(2)(E), of which not more than 50 percent of such amount

may be used to carry out the activities described in clauses (ii) through (v) of such subsection.

[(2) EXCEPTION.—A local educational agency may use funds under this subpart for activities described in clauses (ii) through (v) of subsection (b)(2)(E) only if funding for these activities is not received from other Federal agencies.]

[(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this subpart by any local educational agency or school for the establishment or implementation of a school uniform policy if such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State’s needs assessment and other scientifically based research information.]

**[SEC. 4116. REPORTING.]**

[(a) STATE REPORT.—

[(1) IN GENERAL.—By December 1, 2003, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

[(A) on the implementation and outcomes of State programs under section 4112(a)(1) and section 4112(c) and local educational agency programs under section 4115(b), as well as an assessment of their effectiveness;

[(B) on the State’s progress toward attaining its performance measures for drug and violence prevention under section 4113(a)(10); and

[(C) on the State’s efforts to inform parents of, and include parents in, violence and drug prevention efforts.]

[(2) SPECIAL RULE.—The report required by this subsection shall be—

[(A) in the form specified by the Secretary;

[(B) based on the State’s ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

[(C) made readily available to the public.]

[(b) LOCAL EDUCATIONAL AGENCY REPORT.—

[(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (a), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.]

[(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.]

[(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (a), the Secretary shall provide to the State educational agency all of the necessary documentation required for compliance with this section.]

**[SEC. 4117. PROGRAMS FOR NATIVE HAWAIIANS.]**

[(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(1)(C) to carry out this section, the Sec-

retary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians for the benefit of Native Hawaiians to plan, conduct, and administer programs, or portions thereof, that are authorized by and consistent with the provisions of this subpart.

[(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term “Native Hawaiian” means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.]

## **[Subpart 2—National Programs]**

### **[SEC. 4121. FEDERAL ACTIVITIES.**

[(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4003(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private entities and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

[(1) the development and demonstration of innovative strategies for the training of school personnel, parents, and members of the community for drug and violence prevention activities based on State and local needs;

[(2) the development, demonstration, scientifically based evaluation, and dissemination of innovative and high quality drug and violence prevention programs and activities, based on State and local needs, which may include—

[(A) alternative education models, either established within a school or separate and apart from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, reduce the need for repeat suspensions and expulsions, enable students to meet challenging State academic standards, and enable students to return to the regular classroom as soon as possible;

[(B) community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students’ sense of individual responsibility;

[(C) video-based projects developed by noncommercial telecommunications entities that provide young people with models for conflict resolution and responsible decisionmaking; and

[(D) child abuse education and prevention programs for elementary and secondary students;

[(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination;

[(4) the provision of information on violence prevention and education and school safety to the Department of Justice for dissemination;

[(5) technical assistance to chief executive officers, State agencies, local educational agencies, and other recipients of funding under this part to build capacity to develop and implement high-quality, effective drug and violence prevention programs consistent with the principles of effectiveness in section 4115(a);

[(6) assistance to school systems that have particularly severe drug and violence problems, including hiring drug prevention and school safety coordinators, or assistance to support appropriate response efforts to crisis situations;

[(7) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

[(8) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems; and

[(9) other activities in accordance with the purpose of this part, based on State and local needs.

[(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.]

**[SEC. 4122. IMPACT EVALUATION.**

[(a) BIENNIAL EVALUATION.—The Secretary, in consultation with the Safe and Drug-Free Schools and Communities Advisory Committee described in section 4124, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence and illegal drug use in schools. The evaluation shall report on whether community and local educational agency programs funded under this subpart—

[(1) comply with the principles of effectiveness described in section 4115(a);

[(2) have appreciably reduced the level of illegal drug, alcohol, and tobacco use, and school violence and the illegal presence of weapons at schools; and

[(3) have conducted effective parent involvement and training programs.

[(b) DATA COLLECTION.—The National Center for Education Statistics shall collect data, that is subject to independent review, to determine the incidence and prevalence of illegal drug use and violence in elementary schools and secondary schools in the States. The collected data shall include incident reports by schools officials, anonymous student surveys, and anonymous teacher surveys.

[(c) BIENNIAL REPORT.—Not later than January 1, 2003, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under subsection (a) together with the data collected under subsection (b) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence in elementary schools and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection 4116(a).]

**[SEC. 4123. HATE CRIME PREVENTION.**

**[(a) GRANT AUTHORIZATION.—**From funds made available to carry out this subpart under section 4003(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

**[(b) USE OF FUNDS.—**

**[(1) PROGRAM DEVELOPMENT.—**Grants under this section may be used to improve elementary and secondary educational efforts, including—

**[(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;**

**[(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;**

**[(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and**

**[(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.**

**[(2) APPLICATION.—**In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require.

**[(3) REQUIREMENTS.—**Each application under paragraph (2) shall include—

**[(A) a request for funds for the purpose described in this section;**

**[(B) a description of the schools and communities to be served by the grants; and**

**[(C) assurances that Federal funds received under this section shall be used to supplement, and not supplant, non-Federal funds.**

**[(4) COMPREHENSIVE PLAN.—**Each application shall include a comprehensive plan that contains—

**[(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;**

**[(B) a description of the program to be developed or augmented by such Federal and matching funds;**

**[(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;**

**[(D) procedures for the proper and efficient administration of such program; and**

**[(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.**

**[(c) AWARD OF GRANTS.—**

**[(1) SELECTION OF RECIPIENTS.—**The Secretary shall consider the incidence of crimes and conflicts motivated by bias in

the targeted schools and communities in awarding grants under this section.

[(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

[(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

[(d) REPORTS.—The Secretary shall submit to Congress a report every 2 years that shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.]

**[SEC. 4124. SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.**

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—There is hereby established an advisory committee to be known as the “Safe and Drug Free Schools and Communities Advisory Committee” (referred to in this section as the “Advisory Committee”) to—

[(A) consult with the Secretary under subsection (b);

[(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

[(C) develop core data sets and evaluation protocols for safe and drug-free school- and community-based programs;

[(D) provide technical assistance and training for safe and drug-free school- and community-based programs;

[(E) provide for the diffusion of scientifically based research to safe and drug-free school- and community-based programs; and

[(F) review other regulations and standards developed under this title.

[(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

[(A) the Department of Education;

[(B) the Centers for Disease Control and Prevention;

[(C) the National Institute on Drug Abuse;

[(D) the National Institute on Alcoholism and Alcohol Abuse;

[(E) the Center for Substance Abuse Prevention;

[(F) the Center for Mental Health Services;

[(G) the Office of Juvenile Justice and Delinquency Prevention;

[(H) the Office of National Drug Control Policy;

[(I) State and local governments, including education agencies; and

[(J) researchers and expert practitioners.

[(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

**[(b) PROGRAMS.—**

**[(1) IN GENERAL.—**From amounts made available under section 4003(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out scientifically based research programs to strengthen the accountability and effectiveness of the State, chief executive officer's, and national programs under this part.

**[(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—**The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and private entities and individuals or through agreements with other Federal agencies.

**[(3) COORDINATION.—**The Secretary shall coordinate programs under this section with other appropriate Federal activities.

**[(4) ACTIVITIES.—**Activities that may be carried out under programs funded under this section may include—

**[(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State educational agencies and local educational agencies to support high quality, effective programs that—**

**[(i) provide a thorough assessment of the substance abuse and violence problem;**

**[(ii) utilize objective data and the knowledge of a wide range of community members;**

**[(iii) develop measurable goals and objectives; and**

**[(iv) implement scientifically based research activities that have been shown to be effective and that meet identified needs;**

**[(B) the provision of technical assistance and training to foster program accountability;**

**[(C) the diffusion and dissemination of best practices and programs;**

**[(D) the development of core data sets and evaluation tools;**

**[(E) program evaluations;**

**[(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act; and**

**[(G) other activities that meet unmet needs related to the purpose of this part and that are undertaken in consultation with the Advisory Committee.]**

**[SEC. 4125. NATIONAL COORDINATOR PROGRAM.**

**[(a) IN GENERAL.—**From funds made available to carry out this subpart under section 4003(2), the Secretary may provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local educational agencies for the hiring of drug prevention and school safety program coordinators.

**[(b) USE OF FUNDS.—**Amounts received under a grant under subsection (a) shall be used by local educational agencies to recruit, hire, and train individuals to serve as drug prevention and school



safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug-free grant program at such schools.】

**【SEC. 4126. COMMUNITY SERVICE GRANT PROGRAM.**

【(a) IN GENERAL.—From funds made available to carry out this subpart under section 4003(2), the Secretary may make grants to States to carry out programs under which students expelled or suspended from school are required to perform community service.

【(b) ALLOCATION.—From the amount described in subsection (a), the Secretary shall allocate among the States—

【(1) one-half according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

【(2) one-half according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

【(c) MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this section.

【(d) REALLOTMENT.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallocations shall be made on the same basis as allotments are made under subsection (b).

【(e) DEFINITION.—In this section, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.】

**【SEC. 4127. SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.**

【(a) CENTER.—From funds made available to carry out this subpart under section 4003(2), the Secretary, the Attorney General, and the Secretary of Energy may enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the “School Security Technology and Resource Center” (hereafter in this section “the Center”).

【(b) ADMINISTRATION.—The Center established under subsection (a) shall be administered by the Attorney General.

【(c) FUNCTIONS.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The Center will also conduct and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.】

**【SEC. 4128. NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY.**

【(a) ESTABLISHMENT.—From funds made available to carry out this subpart under section 4003(2), the Secretary of Education and the Attorney General may jointly establish a National Center for School and Youth Safety (in this section referred to as the “Cen-

ter"). The Secretary of Education and the Attorney General may establish the Center at an existing facility, if the facility has a history of performing two or more of the duties described in subsection (b). The Secretary of Education and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

[(b) DUTIES.—The Center shall carry out emergency response, anonymous student hotline, consultation, and information and outreach activities with respect to elementary and secondary school safety, including the following:

[(1) EMERGENCY RESPONSE.—The staff of the Center, and such temporary contract employees as the Director of the Center shall determine necessary, shall offer emergency assistance to local communities to respond to school safety crises. Such assistance shall include counseling for victims and the community, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

[(2) ANONYMOUS STUDENT HOTLINE.—The Center shall establish a toll-free telephone number for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

[(3) CONSULTATION.—The Center shall establish a toll-free number for the public to contact staff of the Center for consultation regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development to assist in the consultation.

[(4) INFORMATION AND OUTREACH.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.]

**[SEC. 4129. GRANTS TO REDUCE ALCOHOL ABUSE.**

[(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, may award grants from funds made available to carry out this subpart under section 4003(2), on a competitive basis, to local educational agencies to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

[(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

[(1) a description of the activities to be carried out under the grant;

[(2) an assurance that such activities will include one or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration;

[(3) an explanation of how activities to be carried out under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

[(4) an assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant; and

[(5) such other information as the Secretary determines appropriate.

[(c) STREAMLINING OF PROCESS FOR LOW-INCOME AND RURAL LEAS.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

[(d) RESERVATIONS.—

[(1) SAMHSA.—The Secretary may reserve 20 percent of any amount used to carry out this section to enable the Administrator of the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

[(2) LOW-INCOME AND RURAL AREAS.—The Secretary may reserve 25 percent of any amount used to carry out this section to award grants to low-income and rural local educational agencies.]

**[SEC. 4130. MENTORING PROGRAMS.**

[(a) PURPOSE; DEFINITIONS.—

[(1) PURPOSE.—The purpose of this section is to make assistance available to promote mentoring programs for children with greatest need—

[(A) to assist such children in receiving support and guidance from a mentor;

[(B) to improve the academic achievement of such children;

[(C) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

[(D) to reduce the dropout rate of such children; and

[(E) to reduce juvenile delinquency and involvement in gangs by such children.

[(2) DEFINITIONS.—In this part:

[(A) CHILD WITH GREATEST NEED.—The term “child with greatest need” means a child who is at risk of edu-

cational failure, dropping out of school, or involvement in criminal or delinquent activities, or who lacks strong positive role models.

【(B) ELIGIBLE ENTITY.—The term “eligible entity” means—

【(i) a local educational agency;

【(ii) a nonprofit, community-based organization;

or

【(iii) a partnership between a local educational agency and a nonprofit, community-based organization.

【(C) MENTOR.—The term “mentor” means a responsible adult, a postsecondary school student, or a secondary school student who works with a child—

【(i) to provide a positive role model for the child;

【(ii) to establish a supportive relationship with the child; and

【(iii) to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

【(D) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

【(b) GRANT PROGRAM.—

【(1) IN GENERAL.—The Secretary may award grants from funds made available to carry out this subpart under section 4003(2) to eligible entities to assist such entities in establishing and supporting mentoring programs and activities for children with greatest need that—

【(A) are designed to link such children (particularly children living in rural areas, high-crime areas, or troubled home environments, or children experiencing educational failure) with mentors who—

【(i) have received training and support in mentoring;

【(ii) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

【(iii) are interested in working with children with greatest need; and

【(B) are intended to achieve one or more of the following goals with respect to children with greatest need:

【(i) Provide general guidance.

【(ii) Promote personal and social responsibility.

【(iii) Increase participation in, and enhance the ability to benefit from, elementary and secondary education.

【(iv) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity.

[(v) Encourage participation in community service and community activities.

[(vi) Encourage setting goals and planning for the future, including encouragement of graduation from secondary school and planning for postsecondary education or training.

[(viii) Discourage involvement in gangs.

[(2) USE OF FUNDS.—

[(A) IN GENERAL.—Each eligible entity awarded a grant under this subsection shall use the grant funds for activities that establish or implement a mentoring program, that may include—

[(i) hiring of mentoring coordinators and support staff;

[(ii) providing for the professional development of mentoring coordinators and support staff;

[(iii) recruitment, screening, and training of mentors;

[(iv) reimbursement to schools, if appropriate, for the use of school materials or supplies in carrying out the mentoring program;

[(v) dissemination of outreach materials;

[(vi) evaluation of the mentoring program using scientifically based methods; and

[(vii) such other activities as the Secretary may reasonably prescribe by rule.

[(B) PROHIBITED USES.—Notwithstanding subparagraph (A), an eligible entity awarded a grant under this section may not use the grant funds—

[(i) to directly compensate mentors;

[(ii) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the eligible entity's operations;

[(iii) to support litigation of any kind; or

[(iv) for any other purpose reasonably prohibited by the Secretary by rule.

[(3) AVAILABILITY OF FUNDS.—Funds made available through a grant under this section shall be available for obligation for a period not to exceed 3 years.

[(4) APPLICATION.—Each eligible entity seeking a grant under this section shall submit to the Secretary an application that includes—

[(A) a description of the plan for the mentoring program the eligible entity proposes to carry out with such grant;

[(B) information on the children expected to be served by the mentoring program for which such grant is sought;

[(C) a description of the mechanism the eligible entity will use to match children with mentors based on the needs of the children;

[(D) an assurance that no mentor will be assigned to mentor so many children that the assignment will undermine the mentor's ability to be an effective mentor or the mentor's ability to establish a close relationship (a one-to-

one relationship, where practicable) with each mentored child;

[(E) an assurance that the mentoring program will provide children with a variety of experiences and support, including—

[(i) emotional support;

[(ii) academic assistance; and

[(iii) exposure to experiences that the children might not otherwise encounter on their own;

[(F) an assurance that the mentoring program will be monitored to ensure that each child assigned a mentor benefits from that assignment and that the child will be assigned a new mentor if the relationship between the original mentor and the child is not beneficial to the child;

[(G) information regarding how mentors and children will be recruited to the mentoring program;

[(H) information regarding how prospective mentors will be screened;

[(I) information on the training that will be provided to mentors; and

[(J) information on the system that the eligible entity will use to manage and monitor information relating to the mentoring program's—

[(i) reference checks;

[(ii) child and domestic abuse record checks;

[(iii) criminal background checks; and

[(iv) procedure for matching children with mentors.

[(5) SELECTION.—

[(A) COMPETITIVE BASIS.—In accordance with this subsection, the Secretary shall award grants to eligible entities on a competitive basis.

[(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary shall give priority to each eligible entity that—

[(i) serves children with greatest need living in rural areas, high-crime areas, or troubled home environments, or who attend schools with violence problems;

[(ii) provides high quality background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs; or

[(iii) proposes a school-based mentoring program.

[(C) OTHER CONSIDERATIONS.—In awarding grants under subparagraph (A), the Secretary shall also consider—

[(i) the degree to which the location of the mentoring program proposed by each eligible entity contributes to a fair distribution of mentoring programs with respect to urban and rural locations;

[(ii) the quality of the mentoring program proposed by each eligible entity, including—

[(I) the resources, if any, the eligible entity will dedicate to providing children with opportunities for job training or postsecondary education;

[(II) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the proposed mentoring program;

[(III) the degree to which the eligible entity can ensure that mentors will develop longstanding relationships with the children they mentor;

[(IV) the degree to which the mentoring program will serve children with greatest need in the 4th through 8th grades; and

[(V) the degree to which the mentoring program will continue to serve children from the 9th grade through graduation from secondary school, as needed; and

[(iii) the capability of each eligible entity to effectively implement its mentoring program.

[(D) GRANT TO EACH STATE.—Notwithstanding any other provision of this subsection, in awarding grants under subparagraph (A), the Secretary shall select not less than one grant recipient from each State for which there is an eligible entity that submits an application of sufficient quality pursuant to paragraph (4).

[(6) MODEL SCREENING GUIDELINES.—

[(A) IN GENERAL.—Based on model screening guidelines developed by the Office of Juvenile Programs of the Department of Justice, the Secretary shall develop and distribute to each eligible entity awarded a grant under this section specific model guidelines for the screening of mentors who seek to participate in mentoring programs assisted under this section.

[(B) BACKGROUND CHECKS.—The guidelines developed under this subsection shall include, at a minimum, a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.

### **[Subpart 3—Gun Possession]**

#### **[SEC. 4141. GUN-FREE REQUIREMENTS.**

[(a) SHORT TITLE.—[This subpart may be cited as the “Gun-Free Schools Act”.

[(b) REQUIREMENTS.—

[(1) IN GENERAL.—Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

[(2) CONSTRUCTION.—Nothing in this subpart shall be construed to prevent a State from allowing a local educational

agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

[(3) DEFINITION.—For the purpose of this section, the term “firearm” has the same meaning given such term in section 921(a) of title 18, United States Code.]

[(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.]

[(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance—

[(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

[(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

[(A) the name of the school concerned;

[(B) the number of students expelled from such school;

and

[(C) the type of firearms concerned.]

[(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.]

[(f) DEFINITION.—For the purpose of subsection (d), the term “school” means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.]

[(g) EXCEPTION.—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.]

[(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—

[(1) IN GENERAL.—No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.]

[(2) DEFINITION.—For the purpose of this subsection, the term “school” has the same meaning given to such term by section 921(a) of title 18, United States Code.]

## [Subpart 4—General Provisions

### [SEC. 4151. DEFINITIONS.]

[In this part:

[(1) CONTROLLED SUBSTANCE.—The term “controlled substance” means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).]

[(2) DRUG.—The term “drug” includes controlled substances; the illegal use of alcohol and tobacco; and the harmful,



abusive, or addictive use of substances, including inhalants and anabolic steroids.

[(3) DRUG AND VIOLENCE PREVENTION.—The term “drug and violence prevention” means—

[(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs;

[(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

[(4) HATE CRIME.—The term “hate crime” means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

[(5) NONPROFIT.—The term “nonprofit”, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

[(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms “protective factor”, “buffer”, and “asset” mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

[(7) RISK FACTOR.—The term “risk factor” means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illegal drug use, as well as violent behavior, by youth in the school and community.

[(8) SCHOOL-AGED POPULATION.—The term “school-aged population” means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

[(9) SCHOOL BASED MENTAL HEALTH SERVICES PROVIDER.—The term “school based mental health services provider” includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

[(10) SCHOOL PERSONNEL.—The term “school personnel” includes teachers, principals, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

[(11) SCHOOL RESOURCE OFFICER.—The term “school resource officer” means a career law enforcement officer, with sworn authority, deployed in community oriented policing, and assigned by the employing police department to a local educational agency to work in collaboration with schools and community based organizations to—

[(A) educate students in crime and illegal drug use prevention and safety;

[(B) develop or expand community justice initiatives for students; and

[(C) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.]

**[SEC. 4152. MESSAGE AND MATERIALS.**

[(a) “WRONG AND HARMFUL” MESSAGE.—Drug and violence prevention programs supported under this part shall convey a clear and consistent message that the illegal use of drugs and acts of violence are wrong and harmful.

[(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part.]

**[SEC. 4153. PARENTAL CONSENT.**

[(Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program or activity funded under this part. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this part, other than classroom instruction.)]

**[SEC. 4154. PROHIBITED USES OF FUNDS.**

[No funds under this part may be used for—

[(1) construction (except for minor remodeling needed to accomplish the purposes of this part); or

[(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs.]

**[SEC. 4155. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.**

[(a) NONAPPLICATION OF PROVISIONS.—This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

[(b) DISCIPLINARY RECORDS.—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.]

**PART A—GRANTS TO STATES AND LOCAL  
EDUCATIONAL AGENCIES**

**SEC. 4101. PURPOSE.**

*The purpose of this part is to improve students' safety, health, well-being, and academic achievement during and after the school day by—*

- (1) increasing the capacity of local educational agencies, schools, and local communities to improve conditions for learning through the creation of safe, healthy, supportive, and drug-free environments;*
- (2) carrying out programs designed to improve school safety and promote students' physical and mental health and well-being;*
- (3) preventing and reducing substance use and abuse, school violence, harassment, and bullying; and*
- (4) strengthening parent and community engagement to ensure a healthy, safe, and supportive school environment.*

**SEC. 4102. DEFINITIONS.**

*In this part:*

*(1) CONTROLLED SUBSTANCE.—The term “controlled substance” means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).*

*(2) DRUG.—The term “drug” includes controlled substances, the illegal use of alcohol or tobacco, and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.*

*(3) DRUG AND VIOLENCE PREVENTION.—The term “drug and violence prevention” means—*

*(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs; and*

*(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.*

*(4) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term “school-based mental health services provider” includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such mental health services to children and adolescents, including children in early childhood education programs.*

*(5) STATE.—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.*

**SEC. 4103. FORMULA GRANTS TO STATES.**

(a) **RESERVATIONS.**—From the total amount appropriated under section 4108 for a fiscal year, the Secretary shall reserve—

(1) not more than 5 percent for national activities, which the Secretary may carry out directly or through grants, contracts, or agreements with public or private entities or individuals, or other Federal agencies, such as providing technical assistance to States and local educational agencies carrying out activities under this part or conducting a national evaluation;

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

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

(4) such funds as may be necessary for the Project School Emergency Response to Violence program (referred to as 'Project SERV'), which is authorized to provide education-related services to local educational agencies and institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis, and which funds shall remain available for obligation until expended.

(b) **STATE ALLOTMENTS.**—

(1) **ALLOTMENT.**—

(A) **IN GENERAL.**—In accordance with subparagraph (B), the Secretary shall allot among each of the States the total amount made available to carry out this part for any fiscal year and not reserved under subsection (a).

(B) **DETERMINATION OF STATE ALLOTMENT AMOUNTS.**—Subject to paragraph (2), the Secretary shall allot the amount made available under subparagraph (A) for a fiscal year among the States in proportion to the number of individuals, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

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

(3) **PUERTO RICO.**—The amount allotted under subparagraph (A) to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under such subparagraph.

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

(c) **STATE USE OF FUNDS.**—

(1) **IN GENERAL.**—Each State that receives an allotment under this section shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fis-

cal year, for subgrants to local educational agencies, which may include consortia of such agencies, under section 4104.

(2) *STATE ADMINISTRATION.*—A State educational agency shall use not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out its responsibilities under this part.

(3) *STATE ACTIVITIES.*—A State educational agency shall use the amount made available to the State under subsection (b) and not reserved under paragraph (1) for activities and programs designed to meet the purposes of this part, which—

(A) shall include—

(i) providing training, technical assistance, and capacity building to local educational agencies that are recipients of a subgrant under section 4104, which may include identifying and disseminating best practices for professional development and capacity building for teachers, administrators, and specialized instructional support personnel in schools that are served by local educational agencies under this part; and

(ii) publicly reporting on how funds made available under this part are being expended by local educational agencies under section 4104; and

(B) may include—

(i) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this part, so that local educational agencies can better coordinate with other agencies, schools and community-based services and programs;

(ii) assisting local educational agencies to expand access to or coordination of resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs described in section 4105(a)(4);

(iii) supporting programs and activities that offer a variety of well-rounded educational experiences to students;

(iv) supporting activities that promote physical and mental health and well-being for students and staff;

(v) designing and implementing a grant process for local entities that wish to use funds to reduce exclusionary discipline practices in elementary schools and secondary schools, in a manner consistent with State or federally identified best practices on the subject; and

(vi) other activities identified by the State that meet the purposes of this part.

(d) *STATE PLAN.*—

(1) *IN GENERAL.*—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary may reasonably require.

(2) *CONTENTS.*—Each plan submitted by a State under this section shall include the following:

(A) A description of how the State educational agency will use funds received under this part for State-level activities.

(B) A description of program objectives and outcomes for activities under this part.

(C) An assurance that the State educational agency will review existing resources and programs across the State and will coordinate any new plans and resources under this part with such existing programs and resources.

(D) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

(3) ANNUAL REPORT.—Each State receiving a grant under this part shall annually prepare and submit a report to the Secretary, which shall include—

(A) how the State and local educational agencies used funds provided under this part; and

(B) the degree to which the State and local educational agencies have made progress toward meeting the objectives and outcomes described in the plan submitted by the State under paragraph (2)(B).

**CAROLYN STARTS HERE --- DOUBLE CHECK FOR DUPLICATE BELOW WHEN MERGING OUR DOCUMENTS\*\*\*\*\***

**SEC. 4104. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—A State that receives an allotment under this part for a fiscal year shall provide the amount made available under section 4103(c)(1) for subgrants to local educational agencies, which may include consortia of such agencies, in accordance with this section.

(2) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—From the funds reserved by a State under section 4103(c)(1), the State shall allocate to each local educational agency or consortium of such agencies in the State an amount that bears the same relationship to such funds as the number of individuals aged 5 to 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of such individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

(3) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (2), a local educational agency or consortium of such agencies may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this part.

(b) LOCAL APPLICATIONS.—

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

(2) CONSULTATION.—

(A) *IN GENERAL.*—A local educational agency or consortium of such agencies shall conduct a needs assessment described in paragraph (3), and develop its application, through consultation with parents, teachers, principals, school leaders, specialized instructional support personnel, early childhood educators, students, community-based organizations, local government representatives, Indian tribes or tribal organizations (if applicable) that may be located in the region served by the local educational agency, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this part.

(B) *CONTINUED CONSULTATION.*—On an ongoing basis, the local educational agency or consortium of such agencies shall consult with the individuals and organizations described in subparagraph (A) in order to seek advice regarding how best—

(i) to improve the local activities in order to meet the purpose of this part; and

(ii) to coordinate such activities under this part with other related strategies, programs, and activities being conducted in the community.

(3) *NEEDS ASSESSMENT.*—

(A) *IN GENERAL.*—To be eligible to receive a subgrant under this section, a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served and of all schools within the jurisdiction of the local educational agency or agencies proposed to be served.

(B) *REQUIREMENTS.*—In conducting the needs assessment required under subparagraph (A), the local educational agency or consortium of such agencies shall take into account—

(i) applicable and available school-level data on indicators or measures of school quality, climate and safety, and discipline, including those described in section 1111(d)(1)(C)(v); and

(ii) risk factors in the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of drug use, violent behavior, harassment, disciplinary issues, and having an effect on the physical and mental health and well-being of youth in the school and community.

(4) *CONTENTS.*—Each application submitted under this subsection shall be based on the needs assessment described in paragraph (3) and shall include the following:

(A) The results of the needs assessment described in paragraph (3) and an identification of each school that will be served by a subgrant under this section.

(B) A description of the activities that the local educational agency or consortium of such agencies will carry out under this part and how these activities are aligned

*with the results of the needs assessment conducted under paragraph (3).*

*(C) A description of the performance indicators that the local educational agency or consortium of such agencies will use to evaluate the effectiveness of the activities carried out under this section.*

*(D) An assurance that such activities will comply with the principles of effectiveness described in section 4105(b), and foster a healthy, safe, and supportive school environment that improves students' safety, health, and well-being during and after the school day.*

*(E) An assurance that the local educational agency or consortium of such agencies will prioritize the distribution of funds to schools served by the local educational agency or consortium of such agencies that—*

*(i) are among the schools with the greatest needs as identified through the needs assessment conducted under paragraph (3);*

*(ii) have the highest percentages or numbers of children counted under section 1124(c);*

*(iii) are identified under section 1114(a)(1)(A); or*

*(iv) are identified as a persistently dangerous public elementary school or secondary school under section 9532.*

*(F) An assurance that the local educational agency or consortium of such agencies will comply with section 9501 (regarding equitable participation by private school children and teachers).*

**SEC. 4105. LOCAL EDUCATIONAL AGENCY AUTHORIZED ACTIVITIES.**

*(a) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—A local educational agency or consortium of such agencies that receives a subgrant under section 4104 shall use the subgrant funds to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other schools and community-based services and programs and may be conducted in partnership with nonprofit organizations with a demonstrated track-record of success in implementing activities, that are in accordance with the purpose of this part and—*

*(1) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;*

*(2) are consistent with the principles of effectiveness described in subsection (b);*

*(3) promote the involvement of parents in the activity or program, as appropriate; and*

*(4) may include, among other programs and activities—*

*(A) drug and violence prevention activities and programs, including professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, and intervention mentoring, and, where appropriate, rehabilitation referral, as related to drug and violence prevention;*

*(B) programs that support extended learning opportunities, including before and after school programs and ac-*



*tivities, programs during summer recess periods, and expanded learning time;*

*(C) in accordance with subsections (c) and (d), school-based mental health services, including early identification of mental-health symptoms, drug use and violence, and appropriate referrals to direct individual or group counseling services provided by qualified school or community-based mental health services providers;*

*(D) in accordance with subsections (c) and (d), school-based mental health services partnership programs that—*

*(i) are conducted in partnership with a public or private mental-health entity or health care entity, which may also include a child welfare agency, family-based mental health entity, trauma network, or other community-based entity; and*

*(ii) provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are based on trauma-informed and evidence practices, are coordinated (where appropriate) with early intervening services carried out under the Individuals with Disabilities Education Act, are provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise, and may include—*

*(I) the early identification of social, emotional, or behavioral problems, or substance use disorders, and the provision of early intervening services;*

*(II) notwithstanding section 4107, the treatment or referral for treatment of students with social, emotional, or behavioral health problems, or substance use disorders;*

*(III) the development and implementation of programs to assist children in dealing with trauma and violence; and*

*(IV) the development of mechanisms, based on best practices, for children to report incidents of violence or plans by other children or adults to commit violence;*

*(E) emergency planning and intervention services following traumatic crisis events;*

*(F) programs that train school personnel to identify warning signs of youth drug abuse and suicide;*

*(G) mentoring programs and activities for children who are at risk of academic failure, dropping out of school, or involvement in criminal or delinquent activities, drug use and abuse, or who lack strong positive role models;*

*(H) early childhood, elementary school, and secondary school counseling programs, including college and career guidance programs, such as financial literacy and Federal financial aid awareness efforts;*

*(I) programs or activities that support a healthy, active lifestyle, including nutritional education and regular, structured physical education programs for early childhood, elementary school, and secondary school students;*

(J) implementation of schoolwide positive behavioral interventions and supports, including through coordination with similar activities carried out under the Individuals with Disabilities Education Act, in order to improve academic outcomes for students and reduce the need for suspensions, expulsions, and other actions that remove students from instruction;

(K) programs and activities that offer a variety of well-rounded educational experience for students, such as those that—

(i) use music and the arts as tools to promote constructive student engagement, problem solving, and conflict resolution; or

(ii) further students' understanding of and knowledge in computer science from elementary school through secondary school;

(L) systems of high-capacity, integrated student supports;

(M) strategies that establish learning environments to further students' academic and nonacademic skills essential for school readiness and academic success, such as by providing integrated systems of student and family supports and building teacher, principal, and other school leader capacity;

(N) bullying and harassment prevention programs or activities, including professional development and training for school and specialized instructional support personnel in the prevention, early identification, and early intervention, as related to bullying and harassment;

(O) programs or activities designed to increase school safety and climate, including conflict resolution practices, crisis management techniques, and other school-based violence prevention strategies;

(P) pay for success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government; and

(Q) other activities and programs identified as necessary by the local educational agency through the needs assessment conducted under section 4104(b)(3) that will increase student achievement and otherwise meet the purpose of this part.

(b) **PRINCIPLES OF EFFECTIVENESS.**—

(1) **IN GENERAL.**—For a program or activity developed or carried out under this part to meet the principles of effectiveness, such program or activity shall—

(A) be based upon an assessment of objective data regarding the need for programs and activities in the early childhood, elementary school, secondary school, or community to be served to—

(i) improve school safety and promote students' physical and mental health and well-being, healthy eating and nutrition, and physical fitness; and

(ii) *strengthen parent and community engagement to ensure a healthy, safe, and supportive school environment;*

(B) *be based upon established State requirements and evidence-based criteria aimed at ensuring a healthy, safe, and supportive school environment for students in the early childhood, elementary school, secondary school, or community that will be served by the program; and*

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

(2) *PERIODIC EVALUATION.—*

(A) *IN GENERAL.—The program or activity shall undergo a periodic independent, third party evaluation to assess the extent to which the program or activity has helped the local educational agency or school provide students with a healthy, safe, and supportive school environment that promotes school safety and students' physical and mental health and well-being.*

(B) *USE OF RESULTS.—The local educational agency or consortium of such agencies shall ensure that the results of the periodic evaluations described under subparagraph (A) are—*

(i) *used to refine, improve, and strengthen the program or activity, and to refine locally determined criteria described under paragraph (1)(B); and*

(ii) *made available to the public and the State.*

(3) *PROHIBITION.—Nothing in this subsection shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control, the principles of effectiveness developed or utilized by a local educational agency under this subsection.*

(c) *PARENTAL CONSENT.—*

(1) *IN GENERAL.—Each local educational agency receiving a subgrant under this part shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment service or treatment that is funded under this part and conducted in connection with an elementary school or secondary school under this part.*

(2) *EXCEPTION.—Notwithstanding paragraph (1), the written, informed consent described in such paragraph shall not be required in—*

(A) *an emergency, where it is necessary to protect the immediate health and safety of the student, other students, or school personnel; or*

(B) *other instances where parental consent cannot be reasonably obtained, as defined by the Secretary.*

(d) *PRIVACY.—Each local educational agency receiving a subgrant under this part shall ensure that student mental health records are accorded the privacy protections provided under section 444 of the General Education Provisions Act (20 U.S.C. 1232g)(commonly referred to as the “Family Educational Rights and Privacy Act of 1974”).*

**SEC. 4106. SUPPLEMENT, NOT SUPPLANT.**

*Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.*

**SEC. 4107. PROHIBITIONS.**

*(a) PROHIBITED USE OF FUNDS.—No funds under this part may be used for—*

- (1) construction; or*
- (2) medical services or drug treatment or rehabilitation, except for integrated student supports or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.*

*(b) PROHIBITION ON MANDATORY MEDICATION.—No child shall be required to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of receiving an evaluation, services, or attending a school receiving assistance under this part.*

**SEC. 4108. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.*

## **[PART B—21ST CENTURY COMMUNITY LEARNING CENTERS]**

**[SEC. 4201. PURPOSE; DEFINITIONS.**

**[(a) PURPOSE.—**The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

**[(1)** provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics;

**[(2)** offer students a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and

**[(3)** offer families of students served by community learning centers opportunities for literacy and related educational development.

**[(b) DEFINITIONS.—**In this part:

**[(1) COMMUNITY LEARNING CENTER.—**The term “community learning center” means an entity that—

**[(A)** assists students in meeting State and local academic achievement standards in core academic subjects, such as reading and mathematics, by providing the students with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during non-

school hours or periods when school is not in session (such as before and after school or during summer recess) that reinforce and complement the regular academic programs of the schools attended by the students served; and

[(B) offers families of students served by such center opportunities for literacy and related educational development.

[(2) COVERED PROGRAM.—The term “covered program” means a program for which—

[(A) the Secretary made a grant under part I of title X (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(B) the grant period had not ended on that date of enactment.

[(3) ELIGIBLE ENTITY.—The term “eligible entity” means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more of such agencies, organizations, or entities.

[(4) STATE.—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.]

**[SEC. 4202. ALLOTMENTS TO STATES.**

[(a) RESERVATION.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

[(1) such amount as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);

[(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

[(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

[(b) STATE ALLOTMENTS.—

[(1) DETERMINATION.—From the funds appropriated under section 4206 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

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

[(c) STATE USE OF FUNDS.—

[(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

[(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

[(A) the administrative costs of carrying out its responsibilities under this part;

[(B) establishing and implementing a peer review process for grant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

[(C) supervising the awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

[(3) STATE ACTIVITIES.—A State educational agency may use not more than 3 percent of the amount made available to the State under subsection (b) for the following activities:

[(A) Monitoring and evaluation of programs and activities assisted under this part.

[(B) Providing capacity building, training, and technical assistance under this part.

[(C) Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

[(D) Providing training and technical assistance to eligible entities who are applicants for or recipients of awards under this part.]

**[SEC. 4203. STATE APPLICATION.**

[(a) IN GENERAL.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

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

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

[(3) contains an assurance that the State educational agency will make awards under this part only to eligible entities that propose to serve—

[(A) students who primarily attend—

[(i) schools eligible for schoolwide programs under section 1114; or

[(ii) schools that serve a high percentage of students from low-income families; and

[(B) the families of students described in subparagraph (A);

[(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the

likelihood that a proposed community learning center will help participating students meet local content and student academic achievement standards;

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

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

[(B) in amounts that are consistent with section 4204(h);

[(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, and dissemination of promising practices;

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

[(8) contains an assurance that the State educational agency—

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

[(B) will require each eligible entity seeking such an award to submit a plan describing how the community learning center to be funded through the award will continue after funding under this part ends;

[(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

[(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 4204(b) how the transportation needs of participating students will be addressed;

[(11) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer school) programs, the heads of the State health and mental health agencies or their designees, and representatives of teachers, parents, students, the business community, and community-based organizations;

[(12) describes the results of the State's needs and resources assessment for before and after school activities, which shall be based on the results of on-going State evaluation activities;

[(13) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

[(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities; and

[(B) public dissemination of the evaluations of programs and activities carried out under this part; and

[(14) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.]

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

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

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

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

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

[(A) cite the specific provisions in the application that are not in compliance; and

[(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.]

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

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

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

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

**[SEC. 4204. LOCAL COMPETITIVE GRANT PROGRAM.]**

[(a) IN GENERAL.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to eligible entities for community learning centers in accordance with this part.]

[(b) APPLICATION.—

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

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

[(A) a description of the before and after school or summer recess activities to be funded, including—



【(i) an assurance that the program will take place in a safe and easily accessible facility;

【(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home; and

【(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

【(B) a description of how the activity is expected to improve student academic achievement;

【(C) an identification of Federal, State, and local programs that will be combined or coordinated with the proposed program to make the most effective use of public resources;

【(D) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;

【(E) a description of how the activities will meet the principles of effectiveness described in section 4205(b);

【(F) an assurance that the program will primarily target students who attend schools eligible for schoolwide programs under section 1114 and the families of such students;

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

【(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

【(I) an evaluation of the community needs and available resources for the community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

【(J) a demonstration that the eligible entity has experience, or promise of success, in providing educational and related activities that will complement and enhance the academic performance, achievement, and positive youth development of the students;

【(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

【(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

【(M) if the eligible entity plans to use senior volunteers in activities carried out through the community learning center, a description of how the eligible entity will

encourage and use appropriately qualified seniors to serve as the volunteers; and

[(N) such other information and assurances as the State educational agency may reasonably require.

[(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

[(d) PERMISSIVE LOCAL MATCH.—

[(1) IN GENERAL.—A State educational agency may require an eligible entity to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal or State funds.

[(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

[(A) the relative poverty of the population to be targeted by the eligible entity; and

[(B) the ability of the eligible entity to obtain such matching funds.

[(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

[(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive awards under this part.

[(e) PEER REVIEW.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

[(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute funds under this part equitably among geographic areas within the State, including urban and rural communities.

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

[(h) AMOUNT OF AWARDS.—A grant awarded under this part may not be made in an amount that is less than \$50,000.

[(i) PRIORITY.—

[(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to applications—

[(A) proposing to target services to students who attend schools that have been identified as in need of improvement under section 1116; and

[(B) submitted jointly by eligible entities consisting of not less than 1—

[(i) local educational agency receiving funds under part A of title I; and

[(ii) community-based organization or other public or private entity.

[(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.]

**[SEC. 4205. LOCAL ACTIVITIES.**

[(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under this part may use the award funds to carry out a broad array of before and after school activities (including during summer recess periods) that advance student academic achievement, including—

[(1) remedial education activities and academic enrichment learning programs, including providing additional assistance to students to allow the students to improve their academic achievement;

[(2) mathematics and science education activities;

[(3) arts and music education activities;

[(4) entrepreneurial education programs;

[(5) tutoring services (including those provided by senior citizen volunteers) and mentoring programs;

[(6) programs that provide after school activities for limited English proficient students that emphasize language skills and academic achievement;

[(7) recreational activities;

[(8) telecommunications and technology education programs;

[(9) expanded library service hours;

[(10) programs that promote parental involvement and family literacy;

[(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement; and

[(12) drug and violence prevention programs, counseling programs, and character education programs.

[(b) PRINCIPLES OF EFFECTIVENESS.—

[(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall—

[(A) be based upon an assessment of objective data regarding the need for before and after school programs (including during summer recess periods) and activities in the schools and communities;

[(B) be based upon an established set of performance measures aimed at ensuring the availability of high quality academic enrichment opportunities; and

[(C) if appropriate, be based upon scientifically based research that provides evidence that the program or activity will help students meet the State and local student academic achievement standards.

[(2) PERIODIC EVALUATION.—

[(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation to assess its progress toward

achieving its goal of providing high quality opportunities for academic enrichment.

[(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

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

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

**[SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated—

[(1) \$1,250,000,000 for fiscal year 2002;

[(2) \$1,500,000,000 for fiscal year 2003;

[(3) \$1,750,000,000 for fiscal year 2004;

[(4) \$2,000,000,000 for fiscal year 2005;

[(5) \$2,250,000,000 for fiscal year 2006; and

[(6) \$2,500,000,000 for fiscal year 2007.]

**PART B—21ST CENTURY COMMUNITY  
LEARNING CENTERS**

**SEC. 4201. PURPOSE; DEFINITIONS.**

(a) *PURPOSE.*—The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet challenging State academic standards described in section 1111(b)(1);

(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, art, music, physical fitness and wellness programs, technology education programs, financial literacy programs, math, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students; and

(3) offer families of students served by community learning centers opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development.

(b) *DEFINITIONS.*—In this part:

(1) *COMMUNITY LEARNING CENTER.*—The term “community learning center” means an entity that—

(A) assists students to meet challenging State academic standards described in section 1111(b)(1) by providing the students with academic enrichment activities and a broad array of other activities (such as programs and activities described in subsection (a)(2)) during nonschool hours or

periods when school is not in session (such as before and after school or during summer recess) that—

(i) reinforce and complement the regular academic programs of the schools attended by the students served; and

(ii) are targeted to the students' academic needs and aligned with the instruction students receive during the school day; and

(B) offers families of students served by such center opportunities for literacy, and related educational development and opportunities for active and meaningful engagement in their children's education.

(2) COVERED PROGRAM.—The term “covered program” means a program for which —

(A) the Secretary made a grant under part B of title IV (as such part was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015); and

(B) the grant period had not ended on that date of enactment.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means a local educational agency, community-based organization, Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities.

(4) EXTERNAL ORGANIZATION.—The term “external organization” means—

(A) a nonprofit organization with a record of success in running or working with after school programs; or

(B) in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a formal agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance.

(5) RIGOROUS PEER-REVIEW PROCESS.—The term “rigorous peer-review process” means a process by which—

(A) employees of a State educational agency who are familiar with the 21st century community learning center program under this part review all applications that the State receives for awards under this part for completeness and applicant eligibility;

(B) the State educational agency selects peer reviewers for such applications, who shall—

(i) be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children; and

(ii) not include any applicant, or representative of an applicant, that has submitted an application under this part for the current application period; and

(C) the peer reviewers described in subparagraph (B) review and rate the applications to determine the extent to which the applications meet the requirements under sections 4204(b) and 4205.

(6) *STATE*.—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**SEC. 4202. ALLOTMENTS TO STATES.**

(a) *RESERVATION*.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

(1) such amounts as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);

(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

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

(b) *STATE ALLOTMENTS*.—

(1) *DETERMINATION*.—From the funds appropriated under section 4206 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

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

(c) *STATE USE OF FUNDS*.—

(1) *IN GENERAL*.—Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

(2) *STATE ADMINISTRATION*.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

(A) the administrative costs of carrying out its responsibilities under this part;

(B) establishing and implementing a rigorous peer-review process for grant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

(3) *STATE ACTIVITIES.*—A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

(A) *Monitoring and evaluation of programs and activities assisted under this part.*

(B) *Providing capacity building, training, and technical assistance under this part.*

(C) *Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.*

(D) *Providing training and technical assistance to eligible entities who are applicants for or recipients of awards under this part.*

(E) *Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with State academic standards.*

(F) *Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.*

(G) *Working with teachers, principals, parents, the local workforce, the local community, and other stakeholders to review and improve State policies and practices to support the implementation of effective programs under this part.*

(H) *Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.*

(I) *Providing a list of prescreened external organizations, as described in section 4203(a)(11).*

**SEC. 4203. STATE APPLICATION.**

(a) *IN GENERAL.*—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

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

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

(3) *contains an assurance that the State educational agency—*

(A) *will make awards under this part to eligible entities that serve students who primarily attend schools that have been identified under section 1114(a)(1)(A) and other schools determined by the local educational agency to be in need of intervention and support and the families of such students; and*

(B) *will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 4204(i)(1)(A)(i);*

(4) *describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help*

*participating students meet State and local content and student academic achievement standards;*

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

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

*(B) in amounts that are consistent with section 4204(h);*

*(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas as well as youth development;*

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

*(8) contains an assurance that the State educational agency—*

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

*(B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;*

*(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;*

*(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 4204(b) how the transportation needs of participating students will be addressed;*

*(11) describes how the State will prescreen external organizations that could provide assistance in carrying out the activities under this part, and develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;*

*(12) provides—*

*(A) an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer school) programs, the heads of the State health and mental health agencies or their designees, statewide after school networks (where applicable) and representatives of teachers, local educational agencies, and community-based organizations; and*

*(B) a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable;*



(13) describes the results of the State's needs and resources assessment for before and after school activities, which shall be based on the results of on-going State evaluation activities;

(14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—

(i) are able to track student success and improvement over time;

(ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades, regular (or consistent) program attendance, and on-time advancement to the next grade level; and

(iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;

(B) a description of how data collected for the purposes of subparagraph (A) will be collected; and

(C) public dissemination of the evaluations of programs and activities carried out under this part; and

(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

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

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

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

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

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

(A) cite the specific provisions in the application that are not in compliance; and

(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

(e) **RESPONSE.**—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the

notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

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

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

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

(g) *LIMITATION.*—The Secretary may not impose a priority or preference for States or eligible entities that seek to use funds made available under this part to extend the regular school day.

**SEC. 4204. LOCAL COMPETITIVE GRANT PROGRAM.**

(a) *IN GENERAL.*—

(1) *COMMUNITY LEARNING CENTERS.*—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to eligible entities for community learning centers in accordance with this part.

(2) *EXPANDED LEARNING PROGRAM ACTIVITIES.*—A State that receives funds under this part for a fiscal year may also use funds under section 4202(c)(1) to support those enrichment and engaging academic activities described in section 4205(a) that—

(A) are included as part of an expanded learning program that provide students at least 300 additional program hours before, during, or after the traditional school day;

(B) supplement but do not supplant school day requirements; and

(C) are awarded to entities that meet the requirements of subsection (i).

(b) *APPLICATION.*—

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

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

(A) a description of the activities to be funded, including—

(i) an assurance that the program will take place in a safe and easily accessible facility;

(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and

(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

(C) a demonstration of how the proposed program will coordinate Federal, State, and local programs and make the most effective use of public resources;

(D) an assurance that the proposed program was developed, and will be carried out—

(i) in active collaboration with the schools the students attend (including through the sharing of relevant student data among the schools), all participants in the eligible entity, and any partnership entities described in subparagraph (H), while complying with applicable laws relating to privacy and confidentiality; and

(ii) in alignment with State and local content and student academic achievement standards;

(E) a description of how the activities will meet the principles of effectiveness described in section 4205(b);

(F) an assurance that the program will target students who primarily attend schools eligible for schoolwide programs under section 1114 and the families of such students;

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

(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

(I) an evaluation of the community needs and available resources for the community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

(J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students;

(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

(M) if the eligible entity plans to use volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers; and

(N) such other information and assurances as the State educational agency may reasonably require.

(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

(d) PERMISSIVE LOCAL MATCH.—

(1) IN GENERAL.—A State educational agency may require an eligible entity to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal or State funds.

(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

(A) the relative poverty of the population to be targeted by the eligible entity; and

(B) the ability of the eligible entity to obtain such matching funds.

(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive awards under this part.

(e) PEER REVIEW.—In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods of assuring the quality of such applications.

(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute funds under this part equitably among geographic areas within the State, including urban and rural communities.

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

(h) AMOUNT OF AWARDS.—A grant awarded under this part may not be made in an amount that is less than \$50,000.

(i) PRIORITY.—

(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to applications—

(A) proposing to target services to—

(i) students who primarily attend schools that—

(I) have been identified under section 1114(a) and other schools determined by the local educational agency to be in need of intervention and support to improve student academic achievement and other outcomes; and

(II) enroll students who may be at risk for academic failure, dropping out of school, involvement

*in criminal or delinquent activities, or who lack strong positive role models; and*

*(ii) the families of students described in clause (i);*

*(B) submitted jointly by eligible entities consisting of not less than 1—*

*(i) local educational agency receiving funds under part A of title I; and*

*(ii) another eligible entity; and*

*(C) demonstrating that the activities proposed in the application—*

*(i) are, as of the date of the submission of the application, not accessible to students who would be served; or*

*(ii) would expand accessibility to high-quality services that may be available in the community.*

*(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.*

*(3) LIMITATION.—A State educational agency may not impose a priority or preference for eligible entities that seek to use funds made available under this part to extend the regular school day.*

*(j) RENEWABILITY OF AWARDS.—A State educational agency may renew a grant provided under this part to an eligible entity, based on the eligible entity's performance during the original grant period.*

**SEC. 4205. LOCAL ACTIVITIES.**

*(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under section 4204 may use the award funds to carry out a broad array of activities that advance student academic achievement and support student success, including—*

*(1) academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services, that are aligned with—*

*(A) State and local content and student academic achievement standards; and*

*(B) local curricula that are designed to improve student academic achievement;*

*(2) core academic subject education activities, including such activities that enable students to be eligible for credit recovery or attainment;*

*(3) literacy education programs, including financial literacy programs;*

*(4) programs that support a healthy, active lifestyle, including nutritional education and regular, structured physical activity programs;*

*(5) services for individuals with disabilities;*

*(6) programs that provide after school activities for students who are English learners that emphasize language skills and academic achievement;*

*(7) cultural programs;*

*(8) telecommunications and technology education programs;*

*(9) expanded library service hours;*

(10) parenting skills programs that promote parental involvement and family literacy;

(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement;

(12) drug and violence prevention programs and counseling programs;

(13) programs that build skills in science, technology, engineering and mathematics (referred to in this paragraph as "STEM") and that foster innovation in learning by supporting nontraditional STEM education teaching methods; and

(14) programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Innovation and Opportunity Act.

(b) MEASURES OF EFFECTIVENESS.—

(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 4203(a)(14), such program or activity shall—

(A) be based upon an assessment of objective data regarding the need for before and after school programs (including during summer recess periods) and activities in the schools and communities;

(B) be based upon an established set of performance measures aimed at ensuring the availability of high quality academic enrichment opportunities;

(C) if appropriate, be based upon evidence-based research that provides evidence that the program or activity will help students meet the State and local student academic achievement standards;

(D) ensure that measures of student success align with the regular academic program of the school and the academic needs of participating students and include performance indicators and measures described in section 4203(a)(14)(A); and

(E) collect the data necessary for the measures of student success described in subparagraph (D).

(2) PERIODIC EVALUATION.—

(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation in conjunction with the State educational agency's overall evaluation plan as described in section 4203(a)(14), to assess the program's progress toward achieving the goal of providing high quality opportunities for academic enrichment and overall student success.

(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

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

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

(iii) used by the State to determine whether a grant is eligible to be renewed under section 4204(j).

**SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

**PART C—ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS**

**SEC. 4301. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS.**

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to enable such agencies to establish or expand elementary school and secondary school counseling programs that comply with the requirements of subsection (c).

(2) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall—

(A) give special consideration to applications describing programs that—

(i) demonstrate the greatest need for new or additional counseling services among children in the schools served by the eligible entity, in part by providing information on current ratios, as of the date of application for a grant under this section, of students to school counselors, students to school social workers, and students to school psychologists;

(ii) propose promising and innovative approaches for initiating or expanding school counseling; and

(iii) show strong potential for replication and dissemination; and

(B) give priority to—

(i) schools that serve students in rural and remote areas;

(ii) schools in need of improvement and schools that are the persistently lowest achieving schools; or

(iii) schools with a high percentage of students aged 5 through 17 who—

(I) are in poverty, as counted in the most recent census data approved by the Secretary;

(II) are eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(III) are in families receiving assistance under the State program funded under part A of title IV of the Social Security Act; or

(IV) are eligible to receive medical assistance under the Medicaid program.

(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among eligible entities located in urban, rural, and suburban areas.

(4) *DURATION.*—A grant under this section shall be awarded for a period not to exceed 3 years.

(5) *MAXIMUM GRANT.*—A grant awarded under this section shall not exceed \$400,000 for any fiscal year.

(b) *APPLICATIONS.*—

(1) *IN GENERAL.*—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) *CONTENTS.*—Each application for a grant under this section shall—

(A) describe the school population to be targeted by the program, the particular counseling needs of such population, and the current school counseling resources available for meeting such needs;

(B) include the information described in subparagraphs (B) through (D) of section 4104(b)(4), with respect to the grant under this part;

(C) document that the eligible entity has personnel qualified to develop, implement, and administer the program; and

(D) document how the eligible entity will engage in meaning consultation with parents and families in the development of such program.

(c) *USE OF FUNDS.*—Each eligible entity receiving a grant under this part shall use grant funds to develop, implement, and evaluate comprehensive, evidence-based, school counseling programs through activities which incorporate evidence-based practices, such as—

(1) the implementation of a comprehensive school counseling program to meet the counseling and educational needs of all students;

(2) increasing the range, availability, quantity, and quality of counseling services, provided by qualified school counselors, school psychologists, school social workers, and other qualified school-based mental health service providers, in the elementary schools and secondary schools of the eligible entity;

(3) the implementation of innovative approaches to increase children's understanding of peer and family relationships, peer and family interaction, work and self, decisionmaking, or academic and career planning;

(4) the implementation of academic, postsecondary education and career planning programs;

(5) the initiation of partnerships with community groups, social service agencies, or other public or private non-profit entities in collaborative efforts to enhance the program and promote school-linked integration of services, as long as the eligible entity documents how such partnership supplements, not supplants, existing school-employed school-based mental health service providers and services, in accordance with subsection (f);

(6) the implementation of a team approach to school counseling in the schools served by the eligible entity by working toward ratios of school counselors, school social workers, and school psychologists to students recommended to enable such personnel to effectively address the needs of students; and



(7) any other activity determined necessary by the eligible entity that meets the purpose of this part

(d) **LIMITATION ON ADMINISTRATIVE COSTS.**—Not more than 4 percent of the amounts made available under this section for any fiscal year may be used for administrative costs to carry out this section.

(e) **REPORT.**—Not later than 2 years after assistance is made available to eligible entities under subsection (a), the Secretary shall make publicly available a report—

(1) evaluating the programs assisted pursuant to each grant under this section; and

(2) outlining the information from eligible entities regarding the ratios of students to—

(A) school counselors;

(B) school social workers; and

(C) school psychologists.

(f) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

(g) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a local educational agency;

(B) an educational service agency serving more than 1 local educational agency; or

(C) a consortium of local educational agencies.

(2) **SCHOOL-BASED MENTAL HEALTH SERVICE PROVIDER.**—The term “school-based mental health service provider” has the meaning given the term in section 4102.

(3) **SCHOOL COUNSELOR.**—The term “school counselor” means an individual who meets the criteria for licensure or certification as a school counselor in the State where the individual is employed.

(4) **SCHOOL PSYCHOLOGIST.**—The term “school psychologist” means an individual who is licensed or certified in school psychology by the State in which the individual is employed.

(5) **SCHOOL SOCIAL WORKER.**—The term “school social worker” means an individual who is licensed or certified as a school social worker for the State in which the individual is employed.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.

## **PART D—PHYSICAL EDUCATION PROGRAM**

### **SEC. 4401. PURPOSE.**

The purpose of this part is to award grants and contracts to initiate, expand, and improve physical education programs for all students in kindergarten through grade 12.

### **SEC. 4402. PROGRAM AUTHORIZED.**

(a) **AUTHORIZATION.**—From amounts made available to carry out this part, the Secretary is authorized to award grants or contracts to local educational agencies and community-based organizations to pay the Federal share of the costs of initiating, expanding,

and improving physical education programs (including after-school programs) for students in kindergarten through grade 12, by—

- (1) providing materials and support to enable students to participate actively in physical education activities; and
- (2) providing funds for staff and teacher training and education relating to physical education.

(b) **PROGRAM ELEMENTS.**—A physical education program that receives assistance under this part may provide for 1 or more of the following:

- (1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.
- (2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.
- (3) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.
- (4) Opportunities to develop positive social and cooperative skills through physical activity participation.
- (5) Instruction in healthy eating habits and good nutrition.
- (6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

(c) **SPECIAL RULE.**—For purposes of this part, extracurricular activities, such as team sports and Reserve Officers' Training Corps program activities, shall not be considered as part of the curriculum of a physical education program assisted under this part.

**SEC. 4403. APPLICATIONS.**

(a) **SUBMISSION.**—Each local educational agency or community-based organization desiring a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in order to make progress toward meeting State standards for physical education.

(b) **PRIVATE SCHOOL AND HOME-SCHOOLED STUDENTS.**—An application for a grant or contract under this part may provide for the participation, in the activities funded under this part, of—

- (1) students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or
- (2) home-schooled students, and their parents and teachers.

**SEC. 4404. REQUIREMENTS.**

(a) **ANNUAL REPORT TO THE SECRETARY.**—In order to continue receiving funding after the first year of a multiyear grant or contract under this part, the administrator of the grant or contract for the local educational agency or community-based organization shall submit to the Secretary an annual report that—

- (1) describes the activities conducted during the preceding year; and
- (2) demonstrates that progress has been made toward meeting State standards for physical education.

(b) **ADMINISTRATIVE EXPENSES.**—Not more than 5 percent of the funds made available under this part to a local educational agency or community-based organization for any fiscal year may be used for administrative expenses.

**SEC. 4405. ADMINISTRATIVE PROVISIONS.**

(a) *FEDERAL SHARE.*—*The Federal share under this part may not exceed—*

(1) *90 percent of the total cost of a program for the first year for which the program receives assistance under this part; and*

(2) *75 percent of such cost for the second and each subsequent such year.*

(b) *PROPORTIONALITY.*—*To the extent practicable, the Secretary shall ensure that grants awarded under this part shall be equitably distributed among local educational agencies, and community-based organizations, serving urban and rural areas.*

(c) *REPORT TO CONGRESS.*—*Not later than June 1, 2017, the Secretary shall submit a report to Congress that—*

(1) *describes the programs assisted under this part;*

(2) *documents the success of such programs in improving physical fitness; and*

(3) *makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this part.*

(d) *AVAILABILITY OF FUNDS.*—*Amounts made available to the Secretary to carry out this part shall remain available until expended.*

**SEC. 4406. SUPPLEMENT, NOT SUPPLANT.**

*Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds available for physical education activities.*

**SEC. 4407. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.*

## [PART C—ENVIRONMENTAL TOBACCO SMOKE]

**[SEC. 4301. SHORT TITLE.**

**[This part may be cited as the “Pro-Children Act of 2001”.**

**[SEC. 4302. DEFINITIONS.**

**[As used in this part:**

**[(1) CHILDREN.—The term “children” means individuals who have not attained the age of 18.**

**[(2) CHILDREN’S SERVICES.—The term “children’s services” means the provision on a routine or regular basis of health, day care, education, or library services—**

**[(A) that are funded, after the date of enactment of the No Child Left Behind Act of 2001, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—**

**[(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely**

under titles XVIII and XIX of the Social Security Act);  
or

[(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

[(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part, [except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

[(3) INDOOR FACILITY.—The term “indoor facility” means a building that is enclosed.

[(4) PERSON.—The term “person” means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children’s services or any individual who owns or operates or otherwise controls and provides such services.

[(5) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.]

**[SEC. 4303. NONSMOKING POLICY FOR CHILDREN’S SERVICES.**

[(a) PROHIBITION.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

[(b) ADDITIONAL PROHIBITION.—

[(1) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

[(2) EXCEPTION.—Paragraph (1) shall not apply to—

[(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

[(B) any private residence.

[(c) FEDERAL AGENCIES.—

[(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

[(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

[(A) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility (or portion of

such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

[(B) EXCEPTION.—Subparagraph (A) shall not apply to—

[(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

[(ii) any private residence.

[(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

[(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the No Child Left Behind Act of 2001, whichever occurs first.

[(e) CIVIL PENALTIES.—

[(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed 50 percent of the amount of Federal funds received under any title of this Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term "person", as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

[(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and

place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

[(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

[(A) the nature, circumstances, extent, and gravity of the violation;

[(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

[(C) such other matters as justice may require.

[(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

[(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

[(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

**[SEC. 4304. PREEMPTION.]**

【Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.】

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**TITLE V—[PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS]EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION**

**[PART A—INNOVATIVE PROGRAMS]**

**[SEC. 5101. PURPOSES, STATE AND LOCAL RESPONSIBILITY.]**

【(a) PURPOSES.—The purposes of this part are the following:

【(1) To support local education reform efforts that are consistent with and support statewide education reform efforts.

【(2) To provide funding to enable State educational agencies and local educational agencies to implement promising educational reform programs and school improvement programs based on scientifically based research.

【(3) To provide a continuing source of innovation and educational improvement, including support programs to provide library services and instructional and media materials.

【(4) To meet the educational needs of all students, including at-risk youth.

【(5) To develop and implement education programs to improve school, student, and teacher performance, including professional development activities and class size reduction programs.

【(b) STATE AND LOCAL RESPONSIBILITY.—The State educational agency shall bear the basic responsibility for the administration of funds made available under this part, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this part be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because local educational agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.】

**[Subpart 1—State and Local Programs]**

**[SEC. 5111. ALLOTMENT TO STATES.]**

【(a) IN GENERAL.—From the sums appropriated to carry out this part for each fiscal year and not reserved under subsection (b), the Secretary shall allot, and make available in accordance with this part, to each State educational agency an amount that bears the same ratio to such sums as the school-age population of the State bears to the school-age population of all States, except that

no State shall receive less than an amount equal to one-half of 1 percent of such sums.

[(b) RESERVATION.—From the sums appropriated to carry out this part for each fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas, to be allotted in accordance with their respective needs for assistance under this part.]

**[SEC. 5112. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.**

**[(a) DISTRIBUTION RULE.—**

[(1) ALLOCATION OF BASE AMOUNTS.—From the amount made available to a State educational agency under this part for a fiscal year, the State educational agency shall distribute, to local educational agencies within the State, an amount that is not less than 85 percent of the amount made available to the State educational agency under this part for fiscal year 2002, according to the relative enrollments in public and in private nonprofit schools within the jurisdictions of such local educational agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per-pupil allocations to local educational agencies that have the greatest numbers or percentages of children whose education imposes a higher-than-average cost per child, such as—

[(A) children living in areas with high concentrations of economically disadvantaged families;

[(B) children from economically disadvantaged families; and

[(C) children living in sparsely populated areas.

[(2) ALLOCATION OF INCREASED AMOUNTS.—From the amount made available to a State educational agency under this part for a fiscal year that exceeds the amount made available to the agency under this part for fiscal year 2002, the State educational agency shall distribute 100 percent (or, in the case of a State educational agency receiving a minimum allotment under section 5111(a), not less than 50 percent, notwithstanding subsection (b)) to local educational agencies within the State, on the same basis as the State educational agency distributes amounts under paragraph (1).

[(b) LIMITATIONS AND REQUIREMENTS.—Not more than 15 percent of funds made available under section 5111 for State programs under this part for any fiscal year may be used for State administration under section 5121.

**[(c) CALCULATION OF ENROLLMENTS.—**

[(1) IN GENERAL.—The calculation of relative enrollments under subsection (a)(1) shall be on the basis of the total of—

[(A) the number of children enrolled in public schools; and

[(B) the number of children enrolled in private nonprofit schools that participated in programs assisted under this part, for the fiscal year preceding the fiscal year for which the determination is made.

[(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall diminish the responsibility of each local educational agency to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies



in order to determine whether such schools desire that their children participate in programs assisted under this part.

**[(3) ADJUSTMENTS.—**

**[(A) STATE CRITERIA.—**Relative enrollments calculated under subsection (a)(1) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per-pupil allocations only to local educational agencies that serve the greatest numbers or percentages of—

**[(i)** children living in areas with high concentrations of economically disadvantaged families;

**[(ii)** children from economically disadvantaged families; or

**[(iii)** children living in sparsely populated areas.

**[(B) REVIEW OF CRITERIA.—**The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs of the State's local educational agencies based on the factors set forth in subparagraph (A).

**[(d) PAYMENT OF ALLOCATIONS.—**

**[(1) DISTRIBUTION.—**From the funds paid to a State educational agency under this subpart for a fiscal year, the State educational agency shall distribute to each eligible local educational agency that has submitted an application as required by section 5133 the amount of such local educational agency's allocation, as determined under subsection (a).

**[(2) ADDITIONAL FUNDS.—**

**[(A) USE.—**Additional funds resulting from higher per-pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a)(1) may, in the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public schools and private nonprofit schools in direct proportion to the number of children described in subsection (a)(1) and enrolled in such schools within the area served by the local educational agency.

**[(B) ALLOCATION.—**In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the area served by the local educational agency in such manner.

**[(C) RULE OF CONSTRUCTION.—**Subparagraphs (A) and (B) may not be construed to require any school to limit the use of the additional funds described in subparagraph (A) to the provision of services to specific students or categories of students.】

## **[Subpart 2—State Programs]**

### **[SEC. 5121. STATE USES OF FUNDS.**

【A State educational agency may use funds made available for State use under section 5112(b) only for one or more of the following:

【(1) State administration of programs under this part, including—

【(A) allocating funds to local educational agencies;

【(B) planning, supervising, and processing State educational agency funds; and

【(C) monitoring and evaluating programs under this part.

【(2) Support for the planning, design, and initial implementation of charter schools as described in part B.

【(3) Statewide education reform, school improvement programs and technical assistance and direct grants to local educational agencies, which assist such agencies under section 5131.

【(4) Support for the design and implementation of high-quality yearly student assessments.

【(5) Support for implementation of challenging State and local academic achievement standards.

【(6) Support for arrangements that provide for independent analysis to measure and report on school district achievement.

【(7) Support for the program described in section 321 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

【(8) Support for programs to assist in the implementation of the policy described in section 9507 which may include payment of reasonable transportation costs and tuition costs for such students.】

### **[SEC. 5122. STATE APPLICATIONS.**

【(a) APPLICATION REQUIREMENTS.—Any State that desires to receive assistance under this part shall submit to the Secretary an application that includes each of the following:

【(1) Designation of the State educational agency as the State agency responsible for administration and supervision of programs assisted under this part.

【(2) Provision for an annual statewide summary of how assistance under this part is contributing toward improving student academic achievement or improving the quality of education for students.

【(3) Information setting forth the allocation of funds required to implement section 5142.

【(4) A provision that the State educational agency will keep such records, and provide such information to the Secretary, as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section).

【(5) An assurance that, apart from providing technical and advisory assistance and monitoring compliance with this part,

the State educational agency has not exercised, and will not exercise, any influence in the decisionmaking processes of local educational agencies as to the expenditure made pursuant to an application submitted under section 5133.

[(6) An assurance that there is compliance with the specific requirements of this part.

[(7) Provision for timely public notice and public dissemination of the information provided under paragraph (3).

[(b) STATEWIDE SUMMARY.—The statewide summary referred to in subsection (a)(2) shall be submitted annually to the Secretary and shall be derived from the evaluation information submitted by local educational agencies to the State educational agency under section 5133(b)(8). The State educational agency shall determine the format and content of such summary and may include in the summary statistical measures, such as the number of students served by each type of innovative assistance program described in section 5131 and the number of teachers trained.

[(c) PERIOD OF APPLICATION.—An application submitted by the State educational agency under subsection (a) shall be for a period not to exceed 3 years. The agency may amend the application annually, as may be necessary to reflect changes, without filing a new application.

[(d) AUDIT RULE.—A local educational agency that receives less than an average of \$10,000 under this part for any 3 consecutive fiscal years shall not be audited more frequently than once every 5 years.]

### **[Subpart 3—Local Innovative Education Programs]**

#### **[SEC. 5131. LOCAL USES OF FUNDS.**

[(a) INNOVATIVE ASSISTANCE PROGRAMS.—Funds made available to local educational agencies under section 5112 shall be used for innovative assistance programs, which may include any of the following:

[(1) Programs to recruit, train, and hire highly qualified teachers to reduce class size, especially in the early grades, and professional development activities carried out in accordance with title II, that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local academic content standards and student academic achievement standards.

[(2) Technology activities related to the implementation of school-based reform efforts, including professional development to assist teachers and other school personnel (including school library media personnel) regarding how to use technology effectively in the classrooms and the school library media centers involved.

[(3) Programs for the development or acquisition and use of instructional and educational materials, including library services and materials (including media materials), academic assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that are tied to high academic standards, that will be used to im-

prove student academic achievement, and that are part of an overall education reform program.

[(4) Promising education reform projects, including magnet schools.

[(5) Programs to improve the academic achievement of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school.

[(6) Programs to improve the literacy skills of adults, especially the parents of children served by the local educational agency, including adult education and family literacy programs.

[(7) Programs to provide for the educational needs of gifted and talented children.

[(8) The planning, design, and initial implementation of charter schools as described in part B.

[(9) School improvement programs or activities under sections 1116 and 1117.

[(10) Community service programs that use qualified school personnel to train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage.

[(11) Activities to promote consumer, economic, and personal finance education, such as disseminating information on and encouraging use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved with earning, spending, saving, and investing).

[(12) Activities to promote, implement, or expand public school choice.

[(13) Programs to hire and support school nurses.

[(14) Expansion and improvement of school-based mental health services, including early identification of drug use and violence, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school-based mental health services personnel.

[(15) Alternative educational programs for those students who have been expelled or suspended from their regular educational setting, including programs to assist students to reenter the regular educational setting upon return from treatment or alternative educational programs.

[(16) Programs to establish or enhance prekindergarten programs for children.

[(17) Academic intervention programs that are operated jointly with community-based organizations and that support academic enrichment, and counseling programs conducted during the school day (including during extended school day or extended school year programs), for students most at risk of not meeting challenging State academic achievement standards or not completing secondary school.

[(18) Programs for cardiopulmonary resuscitation (CPR) training in schools.

[(19) Programs to establish smaller learning communities.

[(20) Activities that encourage and expand improvements throughout the area served by the local educational agency that are designed to advance student academic achievement.

[(21) Initiatives to generate, maintain, and strengthen parental and community involvement.

[(22) Programs and activities that expand learning opportunities through best-practice models designed to improve classroom learning and teaching.

[(23) Programs to provide same-gender schools and classrooms (consistent with applicable law).

[(24) Service learning activities.

[(25) School safety programs, including programs to implement the policy described in section 9507 and which may include payment of reasonable transportation costs and tuition costs for such students.

[(26) Programs that employ research-based cognitive and perceptual development approaches and rely on a diagnostic-prescriptive model to improve students' learning of academic content at the preschool, elementary, and secondary levels.

[(27) Supplemental educational services, as defined in section 1116(e).

[(b) REQUIREMENTS.—The innovative assistance programs described in subsection (a) shall be—

[(1) tied to promoting challenging academic achievement standards;

[(2) used to improve student academic achievement; and

[(3) part of an overall education reform strategy.

[(c) GUIDELINES.—Not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall issue guidelines for local educational agencies seeking funding for programs described in subsection (a)(23).]

**[SEC. 5132. ADMINISTRATIVE AUTHORITY.]**

[In order to conduct the programs authorized by this part, each State educational agency or local educational agency may use funds made available under this part to make grants to, and to enter into contracts with, local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.]

**[SEC. 5133. LOCAL APPLICATIONS.]**

[(a) SUBMISSION OF APPLICATION.—A local educational agency may receive an allocation of funds under this part for any year for which the agency submits an application under this section that the State educational agency certifies under subsection (b).

[(b) CERTIFICATION AND CONTENTS OF APPLICATION.—The State educational agency shall certify each application submitted under subsection (a) that includes each of the following:

[(1) A description of locally identified needs relative to the purposes of this part and to the innovative assistance programs described in section 5131.

[(2) A statement that sets forth the planned allocation of funds, based on the needs identified in subparagraph (A), among innovative assistance programs described in section 5131, a description of the programs that the local educational

agency intends to support, and a description of the reasons for the selection of such programs.

[(3) Information setting forth the allocation of such funds required to implement section 5142.

[(4) A description of how assistance under this part will contribute to improving student academic achievement or improving the quality of education for students.

[(5) An assurance that the local educational agency will comply with this part, including the provisions of section 5142 concerning the participation of children enrolled in private nonprofit schools.

[(6) An assurance that the local educational agency will keep such records, and provide such information to the State educational agency, as may be reasonably required for fiscal audit and program evaluation (consistent with the responsibilities of the State educational agency under this part).

[(7) Provision, in the allocation of funds for the assistance authorized by this part and in the planning, design, and implementation of such innovative assistance programs, for systematic consultation with parents of children attending elementary schools and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with such other groups involved in the implementation of this part (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

[(8) An assurance that—

[(A) programs carried out under this part will be evaluated annually;

[(B) the evaluation will be used to make decisions about appropriate changes in programs for the subsequent year;

[(C) the evaluation will describe how assistance under this part affected student academic achievement and will include, at a minimum, information and data on the use of funds, the types of services furnished, and the students served under this part; and

[(D) the evaluation will be submitted to the State educational agency at the time and in the manner requested by the State educational agency.

[(9) If the local educational agency seeks funds under section 5131(a)(23), a description of how the agency will comply with the guidelines issued by the Secretary regarding same-gender schools and classrooms under section 5131(c).

[(c) PERIOD OF APPLICATION.—An application submitted by a local educational agency under subsection (a) may seek allocations under this part for a period not to exceed 3 fiscal years. The agency may amend the application annually, as may be necessary to reflect changes, without the filing of a new application.

[(d) LOCAL EDUCATIONAL AGENCY DISCRETION.—

[(1) IN GENERAL.—Subject to the limitations and requirements of this part, a local educational agency shall have complete discretion in determining how funds made available to carry out this subpart will be divided among programs described in section 5131.

[(2) LIMITATION.—In exercising the discretion described in paragraph (1), a local educational agency shall ensure that expenditures under this subpart carry out the purposes of this part and are used to meet the educational needs within the schools served by the local educational agency.]

### **[Subpart 4—General Provisions]**

#### **[SEC. 5141. MAINTENANCE OF EFFORT.]**

[(a) IN GENERAL.—Except as provided in subsection (b), a State educational agency is entitled to receive its full allotment of funds under this part for any fiscal year only if the Secretary determines that either the combined fiscal effort per student or the aggregate expenditures within the State, with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.]

[(b) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the allotment of funds under this part in any fiscal year in the exact proportion by which the State educational agency fails to meet the requirements of subsection (a) by falling below 90 percent of the fiscal effort per student or aggregate expenditures (using the measure most favorable to the State educational agency), and no such lesser amount shall be used for computing the effort or expenditures required under paragraph (1) for subsequent years.]

[(c) WAIVER.—The Secretary may waive, for 1 fiscal year only, the requirements of this section, if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State educational agency.]

#### **[SEC. 5142. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.]**

[(a) PARTICIPATION ON EQUITABLE BASIS.—

[(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency that is eligible to receive funds under this part, or that serves the area in which a program assisted under this part is located, who are enrolled in private nonprofit elementary schools and secondary schools, or, with respect to instructional or personnel training programs funded by the State educational agency from funds made available for State educational agency use, the local educational agency, after consultation with appropriate private school officials—

[(A) shall provide, as may be necessary, for the benefit of such children in such schools—

[(i) secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs; and

[(ii) the repair, minor remodeling, or construction of public facilities (consistent with subsection (c)); or

[(B) if such services, materials, and equipment are not feasible or necessary in one or more such private schools, as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this part.

[(2) OTHER PROVISIONS FOR SERVICES.—If no program is carried out under paragraph (1) in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in the district are provided with services and materials to the same extent as would have occurred if the local educational agency had received funds under this part.

[(3) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs carried out under this part by a State educational agency or local educational agency, whether directly or through grants to, or contracts with, other public or private agencies, institutions, or organizations.

[(b) EQUAL EXPENDITURES.—

[(1) IN GENERAL.—Expenditures for programs under subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency.

[(2) CONCENTRATED PROGRAMS.—Taking into account the needs of the individual children and other factors that relate to the expenditures referred to in paragraph (1), and when funds available to a local educational agency under this part are used to concentrate programs on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs.

[(c) ADMINISTRATIVE REQUIREMENTS.—

[(1) FUNDS AND PROPERTY.—The control of funds provided under this part, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property.

[(2) PROVISION OF SERVICES.—Services provided under this part shall be provided by employees of a public agency or through contract by such a public agency with a person, association, agency, or corporation that, in the provision of such services, is independent of the private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such a public agency. The



funds provided under this part shall not be commingled with State or local funds.

**[(d) WAIVER.—**

**[(1) STATE PROHIBITION.—**If a State educational agency or local educational agency is prohibited, by reason of any provision of law, from providing for the participation in programs of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary shall waive such requirements for the agency involved and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

**[(2) FAILURE TO COMPLY.—**If the Secretary determines that a State educational agency or a local educational agency has substantially failed, or is unwilling, to provide for the participation on an equitable basis of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

**[(e) WITHHOLDING OF ALLOTMENT OR ALLOCATION.—**Pending final resolution of any investigation or complaint that could result in a waiver under subsection (d)(1) or (d)(2), the Secretary may withhold from the allotment or allocation of the affected State educational agency or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of services to be provided by the Secretary under such subsection.

**[(f) DURATION OF DETERMINATION.—**Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency or local educational agency to meet the requirements of subsections (a) through (c).

**[(g) PAYMENT FROM STATE ALLOTMENT.—**When the Secretary arranges for services under subsection (d), the Secretary shall, after consultation with the appropriate public school and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State educational agency under this part.

**[(h) REVIEW OF DETERMINATION.—**

**[(1) WRITTEN OBJECTIONS.—**The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

**[(2) COURT ACTION.—**If a State educational agency or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court

the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

[(3) REMAND TO SECRETARY.—The findings of fact by the Secretary with respect to a proceeding under paragraph (1), if supported by substantial evidence, shall be conclusive. The court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive, if supported by substantial evidence.]

[(4) COURT REVIEW.—Upon the filing of a petition under paragraph (2), the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court upon certiorari or certification, as provided in section 1254 of title 28, United States Code.]

[(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under title VI (as such title was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) shall, to the extent consistent with the purposes of this part, apply to programs under this part.]

**[SEC. 5143. FEDERAL ADMINISTRATION.]**

[(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State educational agencies and local educational agencies under this part.]

[(b) RULEMAKING.—The Secretary shall issue regulations under this part only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.]

[(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out programs under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.]

**[SEC. 5144. SUPPLEMENT, NOT SUPPLANT.]**

[Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.]

**[SEC. 5145. DEFINITIONS.]**

[In this part:

[(1) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” means a local educational agency or a consortium of such agencies.]

[(2) PUBLIC SCHOOL.—The term “public school” means a public elementary school or a public secondary school.]

[(3) SCHOOL-AGE POPULATION.—The term “school-age population” means the population aged 5 through 17.]

[(4) STATE.—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.]

**[SEC. 5146. AUTHORIZATION OF APPROPRIATIONS.**

【There are authorized to be appropriated to carry out this part—

- 【(1) \$450,000,000 for fiscal year 2002;
- 【(2) \$475,000,000 for fiscal year 2003;
- 【(3) \$500,000,000 for fiscal year 2004;
- 【(4) \$525,000,000 for fiscal year 2005;
- 【(5) \$550,000,000 for fiscal year 2006; and
- 【(6) \$600,000,000 for fiscal year 2007.】

**PART [B]A—PUBLIC CHARTER SCHOOLS****[Subpart 1—Charter School Programs]****[SEC. [5201]5101. PURPOSE.**

【It is the purpose of this subpart to increase national understanding of the charter schools model by—

- 【(1) providing financial assistance for the planning, program design, and initial implementation of charter schools;
- 【(2) evaluating the effects of such schools, including the effects on students, student academic achievement, staff, and parents;
- 【(3) expanding the number of high-quality charter schools available to students across the Nation; and
- 【(4) encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.】

**[SEC. [5202]5102. PROGRAM AUTHORIZED.**

【(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 5203 to enable such agencies to conduct a charter school grant program in accordance with this subpart.

【(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this subpart or does not have an application approved under section 5203, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 5203(c).

**【(c) PROGRAM PERIODS.—**

【(1) GRANTS TO STATES.—Grants awarded to State educational agencies under this subpart shall be for a period of not more than 3 years.

【(2) GRANTS TO ELIGIBLE APPLICANTS.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this subpart shall be for a period of not more than 3 years, of which the eligible applicant may use—

【(A) not more than 18 months for planning and program design;

【(B) not more than 2 years for the initial implementation of a charter school; and

【(C) not more than 2 years to carry out dissemination activities described in section 5204(f)(6)(B).

【(d) LIMITATION.—A charter school may not receive—

[(1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

[(2) more than one grant for activities under subparagraph (C) of subsection (c)(2).

[(e) PRIORITY TREATMENT.—

[(1) IN GENERAL.—In awarding grants under this subpart for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 5211 (other than funds reserved to carry out section 5205(b)), the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

[(2) REVIEW AND EVALUATION PRIORITY CRITERIA.—The criteria referred to in paragraph (1) are that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth under State law or the school's charter.

[(3) PRIORITY CRITERIA.—The criteria referred to in paragraph (1) are the following:

[(A) The State has demonstrated progress, in increasing the number of high-quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this subpart.

[(B) The State—

[(i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

[(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

[(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

[(f) AMOUNT CRITERIA.—In determining the amount of a grant to be awarded under this subpart to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.】

**【SEC. [5203]5103. APPLICATIONS.**

[(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant from the Secretary under this subpart shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

**[(b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION.—**Each application submitted pursuant to subsection (a) shall—

**[(1)** describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program; and

**[(2)** describe how the State educational agency—

**[(A)** will inform each charter school in the State regarding—

**[(i)** Federal funds that the charter school is eligible to receive; and

**[(ii)** Federal programs in which the charter school may participate;

**[(B)** will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and

**[(C)** will disseminate best or promising practices of charter schools to each local educational agency in the State; and

**[(3)** contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

**[(A)** a description of the educational program to be implemented by the proposed charter school, including—

**[(i)** how the program will enable all students to meet challenging State student academic achievement standards;

**[(ii)** the grade levels or ages of children to be served; and

**[(iii)** the curriculum and instructional practices to be used;

**[(B)** a description of how the charter school will be managed;

**[(C)** a description of—

**(i)** the objectives of the charter school; and

**(ii)** the methods by which the charter school will determine its progress toward achieving those objectives;

**[(D)** a description of the administrative relationship between the charter school and the authorized public chartering agency;

**[(E)** a description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school;

**[(F)** a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

[(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

[(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

[(I) a description of how students in the community will be—

[(i) informed about the charter school; and

[(ii) given an equal opportunity to attend the charter school;

[(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

[(K) an assurance that the eligible applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this subpart;

[(L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

[(M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 5202(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and

[(N) such other information and assurances as the Secretary and the State educational agency may require.

[(c) ELIGIBLE APPLICANT APPLICATION.—Each eligible applicant desiring a grant pursuant to section 5202(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(d) CONTENTS OF ELIGIBLE APPLICANT APPLICATION.—Each application submitted pursuant to subsection (c) shall contain—

[(1) the information and assurances described in subparagraphs (A) through (N) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (N) of such subsection shall be applied by striking “and the State educational agency” each place such term appears;

[(2) assurances that the State educational agency—

[(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

[(B) will assist each subgrantee in the State in receiving a waiver under section 5204(e); and

[(3) assurances that the eligible applicant has provided its authorized public chartering authority timely notice, and a

copy, of the application, except that the State educational agency (or the Secretary, in the case of an application submitted to the Secretary) may waive the requirement of this paragraph in the case of an application for a precharter planning grant or subgrant if the authorized public chartering authority to which a charter school proposal will be submitted has not been determined at the time the grant or subgrant application is submitted.]

**[SEC. [5204]5104. ADMINISTRATION.**

**[(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—**The Secretary shall award grants to State educational agencies under this subpart on the basis of the quality of the applications submitted under section 5203(b), after taking into consideration such factors as—

**[(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students in meeting State academic content standards and State student academic achievement standards;**

**[(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;**

**[(3) the ambitiousness of the objectives for the State charter school grant program;**

**[(4) the quality of the strategy for assessing achievement of those objectives;**

**[(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students;**

**[(6) the number of high-quality charter schools created under this subpart in the State; and**

**[(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student academic achievement.**

**[(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—**The Secretary shall award grants to eligible applicants under this subpart on the basis of the quality of the applications submitted under section 5203(c), after taking into consideration such factors as—

**[(1) the quality of the proposed curriculum and instructional practices;**

**[(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;**

**[(3) the extent of community support for the application;**

**[(4) the ambitiousness of the objectives for the charter school;**

**[(5) the quality of the strategy for assessing achievement of those objectives;**

**[(6) the likelihood that the charter school will meet those objectives and improve educational results for students; and**

**[(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student achievement.**

[(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this subpart, shall use a peer review process to review applications for assistance under this subpart.

[(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this subpart, shall award grants and subgrants under this subpart in a manner that, to the extent possible, ensures that such grants and subgrants—

[(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

[(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

[(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5210(1), if—

[(1) the waiver is requested in an approved application under this subpart; and

[(2) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

[(f) USE OF FUNDS.—

[(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this subpart shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this subpart, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6).

[(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school, or to disseminate information about the charter school and successful practices in the charter school, in accordance with this subpart.

[(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this subpart may use the grant or subgrant funds only for—

[(A) post-award planning and design of the educational program, which may include—

[(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

[(ii) professional development of teachers and other staff who will work in the charter school; and

[(B) initial implementation of the charter school, which may include—

[(i) informing the community about the school;

[(ii) acquiring necessary equipment and educational materials and supplies;

[(iii) acquiring or developing curriculum materials; and

[(iv) other initial operational costs that cannot be met from State or local sources.



[(4) ADMINISTRATIVE EXPENSES.—

[(A) STATE EDUCATIONAL AGENCY ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this subpart.

[(B) LOCAL ADMINISTRATIVE EXPENSES.—A local educational agency may not deduct funds for administrative fees or expenses from a subgrant awarded to an eligible applicant, unless the eligible applicant enters voluntarily into a mutually agreed upon arrangement for administrative services with the relevant local educational agency. Absent such approval, the local educational agency shall distribute all such subgrant funds to the eligible applicant without delay.

[(5) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 10 percent of the grant funds for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this subpart, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of the eligible applicant until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

[(6) DISSEMINATION.—

[(A) IN GENERAL.—A charter school may apply for funds under this subpart, whether or not the charter school has applied for or received funds under this subpart for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

[(i) substantial progress in improving student academic achievement;

[(ii) high levels of parent satisfaction; and

[(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

[(B) ACTIVITIES.—A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

[(i) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

[(ii) developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership;

[(iii) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

[(iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.

[(g) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this subpart and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—

[(1) the eligibility of the school to receive any other Federal, State, or local aid; or

[(2) the amount of such aid.]

**[SEC. [5205]5105. NATIONAL ACTIVITIES.**

[(a) IN GENERAL.—The Secretary shall reserve for each fiscal year the greater of 5 percent or \$5,000,000 of the amount appropriated to carry out this subpart, except that in no fiscal year shall the total amount so reserved exceed \$8,000,000, to carry out the following activities:

[(1) To provide charter schools, either directly or through State educational agencies, with—

[(A) information regarding—

[(i) Federal funds that charter schools are eligible to receive; and

[(ii) other Federal programs in which charter schools may participate; and

[(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.

[(2) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student academic achievement, including information regarding—

[(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and

[(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.

[(3) To provide—

[(A) information to applicants for assistance under this subpart;

[(B) assistance to applicants for assistance under this subpart with the preparation of applications under section 5203;

[(C) assistance in the planning and startup of charter schools;

[(D) training and technical assistance to existing charter schools; and

[(E) for the dissemination to other public schools of best or promising practices in charter schools.

[(4) To provide (including through the use of one or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.

[(5) To carry out evaluations of, technical assistance for, and information dissemination regarding, the per-pupil facilities aid programs. In carrying out the evaluations, the Secretary may carry out one or more evaluations of State programs assisted under this subsection, which shall, at a minimum, address—

[(A) how, and the extent to which, the programs promote educational equity and excellence; and

[(B) the extent to which charter schools supported through the programs are—

[(i) held accountable to the public;

[(ii) effective in improving public education; and

[(iii) open and accessible to all students.

[(b) PER-PUPIL FACILITIES AID PROGRAMS.—

[(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term “per-pupil facilities aid program” means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

[(A) that is dedicated solely for funding charter school facilities; or

[(B) a portion of which is dedicated for funding charter school facilities.

[(2) GRANTS.—

[(A) IN GENERAL.—From the amount made available to carry out this subsection under paragraphs (2) and (3)(B) of section 5211(b) for any fiscal year, the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

[(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

[(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

[(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

[(ii) 80 percent in the second such year;

[(iii) 60 percent in the third such year;

[(iv) 40 percent in the fourth such year; and

[(v) 20 percent in the fifth such year.

[(3) USE OF FUNDS.—

[(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-

pupil facilities aid program for charter schools in the State.

【(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

【(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

【(4) REQUIREMENTS.—

【(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

【(B) STATE LAW.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

【(i) is specified in State law; and

【(ii) provides annual financing, on a per-pupil basis, for charter school facilities.

【(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

【(6) PRIORITIES.—In making grants under this subsection, the Secretary shall give priority to States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5202(e).

【(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).】

**SEC. 5101. PURPOSE.**

*It is the purpose of this part to—*

*(1) provide financial assistance for the planning, program design, and initial implementation of charter schools;*

*(2) increase the number of high-quality charter schools available to students across the United States;*

*(3) evaluate the impact of such schools on student achievement, families, and communities, and share best practices among charter schools and other public schools;*

*(4) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;*

*(5) expand opportunities for children with disabilities, students who are English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards under section 1111(b)(1); and*

*(6) support efforts to strengthen the charter school authorizing process to improve performance management, including*

*transparency, monitoring, including financial audits, and evaluation of such schools.*

**SEC. 5102. PROGRAM AUTHORIZED.**

(a) *IN GENERAL.*—The Secretary is authorized to carry out a charter school program that supports charter schools that serve early childhood, elementary school, and secondary school students by—

(1) *supporting the startup of charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;*

(2) *assisting charter schools in accessing credit to acquire and renovate facilities for school use; and*

(3) *carrying out national activities to support—*

(A) *the startup of charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;*

(B) *the dissemination of best practices of charter schools for all schools;*

(C) *the evaluation of the impact of the charter school program under this part on schools participating in such program; and*

(D) *stronger charter school authorizing.*

(b) *FUNDING ALLOTMENT.*—From the amount made available under section 5111 for a fiscal year, the Secretary shall—

(1) *reserve 12.5 percent to support charter school facilities assistance under section 5104;*

(2) *reserve not less than 25 percent to carry out national activities under section 5105; and*

(3) *use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 5103.*

(c) *PRIOR GRANTS AND SUBGRANTS.*—The recipient of a grant or subgrant under this part (as such part was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

**SEC. 5103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.**

(a) *STATE ENTITY DEFINED.*—For purposes of this section, the term “State entity” means—

(1) *a State educational agency;*

(2) *a State charter school board;*

(3) *a Governor of a State; or*

(4) *a charter school support organization.*

(b) *PROGRAM AUTHORIZED.*—From the amount available under section 5102(b)(3), the Secretary shall award, on a competitive basis, grants to State entities having applications approved under subsection (f) to enable such entities to—

(1) *award subgrants to eligible applicants to enable such eligible applicants to—*

(A) *open new charter schools;*

(B) *replicate high-quality charter school models; or*

(C) *expand high-quality charter schools; and*

(2) *provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1), and work with authorized pub-*

*lic chartering agencies in the State to improve authorizing quality, including developing capacity for and conducting fiscal oversight and auditing of charter schools.*

*(c) STATE ENTITY USES OF FUNDS.—*

*(1) IN GENERAL.—A State entity receiving a grant under this section shall—*

*(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity's application pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (b)(1);*

*(B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (b)(2); and*

*(C) reserve not more than 3 percent of such funds for administrative costs, which may include the administrative costs of providing technical assistance.*

*(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in paragraph (1)(A) directly or through grants, contracts, or cooperative agreements.*

*(3) RULES OF CONSTRUCTION.—*

*(A) USE OF LOTTERY MECHANISMS.—Nothing in this Act shall prohibit the Secretary from awarding grants to State entities, or State entities from awarding subgrants to eligible applicants, that use a weighted lottery, or an equivalent lottery mechanism, to give better chances for school admission to all or a subset of educationally disadvantaged students if—*

*(i) the use of a weighted lottery in favor of such students is not prohibited by State law, and such State law is consistent with the laws described in section 5110(2)(G); and*

*(ii) such weighted lottery is not used for the purpose of creating schools exclusively to serve a particular subset of students.*

*(B) STUDENTS WITH SPECIAL NEEDS.—Nothing in this paragraph shall be construed to prohibit schools from specializing in providing specific services for students with a demonstrated need for such services, such as students who need specialized instruction in reading, spelling, or writing.*

*(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBUTION OF SUBGRANTS; WAIVERS.—*

*(1) PROGRAM PERIODS.—*

*(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 3 years, and may be renewed by the Secretary for one additional 2-year period.*

*(B) SUBGRANTS.—A subgrant awarded by a State entity under this section—*

*(i) shall be for a period of not more than 3 years, of which an eligible applicant may use not more than 18 months for planning and program design; and*

*(ii) may be renewed by the State entity for one additional 2-year period.*

(2) *PEER REVIEW.*—The Secretary, and each State entity awarding subgrants under this section, shall use a peer-review process to review applications for assistance under this section.

(3) *DISTRIBUTION OF SUBGRANTS.*—Each State entity awarding subgrants under this section shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

(A) prioritize eligible applicants that plan to serve a significant number of students from low-income families;

(B) are distributed throughout different areas, including urban, suburban, and rural areas; and

(C) will assist charter schools representing a variety of educational approaches.

(4) *WAIVERS.*—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority under this Act with respect to charter schools supported under this part, except any such requirement relating to the elements of a charter school described in section 5110(2), if—

(A) the waiver is requested in an approved application under this section; and

(B) the Secretary determines that granting such waiver will promote the purposes of this part.

(e) *LIMITATIONS.*—

(1) *GRANTS.*—A State entity may not receive more than 1 grant under this section at a time.

(2) *SUBGRANTS.*—An eligible applicant may not receive more than 1 subgrant under this section for each individual charter school for each grant period or renewal period, unless the eligible applicant demonstrates to the State entity that such individual charter school has demonstrated a strong track record of positive results over the course of the grant period regarding the elements described in subparagraphs (A) and (D) of section 5110(8).

(f) *APPLICATIONS.*—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

(1) *DESCRIPTION OF PROGRAM.*—A description of the State entity's objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including—

(A) a description of how the State entity will—

(i) support the opening of new charter schools and, if applicable, the replication of high-quality charter schools and the expansion of high-quality charter schools, including the proposed number of charter schools to be opened, replicated, or expanded under the State entity's program;

(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

(iii) work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the

charter schools supported by the applicants and the students attending those charter schools—

(I) participate in the Federal programs in which the schools and students are eligible to participate; and

(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

(iv) in the case of a State entity that is not a State educational agency—

(I) work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and

(II) work with the State educational agency to operate the State entity's program under this section, if applicable;

(v) ensure each eligible applicant that receives a subgrant under the State entity's program—

(I) is opening or expanding schools that meet the definition of a charter school under section 5110; and

(II) is prepared to continue to operate such charter schools once the subgrant funds under this section are no longer available;

(vi) support charter schools in local educational agencies with schools that have been identified by the State under section 1114(a)(1)(A);

(vii) work with charter schools to promote inclusion of all students and support all students upon enrollment in order to promote retention of students in the school;

(viii) work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to attend charter schools;

(ix) share best and promising practices among charter schools and other public schools;

(x) ensure that charter schools receiving funds under the State entity's program meet the educational needs of their students, including children with disabilities and students who are English learners; and

(xi) support efforts to increase charter school quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(D);

(B) a description of how the State will actively monitor and hold authorized public chartering agencies accountable to ensure high-quality authorizing activity, including by establishing authorizing standards and by approving, re-approving, and revoking the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes;



(C) a description of the extent to which the State entity—

(i) is able to meet and carry out the priorities described in subsection (g)(2);

(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools; and

(iii) will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school receiving funds under the State entity's charter school program under this section;

(D) a description of how the State entity will award subgrants, on a competitive basis, including—

(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include—

(I) a description of the roles and responsibilities of eligible applicants, and of any charter management organizations or other organizations with which the eligible applicant will partner to open charter schools, including the administrative and contractual roles and responsibilities of such partners;

(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, financial audits to ensure adequate fiscal oversight, and how a school's performance on the State's accountability system and impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal or revocation of the school's charter;

(III) a description of how the autonomy and flexibility granted to a charter school is consistent with the definition of a charter school in section 5110; and

(IV) a description of the eligible applicant's planned activities and expenditures of subgrant funds for purposes of opening a new charter school, replicating a high-quality charter school, or expanding a high-quality charter school, and how the eligible applicant will maintain fiscal sustainability after the end of the subgrant period; and

(ii) a description of how the State entity will review applications from eligible applicants;

(E) in the case of a State entity that partners with an outside organization to carry out the entity's quality charter school program, in whole or in part, a description of the roles and responsibilities of the partner; and

(F) a description of how the State entity will help the charter schools receiving funds under the State entity's pro-

gram address the transportation needs of the schools' students.

(2) ASSURANCES.—Assurances that—

(A) each charter school receiving funds through the State entity's program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions;

(B) the State entity will support charter schools in meeting the educational needs of their students, as described in paragraph (1)(A)(x);

(C) the State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the entity's program—

(i) ensures that the charter school under the authority of such agency is meeting the requirements of this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, and section 504 of the Rehabilitation Act of 1973; and

(ii) adequately monitors and provides adequate technical assistance to each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and students who are English learners;

(D) the State entity will promote quality authorizing, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's ability to monitor the charter schools authorized by the agency, including by—

(i) using annual performance data, which may include graduation rates and student academic growth data, as appropriate, to measure a school's progress toward becoming a high-quality charter school;

(ii) reviewing the schools' independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring any such audits are publically reported; and

(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter; and

(E) the State entity will ensure that each charter school in the State makes publicly available, consistent with the dissemination requirements of the annual State report card, including on the website of the school, information to help parents make informed decisions about the education options available to their children, including information on the educational program, student support services, parent contract requirements (as applicable), including any financial obligations or fees, enrollment criteria (as applicable), and annual performance and enrollment data for each of the categories of students, as defined in section 1111(b)(3)(A).

(3) *REQUESTS FOR WAIVERS.—*

(A) *FEDERAL STATUTE AND REGULATION.—*A request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity's program under this section.

(B) *STATE AND LOCAL RULES.—*A description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply, to such schools or, in the case of a State entity defined in subsection (a)(4), a description of how the State entity will work with the State to request necessary waivers, if applicable.

(g) *SELECTION CRITERIA; PRIORITY.—*

(1) *SELECTION CRITERIA.—*The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (f), after taking into consideration—

(A) the degree of flexibility afforded by the State's public charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law;

(B) the proposed number of new charter schools to be opened, and, if applicable, the number of high-quality charter schools to be replicated or expanded under the program, and the number of new students to be served by such schools;

(C) the likelihood that the schools opened, replicated, or expanded by eligible applicants receiving subgrant funds will increase the academic achievement of the school's students and progress toward becoming high-quality charter schools; and

(D) the quality of the State entity's plan to—

(i) monitor the eligible applicants receiving subgrants under the State entity's program;

(ii) provide technical assistance and support for—

(I) the eligible applicants receiving subgrants under the State entity's program; and

(II) quality authorizing efforts in the State.

(2) *PRIORITY.—*In awarding grants under this section, the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria:

(A) The State entity is located in a State that—

(i) allows at least one entity that is not the local educational agency to be an authorized public chartering agency for each developer seeking to open a charter school in the State; or

(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, the State has an appeals process for the denial of an application for a charter school.

(B) The State entity is located in a State that ensures that charter schools receive equitable financing, as compared to traditional public schools, in a prompt manner.

(C) *The State entity is located in a State that provides charter schools one or more of the following:*

- (i) *Funding for facilities.*
- (ii) *Assistance with facilities acquisition.*
- (iii) *Access to public facilities.*
- (iv) *The ability to share in bonds or mill levies.*
- (v) *The right of first refusal to purchase public school buildings.*
- (vi) *Low- or no-cost leasing privileges.*

(D) *The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.*

(E) *The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.*

(F) *The State entity ensures that each charter school has a high degree of autonomy over the charter school's budget and operations, including autonomy over personnel decisions.*

(G) *The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing.*

(h) **LOCAL USES OF FUNDS.**—*An eligible applicant receiving a subgrant under this section shall use such funds to carry out activities related to opening a new charter school, replicating a high-quality charter school, or expanding a high-quality charter school, which may include—*

(1) *supporting the acquisition, expansion, or preparation of a charter school building to meet increasing enrollment needs, including financing the development of a new building and ensuring that a school building complies with applicable statutes and regulations;*

(2) *paying costs associated with hiring additional teachers to serve additional students;*

(3) *providing transportation to students to and from the charter school;*

(4) *providing instructional materials, implementing teacher and principal or other school leader professional development programs, and hiring additional nonteaching staff;*

(5) *supporting any necessary activities that assist the charter school in carrying out this section, such as preparing individuals to serve as members of the charter school's board; and*

(6) *providing early childhood education programs for children, including direct support to, and coordination with school- or community-based early childhood education programs.*

(i) **REPORTING REQUIREMENTS.**—*Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the grant period and at the end of any renewal period, a report that includes the following:*

(1) *The number of students served by each subgrant awarded under this section and, if applicable, the number of new students served during each year of the grant period.*

(2) *The number and amount of subgrants awarded under this section to carry out each of the following:*

(A) *The opening of new charter schools.*

(B) *The replication of high-quality charter schools.*

(C) *The expansion of high-quality charter schools.*

(3) *The progress the State entity made toward meeting the priorities described in subparagraphs (E) through (G) of subsection (g)(2).*

(4) *A description of—*

(A) *how the State entity complied with, and ensured that eligible applicants complied with, the assurances described in the State entity's application;*

(B) *how the State entity worked with authorized public chartering agencies, and how the agencies worked with the management company or leadership of the schools that receive subgrant funds, if applicable; and*

(C) *how each recipient of a subgrant under this section uses the subgrant funds on early childhood education programs described in subsection (h)(6), if such recipient chooses to use such funds on such programs.*

**SEC. 5104. FACILITIES FINANCING ASSISTANCE.**

(a) **GRANTS TO ELIGIBLE ENTITIES.**—

(1) **IN GENERAL.**—*From the amount reserved under section 5102(b)(1), the Secretary shall use not less than 50 percent to award not less than 3 grants, on a competitive basis, to eligible entities that have the highest-quality applications approved under subsection (d) to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.*

(2) **ELIGIBLE ENTITY DEFINED.**—*For the purposes of this section, the term “eligible entity” means—*

(A) *a public entity, such as a State or local governmental entity;*

(B) *a private nonprofit entity; or*

(C) *a consortium of entities described in subparagraphs*

*(A) and (B).*

(b) **GRANTEE SELECTION.**—*The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.*

(c) **GRANT CHARACTERISTICS.**—*Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.*

(d) **APPLICATIONS.**—

(1) **IN GENERAL.**—*An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary in such form as the Secretary may reasonably require.*

(2) **CONTENTS.**—*An application submitted under paragraph (1) shall contain—*

(A) *a statement identifying the activities that the eligible entity proposes to carry out with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;*

(B) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

(C) a description of the eligible entity's expertise in capital market financing;

(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.

(e) **CHARTER SCHOOL OBJECTIVES.**—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or more of the following objectives:

(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

(2) The construction of new facilities, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and which are necessary to commence or continue the operation of a charter school.

(f) **RESERVE ACCOUNT.**—

(1) **USE OF FUNDS.**—To assist charter schools in accomplishing the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

(B) *Guaranteeing and insuring leases of personal and real property for an objective described in such subsection.*

(C) *Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.*

(D) *Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).*

(2) *INVESTMENT.—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.*

(3) *REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with this subsection.*

(g) *LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).*

(h) *AUDITS AND REPORTS.—*

(1) *FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.*

(2) *REPORTS.—*

(A) *GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of the entity's operations and activities under this section.*

(B) *CONTENTS.—Each annual report submitted under subparagraph (A) shall include—*

(i) *a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;*

(ii) *a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;*

(iii) *an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;*

(iv) *a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;*

(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

(vi) a description of the characteristics of lenders and other financial institutions participating in the activities carried out by the eligible entity under this section (excluding subsection (k)) during the reporting period.

(C) **SECRETARIAL REPORT.**—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

(i) **NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.**—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

(j) **RECOVERY OF FUNDS.**—

(1) **IN GENERAL.**—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in such subsection.

(2) **EXERCISE OF AUTHORITY.**—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

(3) **PROCEDURES.**—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under paragraph (1).

(4) **CONSTRUCTION.**—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

(k) **PER-PUPIL FACILITIES AID PROGRAM.**—

(1) **DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.**—In this subsection, the term “per-pupil facilities aid program” means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

(A) that is dedicated solely for funding charter school facilities; or



(B) a portion of which is dedicated for funding charter school facilities.

(2) GRANTS.—

(A) *IN GENERAL.*—From the amount reserved under section 5102(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, per-pupil facilities aid programs.

(B) *PERIOD.*—The Secretary shall award grants under this subsection for periods of not more than 5 years.

(C) *FEDERAL SHARE.*—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

(ii) 80 percent for the second such year;

(iii) 60 percent for the third such year;

(iv) 40 percent for the fourth such year; and

(v) 20 percent for the fifth such year.

(D) *STATE SHARE.*—A State receiving a grant under this subsection may partner with 1 or more organizations, and such organizations may provide not more than 50 percent of the State share of the cost of establishing or enhancing, and administering, the per-pupil facilities aid program.

(E) *MULTIPLE GRANTS.*—A State may receive more than 1 grant under this subsection, so long as the amount of such grant funds provided to charter schools increases with each successive grant.

(3) USE OF FUNDS.—

(A) *IN GENERAL.*—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

(B) *EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.*—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

(C) *SUPPLEMENT, NOT SUPPLANT.*—In accordance with the method of determination described in section 1117, funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

(4) REQUIREMENTS.—

(A) *VOLUNTARY PARTICIPATION.*—No State may be required to participate in a program carried out under this subsection.

(B) *STATE LAW.*—

(i) *IN GENERAL.*—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

(I) is specified in State law; and

(II) provides annual financing, on a per-pupil basis, for charter school facilities.

(ii) *SPECIAL RULE.*—A State that is required under State law to provide its charter schools with access to adequate facility space may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

(5) *APPLICATIONS.*—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

**SEC. 5105. NATIONAL ACTIVITIES.**

(a) *IN GENERAL.*—From the amount reserved under section 5102(b)(2), the Secretary shall—

(1) use not less than 80 percent of such funds to award grants in accordance with subsection (b); and

(2) use the remainder of such funds to—

(A) disseminate technical assistance to State entities in awarding subgrants under section 5103(b)(1)(A);

(B) disseminate best practices regarding public charter schools;

(C) evaluate the impact of the charter school program carried out under this part, including the impact on student achievement; and

(D) award grants, on a competitive basis, for the purpose of carrying out the activities described in section 5103(h), to eligible applicants that desire to open a charter school, replicate a high-quality charter school, or expand a high-quality charter school in—

(i) a State that did not apply for a grant under section 5103; or

(ii) a State that did not receive a grant under section 5103.

(b) *GRANTS FOR THE REPLICATION AND EXPANSION OF HIGH-QUALITY CHARTER SCHOOLS.*—The Secretary shall make grants, on a competitive basis, to eligible entities having applications approved under paragraph (2) to enable such entities to replicate a high-quality charter school or expand a high-quality charter school.

(1) *DEFINITION OF ELIGIBLE ENTITY.*—For purposes of this subsection, the term “eligible entity” means—

(A) a charter management organization that, at the time of the application, operates or manages one or more high-quality charter schools; or

(B) a nonprofit organization that oversees and coordinates the activities of a group of such charter management organizations.

(2) *APPLICATION REQUIREMENTS.*—An eligible entity desiring to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as

*the Secretary may require. The application shall include the following:*

*(A) A description of the eligible entity's objectives for implementing a high-quality charter school program with funding under this subsection, including a description of the proposed number of high-quality charter schools to be replicated or expanded with funding under this subsection.*

*(B) A description of the educational program that the eligible entity will implement in the charter schools that the eligible entity proposes to replicate or expand, including information on how the program will enable all students to meet the challenging State academic standards under section 1111(b)(1), the grade levels or ages of students that will be served, and the instructional practices that will be used.*

*(C) A multi-year financial and operating model for the eligible entity, including a description of how the operation of the charter schools to be replicated or expanded will be sustained after the grant under this subsection has ended.*

*(D) A description of how the eligible entity will inform all students in the community, including children with disabilities, students who are English learners, and other educationally disadvantaged students, about the charter schools to be replicated or expanded with funding under this subsection.*

*(E) For each charter school currently operated or managed by the eligible entity—*

*(i) student assessment results for all students and for each category of students described in section 1111(b)(2)(B)(xi); and*

*(ii) attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available 4-year adjusted cohort and extended-year adjusted cohort secondary school graduation rates (as such rates were calculated on the day before enactment of the Every Child Achieves Act of 2015).*

*(F) Information on any significant compliance issues encountered, within the last 3 years, by any school operated or managed by the eligible entity, including in the areas of student safety and financial management.*

*(G) A request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of the charter schools to be replicated or expanded with funding under this subsection.*

*(3) SELECTION CRITERIA.—The Secretary shall select eligible entities to receive grants under this subsection, on the basis of the quality of the applications submitted under paragraph (2), after taking into consideration such factors as—*

*(A) the degree to which the eligible entity has demonstrated success in increasing academic achievement and attainment for all students attending the charter schools the eligible entity operates or manages;*

(B) the degree to which the eligible entity has demonstrated success in increasing academic achievement and attainment for each of the categories of students, as defined in section 1111(b)(3)(A);

(C) the quality of the eligible entity's financial and operating model as described under paragraph (2)(C), including the quality of the eligible entity's plan for sustaining the operation of the charter schools to be replicated or expanded after the grant under this subsection has ended;

(D) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

(i) have been closed;

(ii) have had a school charter revoked due to problems with statutory or regulatory compliance; or

(iii) have had the school's affiliation with the eligible entity revoked; and

(E) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school's charter.

(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that operate or manage charter schools that, in the aggregate, serve students at least 60 percent of whom are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act.

(5) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under subsection (a)(2)(D) and this subsection shall have the same terms and conditions as grants awarded to State entities under section 5103.

**SEC. [5206]5106. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.**

(a) IN GENERAL.—\* \* \*

\* \* \* \* \*

(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER SCHOOLS.—For purposes of implementing the hold harmless protections in sections 1122(c) and 1125A(g)(3) for a newly opened or significantly expanded charter school under subsection (a), a State educational agency shall calculate a hold-harmless base for the prior year that, as applicable, reflects the new or significantly expanded enrollment of the charter school.

\* \* \* \* \*

**SEC. [5207]5107. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.**

\* \* \* \* \*

**SEC. [5208]5108. RECORDS TRANSFER.**

State educational agencies and local educational agencies, as quickly as possible and to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602 of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another

public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

\* \* \* \* \*

**SEC. [5209]5109. PAPERWORK REDUCTION.**

\* \* \* \* \*

**SEC. [5210]5110. DEFINITIONS.**

In this subpart:

**[(4)](1) AUTHORIZED PUBLIC CHARTERING AGENCY.**—\* \* \*

**[(1)](2) CHARTER SCHOOL.**—The term “charter school” means a public school that—

(A) \* \* \*

\* \* \* \* \*

(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973**], and part B**, *the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”), and part B of the Individuals with Disabilities Education Act;*

**[(H)]** is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;**]**

*(H) is a school to which parents choose to send their children, and which—*

*(i) admits students on the basis of a lottery, if more students apply for admission than can be accommodated; or*

*(ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);*

**[(I)]** agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;**]**

*(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;*

\* \* \* \* \*

(K) operates in accordance with State law; **[and]**

(L) has a written performance contract with the authorized public chartering agency in the State that in-

cludes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school[.]; and

(M) may serve students in early childhood education programs or postsecondary students.

(3) CHARTER MANAGEMENT ORGANIZATION.—The term “charter management organization” means a nonprofit organization that operates or manages multiple charter schools by centralizing or sharing certain functions or resources.

(4) CHARTER SCHOOL SUPPORT ORGANIZATION.—The term “charter school support organization” means a nonprofit, non-governmental entity that is not an authorized public chartering agency and provides, on a statewide basis—

(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

(B) technical assistance to operating charter schools.

\* \* \* \* \*

[(2)](5) DEVELOPER.— \* \* \*

[(3)](6) ELIGIBLE APPLICANT.—The term “eligible applicant” means a developer that has—

(A) \* \* \*

(B) provided adequate and timely notice to that authority [under section 5203(d)(3)].

\* \* \* \* \*

(7) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term “expansion of a high-quality charter school” means increasing the enrollment at a high-quality charter school by not less than 50 percent or adding 2 or more grades to a high-quality charter school.

(8) HIGH-QUALITY CHARTER SCHOOL.—The term “high-quality charter school” means a charter school that—

(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

(B) has no significant issues in the areas of student safety, financial management, or statutory or regulatory compliance;

(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and

(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the categories of students, as defined in section 1111(b)(3)(A), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(9) *REPLICATION OF A HIGH-QUALITY CHARTER SCHOOL.—The term “replication of a high-quality charter school” means the opening of a charter school—*

*(A) under an existing charter or an additional charter, if permitted by State law;*

*(B) based on the model of a high-quality charter school; and*

*(C) that will be operated or managed by the same non-profit organization that operates or manages such high-quality charter school under an existing charter.*

\* \* \* \* \*

**[SEC. [5211]5111. AUTHORIZATION OF APPROPRIATIONS.**

**[(a) IN GENERAL.—**There are authorized to be appropriated to carry out this subpart \$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

**[(b) RESERVATION.—**From the amount appropriated under subsection (a) for each fiscal year, the Secretary shall reserve—

**[(1) \$200,000,000 to carry out this subpart, other than section 5205(b); and**

**[(2) any funds in excess of \$200,000,000, that do not exceed \$300,000,000, to carry out section 5205(b); and**

**[(3)(A) 50 percent of any funds in excess of \$300,000,000 to carry out this subpart, other than section 5205(b); and**

**[(B) 50 percent of any funds in excess of \$300,000,000 to carry out section 5205(b).]**

**SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.*

\* \* \* \* \*

**[Subpart 2—Credit Enhancement Initiatives To Assist Charter School Facility Acquisition, Construction, and Renovation]**

**[SEC. 5221. PURPOSE.**

**[The purpose of this subpart is to provide grants to eligible entities to permit the eligible entities to demonstrate innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.]**

**[SEC. 5222. GRANTS TO ELIGIBLE ENTITIES.**

**[(a) GRANTS.—**The Secretary shall use 100 percent of the amount available to carry out this subpart to award not less than three grants to eligible entities that have applications approved under this subpart to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

**[(b) GRANTEE SELECTION.—**

**[(1) EVALUATION OF APPLICATION.—**The Secretary shall evaluate each application submitted under section 5223, and

shall determine whether the application is sufficient to merit approval.

[(2) DISTRIBUTION OF GRANTS.—The Secretary shall award at least one grant to an eligible entity described in section 5230(2)(A), at least one grant to an eligible entity described in section 5230(2)(B), and at least one grant to an eligible entity described in section 5230(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.]

[(c) GRANT CHARACTERISTICS.—Grants under this subpart shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.]

[(d) SPECIAL RULE.—In the event the Secretary determines that the funds made available under this subpart are insufficient to permit the Secretary to award not less than three grants in accordance with subsections (a) through (c), such three-grant minimum and subsection (b)(2) shall not apply, and the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).]

**[SEC. 5223. APPLICATIONS.]**

[(a) IN GENERAL.—To receive a grant under this subpart, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.]

[(b) CONTENTS.—An application submitted under subsection (a) shall contain—

[(1) a statement identifying the activities proposed to be undertaken with funds received under this subpart, including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

[(2) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

[(3) a description of the eligible entity's expertise in capital market financing;

[(4) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools;

[(5) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

[(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities; and

[(7) such other information as the Secretary may reasonably require.]



**[SEC. 5224. CHARTER SCHOOL OBJECTIVES.**

【An eligible entity receiving a grant under this subpart shall use the funds deposited in the reserve account established under section 5225(a) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

【(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

【(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.】

**[SEC. 5225. RESERVE ACCOUNT.**

【(a) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in section 5224, an eligible entity receiving a grant under this subpart shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this subpart (other than funds used for administrative costs in accordance with section 5226) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

【(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5224.

【(2) Guaranteeing and insuring leases of personal and real property for an objective described in section 5224.

【(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

【(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

【(b) INVESTMENT.—Funds received under this subpart and deposited in the reserve account established under subsection (a) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

【(c) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subpart shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.】

**[SEC. 5226. LIMITATION ON ADMINISTRATIVE COSTS.**

【An eligible entity may use not more than 0.25 percent of the funds received under this subpart for the administrative costs of carrying out its responsibilities under this subpart.】

**[SEC. 5227. AUDITS AND REPORTS.**

【(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this sub-

part shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

**[(b) REPORTS.—**

**[(1) GRANTEE ANNUAL REPORTS.—**Each eligible entity receiving a grant under this subpart annually shall submit to the Secretary a report of its operations and activities under this subpart.

**[(2) CONTENTS.—**Each annual report submitted under paragraph (1) shall include—

**[(A)** a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

**[(B)** a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

**[(C)** an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this subpart in leveraging private funds;

**[(D)** a listing and description of the charter schools served during the reporting period;

**[(E)** a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5224; and

**[(F)** a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this subpart during the reporting period.

**[(3) SECRETARIAL REPORT.—**The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this subpart.]

**[SEC. 5228. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.**

[No financial obligation of an eligible entity entered into pursuant to this subpart (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this subpart.]

**[SEC. 5229. RECOVERY OF FUNDS.**

**[(a) IN GENERAL.—**The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

**[(1)** all of the funds in a reserve account established by an eligible entity under section 5225(a) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this subpart, that the eligible entity has failed to make substantial progress in carrying out the purposes described in section 5225(a); or

**[(2)** all or a portion of the funds in a reserve account established by an eligible entity under section 5225(a) if the Secretary determines that the eligible entity has permanently

ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5225(a).

[(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in section 5225(a).

[(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subsection (a).

[(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.]

**[SEC. 5230. DEFINITIONS.**

[In this subpart:

[(1) CHARTER SCHOOL.—The term “charter school” has the meaning given such term in section 5210.

[(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

[(A) a public entity, such as a State or local governmental entity;

[(B) a private nonprofit entity; or

[(C) a consortium of entities described in subparagraphs (A) and (B).]

**[SEC. 5231. AUTHORIZATION OF APPROPRIATIONS.**

[For the purpose of carrying out this subpart, there are authorized to be appropriated \$150,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003.]

**[Subpart 3—Voluntary Public School Choice Programs]**

**[SEC. 5241. GRANTS.**

[(a) AUTHORIZATION.—From funds made available under section 5248 to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to establish or expand a program of public school choice (referred to in this subpart as a “program”) in accordance with this subpart.

[(b) DURATION.—Grants awarded under subsection (a) may be awarded for a period of not more than 5 years.]

**[SEC. 5242. USES OF FUNDS.**

[(a) REQUIRED USE OF FUNDS.—An eligible entity that receives a grant under this subpart shall use the grant funds to provide students selected to participate in the program with transportation services or the cost of transportation to and from the public elementary schools and secondary schools, including charter schools, that the students choose to attend under the program.

[(b) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this subpart may use the grant funds for—

[(1) planning or designing a program (for not more than 1 year);

[(2) the cost of making tuition transfer payments to public elementary schools or secondary schools to which students transfer under the program;

[(3) the cost of capacity-enhancing activities that enable high-demand public elementary schools or secondary schools to accommodate transfer requests under the program;

[(4) the cost of carrying out public education campaigns to inform students and parents about the program; and

[(5) other costs reasonably necessary to implement the program.

[(c) NONPERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this subpart may not use the grant funds for school construction.

[(d) ADMINISTRATIVE EXPENSES.—The eligible entity may use not more than 5 percent of the funds made available through the grant for any fiscal year for administrative expenses.]

**[SEC. 5243. APPLICATIONS.**

[(a) SUBMISSION.—An eligible entity that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(b) CONTENTS.—An application submitted under subsection (a) shall include—

[(1) a description of the program for which the eligible entity seeks funds and the goals for such program;

[(2) a description of how and when parents of students will be given the notice required under section 5245(a)(2);

[(3) a description of how students will be selected for the program;

[(4) a description of how the program will be coordinated with, and will complement and enhance, other related Federal and non-Federal projects;

[(5) if the program is to be carried out by a partnership, the name of each partner and a description of the partner's responsibilities; and

[(6) such other information as the Secretary may require.]

**[SEC. 5244. PRIORITIES.**

[In awarding grants under this subpart, the Secretary shall give priority to an eligible entity—

[(1) whose program would provide the widest variety of choices to all students in participating schools;

[(2) whose program would, through various choice options, have the most impact in allowing students in low-performing schools to attend higher-performing schools; and

[(3) that is a partnership that seeks to implement an interdistrict approach to carrying out a program.]

**[SEC. 5245. REQUIREMENTS AND VOLUNTARY PARTICIPATION.**

[(a) PARENT AND COMMUNITY INVOLVEMENT AND NOTICE.—In carrying out a program under this subpart, an eligible entity shall—

[(1) develop the program with—

[(A) the involvement of parents and others in the community to be served; and

[(B) individuals who will carry out the program, including administrators, teachers, principals, and other staff; and

[(2) provide to parents of students in the area to be served by the program with prompt notice of—

- [(A) the existence of the program;
- [(B) the program’s availability; and
- [(C) a clear explanation of how the program will operate.

[(b) SELECTION OF STUDENTS.—An eligible entity that receives a grant under this subpart shall select students to participate in a program on the basis of a lottery, if more students apply for admission to the program than can be accommodated.

[(c) VOLUNTARY PARTICIPATION.—Student participation in a program funded under this subpart shall be voluntary.】

**[SEC. 5246. EVALUATIONS.**

[(a) IN GENERAL.—From the amount made available to carry out this subpart for any fiscal year, the Secretary may reserve not more than 5 percent—

- [(1) to carry out evaluations;
- [(2) to provide technical assistance; and
- [(3) to disseminate information.

[(b) EVALUATIONS.—In carrying out the evaluations under subsection (a), the Secretary shall, at a minimum, address—

- [(1) how, and the extent to which, the programs promote educational equity and excellence;
- [(2) the characteristics of the students participating in the programs; and

[(3) the effect of the programs on the academic achievement of students participating in the programs, particularly students who move from schools identified under section 1116 to schools not so identified, and on the overall quality of participating schools and districts.】

**[SEC. 5247. DEFINITIONS.**

【In this subpart:

[(1) CHARTER SCHOOL.—The term “charter school” has the meaning given such term in section 5210.

[(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

- [(A) one or more State educational agencies;
- [(B) one or more local educational agencies; or
- [(C) a partnership of—
  - [(i) one or more—
    - [(I) State educational agencies; and
    - [(II) local educational agencies or other public, for-profit, or nonprofit entities; or
  - [(ii) one or more—
    - [(I) local educational agencies; and
    - [(II) public, for-profit, or nonprofit entities.

[(3) LOW-PERFORMING SCHOOL.—The term “low-performing school” means a public elementary school or secondary school that has failed to make adequate yearly progress, as described in section 1111(b), for two or more consecutive years.】

**[SEC. 5248. AUTHORIZATION OF APPROPRIATIONS.**

【There are authorized to be appropriated to carry out this subpart \$100,000,000 for fiscal year 2002 and each of the 5 succeeding fiscal years.】

\* \* \* \* \*

**PART [C]B—MAGNET SCHOOLS ASSISTANCE**

**SEC. [5301]5201. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) \* \* \*

(b) PURPOSE.—\* \* \*

(1) the elimination, reduction, or prevention of minority group isolation *and the increase of socioeconomic integration* in elementary schools and secondary schools with substantial proportions of *low-income and* minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

(2) the development【and implementation】, *implementation, and expansion* of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State academic 【content standards and student academic achievement standards】*standards under section 1111(b)(1)*;

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

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

\* \* \* \* \*

(6) ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or 【productive employment】 *to enter into the workforce without the need for postsecondary education.*

\* \* \* \* \*

**SEC. [5302]5202. DEFINITION.**

For the purpose of this part, the term “magnet school” means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial 【backgrounds】, *ethnic, and socioeconomic backgrounds.*

\* \* \* \* \*

**SEC. [5303]5203. PROGRAM AUTHORIZED.**

\* \* \* \* \*

**SEC. [5304]5204. ELIGIBILITY.**

\* \* \* \* \*

**SEC. [5305]5205. APPLICATIONS AND REQUIREMENTS.**

(a) APPLICATIONS.— \* \* \*

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

(1) a description of—

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

(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school, *including any evidence available to support such description*;

(C) \* \* \*

(D) *how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration*;

**[(D)](E)** \* \* \*

\* \* \* \* \*

**[(E)](F)** \* \* \*

\* \* \* \* \*

(2) assurances that the applicant **[will]**—

(A) *will* use grant funds under this part for the purposes specified in **[section 5301(b)]section 5201(b)**;

(B) **[employ highly qualified]***will employ effective* teachers in the courses of instruction assisted under this part;

(C) **[not engage in]** *is not currently engaging in and will not engage in* discrimination based on race, religion, color, national origin, sex, or disability in—

(i) \* \* \*

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

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

\* \* \* \* \*

**SEC. [5306]5206. PRIORITY.**

In awarding grants under this part, the Secretary shall give priority to applicants that—

(1) \* \* \*

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

(2) *propose to—*

(A) *carry out a new, evidence-based magnet school program*;

(B) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or

(C) expand an existing magnet school program that has a demonstrated record of success in increasing student academic achievement, reducing isolation of minority groups, and increasing socioeconomic integration; and

(3) \* \* \*

\* \* \* \* \*

**SEC. [5307]5207. USE OF FUNDS.**

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

(1) \* \* \*

\* \* \* \* \*

(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers [who are highly qualified], and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

\* \* \* \* \*

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

(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades[.]; and

(8) to enable the local educational agency, or consortium of such agencies, or other organizations partnered with such agency or consortium, to establish, expand, or strengthen inter-district and regional magnet programs.

(b) SPECIAL RULE.—Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on [the State’s challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, and professional skills.]the challenging State academic standards under section 1111(b)(1) or are directly related to improving student academic, career, or technological skills and professional skills.

\* \* \* \* \*

**[SEC. 5308. PROHIBITION.**

[Grants under this part may not be used for transportation or any activity that does not augment academic improvement.]

**SEC. [5309]5208. LIMITATIONS.**

(a) DURATION OF AWARDS.—A grant under this part shall be awarded [for a period that shall not exceed 3 fiscal years.]for an initial period of not more than 3 fiscal years, and may be renewed for not more than an additional 2 years if the Secretary finds that



*the recipient of a grant under this part is achieving the intended outcomes of the grant and shows improvement in increasing student academic achievement, reducing minority group isolation, and increasing socioeconomic integration, or other indicators of success established by the Secretary.*

\* \* \* \* \*

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

\* \* \* \* \*

**SEC. ~~5311~~5209. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.**

(a) **AUTHORIZATION.**—For the purpose of carrying out this part, there are authorized to be appropriated ~~125,000,000~~ \$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years. ~~such sums as may be necessary for each of fiscal years 2016 through 2021.~~

(b) **RESERVATION FOR TECHNICAL ASSISTANCE.**—*The Secretary may reserve not more than 1 percent of the funds appropriated under subsection (a) for any fiscal year to provide technical assistance and carry out dissemination projects with respect to magnet school programs assisted under this part.*

~~(b)(c)~~ **AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.**—\* \* \*

\* \* \* \* \*

**SEC. 5310. EVALUATIONS.**

~~(a)~~ **RESERVATION.**—The Secretary may reserve not more than 2 percent of the funds appropriated under section 5311(a) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this part.

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

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

(2) the extent to which magnet school programs enhance student access to a high quality education;

(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and

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

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

\* \* \* \* \*

**[PART D—FUND FOR THE IMPROVEMENT OF  
EDUCATION**

**[SEC. 5401. [20 U.S.C. 7241] AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part the following amounts:

- [(1) \$550,000,000 for fiscal year 2002.
- [(2) \$575,000,000 for fiscal year 2003.
- [(3) \$600,000,000 for fiscal year 2004.
- [(4) \$625,000,000 for fiscal year 2005.
- [(5) \$650,000,000 for fiscal year 2006.
- [(6) \$675,000,000 for fiscal year 2007.]

**[Subpart 1—Fund for the Improvement of  
Education]**

**[SEC. 5411. [20 U.S.C. 7243] PROGRAMS AUTHORIZED.**

[(a) AUTHORIZATION.—The Secretary is authorized to support nationally significant programs to improve the quality of elementary and secondary education at the State and local levels and help all children meet challenging State academic content and student academic achievement standards. The Secretary may carry out such programs directly, or through grants to, or contracts with—

- [(1) States or local educational agencies;
- [(2) institutions of higher education; and
- [(3) other public and private agencies, organizations, and institutions.

[(b) USES OF FUNDS.—Funds made available under section 5401 to carry out this subpart may be used for any of the following programs:

[(1) Activities to promote systemic education reform at the State and local levels, including scientifically based research, development, and evaluation designed to improve—

- [(A) student academic achievement at the State and local level; and
- [(B) strategies for effective parent and community involvement.

[(2) Programs at the State and local levels that are designed to yield significant results, including programs to explore approaches to public school choice and school-based decisionmaking.

[(3) Recognition programs, which may include financial awards to States, local educational agencies, and schools that have made the greatest progress, based on the Secretary's determination or on a nomination by the State in which the school is located (or in the case of a Bureau funded school, by the Secretary of the Interior) in—

[(A) improving the academic achievement of economically disadvantaged students and students from major racial and ethnic minority groups; and

[(B) closing the academic achievement gap for those groups of students farthest away from the proficient level on the academic assessments administered by the State under section 1111.

[(4) Scientifically based studies and evaluations of education reform strategies and innovations, and the dissemination of information on the effectiveness of such strategies and innovations.]

[(5) Identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools, including programs to evaluate the effectiveness of using the best practices of exemplary or Blue Ribbon Schools to improve academic achievement.]

[(6) Activities to support Scholar-Athlete Games programs, including the World Scholar-Athlete Games and the U.S. Scholar-Athlete Games.]

[(7) Programs to promote voter participation in American elections through programs, such as the National Student/Parent Mock Election and Kids Voting USA.]

[(8) Demonstrations relating to the planning and evaluation of the effectiveness of programs under which local educational agencies or schools contract with private management organizations to reform a school or schools.]

[(9) Other programs that meet the purposes of this Act.]

[(c) BASIS OF AWARDS.—The Secretary is authorized to—

[(1) make awards under this subpart on the basis of competitions announced by the Secretary; and

[(2) support meritorious unsolicited proposals for awards under this subpart.]

[(d) EFFECTIVENESS OF PROGRAMS.—The Secretary shall ensure that programs supported under this subpart are designed so that their effectiveness is readily ascertainable, and shall ensure that such effectiveness is assessed using rigorous, scientifically based research and evaluations.]

**[SEC. 5412. [20 U.S.C. 7243a] APPLICATIONS.]**

[(a) SUBMISSION.—To be eligible for an award under this subpart, an entity shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.]

[(b) CONTENTS.—Each application submitted under subsection (a) shall—

[(1) establish clear objectives, which are based on scientifically based research, for the proposed program; and

[(2) describe the activities the applicant will carry out in order to meet the objectives described in paragraph (1).]

[(c) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for awards under this subpart and in recognizing States, local educational agencies, and schools under section 5411(b)(3), only if funds are used for such recognition programs. The Secretary may use funds appropriated under this subpart for the cost of such peer review.]

**[SEC. 5413. [20 U.S.C. 7243b] PROGRAM REQUIREMENTS.]**

[(a) EVALUATIONS.—A recipient of an award under this subpart shall—

[(1) evaluate the effectiveness of the program funded under the award in achieving the objectives stated in applications submitted under section 5412; and

[(2) report to the Secretary such information as may be required to determine the effectiveness of such program, including evidence of progress toward meeting such objectives.]

[(b) DISSEMINATION OF EVALUATION RESULTS.—The Secretary shall provide for the dissemination of the evaluations of programs funded under this subpart by making the evaluations publicly available upon request, and shall provide public notice that the evaluations are so available.]

[(c) MATCHING FUNDS.—The Secretary may require recipients of awards under this subpart to provide matching funds from non-Federal sources, and shall permit the recipients to match funds in whole or in part with in-kind contributions.]

[(d) SPECIAL RULE FOR RECOGNITION PROGRAMS.—The application requirements of section 5412(b), and the evaluation requirements of subsections (a) and (b) of this section, do not apply to recognition programs under section 5411(b)(3).]

**[SEC. 5414. [20 U.S.C. 7243c] STUDIES OF NATIONAL SIGNIFICANCE.]**

[(a) STUDIES.—The Secretary shall conduct the following studies of national significance:]

[(1) UNHEALTHY PUBLIC SCHOOL BUILDINGS.—A study regarding the health and learning impacts of environmentally unhealthy public school buildings on students and teachers. The study shall include the following information:]

[(A) The characteristics of those public elementary school and secondary school buildings that contribute to unhealthy school environments.]

[(B) The health and learning impacts of environmental unhealthy public school buildings on students that are attending or that have attended such schools.]

[(C) Recommendations to Congress on how to assist schools that are out of compliance with Federal or State health and safety codes, and a cost estimate of bringing up environmentally unhealthy public school buildings to minimum Federal health and safety building standards.]

[(2) EXPOSURE TO VIOLENT ENTERTAINMENT.—A study regarding how exposure to violent entertainment (such as in movies, music, television, Internet content, video games, and arcade games) affects children's cognitive development and educational achievement.]

[(3) SEXUAL ABUSE IN SCHOOLS.—A study regarding the prevalence of sexual abuse in schools, including recommendations and legislative remedies for addressing the problem of sexual abuse in schools.]

[(b) COMPLETION DATE.—The studies under subsection (a) shall be completed not later than 18 months after the date of enactment of the No Child Left Behind Act of 2001.]

[(c) PUBLIC DISSEMINATION.—The Secretary shall make the study conducted under subsection (a)(1) available to the public through the Educational Resources Information Center National Clearinghouse for Educational Facilities of the Department. ]

## [Subpart 2—Elementary and Secondary School Counseling Programs]

### [SEC. 5421. [20 U.S.C. 7245] ELEMENTARY AND SECONDARY SCHOOL COUNSELING PROGRAMS.]

**[(a) GRANTS AUTHORIZED.—**

**[(1) IN GENERAL.—**The Secretary is authorized to award grants to local educational agencies to enable such agencies to establish or expand elementary school and secondary school counseling programs that comply with the requirements of subsection (c)(2).

**[(2) SPECIAL CONSIDERATION.—**In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

**[(A)** demonstrate the greatest need for new or additional counseling services among children in the schools served by the local educational agency, in part by providing information on current ratios of students to school counselors, students to school social workers, and students to school psychologists;

**[(B)** propose the most promising and innovative approaches for initiating or expanding school counseling; and

**[(C)** show the greatest potential for replication and dissemination.

**[(3) EQUITABLE DISTRIBUTION.—**In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among local educational agencies located in urban, rural, and suburban areas.

**[(4) DURATION.—**A grant under this section shall be awarded for a period not to exceed 3 years.

**[(5) MAXIMUM GRANT.—**A grant awarded under this section shall not exceed \$400,000 for any fiscal year.

**[(6) SUPPLEMENT, NOT SUPPLANT.—**Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

**[(b) APPLICATIONS.—**

**[(1) IN GENERAL.—**Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

**[(2) CONTENTS.—**Each application for a grant under this section shall—

**[(A)** describe the school population to be targeted by the program, the particular counseling needs of such population, and the current school counseling resources available for meeting such needs;

**[(B)** describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

**[(C)** describe the methods to be used to evaluate the outcomes and effectiveness of the program;

[(D) describe how the local educational agency will involve community groups, social service agencies, and other public and private entities in collaborative efforts to enhance the program and promote school-linked services integration;

[(E) document that the local educational agency has the personnel qualified to develop, implement, and administer the program;

[(F) describe how diverse cultural populations, if applicable, will be served through the program;

[(G) assure that the funds made available under this subpart for any fiscal year will be used to supplement, and not supplant, any other Federal, State, or local funds used for providing school-based counseling and mental health services to students; and

[(H) assure that the applicant will appoint an advisory board composed of interested parties, including parents, teachers, school administrators, counseling services providers described in subsection (c)(2)(D), and community leaders, to advise the local educational agency on the design and implementation of the program.

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to initiate or expand elementary school or secondary school counseling programs that comply with the requirements of paragraph (2).

[(2) REQUIREMENTS.—Each program funded under this section shall—

[(A) be comprehensive in addressing the counseling and educational needs of all students;

[(B) use a developmental, preventive approach to counseling;

[(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools and secondary schools of the local educational agency;

[(D) expand counseling services through qualified school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists;

[(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve peer interaction;

[(F) provide counseling services in settings that meet the range of student needs;

[(G) include in-service training appropriate to the activities funded under this Act for teachers, instructional staff, and appropriate school personnel, including in-service training in appropriate identification and early intervention techniques by school counselors, school social workers, school psychologists, other qualified psychologists, and child and adolescent psychiatrists;

[(H) involve parents of participating students in the design, implementation, and evaluation of the counseling program;

[(I) involve community groups, social service agencies, or other public or private entities in collaborative efforts to enhance the program and promote school-linked integration of services;

[(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

[(K) ensure a team approach to school counseling in the schools served by the local educational agency by working toward ratios recommended by the American School Health Association of one school counselor to 250 students, one school social worker to 800 students, and one school psychologist to 1,000 students; and

[(L) ensure that school counselors, school psychologists, other qualified psychologists, school social workers, or child and adolescent psychiatrists paid from funds made available under this section spend a majority of their time counseling students or in other activities directly related to the counseling process.

[(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 4 percent of the amounts made available under this section for any fiscal year may be used for administrative costs to carry out this section.

[(e) DEFINITIONS.—For the purpose of this section—

[(1) the term “child and adolescent psychiatrist” means an individual who—

[(A) possesses State medical licensure; and

[(B) has completed residency training programs in both general psychiatry and child and adolescent psychiatry;

[(2) the term “other qualified psychologist” means an individual who has demonstrated competence in counseling children in a school setting and who—

[(A) is licensed in psychology by the State in which the individual works; and

[(B) practices in the scope of the individual’s education, training, and experience with children in school settings;

[(3) the term “school counselor” means an individual who has documented competence in counseling children and adolescents in a school setting and who—

[(A) is licensed by the State or certified by an independent professional regulatory authority;

[(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

[(C) holds a minimum of a master’s degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

[(4) the term “school psychologist” means an individual who—

[(A) has completed a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours are in the school setting;

[(B) is licensed or certified in school psychology by the State in which the individual works; or

[(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board; and

[(5) the term “school social worker” means an individual who—

[(A) holds a master’s degree in social work from a program accredited by the Council on Social Work Education; and

[(B)(i) is licensed or certified by the State in which services are provided; or

[(ii) in the absence of such State licensure or certification, possesses a national credential or certification as a school social work specialist granted by an independent professional organization.

[(f) REPORT.—Not later than 2 years after assistance is made available to local educational agencies under subsection (c), the Secretary shall make publicly available a report—

[(1) evaluating the programs assisted pursuant to each grant under this subpart; and

[(2) outlining the information from local educational agencies regarding the ratios of students to—

[(A) school counselors;

[(B) school social workers; and

[(C) school psychologists.

[(g) SPECIAL RULE.—

[(1) AMOUNT EQUALS OR EXCEEDS \$40,000,000.—If the amount of funds made available by the Secretary for this subpart equals or exceeds \$40,000,000, the Secretary shall award not less than \$40,000,000 in grants to local educational agencies to enable the agencies to establish or expand counseling programs in elementary schools.

[(2) AMOUNT LESS THAN \$40,000,000.—If the amount of funds made available by the Secretary for this subpart is less than \$40,000,000, the Secretary shall award grants to local educational agencies only to establish or expand counseling programs in elementary schools.]

### **[Subpart 3—Partnerships in Character Education]**

[SEC. 5431. [20 U.S.C. 7247] PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.

[(a) PROGRAM AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that—



[(A) are able to be integrated into classroom instruction and to be consistent with State academic content standards; and

[(B) are able to be carried out in conjunction with other educational reform efforts.

[(2) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

[(A) a State educational agency in partnership with—

[(i) one or more local educational agencies; or

[(ii) one or more—

[(I) local educational agencies; and

[(II) nonprofit organizations or entities, including an institution of higher education;

[(B) a local educational agency or consortium of local educational agencies; or

[(C) a local educational agency in partnership with one or more nonprofit organizations or entities, including an institution of higher education.

[(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed 5 years, of which the eligible entity may not use more than 1 year for planning and program design.

[(4) AMOUNT OF GRANTS FOR STATE EDUCATIONAL AGENCIES.—Subject to the availability of appropriations, the amount of a grant made by the Secretary to a State educational agency under this section shall not be less than \$500,000 if the State educational agency—

[(A) is in a partnership described in paragraph (2)(A);

and

[(B) meets such requirements as the Secretary may establish under this section.

[(b) CONTRACTS UNDER PROGRAM.—

[(1) EVALUATION.—Each eligible entity awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for the purposes of—

[(A) evaluating the program for which the assistance is made available;

[(B) measuring the integration of such program into the curriculum and teaching methods of schools where the program is carried out; and

[(C) measuring the success of such program in fostering the elements of character selected by the recipient under subsection (c).

[(2) MATERIALS AND PROGRAM DEVELOPMENT.—Each eligible entity awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for assistance in—

[(A) developing secular curricula, materials, teacher training, and other activities related to character education; and

[(B) integrating secular character education into the curricula and teaching methods of schools where the program is carried out.

[(c) ELEMENTS OF CHARACTER.—

[(1) SELECTION.—

[(A) IN GENERAL.—Each eligible entity awarded a grant under this section may select the elements of character that will be taught under the program for which the grant was awarded.

[(B) CONSIDERATION OF VIEWS.—In selecting elements of character under subparagraph (A), the eligible entity shall consider the views of the parents of the students to be taught under the program and the views of the students.

[(2) EXAMPLE ELEMENTS.—Elements of character selected under this subsection may include any of the following:

[(A) Caring.

[(B) Civic virtue and citizenship.

[(C) Justice and fairness.

[(D) Respect.

[(E) Responsibility.

[(F) Trustworthiness.

[(G) Giving.

[(H) Any other elements deemed appropriate by the eligible entity.

[(d) USE OF FUNDS BY STATE EDUCATIONAL AGENCY RECIPIENTS.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

[(1) not more than 3 percent of such funds may be used for administrative purposes; and

[(2) the remainder of such funds may be used for—

[(A) collaborative initiatives with and between local educational agencies and schools;

[(B) the preparation or purchase of materials, and teacher training;

[(C) providing assistance to local educational agencies, schools, or institutions of higher education; and

[(D) technical assistance and evaluation.

[(e) APPLICATION.—

[(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

[(2) REQUIRED INFORMATION.—Each application for a grant under this section shall include (together with any other information that the Secretary may require) information that—

[(A) demonstrates that the program for which the grant is sought has clear objectives that are based on scientifically based research;

[(B) describes any partnerships or collaborative efforts among the organizations and entities of the eligible entity;

[(C) describes the activities that will be carried out with the grant funds and how such activities will meet the objectives described in subparagraph (A), including—

[(i) how parents, students, students with disabilities (including those with mental or physical disabilities), and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the

larger community to increase the reach and promise of the program;

[(ii) curriculum and instructional practices that will be used or developed; and

[(iii) methods of teacher training and parent education that will be used or developed;

[(D) describes how the program for which the grant is sought will be linked to other efforts to improve academic achievement, including—

[(i) broader educational reforms that are being instituted by the eligible entity or its partners; and

[(ii) State academic content standards;

[(E) in the case of an eligible entity that is a State educational agency, describes how the State educational agency—

[(i) will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs; and

[(ii) will assist other interested local educational agencies that are not members of the original partnership in designing and establishing character education programs;

[(F) describes how the eligible entity will evaluate the success of its program—

[(i) based on the objectives described in subparagraph (A); and

[(ii) in cooperation with any national evaluation conducted pursuant to subsection (h)(2)(B)(iii); and

[(G) assures that the eligible entity annually will provide to the Secretary such information as may be required to determine the effectiveness of the program.

[(f) SELECTION OF RECIPIENTS.—

[(1) PEER REVIEW.—

[(A) IN GENERAL.—In selecting eligible entities to receive grants under this section from among the applicants for such grants, the Secretary shall use a peer review process that includes the participation of experts in the field of character education and development.

[(B) USE OF FUNDS.—The Secretary may use funds appropriated under this section for the cost of carrying out peer reviews under this paragraph.

[(2) SELECTION CRITERIA.—Each selection under paragraph (1) shall be made on the basis of the quality of the application submitted, taking into consideration such factors as—

[(A) the extent to which the program fosters character in students and the potential for improved student academic achievement;

[(B) the extent and ongoing nature of parental, student, and community involvement;

[(C) the quality of the plan for measuring and assessing success; and

[(D) the likelihood that the objectives of the program will be achieved.

[(3) **EQUITABLE DISTRIBUTION.**—In making selections under this subsection, the Secretary shall ensure, to the extent practicable under paragraph (2), that the programs assisted under this section are equitably distributed among the geographic regions of the United States, and among urban, suburban, and rural areas.

[(g) **PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.**—Each eligible entity that receives a grant under this section shall provide, to the extent feasible and appropriate, for the participation in programs and activities under this section of students and teachers in private elementary schools and secondary schools.

[(h) **EVALUATION AND PROGRAM DEVELOPMENT.**—

[(1) **STATE AND LOCAL REPORTING AND EVALUATION.**—Each eligible entity receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this section, including its impact on students, students with disabilities (including those with mental or physical disabilities), teachers, administrators, parents, and others—

[(A) by the end of the second year of the program; and

[(B) not later than 1 year after completion of the grant period.

[(2) **NATIONAL RESEARCH, DISSEMINATION, AND EVALUATION.**—

[(A) **IN GENERAL.**—

[(i) **AUTHORIZATION.**—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, State educational agencies or local educational agencies, institutions of higher education, tribal organizations, or other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform State and local character education programs.

[(ii) **RESERVATION OF FUNDS.**—The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out this paragraph.

[(B) **USES.**—Funds made available under subparagraph (A) may be used for the following:

[(i) Conducting research and development activities that focus on matters such as—

[(I) the extent to which schools are undertaking character education initiatives;

[(II) the effectiveness of instructional models for all students, including students with disabilities (including those with mental or physical disabilities);

[(III) materials and curricula for use by programs in character education;

[(IV) models of professional development in character education;

[(V) the development of measures of effectiveness for character education programs (which may include the factors described in paragraph (3)); and

[(VI) the effectiveness of State and local programs receiving funds under this section.

[(ii) Providing technical assistance to State and local programs, particularly on matters of program evaluation.

[(iii) Conducting evaluations of State and local programs receiving funding under this section, that may be conducted through a national clearinghouse under clause (iv).

[(iv) Compiling and disseminating, through a national clearinghouse or other means—

[(I) information on model character education programs;

[(II) information about high quality character education materials and curricula;

[(III) research findings in the area of character education and character development; and

[(IV) any other information that will be useful to character education program participants nationwide, including educators, parents, and administrators.

[(C) PARTNERSHIPS.—In carrying out national activities under this paragraph, the Secretary may enter into partnerships with national nonprofit character education organizations and institutions of higher education with expertise and successful experience in implementing—

[(i) character education programs that had an effective impact on schools, students, students with disabilities (including those with mental or physical disabilities), and teachers; or

[(ii) character education program evaluation and research.

[(D) PARTNERSHIP FOR ACTIVITIES UNDER SUBPARAGRAPH (B)(iv).—In carrying out national activities under subparagraph (B)(iv), the Secretary may enter into a partnership with a national nonprofit character education organization that will disseminate information to educators, parents, administrators, and others nationwide, including information about the range of model character education programs, materials, and curricula.

[(E) REPORT.—Each entity awarded a grant or entering into a contract or cooperative agreement under this paragraph shall submit an annual report to the Secretary that—

[(i) describes the entity's progress in carrying out research, development, dissemination, evaluation, and technical assistance under this paragraph;

[(ii) identifies unmet and future information needs in the field of character education; and

[(iii) if applicable, describes the progress of the entity in carrying out the requirements of subparagraph (B)(iv), including a listing of—

[(I) the number of requests for information received by the entity in the course of carrying out such requirements;

[(II) the types of organizations making such requests; and

[(III) the types of information requested.

[(3) FACTORS.—Factors that may be considered in evaluating the success of programs funded under this section include the following:

[(A) Discipline issues.

[(B) Student academic achievement.

[(C) Participation in extracurricular activities.

[(D) Parental and community involvement.

[(E) Faculty and administration involvement.

[(F) Student and staff morale.

[(G) Overall improvements in school climate for all students, including students with disabilities (including those with mental or physical disabilities).

[(i) PERMISSIVE MATCH.—

[(1) IN GENERAL.—The Secretary may require eligible entities to match funds awarded under this section with non-Federal funds, except that the amount of the match may not exceed the amount of the grant award.

[(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

[(A) the poverty of the population to be targeted by the eligible entity; and

[(B) the ability of the eligible entity to obtain funding for the match.

[(3) IN-KIND CONTRIBUTIONS.—The Secretary shall permit eligible entities to match funds in whole or in part with in-kind contributions.

[(4) CONSIDERATION.—Notwithstanding this subsection, the Secretary in making awards under this section shall not consider the ability of an eligible entity to match funds.]

## **[Subpart 4—Smaller Learning Communities]**

### **[SEC. 5441. [20 U.S.C. 7249] SMALLER LEARNING COMMUNITIES.**

[(a) GRANT AUTHORITY.—The Secretary is authorized to award grants to local educational agencies to enable the agencies to create a smaller learning community or communities.

[(b) APPLICATION.—Each local educational agency desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include descriptions of the following:

[(1) Strategies and methods the local educational agency will use to create the smaller learning community or communities.

[(2) Curriculum and instructional practices, including any particular themes or emphases, to be used in the smaller learning environment.

[(3) The extent of involvement of teachers and other school personnel in investigating, designing, implementing, and sustaining the smaller learning community or communities.

[(4) The process to be used for involving students, parents, and other stakeholders in the development and implementation of the smaller learning community or communities.

[(5) Any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities.

[(6) The training and professional development activities that will be offered to teachers and others involved in the activities assisted under this subpart.

[(7) The objectives of the activities assisted under this subpart, including a description of how such activities will better enable all students to reach challenging State academic content standards and State student academic achievement standards.

[(8) The methods by which the local educational agency will assess progress in meeting the objectives described in paragraph (7).

[(9) If the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the remainder of the school.

[(10) The administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities (including the continuity of student and teacher assignment to a particular learning community).

[(11) How the local educational agency will coordinate or use funds provided under this subpart with other funds provided under this Act or other Federal laws.

[(12) The grade levels or ages of students who will participate in the smaller learning community or communities.

[(13) The method of placing students in the smaller learning community or communities, such that students are not placed according to ability or any other measure, but are placed at random or by their own choice, and not pursuant to testing or other judgments.

[(c) AUTHORIZED ACTIVITIES.—Funds under this section may be used for one or more of the following:

[(1) To study—

[(A) the feasibility of creating the smaller learning community or communities; and

[(B) effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities.

[(2) To research, develop, and implement—

[(A) strategies for creating the smaller learning community or communities; and

[(B) strategies for effective and innovative changes in curriculum and instruction, geared to challenging State academic content standards and State student academic achievement standards.

[(3) To provide professional development for school staff in innovative teaching methods that—

[(A) challenge and engage students; and

[(B) will be used in the smaller learning community or communities.

[(4) To develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities as facilitators of activities that enable teachers to participate in professional development activities and provide links between students and their community.]

### **[Subpart 5—Reading Is Fundamental— Inexpensive Book Distribution Program]**

#### **[SEC. 5451. [20 U.S.C. 7251] INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.**

[(a) PURPOSE.—The purpose of this subpart is to establish and implement a model partnership between a governmental entity and a private entity, to help prepare young children for reading and to motivate older children to read, through the distribution of inexpensive books. Local reading motivation programs assisted under this section shall use such assistance to provide books, training for volunteers, motivational activities, and other essential literacy resources and shall assign the highest priority to serving the youngest and neediest children in the United States.

[(b) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (RIF) (hereafter in this section referred to as the “contractor”) to support and promote programs, which include the distribution of inexpensive books to young and school-age children, that motivate children to read.

[(c) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (b) shall contain each of the following:

[(1) A provision that the contractor will enter into subcontracts with local private nonprofit groups or organizations, or with public agencies, under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift (to the extent feasible) or by loan, to children from birth through secondary school age, including children in family literacy programs.

[(2) A provision that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs.

[(3) A provision that, in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as the following:

[(A) Low-income children, particularly in high-poverty areas.

[(B) Children at risk of school failure.

[(C) Children with disabilities.

[(D) Foster children.

[(E) Homeless children.



[(F) Migrant children.

Children without access to libraries.

[(H) Institutionalized or incarcerated children.

[(I) Children whose parents are institutionalized or incarcerated.

[(4) A provision that the contractor will provide such training and technical assistance to subcontractors as may be necessary to carry out the purpose of this subpart.

[(5) A provision that the contractor will annually report to the Secretary the number, and a description, of programs funded under paragraph (3).

[(6) Such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

[(d) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

[(e) SPECIAL RULES FOR CERTAIN SUBCONTRACTORS.—

[(1) FUNDS FROM OTHER FEDERAL SOURCES.—Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in subsection (c)(3), may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 50 percent of the non-Federal share of the funds used for the cost of acquiring and distributing books.

[(2) WAIVER AUTHORITY.—Notwithstanding subsection (c), the contractor may waive, in whole or in part, the requirement in subsection (c)(1) for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in the program, and enters into an agreement with the contractor with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) shall not apply.

[(f) MULTI-YEAR CONTRACTS.—The contractor may enter into a multi-year subcontract under this section, if—

[(1) the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and

[(2) the subcontract does not undermine the finances of the national program.

[(g) FEDERAL SHARE DEFINED.—In this section, the term “Federal share” means, with respect to the cost to a subcontractor of purchasing books to be paid for under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.】

## **[Subpart 6—Gifted and Talented Students]**

**[SEC. 5461. [20 U.S.C. 7253] SHORT TITLE.**

【This subpart may be cited as the “Jacob K. Javits Gifted and Talented Students Education Act of 2001”.】

**[SEC. 5462. [20 U.S.C. 7253a] PURPOSE.**

【The purpose of this subpart is to initiate a coordinated program of scientifically based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to meet the special educational needs of gifted and talented students.】

**[SEC. 5463. [20 U.S.C. 7253b] RULE OF CONSTRUCTION.**

【Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings, where appropriate.】

**[SEC. 5464. [20 U.S.C. 7253c] AUTHORIZED PROGRAMS.**

**[(a) ESTABLISHMENT OF PROGRAM.—**

**[(1) IN GENERAL.—**The Secretary (after consultation with experts in the field of the education of gifted and talented students) is authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this subpart that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

**[(2) APPLICATION.—**Each entity seeking assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall describe how—

**[(A)** the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

**[(B)** the proposed programs can be evaluated.

**[(b) USE OF FUNDS.—**Programs and projects assisted under this section may include each of the following:

**[(1) Conducting—**

**[(A)** scientifically based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to serve all students; and

**[(B)** program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purpose of this subpart.

[(2) Carrying out professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.

[(3) Establishing and operating model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs (such as summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education).

[(4) Implementing innovative strategies, such as cooperative learning, peer tutoring, and service learning.

[(5) Carrying out programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

[(6) Making materials and services available through State regional educational service centers, institutions of higher education, or other entities.

[(7) Providing funds for challenging, high-level course work, disseminated through technologies (including distance learning), for individual students or groups of students in schools and local educational agencies that would not otherwise have the resources to provide such course work.

[(c) SPECIAL RULE.—To the extent that funds appropriated to carry out this subpart for a fiscal year beginning with fiscal year 2002 exceed such funds appropriated for fiscal year 2001, the Secretary shall use such excess funds to award grants, on a competitive basis, to State educational agencies, local educational agencies, or both, to implement activities described in subsection (b).

[(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

[(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (b).

[(2) DIRECTOR.—The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

[(3) FUNDING.—The Secretary may use not more than 30 percent of the funds made available under this subpart for fiscal year 2001 to carry out this subsection.

[(e) COORDINATION.—Scientifically based research activities supported under this subpart—

[(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by such Institute; and

[(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Institute.]

**[SEC. 5465. [20 U.S.C. 7253d] PROGRAM PRIORITIES.**

[(a) GENERAL PRIORITY.—In carrying out this subpart, the Secretary shall give highest priority to programs and projects designed to develop new information that—

[(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

[(2) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals with limited English proficiency, and individuals with disabilities) who may not be identified and served through traditional assessment methods.

[(b) SERVICE PRIORITY.—The Secretary shall ensure that not less than 50 percent of the applications approved under section 5464(a)(2) in a fiscal year address the priority described in subsection (a)(2).]

**[SEC. 5466. [20 U.S.C. 7253e] GENERAL PROVISIONS.**

[(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this subpart, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

[(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

[(1) use a peer review process in reviewing applications under this subpart;

[(2) ensure that information on the activities and results of programs and projects funded under this subpart is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including nonprofit private organizations; and

[(3) evaluate the effectiveness of programs under this subpart in accordance with section 9601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001.

[(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

[(1) administer and coordinate the programs authorized under this subpart;

[(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

[(3) assist the Assistant Secretary for Educational Research and Improvement in identifying research priorities that reflect the needs of gifted and talented students; and

[(4) shall disseminate, and consult on, the information developed under this subpart with other offices within the Department.]

### **[Subpart 7—Star Schools Program]**

**[SEC. 5471. [20 U.S.C. 7255] SHORT TITLE.**

[This subpart may be cited as the “Star Schools Act”.]

**[SEC. 5472. [20 U.S.C. 7255a] PURPOSES.**

[The purposes of this subpart are the following:

[(1) To encourage improved instruction in mathematics, science, and foreign languages as well as other subjects (such as literacy skills and vocational education).

[(2) To serve underserved populations, including disadvantaged, illiterate, limited English proficient populations, and individuals with disabilities through a Star Schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships—

[(A) to develop, construct, acquire, maintain, and operate telecommunications audio and visual facilities and equipment;

[(B) to develop and acquire educational and instructional programming; and

[(C) to obtain technical assistance for the use of such facilities and instructional programming.]

**[SEC. 5473. [20 U.S.C. 7255b] GRANT PROGRAM AUTHORIZED.**

[(a) AUTHORIZATION.—The Secretary, in conjunction with the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this subpart, to eligible entities to pay the Federal share of the cost of the following:

[(1) Development, construction, acquisition, maintenance, and operation of telecommunications facilities and equipment.

[(2) Development and acquisition of live, interactive instructional programming.

[(3) Development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, and ongoing, in-class instruction.

[(4) Establishment of teleconferencing facilities and resources for making interactive training available to teachers.

[(5) Obtaining technical assistance.

[(6) Coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

[(b) DURATION AND AMOUNT.—

[(1) IN GENERAL.—A grant under this section may not exceed—

[(A) 5 years in duration (subject to subsection (c)); and

[(B) \$10,000,000 in any single fiscal year.

[(c) RENEWAL.—

[(1) IN GENERAL.—Grants awarded under subsection (a) may be renewed for a single additional period of 3 years.

[(2) CONTINUING ELIGIBILITY.—In order to be eligible to receive a grant renewal under this subsection, a grant recipient shall demonstrate, to the satisfaction of the Secretary, in an addendum to its application submitted under section 5474, that the grant recipient will—

[(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this subpart for the previous grant period; and

[(B) use all grant funds received under this subpart for the 3 year renewal period to provide expanded services by—

[(i) increasing the number of students, schools, or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

[(ii) providing new courses of instruction; and

[(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited English proficiency, are individuals with disabilities, are illiterate, or lack secondary school diplomas or their recognized equivalent.

[(3) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, services provided by the grant recipient under this subpart in the previous fiscal year.

[(d) RESERVATIONS.—

[(1) INSTRUCTIONAL PROGRAMMING.—At least 25 percent of the funds made available to the Secretary for any fiscal year under this subpart shall be used for the cost of instructional programming.

[(2) LOCAL EDUCATIONAL AGENCY ASSISTANCE.—At least 50 percent of the funds available in any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies that are eligible to receive assistance under part A of title I.

[(e) FEDERAL SHARE.—

[(1) AMOUNT.—The Federal share of the cost of projects funded under this section shall not exceed the following amounts:

[(A) 75 percent for the first and second years for which an eligible telecommunications partnership receives a grant under this subpart.

[(B) 60 percent for the third and fourth such years.

[(C) 50 percent for the fifth such year.

[(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive the corresponding non-Federal share under paragraph (1) upon a showing of financial hardship.

[(f) REQUIRED LOCAL EDUCATIONAL AGENCY PARTICIPATION.—The Secretary is authorized to make a grant under this section to any eligible entity, if at least one local educational agency is participating in the proposed program.

[(g) ASSISTANCE OBTAINING SATELLITE TIME.—The Secretary may assist recipients of grants made under this section in acquiring satellite time, where appropriate, as economically as possible.]

**[SEC. 5474. [20 U.S.C. 7255c] APPLICATIONS.**

[(a) SUBMISSION.—Each eligible entity that desires to receive a grant under section 5473 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

[(b) CONTENTS.—An application submitted under subsection (a) shall include each of the following:

[(1) A description of how the proposed program will assist all students to have an opportunity to meet challenging State academic achievement standards, how such program will assist State and local educational reform efforts, and how such program will contribute to creating a high-quality system of educational development.

[(2) A description of the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

[(A) the design, development, construction, acquisition, maintenance, and operation of State or multistate educational telecommunications networks and technology resource centers;

[(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

[(C) reception facilities;

[(D) satellite time;

[(E) production facilities;

[(F) other telecommunications equipment capable of serving a wide geographic area;

[(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

[(H) the development of educational and related programming for use on a telecommunications network.

[(3) In the case of an application for assistance for instructional programming, a description of the types of programming that will be developed to enhance instruction and training and provide an assurance that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level.

[(4) A description of how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines.

[(5) A description of the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought.

[(6) A description of the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this subpart.

[(7) A description of how existing telecommunications equipment, facilities, and services, where available, will be used.

[(8) An assurance that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment.

[(9) An assurance that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary schools and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I.

[(10) An assurance that the applicant will use the funds provided under this subpart to supplement, and not supplant, funds available for the purposes of this subpart.

[(11) A description of how funds received under this subpart will be coordinated with funds received for educational technology in the classroom.

[(12) A description of the activities or services for which assistance is sought, such as—

[(A) providing facilities, equipment, training services, and technical assistance;

[(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

[(C) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

[(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

[(E) providing teacher and student support services, including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

[(F) incorporating community resources, such as libraries and museums, into instructional programs;

[(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

[(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

[(I) providing teacher training on proposed or established models of exemplary academic content standards in



mathematics and science and other disciplines as such standards are developed; and

[(J) providing parent education programs during and after the regular school day which reinforce a student's course of study and actively involve parents in the learning process.

[(13) A description of how the proposed program as a whole will be financed and how arrangements for future financing will be developed before the program expires.

[(14) An assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary schools and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I.

[(15) An assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this subpart.

[(16) Such additional assurances as the Secretary may reasonably require.

[(c) APPROVAL.—In approving applications submitted under subsection (a) for grants under section 5473, the Secretary shall—

[(1) to the extent feasible, ensure an equitable geographic distribution of services provided under this subpart.

[(2) give priority to applications describing programs that—

[(A) propose high-quality plans, will provide instruction consistent with State academic content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

[(B) will provide services to programs serving adults, especially parents, with low levels of literacy;

[(C) will serve schools with significant numbers of children counted for the purposes of part A of title I;

[(D) ensure that the eligible entity will—

[(i) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

[(ii) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

[(iii) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

[(iv) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

[(v) provide instruction for students, teachers, and parents;

[(vi) serve a multistate area; and

[(vii) give priority to the provision of equipment and linkages to isolated areas; and

[(E) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in-kind services for telecommunications linkages.]

**[SEC. 5475. [20 U.S.C. 7255d] OTHER GRANT ASSISTANCE.**

**[(a) SPECIAL STATEWIDE NETWORK.—**

**[(1) IN GENERAL.—**The Secretary, in conjunction with the Office of Educational Technology, may provide assistance to a statewide telecommunications network if such network—

**[(A) provides 2-way full-motion interactive video and audio communications;**

**[(B) links together public colleges and universities and secondary schools throughout the State; and**

**[(C) meets any other requirements determined appropriate by the Secretary.**

**[(2) MATCHING CONTRIBUTION.—**A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

**[(b) SPECIAL LOCAL NETWORK.—**

**[(1) IN GENERAL.—**The Secretary is authorized to provide assistance, on a competitive basis, to a local educational agency, or a consortium of such agencies, to enable such agency or consortium to establish a high-technology demonstration program.

**[(2) PROGRAM REQUIREMENTS.—**A high-technology demonstration program assisted under paragraph (1) shall—

**[(A) include 2-way full-motion interactive video, audio, and text communications;**

**[(B) link together elementary schools and secondary schools, colleges, and universities;**

**[(C) provide parent participation and family programs;**

**[(D) include a staff development program; and**

**[(E) have a significant contribution and participation from business and industry.**

**[(3) MATCHING REQUIREMENT.—**A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

**[(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—**

**[(1) AUTHORITY.—**The Secretary is authorized to award grants, on a competitive basis, to eligible entities to develop and operate one or more programs that provide online access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this subsection shall be designed to advance adult literacy, secondary school completion, and the acquisition of specified competency by the end of the 12th grade.

[(2) APPLICATIONS.—Each eligible entity desiring a grant under this subsection shall submit an application to the Secretary. The application shall include each of the following:

[(A) A demonstration that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice, and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent.

[(B) An assurance that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used.

[(C) To the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded programs.

[(D) An assurance that the applicant has the technological and substantive experience to carry out the program.

[(E) Such additional assurances as the Secretary may reasonably require.]

**[SEC. 5476. [20 U.S.C. 7255e] ADMINISTRATIVE PROVISIONS.]**

[(a) LEADERSHIP, EVALUATION, AND PEER REVIEW.—

[(1) RESERVATION OF FUNDS.—The Secretary may reserve not more than 5 percent of the amount made available to carry out this subpart for a fiscal year for national leadership, evaluation, and peer review activities, which the Secretary may carry out directly or through grants, contracts, and cooperative agreements.

[(2) LEADERSHIP.—Funds reserved for leadership activities under paragraph (1) may be used for—

[(A) disseminating information, including lists and descriptions of services available from grant recipients under this subpart; and

[(B) other activities designed to enhance the quality of distance learning activities nationwide.

[(3) EVALUATION.—Funds reserved for evaluation activities under paragraph (1) may be used to conduct independent evaluations of the activities assisted under this subpart and of distance learning in general, including—

[(A) analyses of distance learning efforts (including such efforts that are, or are not, assisted under this subpart); and

[(B) comparisons of the effects (including student outcomes) of different technologies in distance learning efforts.

[(4) PEER REVIEW.—Funds reserved for peer review activities under paragraph (1) may be used for peer review of—

[(A) applications for grants under this subpart; and

[(B) activities assisted under this subpart.

[(b) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this subpart with the activities of such department or agency relating to a telecommunications network for educational purposes.

[(c) FUNDS FROM OTHER AGENCIES.—The Secretary may accept funds from other Federal departments or agencies to carry out the purposes of this subpart, including funds for the purchase of equipment.

[(d) AVAILABILITY OF FUNDS.—Funds made available to carry out this subpart shall remain available until expended.

[(e) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—The Secretary shall encourage each entity receiving funds under this subpart to provide—

[(1) closed captioning of the verbal content of the entity's programming, as appropriate; and

[(2) descriptive video of the visual content of the entity's programming, as appropriate.]

**[SEC. 5477. [20 U.S.C. 7255f] DEFINITIONS.**

[In this subpart:

[(1) EDUCATIONAL INSTITUTION.—The term “educational institution” means an institution of higher education, a local educational agency, or a State educational agency.

[(2) ELIGIBLE ENTITY.—The term “eligible entity” includes any of the following that is organized on a Statewide or multistate basis:

[(A) A public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary schools and secondary schools that are eligible to participate in the program under part A of title I.

[(B) A partnership that will provide telecommunications services and that includes three or more of the following entities, at least one of which shall be an agency described in clause (i) or (ii):

[(i) A local educational agency that serves a significant number of elementary schools and secondary schools that are eligible for assistance under part A of title I, or elementary schools and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(d)(1)(A).

[(ii) A State educational agency.

[(iii) An adult and family education program.

[(iv) An institution of higher education or a State higher education agency (as that term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

[(v) A teacher training center or academy that—

[(I) provides teacher preservice and inservice training; and

[(II) receives Federal financial assistance or has been approved by a State agency;

[(vi)(I) A public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved

in telecommunications through satellite, cable, telephone, or computer; or

[(II) a public broadcasting entity with such experience.

[(vii) A public or private elementary school or secondary school.

[(3) INSTRUCTIONAL PROGRAMMING.—The term “instructional programming” means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

[(4) PUBLIC BROADCASTING ENTITY.—The term “public broadcasting entity” has the same meaning given such term in section 397 of the Communications Act of 1934 (47 U.S.C. 397).]

### **[Subpart 8—Ready to Teach]**

#### **[SEC. 5481. [20 U.S.C. 7257] GRANTS.**

[(a) IN GENERAL.—The Secretary is authorized to award grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas. The program shall be designed to assist elementary school and secondary school teachers in preparing all students to achieve challenging State academic content and student academic achievement standards in core curriculum areas.

[(b) DIGITAL EDUCATIONAL PROGRAMMING.—The Secretary is authorized to award grants, as provided for in section 5484, to eligible entities described in subsection (b) of such section, to enable such entities to develop, produce, and distribute innovative educational and instructional video programming that is designed for use by elementary schools and secondary schools and based on challenging State academic content and student academic achievement standards. In awarding such grants, the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies or organizations.]

#### **[SEC. 5482. [20 U.S.C. 7257a] APPLICATION REQUIRED.**

[(a) GENERAL APPLICATION.—

[(1) IN GENERAL.—To be eligible to receive a grant under section 5481(a), a nonprofit telecommunications entity, or partnership of such entities shall submit an application to the Secretary. Each such application shall—

[(A) demonstrate that the applicant will use the public broadcasting infrastructure, the Internet, and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of materials and learning technologies for achieving challenging State academic content and student academic achievement standards;

[(B) ensure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, and State or local nonprofit public telecommunications entities;

[(C) ensure that a significant portion of the benefits available for elementary schools and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies that have a high percentage of children counted for the purpose of part A of title I; and

[(D) contain such additional assurances as the Secretary may reasonably require.

[(2) SITES.—In approving applications under paragraph (1), the Secretary shall ensure that the program authorized by section 5481(a) is conducted at elementary school and secondary school sites throughout the United States.

[(b) PROGRAMMING APPLICATION.—To be eligible to receive a grant under section 5481(b), an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.]

**[SEC. 5483. [20 U.S.C. 7257b] REPORTS AND EVALUATION.**

[An entity receiving a grant under section 5481(a) shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, such report shall describe the program activities undertaken with funds received under the grant, including—

[(1) the core curriculum areas for which program activities have been undertaken and the number of teachers using the program in each core curriculum area; and

[(2) the States in which teachers using the program are located.]

**[SEC. 5484. [20 U.S.C. 7257c] DIGITAL EDUCATIONAL PROGRAMMING GRANTS.**

[(a) GRANTS.—The Secretary is authorized to award grants under section 5481(b) to eligible entities to facilitate the development of educational programming that shall—

[(1) include student assessment tools to provide feedback on student academic achievement;

[(2) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

[(3) be created for, or adaptable to, challenging State academic content standards and student academic achievement standards; and

[(4) be capable of distribution through digital broadcasting and school digital networks.

[(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under section 5481(b), an entity shall be a local public telecommunications entity, as defined in section 397(12) of the Communications Act of 1934, that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

[(c) COMPETITIVE BASIS.—Grants under section 5481(b) shall be awarded on a competitive basis as determined by the Secretary.]

[(d) MATCHING REQUIREMENT.—To be eligible to receive a grant under section 5481(b), an entity shall contribute to the activities assisted under such grant non-Federal matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.]

[(e) DURATION.—A grant under section 5481(b) shall be awarded for a period of 3 years in order to provide a sufficient period of time for the creation of a substantial body of significant content.]

**[SEC. 5485. [20 U.S.C. 7257d] ADMINISTRATIVE COSTS.]**

[An entity that receives a grant under this subpart may not use more than 5 percent of the amount received under the grant for administrative costs.]

### **[Subpart 9—Foreign Language Assistance Program]**

**[SEC. 5491. [20 U.S.C. 7259] SHORT TITLE.]**

[This subpart may be cited as the “Foreign Language Assistance Act of 2001”.]

**[SEC. 5492. [20 U.S.C. 7259a] PROGRAM AUTHORIZED.]**

**[(a) PROGRAM AUTHORITY.—**

[(1) IN GENERAL.—The Secretary is authorized to make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary school and secondary school students.]

[(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.]

**[(b) REQUIREMENTS.—**

[(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.]

[(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

[(A) show the promise of being continued beyond the grant period;

[(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

[(C) may include a professional development component.]

**[(c) FEDERAL SHARE.—**

[(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.]

[(2) WAIVER.—Notwithstanding paragraph (1), the Secretary may determine the Federal share for any local educational agency which the Secretary determines does not have

adequate resources to pay the non-Federal share of the cost of the activities assisted under this subpart.

[(d) SPECIAL RULE.—Not less than  $\frac{3}{4}$  of the funds made available under section 5401 to carry out this subpart shall be used for the expansion of foreign language learning in the elementary grades.]

[(e) RESERVATION.—The Secretary may reserve not more than 5 percent of funds made available under section 5401 to carry out this subpart for a fiscal year to evaluate the efficacy of programs assisted under this subpart.]

**[SEC. 5493. [20 U.S.C. 7259b] APPLICATIONS.]**

[(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.]

[(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

[(1) include intensive summer foreign language programs for professional development;

[(2) link nonnative English speakers in the community with the schools in order to promote two-way language learning;

[(3) promote the sequential study of a foreign language for students, beginning in elementary schools;

[(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study;

[(5) promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

[(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.]

**[SEC. 5494. [20 U.S.C. 7259c] ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.]**

[(a) INCENTIVE PAYMENTS.—From amounts made available under section 5401 to carry out this subpart, the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.]

[(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.]

[(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides not less than 45 minutes of instruction in a foreign language for not fewer than 4 days per week throughout an academic year.]



## **[Subpart 10—Physical Education]**

**[SEC. 5501. [20 U.S.C. 7261] SHORT TITLE.**

【This subpart may be cited as the “Carol M. White Physical Education Program”.】

**[SEC. 5502. [20 U.S.C. 7261a] PURPOSE.**

【The purpose of this subpart is to award grants and contracts to initiate, expand, and improve physical education programs for all kindergarten through 12th-grade students.】

**[SEC. 5503. [20 U.S.C. 7261b] PROGRAM AUTHORIZED.**

【(a) AUTHORIZATION.—The Secretary is authorized to award grants to local educational agencies and community-based organizations (such as Boys and Girls Clubs, Boy Scouts and Girl Scouts, and the Young Men’s Christian Organization (YMCA) and Young Women’s Christian Organization (YWCA)) to pay the Federal share of the costs of initiating, expanding, and improving physical education programs (including after-school programs) for kindergarten through 12th-grade students by—

【(1) providing equipment and support to enable students to participate actively in physical education activities; and

【(2) providing funds for staff and teacher training and education.

【(b) PROGRAM ELEMENTS.—A physical education program funded under this subpart may provide for one or more of the following:

【(1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

【(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

【(3) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

【(4) Opportunities to develop positive social and cooperative skills through physical activity participation.

【(5) Instruction in healthy eating habits and good nutrition.

【(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

【(c) SPECIAL RULE.—For the purpose of this subpart, extra-curricular activities, such as team sports and Reserve Officers’ Training Corps (ROTC) program activities, shall not be considered as part of the curriculum of a physical education program assisted under this subpart.】

**[SEC. 5504. [20 U.S.C. 7261c] APPLICATIONS.**

【(a) SUBMISSION.—Each local educational agency or community-based organization desiring a grant or contract under this subpart shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in order to make progress toward meeting State standards for physical education.

【(b) PRIVATE SCHOOL AND HOME-SCHOOLED STUDENTS.—An application for funds under this subpart may provide for the participation, in the activities funded under this subpart, of—

- [(1) students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or
- [(2) home-schooled students, and their parents and teachers.]

**[SEC. 5505. [20 U.S.C. 7261d] REQUIREMENTS.**

[(a) ANNUAL REPORT TO THE SECRETARY.—In order to continue receiving funding after the first year of a multiyear grant or contract under this subpart, the administrator of the grant or contract for the local educational agency or community-based organization shall submit to the Secretary an annual report that—

[(1) describes the activities conducted during the preceding year; and

[(2) demonstrates that progress has been made toward meeting State standards for physical education.

[(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the grant funds made available to a local educational agency or community-based organization under this subpart for any fiscal year may be used for administrative expenses.]

**[SEC. 5506. [20 U.S.C. 7261e] ADMINISTRATIVE PROVISIONS.**

[(a) FEDERAL SHARE.—The Federal share under this subpart may not exceed—

[(1) 90 percent of the total cost of a program for the first year for which the program receives assistance under this subpart; and

[(2) 75 percent of such cost for the second and each subsequent such year.

[(b) PROPORTIONALITY.—To the extent practicable, the Secretary shall ensure that grants awarded under this subpart shall be equitably distributed among local educational agencies and community-based organizations serving urban and rural areas.

[(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary shall submit a report to Congress that—

[(1) describes the programs assisted under this subpart;

[(2) documents the success of such programs in improving physical fitness; and

[(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

[(d) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this subpart shall remain available until expended.]

**[SEC. 5507. [20 U.S.C. 7261f] SUPPLEMENT, NOT SUPPLANT.**

[Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for physical education activities.]

## **[Subpart 11—Community Technology Centers]**

**[SEC. 5511. [20 U.S.C. 7263] PURPOSE AND PROGRAM AUTHORIZATION.**

[(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants—

[(1) to create or expand community technology centers that will provide disadvantaged residents of economically dis-

tressed urban and rural communities with access to information technology and related training; and

[(2) to provide technical assistance and support to community technology centers.

[(b) PROGRAM AUTHORIZATION.—The Secretary is authorized, in conjunction with the Office of Educational Technology, to award grants, contracts, or cooperative agreements, on a competitive basis, for a period of not more than 3 years, to eligible applicants in order to assist such applicants in—

[(1) creating or expanding community technology centers; or

[(2) providing technical assistance and support to community technology centers.

[(3) SERVICE OF AMERICORPS PARTICIPANTS.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use in community technology centers of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).]

**[SEC. 5512. [20 U.S.C. 7263a] ELIGIBILITY AND APPLICATION REQUIREMENTS.**

[(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

[(1) be an entity (such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization), an institution of higher education, a State educational agency, a local education agency, or a consortium of such entities, institutions, or agencies; and

[(2) have the capacity to significantly expand access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access).

[(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. The application shall include each of the following:

[(1) A description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community.

[(2) A demonstration of—

[(A) the commitment, including the financial commitment, of entities (such as institutions, organizations, business and other groups in the community) that will provide support for the creation, expansion, and continuation of the proposed project; and

[(B) the extent to which the proposed project coordinates with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community.

[(3) A description of how the proposed project would be sustained once the Federal funds awarded under this subpart end.

[(4) A plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

[(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.]

**[SEC. 5513. [20 U.S.C. 7263b] USES OF FUNDS.**

[(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

[(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

[(2) evaluating the effectiveness of the project.

[(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

[(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

[(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

[(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of preschool preparation, academic achievement, educational development, and workforce development, such as the following:

[(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

[(B) Adult education and family literacy activities through technology and the Internet, including—

[(i) General Education Development, Language Instruction Educational Programs, and adult basic education classes or programs;

[(ii) introduction to computers;

[(iii) intergenerational activities; and

[(iv) educational development opportunities.

[(C) Career development and job preparation activities, such as—

[(i) training in basic and advanced computer skills;

[(ii) resume writing workshops; and

[(iii) access to databases of employment opportunities, career information, and other online materials.

[(D) Small business activities, such as—

[(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

[(ii) access to information on business start-up programs that is available online, or from other sources.]

[(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.]

**[Subpart 12—Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and Their Historical Whaling and Trading Partners in Massachusetts]**

**[SEC. 5521. [20 U.S.C. 7265] SHORT TITLE.**

[This subpart may be cited as the “Alaska Native and Native Hawaiian Education Through Cultural and Historical Organizations Act”.]

**[SEC. 5522. [20 U.S.C. 7265a] FINDINGS AND PURPOSES.**

[(a) FINDINGS.—Congress finds the following:

[(1) Alaska Natives and Native Hawaiians have been linked for over 200 years to the coastal towns of Salem, Massachusetts, and New Bedford, Massachusetts, through the China trade from Salem and whaling voyages from New Bedford.]

[(2) Nineteenth-century trading ships sailed from Salem, Massachusetts, around Cape Horn of South America, and up the Northwest coast of the United States to Alaska, where their crews traded with Alaska Native people for furs, and then went on to Hawaii to trade for sandalwood with Native Hawaiians before going on to China.]

[(3) During the 19th century, over 2,000 whaling voyages sailed out of New Bedford, Massachusetts to the Arctic region of Alaska, and joined Alaska Natives from Barrow, Alaska and other areas in the Arctic region in subsistence whaling activities.]

[(4) Many New Bedford whaling voyages continued on to Hawaii, where they joined Native Hawaiians from the neighboring islands.]

[(5) From those commercial and whaling voyages, a rich cultural exchange and strong trading relationships developed among the three peoples involved.]

[(6) In the past decades, awareness of the historical trading, cultural, and whaling links has faded among Alaska Natives, Native Hawaiians, and the people of the continental United States.]

[(7) In 2000, the Alaska Native Heritage Center in Alaska, the Bishop Museum in Hawaii, and the Peabody-Essex Museum in Massachusetts initiated the New Trade Winds project to use 21st-century technology, including the Internet, to educate students and their parents about historic and contemporary cultural and trading ties that continue to link the diverse cultures of the peoples involved.]

[(8) The New Bedford Whaling Museum, in partnership with the New Bedford Whaling National Historical Park, has developed a cultural exchange and educational program with the Inupiat Heritage Center in Barrow, Alaska to bring together the children, parents, and elders from the Arctic region of Alaska with children and families of Massachusetts to learn about their historical ties and about each other's contemporary cultures.

[(9) Within the fast-growing cultural sector, meaningful educational and career opportunities based on traditional relationships exist for Alaska Natives, Native Hawaiians, and low-income youth in Massachusetts.

[(10) Cultural institutions can provide practical, culturally relevant, education-related internship and apprentice programs, such as the Museum Action Corps at the Peabody-Essex Museum and similar programs at the New Bedford Oceanarium and other institutions, to prepare youths and their families for careers in the cultural sector.

[(11) The resources of the institutions described in paragraphs (7) and (8) provide unique opportunities for illustrating and interpreting the contributions of Alaska Natives, Native Hawaiians, the whaling industry, and the China trade to the economic, social, and environmental history of the United States, for educating students and their parents, and for providing opportunities for internships and apprenticeships leading to careers with cultural institutions.

[(b) PURPOSES.—The purposes of this subpart are the following:

[(1) To authorize and develop innovative culturally-based educational programs and cultural exchanges to assist Alaska Natives, Native Hawaiians, and children and families of Massachusetts linked by history and tradition to Alaska and Hawaii to learn about shared culture and traditions.

[(2) To authorize and develop internship and apprentice programs to assist Alaska Natives, Native Hawaiians, and children and families of Massachusetts linked by history and tradition with Alaska and Hawaii to prepare for careers with cultural institutions.

[(3) To supplement programs and authorities in the area of education to further the objectives of this subpart.

[(4) To authorize and develop cultural and educational programs relating to any Federally recognized Indian tribe in Mississippi.]

**[SEC. 5523. [20 U.S.C. 7265b] PROGRAM AUTHORIZATION.**

[(a) GRANTS AND CONTRACTS.—In order to carry out programs that fulfill the purposes of this subpart, the Secretary is authorized to make grants to, or enter into contracts with, the following:

[(1) The Alaska Native Heritage Center in Anchorage, Alaska.

[(2) The Inupiat Heritage Center in Barrow, Alaska.

[(3) The Bishop Museum in Hawaii.

[(4) The Peabody-Essex Museum in Salem, Massachusetts.

[(5) The New Bedford Whaling Museum and the New Bedford Oceanarium in New Bedford, Massachusetts.

[(6) The Mississippi Band of Choctaw Indians in Choctaw, Mississippi.]

[(7) Other Alaska Native and Native Hawaiian cultural and educational organizations.]

[(8) Cultural and educational organizations with experience in developing or operating programs that illustrate and interpret the contributions of Alaska Natives, Native Hawaiians, the whaling industry, and the China trade to the economic, social, and environmental history of the United States.]

[(9) Consortia of the organizations and entities described in this subsection.]

[(b) USES OF FUNDS.—Activities provided through programs carried out under this subpart may include one or more of the following:

[(1) Development and implementation of educational programs to increase understanding of cultural diversity and multicultural communication among Alaska Natives, Native Hawaiians, and the people of the continental United States, based on historic patterns of trading and commerce.]

[(2) Development and implementation of programs using modern technology, including the Internet, to educate students, their parents, and teachers about historic and contemporary cultural and trading ties that continue to link the diverse cultures of Alaska Natives, Native Hawaiians, and the people of Massachusetts.]

[(3) Cultural exchanges of elders, students, parents, and teachers among Alaska Natives, Native Hawaiians, and the people of Massachusetts to increase awareness of diverse cultures among each group.]

[(4) Sharing of collections among cultural institutions designed to increase awareness of diverse cultures and links among them.]

[(5) Development and implementation of internship and apprentice programs in cultural institutions to train Alaska Natives, Native Hawaiians, and low-income students in Massachusetts for careers with cultural institutions.]

[(6) Other activities, consistent with the purposes of this subpart, to meet the educational needs of Alaska Natives, Native Hawaiians, and students and their parents in Massachusetts.]

[(7) Cultural and educational programs relating to any Federally recognized Indian tribe in Mississippi.]

**[SEC. 5524. [20 U.S.C. 7265c] ADMINISTRATIVE PROVISIONS.]**

[(a) APPLICATION REQUIRED.—No grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this subpart.]

[(b) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this subpart shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.]

**[SEC. 5525. [20 U.S.C. 7265d] AVAILABILITY OF FUNDS.**

【If sufficient funds are made available under section 5401 to carry out this subpart for a fiscal year, the Secretary shall make available, to support activities described in section 5523(b), the following amounts:

- 【(1) Not less than \$2,000,000 each to—
  - 【(A) the New Bedford Whaling Museum, in partnership with the New Bedford Oceanarium, in Massachusetts;
  - 【(B) the Inupiat Heritage Center in Alaska; and
  - 【(C) the Mississippi Band of Choctaw Indians in Choctaw, Mississippi.
- 【(2) For the New Trade Winds project, not less than \$1,000,000 each to—
  - 【(A) the Alaska Native Heritage Center in Alaska;
  - 【(B) the Bishop Museum in Hawaii; and
  - 【(C) the Peabody-Essex Museum in Massachusetts.
- 【(3) For internship and apprenticeship programs (including the Museum Action Corps of the Peabody-Essex Museum), not less than \$1,000,000 each to—
  - 【(A) the Alaska Native Heritage Center in Alaska;
  - 【(B) the Bishop Museum in Hawaii; and
  - 【(C) the Peabody-Essex Museum in Massachusetts.】

**[SEC. 5526. [20 U.S.C. 7265e] DEFINITIONS.**

【In this subpart:

- 【(1) ALASKA NATIVE.—The term “Alaska Native” has the meaning given that term in section 7306.
- 【(2) NATIVE HAWAIIAN.—The term “Native Hawaiian” has the meaning given that term in section 7207.】

**[Subpart 13—Excellence in Economic Education]****[SEC. 5531. [20 U.S.C. 7267] SHORT TITLE.**

【This subpart may be cited as the “Excellence in Economic Education Act of 2001”.】

**[SEC. 5532. [20 U.S.C. 7267a] PURPOSE AND GOALS.**

【(a) PURPOSE.—The purpose of this subpart is to promote economic and financial literacy among all students in kindergarten through grade 12 by awarding a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics.

【(b) OBJECTIVES.—The objectives of this subpart are the following:

- 【(1) To increase students’ knowledge of, and achievement in, economics to enable the students to become more productive and informed citizens.
- 【(2) To strengthen teachers’ understanding of, and competency in, economics to enable the teachers to increase student mastery of economic principles and the practical application of those principles.
- 【(3) To encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy.



[(4) To assist States in measuring the impact of education in economics.]

[(5) To leverage and expand private and public support for economic education partnerships at national, State, and local levels.]

**[SEC. 5533. [20 U.S.C. 7267b] GRANT PROGRAM AUTHORIZED.]**

[(a) AUTHORIZATION.—The Secretary is authorized to award a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics through effective teaching of economics in the Nation’s classrooms (referred to in this subpart as the “grantee”).]

[(b) USES OF FUNDS.—

[(1) DIRECT ACTIVITIES.—The grantee shall use 25 percent of the funds made available through the grant for a fiscal year—

[(A) to strengthen and expand the grantee’s relationships with State and local personal finance, entrepreneurial, and economic education organizations;

[(B) to support and promote training of teachers who teach a grade from kindergarten through grade 12 regarding economics, including the dissemination of information on effective practices and research findings regarding the teaching of economics;

[(C) to support research on effective teaching practices and the development of assessment instruments to document student understanding of personal finance and economics; and

[(D) to develop and disseminate appropriate materials to foster economic literacy.]

[(2) SUBGRANTS.—The grantee shall use 75 percent of the funds made available through the grant for a fiscal year to award subgrants to State educational agencies or local educational agencies, and State or local economic, personal finance, or entrepreneurial education organizations (referred to in this section as the “recipient”). The grantee shall award such a subgrant to pay for the Federal share of the cost of enabling the recipient to work in partnership with one or more of the entities described in paragraph (3) for one or more of the following purposes:

[(A) Collaboratively establishing and conducting teacher training programs that use effective and innovative approaches to the teaching of economics, personal finance, and entrepreneurship.]

[(B) Providing resources to school districts that desire to incorporate economics and personal finance into the curricula of the schools in the districts.]

[(C) Conducting evaluations of the impact of economic and financial literacy education on students.]

[(D) Conducting economic and financial literacy education research.]

[(E) Creating and conducting school-based student activities to promote consumer, economic, and personal finance education (such as saving, investing, and entrepre-

neurial education) and to encourage awareness and student academic achievement in economics.

【(F) Encouraging replication of best practices to promote economic and financial literacy.

【(3) PARTNERSHIP ENTITIES.—The entities described in this paragraph are the following:

【(A) A private sector entity.

【(B) A State educational agency.

【(C) A local educational agency.

【(D) An institution of higher education.

【(E) An organization promoting economic development.

【(F) An organization promoting educational excellence.

【(G) An organization promoting personal finance or entrepreneurial education.】

**【SEC. 5534. 【20 U.S.C. 7267c】 APPLICATIONS.**

【(a) GRANTEE APPLICATIONS.—To be eligible to receive a grant under this subpart, the grantee shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

【(b) RECIPIENT APPLICATIONS.—

【(1) SUBMISSION.—To be eligible to receive a subgrant under this section, a recipient shall submit an application to the grantee at such time, in such manner, and accompanied by such information as the grantee may require.

【(2) REVIEW.—The grantee shall invite the individuals described in paragraph (3) to review all applications from recipients for a subgrant under this section and to make recommendations to the grantee regarding the approval of the applications.

【(3) REVIEWERS.—The individuals described in this paragraph are the following:

【(i) Leaders in the fields of economics and education.

【(ii)<sup>39</sup> Such other individuals as the grantee determines to be necessary, especially members of the State and local business, banking, and finance communities.】

**【SEC. 5535. 【20 U.S.C. 7267d】 REQUIREMENTS.**

【(a) ADMINISTRATIVE COSTS.—The grantee and each recipient receiving a subgrant under this subpart for a fiscal year may use not more than 5 percent of the funds made available through the grant or subgrant for administrative costs.

【(b) TEACHER TRAINING PROGRAMS.—In carrying out the teacher training programs described in section 5533(b)(2)(A), a recipient shall—

【(1) train teachers who teach a grade from kindergarten through grade 12; and

【(2) encourage teachers from disciplines other than economics and financial literacy to participate in such teacher training programs, if the training will promote the economic and financial literacy of those teachers' students.

[(c) INVOLVEMENT OF BUSINESS COMMUNITY.—In carrying out the activities assisted under this subpart, the grantee and recipients are strongly encouraged to—

[(1) include interactions with the local business community to the fullest extent possible to reinforce the connection between economic and financial literacy and economic development; and

[(2) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

[(d) ADDITIONAL REQUIREMENTS AND TECHNICAL ASSISTANCE.—The grantee shall—

[(1) meet such other requirements as the Secretary determines to be necessary to assure compliance with this section; and

[(2) receive from the Secretary such technical assistance as may be necessary to carry out this section.]

**[SEC. 5536. [20 U.S.C. 7267e] ADMINISTRATIVE PROVISIONS.**

[(a) FEDERAL SHARE.—The Federal share of the cost described in section 5533(b)(2) shall be 50 percent.

[(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind (fairly evaluated, including plant, equipment, or services).

[(c) REPORTS TO CONGRESS.—Not later than 2 years after the date funds are first made available to carry out this subpart, and every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report regarding activities assisted under this subpart.]

**[SEC. 5537. [20 U.S.C. 7267f] SUPPLEMENT, NOT SUPPLANT.**

[Funds made available to carry out this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds expended for the purpose described in section 5532(a).]

**[Subpart 14—Grants to Improve the Mental Health of Children]**

**[SEC. 5541. [20 U.S.C. 7269] GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.**

[(a) AUTHORIZATION.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, State educational agencies, local educational agencies, or Indian tribes, for the purpose of increasing student access to quality mental health care by developing innovative programs to link local school systems with the local mental health system.

[(b) DURATION.—With respect to a grant, contract, or cooperative agreement awarded or entered into under this section, the period during which payments under such grant, contract or agreement are made to the recipient may not exceed 5 years.

[(c) USE OF FUNDS.—A State educational agency, local educational agency, or Indian tribe that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract, or cooperative agreement for the following:

[(1) To enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students.

[(2) To enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services, and ongoing mental health services.

[(3) To provide training for the school personnel and mental health professionals who will participate in the program carried out under this section.

[(4) To provide technical assistance and consultation to school systems and mental health agencies and families participating in the program carried out under this section.

[(5) To provide linguistically appropriate and culturally competent services.

[(6) To evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, and make recommendations to the Secretary about sustainability of the program.

[(d) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under this section, a State educational agency, local educational agency, or Indian tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include each of the following:

[(1) A description of the program to be funded under the grant, contract, or cooperative agreement.

[(2) A description of how such program will increase access to quality mental health services for students.

[(3) A description of how the applicant will establish a crisis intervention program to provide immediate mental health services to the school community when necessary.

[(4) An assurance that—

[(A) persons providing services under the grant, contract, or cooperative agreement are adequately trained to provide such services;

[(B) the services will be provided in accordance with subsection (c);

[(C) teachers, principal administrators, and other school personnel are aware of the program; and

[(D) parents of students participating in services under this section will be involved in the design and implementation of the services.

[(5) An explanation of how the applicant will support and integrate existing school-based services with the program to provide appropriate mental health services for students.

[(6) An explanation of how the applicant will establish a program that will support students and the school in maintaining an environment conducive to learning.

[(e) INTERAGENCY AGREEMENTS.—

[(1) DESIGNATION OF LEAD AGENCY.—The recipient of each grant, contract, or cooperative agreement shall designate a lead agency to direct the establishment of an interagency agreement among local educational agencies, juvenile justice authorities, mental health agencies, and other relevant entities

in the State, in collaboration with local entities and parents and guardians of students.

[(2) CONTENTS.—The interagency agreement shall ensure the provision of the services described in subsection (c), specifying with respect to each agency, authority, or entity—

[(A) the financial responsibility for the services;

[(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

[(C) the conditions and terms of reimbursement among the agencies, authorities, or entities that are parties to the interagency agreement, including procedures for dispute resolution.

[(f) EVALUATION.—The Secretary shall evaluate each program carried out by a State educational agency, local educational agency, or Indian tribe under this section and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

[(g) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded or entered into under this section are equitably distributed among the geographical regions of the United States and among urban, suburban, and rural populations.

[(h) RULE OF CONSTRUCTION.—Nothing in Federal law shall be construed—

[(1) to prohibit an entity involved with a program carried out under this section from reporting a crime that is committed by a student to appropriate authorities; or

[(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student.

[(i) SUPPLEMENT, NOT SUPPLANT.—Any services provided through programs carried out under this section must supplement, and not supplant, existing mental health services, including any services required to be provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).]

**[SEC. 5542. [20 U.S.C. 7269a] PROMOTION OF SCHOOL READINESS THROUGH EARLY CHILDHOOD EMOTIONAL AND SOCIAL DEVELOPMENT.**

[(a) AUTHORIZATION.—The Secretary, in consultation with the Secretary of Health and Human Services, may award grants (to be known as “Foundations for Learning Grants”) to local educational agencies, local councils, community-based organizations, and other public or nonprofit private entities to assist eligible children to become ready for school.

[(b) APPLICATIONS.—To be eligible to receive a grant under this section, a local educational agency, local council, community-based organization, or other public or nonprofit private entity, or a combination of such entities, shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. The application shall include each of the following:

[(1) A description of the population that the applicant intends to serve and the types of services to be provided under the grant.

[(2) A description of the manner in which services under the grant will be coordinated with existing similar services provided by public and nonprofit private entities within the State.

[(3) An assurance that—

[(A) services under the grant shall be provided by or under the supervision of qualified professionals with expertise in early childhood development;

[(B) such services shall be culturally competent;

[(C) such services shall be provided in accordance with subsection (c);

[(D) funds received under this section shall be used to supplement, and not supplant, non-Federal funds; and

[(E) parents of students participating in services under this section will be involved in the design and implementation of the services.

[(c) USES OF FUNDS.—A local educational agency, local council, community-based organization, or other public or nonprofit private entity that receives funds under this section may use such funds to benefit eligible children, for one or more of the following:

[(1) To deliver services to eligible children and their families that foster eligible children's emotional, behavioral, and social development and take into consideration the characteristics described in subsection (f)(1).

[(2) To coordinate and facilitate access by eligible children and their families to the services available through community resources, including mental health, physical health, substance abuse, educational, domestic violence prevention, child welfare, and social services.

[(3) To provide ancillary services such as transportation or child care in order to facilitate the delivery of any other services or activities authorized by this section.

[(4) To develop or enhance early childhood community partnerships and build toward a community system of care that brings together child-serving agencies or organizations to provide individualized supports for eligible children and their families.

[(5) To evaluate the success of strategies and services provided pursuant to this section in promoting young children's successful entry to school and to maintain data systems required for effective evaluations.

[(6) To pay for the expenses of administering the activities authorized under this section, including assessment of children's eligibility for services.

[(d) LIMITATIONS.—

[(1) SERVICES NOT OTHERWISE FUNDED.—A local educational agency, local council, community-based organization, or other public or nonprofit private entity may use funds under this section only to pay for services that cannot be paid for using other Federal, State, or local public resources or through private insurance.

[(2) ADMINISTRATIVE EXPENSES.—A grantee may not use more than 3 percent of the amount of the grant to pay the administrative expenses described in subsection (c)(6).

[(e) EVALUATIONS.—The Secretary shall directly evaluate, or enter into a contract for an outside evaluation of, each program carried out under this section and shall disseminate the findings with respect to such evaluation to appropriate public and private entities.

[(f) DEFINITIONS.—In this section:

[(1) ELIGIBLE CHILD.—The term “eligible child” means a child who has not attained the age of 7 years, and to whom two or more of the following characteristics apply:

[(A) The child has been abused, maltreated, or neglected.

[(B) The child has been exposed to violence.

[(C) The child has been homeless.

[(D) The child has been removed from child care, Head Start, or preschool for behavioral reasons or is at risk of being so removed.

[(E) The child has been exposed to parental depression or other mental illness.

[(F) The family income with respect to the child is below 200 percent of the poverty line.

[(G) The child has been exposed to parental substance abuse.

[(H) The child has had early behavioral and peer relationship problems.

[(I) The child had a low birth weight.

[(J) The child has a cognitive deficit or developmental disability.

[(2) LOCAL COUNCIL.—The term “local council” means a council that is established or designated by a local government entity, Indian tribe, regional corporation, or native Hawaiian entity, as appropriate, which is composed of representatives of local agencies directly affected by early learning programs, parents, key community leaders, and other individuals concerned with early learning issues in the locality, such as elementary education, child care resource and referral services, early learning opportunities, child care, and health services.

[(3) PROVIDER OF EARLY CHILDHOOD SERVICES.—The term “provider of early childhood services” means a public or private entity that has regular contact with young children, including child welfare agencies, child care providers, Head Start and Early Head Start providers, preschools, kindergartens, libraries, mental health professionals, family courts, homeless shelters, and primary care providers.]

### **[Subpart 15—Arts in Education]**

**[SEC. 5551. [20 U.S.C. 7271] ASSISTANCE FOR ARTS EDUCATION.**

[(a) PURPOSES.—The purposes of this subpart are the following:

[(1) To support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum.

[(2) To help ensure that all students meet challenging State academic content standards and challenging State student academic achievement standards in the arts.

[(3) To support the national effort to enable all students to demonstrate competence in the arts.

[(b) AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, eligible entities described in subsection (c).

[(c) ELIGIBLE ENTITIES.—The Secretary may make assistance available under subsection (b) to each of the following eligible entities:

[(1) State educational agencies.

[(2) Local educational agencies.

[(3) Institutions of higher education.

[(4) Museums or other cultural institutions.

[(5) Any other public or private agencies, institutions, or organizations.

[(d) USE OF FUNDS.—Assistance made available under this subpart may be used for any of the following:

[(1) Research on arts education.

[(2) Planning, developing, acquiring, expanding, improving, or disseminating information about model school-based arts education programs.

[(3) The development of model State arts education assessments based on State academic achievement standards.

[(4) The development and implementation of curriculum frameworks for arts education.

[(5) The development of model inservice professional development programs for arts educators and other instructional staff.

[(6) Supporting collaborative activities with Federal agencies or institutions involved in arts education, arts educators, and organizations representing the arts, including State and local arts agencies involved in arts education.

[(7) Supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts.

[(8) Supporting model projects and programs by Very Special Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities.

[(9) Supporting model projects and programs to integrate arts education into the regular elementary school and secondary school curriculum.

[(10) Other activities that further the purposes of this subpart.

[(e) SPECIAL RULE.—If the amount made available to the Secretary to carry out this subpart for any fiscal year is \$15,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

[(f) CONDITIONS.—As conditions of receiving assistance made available under this subpart, the Secretary shall require each entity receiving such assistance—

[(1) to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate ac-



tivities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters; and

[(2) to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart.

[(g) CONSULTATION.—In carrying out this subpart, the Secretary shall consult with Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).]

### **[Subpart 16—Parental Assistance and Local Family Information Centers]**

#### **[SEC. 5561. [20 U.S.C. 7273] PURPOSES.**

[(The purposes of this subpart are the following:

[(1) To provide leadership, technical assistance, and financial support to nonprofit organizations (including statewide nonprofit organizations) and local educational agencies to help the organizations and agencies implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student academic achievement.

[(2) To strengthen partnerships among parents (including parents of children from birth through age 5), teachers, principals, administrators, and other school personnel in meeting the educational needs of children.

[(3) To develop and strengthen the relationship between parents and their children's school.

[(4) To further the developmental progress of children assisted under this subpart.

[(5) To coordinate activities funded under this subpart with parental involvement initiatives funded under section 1118 and other provisions of this Act.

[(6) To provide a comprehensive approach to improving student learning, through coordination and integration of Federal, State, and local services and programs.]

#### **[SEC. 5562. [20 U.S.C. 7273a] GRANTS AUTHORIZED.**

[(a) PARENTAL INFORMATION AND RESOURCE CENTERS.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations (including statewide nonprofit organizations), and consortia of such organizations and local educational agencies, to establish school-linked or school-based parental information and resource centers that provide comprehensive training, information, and support to—

[(1) parents of children enrolled in elementary schools and secondary schools;

[(2) individuals who work with the parents of children enrolled in elementary schools and secondary schools;

[(3) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations and Parents as Teachers

organizations), and other organizations that carry out parent education and family involvement programs; and

[(4) parents of children from birth through age 5.

[(b) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall, to the extent practicable, ensure that such grants are distributed in all geographic regions of the United States.]

**[SEC. 5563. [20 U.S.C. 7273b] APPLICATIONS.**

[(a) SUBMISSION.—Each nonprofit organization (including a statewide nonprofit organization), or a consortia of such an organization and a local educational agency, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

[(b) CONTENTS.—Each application submitted under subsection (a), at a minimum, shall include assurances that the organization or consortium will—

[(1)(A) be governed by a board of directors the membership of which includes parents; or

[(B) be an organization or consortium that represents the interests of parents;

[(2) establish a special advisory committee the membership of which includes—

[(A) parents of children enrolled in elementary schools and secondary schools, who shall constitute a majority of the members of the special advisory committee;

[(B) representatives of education professionals with expertise in improving services for disadvantaged children; and

[(C) representatives of local elementary schools and secondary schools, including students and representatives from local youth organizations;

[(3) use at least 50 percent of the funds received under this subpart in each fiscal year to serve areas with high concentrations of low-income families, in order to serve parents who are severely educationally or economically disadvantaged;

[(4) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

[(5) serve both urban and rural areas;

[(6) design a center that meets the unique training, information, and support needs of parents of children enrolled in elementary schools and secondary schools, particularly such parents who are educationally or economically disadvantaged;

[(7) demonstrate the capacity and expertise to conduct the effective training, information, and support activities for which assistance is sought;

[(8) network with—

[(A) local educational agencies and schools;

[(B) parents of children enrolled in elementary schools and secondary schools;

[(C) parent training and information centers assisted under section 671 of the Individuals with Disabilities Education Act;

[(D) clearinghouses; and

[(E) other organizations and agencies;

[(9) focus on serving parents of children enrolled in elementary schools and secondary schools who are parents of low-income, minority, and limited English proficient children;

[(10) use at least 30 percent of the funds received under this subpart in each fiscal year to establish, expand, or operate Parents as Teachers programs, Home Instruction for Preschool Youngsters programs, or other early childhood parent education programs;

[(11) provide assistance to parents in areas such as understanding State and local standards and measures of student and school academic achievement;

[(12) work with State educational agencies and local educational agencies to determine parental needs and the best means for delivery of services;

[(13) identify and coordinate Federal, State, and local services and programs that support improved student learning, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education, and job training; and

[(14) work with and foster partnerships with other agencies that provide programs and deliver services described in paragraph (13) to make such programs and services more accessible to children and families.]

**[SEC. 5564. [20 U.S.C. 7273c] USES OF FUNDS.**

[(a) IN GENERAL.—Grant funds received under this subpart shall be used for one or more of the following:

[(1) To assist parents in participating effectively in their children's education and to help their children meet State and local standards, such as assisting parents—

[(A) to engage in activities that will improve student academic achievement, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children's educational academic achievement in comparison to State and local standards;

[(B) to provide follow-up support for their children's educational achievement;

[(C) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;

[(D) to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;

[(E) to participate in the design and provision of assistance to students who are not making adequate academic progress;

[(F) to participate in State and local decisionmaking; and

[(G) to train other parents (such as training related to Parents as Teachers activities).

[(2) To obtain information about the range of options, programs, services, and resources available at the national, State,

and local levels to assist parents and school personnel who work with parents.

[(3) To help the parents learn and use the technology applied in their children's education.

[(4) To plan, implement, and fund activities for parents that coordinate the education of their children with other Federal, State, and local services and programs that serve their children or their families.

[(5) To provide support for State or local educational personnel, if the participation of such personnel will further the activities assisted under the grant.

[(6) To coordinate and integrate early childhood programs with school-age programs.

[(b) PERMISSIVE ACTIVITIES.—Grant funds received under this subpart may be used to assist schools with activities including one or more of the following:

[(1) Developing and implementing the schools' plans or activities under sections 1118 and 1119.

[(2) Developing and implementing school improvement plans, including addressing problems that develop in the implementation of the schools' plans or activities under sections 1118 and 1119.

[(3) Providing information about assessment and individual results to parents in a manner and a language the family can understand.

[(4) Coordinating the efforts of Federal, State, and local parent education and family involvement initiatives.

[(5) Providing training, information, and support to—

[(A) State educational agencies;

[(B) local educational agencies and schools, especially low-performing local educational agencies and schools; and

[(C) organizations that support family-school partnerships.]

**[SEC. 5565. [20 U.S.C. 7273d] ADMINISTRATIVE PROVISIONS.**

[(a) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year in which an organization or consortium receives assistance under this subpart, the organization or consortium shall demonstrate in the application submitted for such fiscal year, that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which contributions may be in cash or in kind.

[(b) SUBMISSION OF INFORMATION.—

[(1) IN GENERAL.—Each organization or consortium receiving assistance under this subpart shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this subpart, including the following information:

[(A) The number of parents (including the number of minority and limited English proficient parents) who receive information and training.

[(B) The types and modes of training, information, and support provided under this subpart.

[(C) The strategies used to reach and serve parents of minority and limited English proficient children, parents

with limited literacy skills, and other parents in need of the services provided under this subpart.

[(D) The parental involvement policies and practices used by the center and an evaluation of whether such policies and practices are effective in improving home-school communication, student academic achievement, student and school academic achievement, and parental involvement in school planning, review, and improvement.

[(E) The effectiveness of the activities that local educational agencies and schools are carrying out, with regard to parental involvement and other activities assisted under this Act, that lead to improved student academic achievement and improved student and school academic achievement.

[(2) DISSEMINATION.—The Secretary shall disseminate annually to Congress and the public the information that each organization or consortium submits under paragraph (1).

[(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information, and support programs and parental information and resource centers.

[(d) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a parental information and resource center from—

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

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

[(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this subpart—

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

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

[(f) CONTINUATION OF AWARDS.—The Secretary shall use funds made available under this subpart to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under title IV of the Goals 2000: Educate America Act (as such title was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001) for the duration of the grant or contract award.]

**[SEC. 5566. [20 U.S.C. 7273e] LOCAL FAMILY INFORMATION CENTERS.**

[(a) IN GENERAL.—If the amount made available to carry out this subpart for a fiscal year is more than \$50,000,000, the Secretary is authorized to award 50 percent of the amount that exceeds \$50,000,000 as grants to, and enter into contracts and cooperative agreements with, local nonprofit parent organizations to enable the organizations to support local family information centers that help ensure that parents of students in elementary schools and secondary schools assisted under this subpart have the training, information, and support the parents need to enable the parents to participate effectively in their children's early childhood education, in their children's elementary and secondary education,

and in helping their children to meet challenging State academic content and student academic achievement standards.

[(b) LOCAL NONPROFIT PARENT ORGANIZATION DEFINED.—In this section, the term “local nonprofit parent organization” means a private nonprofit organization (other than an institution of higher education) that—

[(1) has a demonstrated record of working with low-income individuals and parents;

[(2)(A) has a board of directors, the majority of whom are parents of students in elementary schools and secondary schools assisted under part A of title I and located in the geographic area to be served by a local family information center; or

[(B) has a special governing committee to direct and implement a local family information center, a majority of the members of whom are parents of students in schools assisted under part A of title I; and

[(3) is located in a community with elementary schools and secondary schools that receive funds under part A of title I, and is accessible to the families of students in those schools.]

### **[Subpart 17—Combatting Domestic Violence]**

**[SEC. 5571. [20 U.S.C. 7275] GRANTS TO COMBAT THE IMPACT OF EXPERIENCING OR WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.**

[(a) DEFINITIONS.—In this section:

[(1) DOMESTIC VIOLENCE.—The term “domestic violence” has the meaning given that term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

[(2) EXPERT.—The term “expert” means—

[(A) an expert on domestic violence, sexual assault, and child abuse from the educational, legal, youth, mental health, substance abuse, or victim advocacy field; and

[(B) a State or local domestic violence coalition or community-based youth organization.

[(3) WITNESS DOMESTIC VIOLENCE.—

[(A) IN GENERAL.—The term “witness domestic violence” means to witness—

[(i) an act of domestic violence that constitutes actual or attempted physical assault; or

[(ii) a threat or other action that places the victim in fear of domestic violence.

[(B) WITNESS.—In subparagraph (A), the term “witness” means—

[(i) to directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

[(ii) to be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

[(b) GRANTS AUTHORIZED.—

[(1) **AUTHORITY.**—The Secretary is authorized to award grants to local educational agencies that work with experts to enable the elementary schools and secondary schools served by the local educational agency—

[(A) to provide training to school administrators, faculty, and staff, with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

[(B) to provide educational programming for students regarding domestic violence and the impact of experiencing or witnessing domestic violence on children;

[(C) to provide support services for students and school personnel to develop and strengthen effective prevention and intervention strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children; and

[(D) to develop and implement school system policies regarding appropriate and safe responses to, identification of, and referral procedures for, students who are experiencing or witnessing domestic violence.

[(2) **AWARD BASIS.**—The Secretary is authorized to award grants under this section—

[(A) on a competitive basis; and

[(B) in a manner that ensures that such grants are equitably distributed among local educational agencies located in rural, urban, and suburban areas.

[(3) **POLICY DISSEMINATION.**—The Secretary shall disseminate to local educational agencies any Department policy guidance regarding the prevention of domestic violence and the impact on children of experiencing or witnessing domestic violence.

[(c) **USES OF FUNDS.**—Funds made available to carry out this subpart may be used for one or more of the following purposes:

[(1) To provide training for elementary school and secondary school administrators, faculty, and staff that addresses issues concerning elementary school and secondary school students who experience domestic violence in dating relationships or who witness domestic violence, and the impact of such violence on those students.

[(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

[(3) To develop and implement elementary school and secondary school system policies regarding—

[(A) appropriate and safe responses to, identification of, and referral procedures for, students who are experiencing or witnessing domestic violence; and

[(B) to develop and implement policies on reporting and referral procedures for those students.

[(4) To provide the necessary human resources to respond to the needs of elementary school and secondary school stu-

dents and personnel who are faced with the issue of domestic violence, such as a resource person who is either on-site or on-call and who is an expert.

[(5) To provide media center materials and educational materials to elementary schools and secondary schools that address issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on those children.

[(6) To conduct evaluations to assess the impact of programs and policies assisted under this subpart in order to enhance the development of the programs.

[(d) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (c) shall address issues of safety and confidentiality for the victim and the victim’s family in a manner consistent with applicable Federal and State laws.

[(e) APPLICATION.—To be eligible for a grant under this section for a fiscal year, a local educational agency, in consultation with an expert, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include each of the following:

[(1) A description of the need for funds provided under the grant and the plan for implementation of any of the activities described in subsection (c).

[(2) A description of how the experts will work in consultation and collaboration with the local educational agency.

[(3) Measurable objectives for, and expected results from, the use of the funds provided under the grant.

[(4) Provisions for appropriate remuneration for collaborating partners.]

## **[Subpart 18—Healthy, High-Performance Schools]**

### **[SEC. 5581. [20 U.S.C. 7277] GRANT PROGRAM AUTHORIZED.**

[The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, is authorized to award grants to State educational agencies to permit such State educational agencies to carry out section 5582.]

### **[SEC. 5582. [20 U.S.C. 7277a] STATE USES OF FUNDS.**

[(a) SUBGRANTS.—

[(1) IN GENERAL.—A State educational agency receiving a grant under this subpart shall use funds made available under the grant to award subgrants to local educational agencies to permit such local educational agencies to carry out the activities described in section 5583.

[(2) LIMITATION.—A State educational agency shall award subgrants under this subsection to local educational agencies that are the neediest, as determined by the State, and that have made a commitment to develop healthy, high-performance school buildings in accordance with the plan developed and approved under paragraph (3)(A).

[(3) IMPLEMENTATION.—

[(A) PLANS.—A State educational agency shall award subgrants under this subsection only to local educational



agencies that, in consultation with the State educational agency and State agencies with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and appropriate in order to achieve the purposes for which the subgrants are made.

**[(B) SUPPLEMENTING GRANT FUNDS.—**The State educational agency shall encourage local educational agencies that receive subgrants under this subsection to supplement their subgrant funds with funds from other sources in order to implement their plans.

**[(b) ADMINISTRATION.—**A State educational agency receiving a grant under this subpart shall use the grant funds made available under this subpart for one or more of the following:

**[(1)** To evaluate compliance by local educational agencies with the requirements of this subpart.

**[(2)** To distribute information and materials on healthy, high-performance school buildings for both new and existing facilities.

**[(3)** To organize and conduct programs for school board members, school district personnel, and others to disseminate information on healthy, high-performance school buildings.

**[(4)** To provide technical services and assistance in planning and designing healthy, high-performance school buildings.

**[(5)** To collect and monitor information pertaining to healthy, high-performance school building projects.]

**[SEC. 5583. [20 U.S.C. 7277b] LOCAL USES OF FUNDS.**

**[(a) IN GENERAL.—**A local educational agency that receives a subgrant under section 5582(a) shall use the subgrant funds to plan and prepare for healthy, high-performance school building projects that—

**[(1)** reduce energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results;

**[(2)** meet Federal and State health and safety codes; and

**[(3)** support healthful, energy efficient, and environmentally sound practices.

**[(b) USE OF FUNDS.—**A local educational agency that receives a subgrant under section 5582(a) shall use funds for one or more of the following:

**[(1)** To develop a comprehensive energy audit of the energy consumption characteristics of a building and the need for additional energy conservation measures necessary to allow schools to meet the guidelines set out in subsection (a).

**[(2)** To produce a comprehensive analysis of building strategies, designs, materials, and equipment that—

**[(A)** are cost effective, produce greater energy efficiency, and enhance indoor air quality; and

**[(B)** can be used when conducting school construction and renovation or purchasing materials and equipment.

**[(3)** To obtain research and provide technical services and assistance in planning and designing healthy, high-perform-

ance school buildings, including developing a timeline for implementation of such plans.】

**[SEC. 5584. [20 U.S.C. 7277c] REPORT TO CONGRESS.**

【The Secretary shall conduct a biennial review of State actions implementing this subpart and carrying out the plans developed under this subpart through State and local funding, and shall submit a report to Congress on the results of such reviews.】

**[SEC. 5585. [20 U.S.C. 7277d] LIMITATIONS.**

【No funds received under this subpart may be used for any of the following:

【(1) Payment of maintenance of costs in connection with any projects constructed in whole or in part with Federal funds provided under this subpart.

【(2) Construction, renovation, or repair of school facilities.

【(3) Construction, renovation, repair, or acquisition of a stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public.】

**[SEC. 5586. [20 U.S.C. 7277e] HEALTHY, HIGH-PERFORMANCE SCHOOL BUILDING DEFINED.**

【In this subpart, the term “healthy, high-performance school building” means a school building in which the design, construction, operation, and maintenance—

【(1) use energy-efficient and affordable practices and materials;

【(2) are cost-effective;

【(3) enhance indoor air quality; and

【(4) protect and conserve water.】

**[Subpart 19—Grants for Capital Expenses of Providing Equitable Services for Private School Students]**

**[SEC. 5591. [20 U.S.C. 7279] GRANT PROGRAM AUTHORIZED.**

【The Secretary is authorized to award grants to State educational agencies, from allotments made under section 5593, to enable the State educational agencies to award subgrants to local educational agencies to pay for capital expenses in accordance with this subpart.】

**[SEC. 5592. [20 U.S.C. 7279a] USES OF FUNDS.**

【A local educational agency that receives a subgrant under this subpart shall use the subgrant funds only to pay for capital expenses incurred in providing equitable services for private school students under section 1120.】

**[SEC. 5593. [20 U.S.C. 7279b] ALLOTMENTS TO STATES.**

【From the funds made available to carry out this subpart for a fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to the funds made available as the number of private school students who received services under part A of title I in the State in the most recent year for which data, satisfactory to the Secretary, are available bears to the number of such students in all States in such year.】

**[SEC. 5594. [20 U.S.C. 7279c] SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

[(a) APPLICATIONS.—A local educational agency that desires to receive a subgrant under this subpart shall submit an application to the State educational agency involved at such time, in such manner, and containing such information as the State educational agency may require.

[(b) DISTRIBUTION.—A State educational agency shall award subgrants to local educational agencies within the State based on the degree of need set forth in their respective applications submitted under subsection (a).]

**[SEC. 5595. [20 U.S.C. 7279d] CAPITAL EXPENSES DEFINED.**

[In this subpart, the term “capital expenses” means—

- [(1) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;
- [(2) insurance and maintenance costs;
- [(3) transportation; and
- [(4) other comparable goods and services.]

**[SEC. 5596. [20 U.S.C. 7279e] TERMINATION.**

[The authority provided by this subpart terminates effective October 1, 2003.]

**[Subpart 20—Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition]**

**[SEC. 5601. [20 U.S.C. 7281] RESERVATION.**

[The Secretary is authorized to provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under section 8002.]

**[SEC. 5602. [20 U.S.C. 7281a] ELIGIBILITY.**

[A local educational agency is eligible to receive additional assistance under this subpart only if such agency—

- [(1) received a payment under both section 8002 and section 8003(b) for fiscal year 1996 and is eligible to receive payments under those sections for the year of application;
- [(2) provided a free public education to children described under subparagraph (A), (B), or (D) of section 8003(a)(1);
- [(3) had a military installation located within the geographic boundaries of the local educational agency that was closed as a result of base closure or realignment and, at the time at which the agency is applying for a payment under this subpart, the agency does not have a military installation located within its geographic boundaries;
- [(4) remains responsible for the free public education of children residing in housing located on Federal property within the boundaries of the closed military installation but whose parents are on active duty in the uniformed services and assigned to a military activity located within the boundaries of an adjoining local educational agency; and

[(5) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.]

**[SEC. 5603. [20 U.S.C. 7281b] MAXIMUM AMOUNT.**

[(a) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subpart for any fiscal year, when combined with its payment under section 8002(b), shall not be more than 50 percent of the maximum amount determined under section 8002(b).

[(b) INSUFFICIENT FUNDS.—If funds appropriated under section 5401 are insufficient to pay the amount determined under subsection (a), the Secretary shall ratably reduce the payment to each local educational agency eligible under this subpart.

[(c) EXCESS FUNDS.—If funds appropriated under section 5401 are in excess of the amount determined under subsection (a), the Secretary shall ratably distribute any excess funds to all local educational agencies eligible for payment under section 8002(b).]

**[Subpart 21—Women's Educational Equity Act]**

**[SEC. 5611. [20 U.S.C. 7283] SHORT TITLE AND FINDINGS.**

[(a) SHORT TITLE.—This subpart may be cited as the "Women's Educational Equity Act of 2001".

[(b) FINDINGS.—Congress finds that—

[(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

[(2) because of funding provided under the Women's Educational Equity Act of 2001, more curricula, training, and other educational materials concerning educational equity for women and girls are available for national dissemination;

[(3) teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls, for example—

[(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

[(B) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

[(C) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, and there are few women role models in the sciences; and

[(D) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such teenagers;

[(4) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls;

[(5) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should also assist schools and local communities implement gender equitable practices;

[(6) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

[(7) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society, cannot be achieved without educational equity for women and girls.

**[SEC. 5612. [20 U.S.C. 7283a] STATEMENT OF PURPOSE.**

[[It is the purpose of this subpart—

[(1) to promote gender equity in education in the United States;

[(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

[(3) to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited English proficiency, disability, or age.]

**[SEC. 5613. [20 U.S.C. 7283b] PROGRAMS AUTHORIZED.**

[(a) IN GENERAL.—The Secretary is authorized—

[(1) to promote, coordinate, and evaluate gender equity policies, programs, activities, and initiatives in all Federal education programs and offices;

[(2) to develop, maintain, and disseminate materials, resources, analyses, and research relating to education equity for women and girls;

[(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

[(4) to coordinate gender equity programs and activities with other Federal agencies with jurisdiction over education and related programs;

[(5) to assist the Director of the Institute of Education Sciences in identifying research priorities related to education equity for women and girls; and

[(6) to perform any other activities consistent with achieving the purposes of this subpart.

[(b) GRANTS AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals, for a period not to exceed 4 years, to—

[(A) provide grants to develop model equity programs; and

【(B) provide funds for the implementation of equity programs in schools throughout the Nation.

【(2) SUPPORT AND TECHNICAL ASSISTANCE.—To achieve the purposes of this subpart, the Secretary is authorized to provide support and technical assistance—

【(A) to implement effective gender-equity policies and programs at all educational levels, including—

【(i) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

【(ii) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

【(iii) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

【(iv) school-to-work transition programs, guidance and counseling activities, and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented;

【(v) enhancing educational and career opportunities for those women and girls who suffer multiple forms of discrimination, based on sex, and on race, ethnic origin, limited English proficiency, disability, socioeconomic status, or age;

【(vi) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

【(vii) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls;

【(viii) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls;

【(ix) programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

【(x) nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

【(xi) programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low-income women, including underemployed and unemployed women, and women receiving assistance under a State program funded under part A of title IV of the Social Security Act;

【(xii) programs to improve representation of women in educational administration at all levels; and

[(xiii) planning, development, and initial implementation of—

[(I) comprehensive institutionwide or districtwide evaluation to assess the presence or absence of gender equity in educational settings;

[(II) comprehensive plans for implementation of equity programs in State educational agencies and local educational agencies and institutions of higher education, including community colleges; and

[(III) innovative approaches to school-community partnerships for educational equity; and

[(B) for research and development, which shall be coordinated with each of the National Education Centers of the Institute of Education Sciences to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions, and local communities, gender equitable, including—

[(i) research and development of innovative strategies and model training programs for teachers and other education personnel;

[(ii) the development of high-quality and challenging assessment instruments that are nondiscriminatory;

[(iii) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

[(iv) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

[(v) the development of instruments and strategies for evaluation, dissemination, and replication of promising or exemplary programs designed to assist local educational agencies in integrating gender equity in their educational policies and practices;

[(vi) updating high-quality educational materials previously developed through awards made under this subpart;

[(vii) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

[(viii) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low-income women, including underemployed and unemployed women, and women receiving assistance under the State program funded under part A of title IV of the Social Security Act; and

[(ix) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity.]

**[SEC. 5614. [20 U.S.C. 7283c] APPLICATIONS.**

[An application under this subpart shall—

[(1) set forth policies and procedures that will ensure a comprehensive evaluation of the activities assisted under this subpart, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

[(2) demonstrate how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

[(3) for applications for assistance under section 5613(b)(1), demonstrate how the applicant will foster partnerships and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women), parent, teacher, and student groups, businesses, or other recipients of Federal educational funding which may include State literacy resource centers;

[(4) for applications for assistance under section 5613(b)(1), demonstrate how parental involvement in the project will be encouraged; and

[(5) for applications for assistance under section 5613(b)(1), describe plans for continuation of the activities assisted under this subpart with local support following completion of the grant period and termination of Federal support under this subpart.]

**[SEC. 5615. [20 U.S.C. 7283d] CRITERIA AND PRIORITIES.**

[(a) CRITERIA AND PRIORITIES.—

[(1) IN GENERAL.—The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 5613(b) to ensure that funds under this subpart are used for programs that most effectively will achieve the purposes of this subpart.

[(2) CRITERIA.—The criteria described in paragraph (1) may include the extent to which the activities assisted under this subpart—

[(A) address the needs of women and girls of color and women and girls with disabilities;

[(B) meet locally defined and documented educational equity needs and priorities, including compliance with title IX of the Education Amendments of 1972;

[(C) are a significant component of a comprehensive plan for educational equity and compliance with title IX of the Education Amendments of 1972 in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution; and

[(D) implement an institutional change strategy with long-term impact that will continue as a central activity of



the applicant after the grant under this subpart has terminated.

[(b) PRIORITIES.—In awarding grants under this subpart, the Secretary may give special consideration to applications—

[(1) submitted by applicants that have not received assistance under this subpart or this subpart's predecessor authorities;

[(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

[(3) for projects that will—

[(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

[(B) draw on a variety of resources, including the resources of local educational agencies, community-based organizations, institutions of higher education, and private organizations;

[(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant under this subpart has terminated;

[(D) address issues of national significance that can be duplicated; and

[(E) address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

[(c) SPECIAL RULE.—To the extent feasible, the Secretary shall ensure that grants awarded under this subpart for each fiscal year address—

[(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

[(2) all regions of the United States; and

[(3) urban, rural, and suburban educational institutions.

[(d) COORDINATION.—Research activities supported under this subpart—

[(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

[(2) may include collaborative research activities which are jointly funded and carried out with the Institute of Education Sciences.

[(e) LIMITATION.—Nothing in this subpart shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this subpart.]

**[SEC. 5616. [20 U.S.C. 7283e] REPORT.**

[Not later than January 1, 2006, the Secretary shall submit to the President and Congress a report on the status of educational equity for girls and women in the Nation.]

**[SEC. 5617. [20 U.S.C. 7283f] ADMINISTRATION.**

[(a) EVALUATION AND DISSEMINATION.—Not later than January 1, 2005, the Secretary shall evaluate and disseminate materials and programs developed under this subpart and shall report to Congress regarding such evaluation materials and programs.

[(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the activities assisted under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the

[SEC. 5618. [20 U.S.C. 7283g] AMOUNT.

[From amounts made available to carry out this subpart for a fiscal year, not less than two-thirds of such amount shall be used to carry out the activities described in section 5613(b)(1).]

### **PART C—SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING**

**SEC. 5301. SHORT TITLE.**

*This part may be cited as the “Jacob K. Javits Gifted and Talented Students Education Act of 2015”.*

**SEC. 5302. PURPOSE.**

*The purpose of this part is to initiate a coordinated program of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to meet the special educational needs of gifted and talented students.*

**SEC. 5303. RULE OF CONSTRUCTION.**

*Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings, where appropriate.*

**SEC. 5304. AUTHORIZED PROGRAMS.**

*(a) ESTABLISHMENT OF PROGRAM.—*

*(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) is authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this part that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.*

*(2) APPLICATION.—Each entity seeking assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall describe how—*

*(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and*

*(B) the proposed programs can be evaluated.*

*(b) USE OF FUNDS.—Programs and projects assisted under this section may include each of the following:*

*(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented stu-*

dents and for using gifted and talented programs and methods to serve all students.

(2) *Establishing and operating model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs (such as summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education).*

(3) *Implementing innovative strategies, such as cooperative learning, peer tutoring, and service learning.*

(4) *Carrying out programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.*

(c) **SPECIAL RULE.**—*To the extent that funds appropriated to carry out this part for a fiscal year beginning with fiscal year 2016 exceed such funds appropriated for the program under subpart 6 of part D of title V, as in effect for fiscal year 2010, the Secretary shall use such excess funds to award grants, on a competitive basis, to State educational agencies, local educational agencies, or both, to implement activities described in subsection (b).*

(d) **CENTER FOR RESEARCH AND DEVELOPMENT.**—

(1) **IN GENERAL.**—*The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (b).*

(2) **DIRECTOR.**—*The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.*

(3) **FUNDING.**—*The Secretary may use not more than 30 percent of the funds made available for fiscal year 2010 under subpart 6 of part D of title V, as in effect for such fiscal year, to carry out this subsection.*

(e) **COORDINATION.**—*Evidence-based research activities supported under this part—*

(1) *shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and*

(2) *may include collaborative evidence-based research activities which are jointly funded and carried out with such Institute.*

**SEC. 5305. PROGRAM PRIORITIES.**

(a) **GENERAL PRIORITY.**—*In carrying out this part, the Secretary shall give highest priority to programs and projects designed to develop new information that—*

(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

(2) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals who are English learners, and children with disabilities) who may not be identified and served through traditional assessment methods.

(b) *SERVICE PRIORITY.*—The Secretary shall ensure that not less than 50 percent of the applications approved under section 5304(a)(2) in a fiscal year address the priority described in subsection (a)(2).

**SEC. 5306. GENERAL PROVISIONS.**

(a) *PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.*—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

(b) *REVIEW, DISSEMINATION, AND EVALUATION.*—The Secretary shall—

(1) use a peer-review process in reviewing applications under this part;

(2) ensure that information on the activities and results of programs and projects funded under this part is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including nonprofit private organizations; and

(3) evaluate the effectiveness of programs under this part in accordance with section 9601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015.

(c) *PROGRAM OPERATIONS.*—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

(1) administer and coordinate the programs authorized under this part;

(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

(3) assist the Director of the Institute of Education Sciences in identifying research priorities that reflect the needs of gifted and talented students; and

(4) disseminate, and consult on, the information developed under this part with other offices within the Department.

**SEC. 5307. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.*

**PART D—EDUCATION INNOVATION AND RESEARCH**

**SEC. 5401. GRANTS FOR EDUCATION INNOVATION AND RESEARCH.**

(a) *PROGRAM AUTHORIZED.*—From funds appropriated under subsection (e), the Secretary shall make grants to eligible entities for the development, implementation, replication, or scaling and rigorous testing of entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students, including—

(1) *early-phase grants to fund the development, implementation, and feasibility testing of a program that prior research suggests has promise, for the purpose of determining whether the program can successfully improve student achievement or attainment for high-needs students;*

(2) *mid-phase grants to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an early-phase grant or other effort meeting similar criteria, for the purpose of measuring the program's impact and cost effectiveness, if possible using existing administrative data; or*

(3) *expansion grants to fund implementation and a rigorous replication evaluation of a program that has been found to produce sizable, important impacts under a mid-phase grant or other effort meeting similar criteria, for the purpose of determining whether such impacts can be successfully reproduced and sustained over time, and identifying the conditions in which the program is most effective.*

(b) *ELIGIBLE ENTITY.*—In this section, the term “eligible entity” means any of the following:

(1) *A local educational agency.*

(2) *A State educational agency.*

(3) *A consortium of States educational agencies or local educational agencies.*

(4) *A State educational agency or a local educational agency, in partnership with—*

(A) *a nonprofit organization;*

(B) *a small business;*

(C) *a charter management organization;*

(D) *an educational service agency; or*

(E) *an institution of higher education.*

(c) *RURAL AREAS.*—In awarding grants under subsection (a), the Secretary shall ensure that not less than 25 percent of the funds for any fiscal year are awarded for projects that meet both of the following requirements:

(1) *The grantee is—*

(A) *a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;*

(B) *a consortium of such local educational agencies; or*

(C) an educational service agency or a nonprofit organization in partnership with such a local educational agency.

(2) A majority of the schools to be served by the project are designated with a school locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

(d) **MATCHING FUNDS.**—In order to receive a grant under subsection (a), an eligible entity shall demonstrate that the eligible entity will provide matching funds in an amount equal to 10 percent of the funds provided under a grant under this part, except that the Secretary may waive the matching funds requirement, on a case-by-case basis, upon a showing of exceptional circumstances, such as—

(1) the difficulty of raising matching funds for a project to serve a rural area;

(2) the difficulty of raising matching funds in areas with a concentration of local educational agencies or schools with a high percentage of students aged 5 through 17—

(A) who are in poverty, as counted in the most recent census data approved by the Secretary;

(B) who are eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act;

(C) whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

(D) who are eligible to receive medical assistance under the Medicaid program; and

(3) the difficulty of raising funds in designated tribal areas.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.

## **PART E—ACCELERATED LEARNING**

### **SEC. 5501. SHORT TITLE.**

This part may be cited as the “Accelerated Learning Act of 2015”.

### **SEC. 5502. PURPOSES.**

The purposes of this part are—

(1) to raise student academic achievement through accelerated learning programs, including Advanced Placement and International Baccalaureate programs, dual enrollment programs, and early college high schools that provide postsecondary-level instruction, examinations, or sequences of courses that are widely accepted for credit at institutions of higher education;

(2) to increase the number of students attending high-need schools who enroll and succeed in accelerated learning courses, accelerated learning examinations, dual enrollment programs, and early college high school courses;

(3) to support efforts by States and local educational agencies to increase the availability of, and enrollment in, accelerated learning courses, pre-accelerated learning courses, dual enrollment programs, and early college high school courses in high-need schools; and

(4) to provide high-quality professional development for teachers of accelerated learning courses, pre-accelerated learning courses, dual enrollment programs, and early college high school courses in high-need schools.

**SEC. 5503. FUNDING DISTRIBUTION RULE.**

From amounts appropriated under section 5508 for a fiscal year, the Secretary shall give priority to funding activities under section 5504 and shall distribute any remaining funds under section 5505.

**SEC. 5504. ACCELERATED LEARNING EXAMINATION FEE PROGRAM.**

(a) **GRANTS AUTHORIZED.**—From amounts made available under section 5503 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under this section to enable the State educational agencies to reimburse low-income students to cover part or all of the costs of accelerated learning examination fees, if the low-income students—

- (1) are enrolled in accelerated learning courses; and
- (2) plan to take accelerated learning examinations.

(b) **AWARD BASIS.**—In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all States.

(c) **INFORMATION DISSEMINATION.**—A State educational agency that is awarded a grant under this section shall make publicly available information regarding the availability of accelerated learning examination fee payments under this section, and shall disseminate such information to eligible high school students and parents, including through high school teachers and counselors.

(d) **APPLICATIONS.**—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

(1) describe the accelerated learning examination fees the State educational agency will pay on behalf of low-income students in the State from grant funds awarded under this section;

(2) provide an assurance that any grant funds awarded under this section shall be used only to pay for accelerated learning examination fees; and

(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including ensuring that the student is a low-income student.

(e) **REGULATIONS.**—The Secretary shall prescribe such regulations as are necessary to carry out this section.

(f) **REPORT.**—

(1) **IN GENERAL.**—Each State educational agency awarded a grant under this section shall, with respect to each accelerated learning course subject, annually report to the Secretary the following data for the preceding year:

(A) The number of students in the State who are taking an accelerated learning course in such subject.

(B) *The number of accelerated learning examinations taken by students in the State who have taken an accelerated learning course in such subject.*

(C) *The number of students in the State scoring at each level on accelerated learning examinations in such subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.*

(D) *Demographic information regarding students in the State taking accelerated learning courses and accelerated learning examinations in such subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.*

(2) **REPORT TO CONGRESS.**—*The Secretary shall annually compile the information received from each State educational agency under paragraph (1) and report to the authorizing committees of Congress regarding the information.*

(g) **BUREAU OF INDIAN EDUCATION AS STATE EDUCATIONAL AGENCY.**—*For purposes of this section, the Bureau of Indian Education shall be treated as a State educational agency.*

**SEC. 5505. ACCELERATED LEARNING INCENTIVE PROGRAM GRANTS.**

(a) **GRANTS AUTHORIZED.**—

(1) **IN GENERAL.**—*From amounts made available under section 5503 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to carry out the authorized activities described in subsection (e).*

(2) **DURATION, RENEWAL, AND PAYMENTS.**—

(A) **DURATION.**—*The Secretary shall award a grant under this section for a period of not more than 3 years.*

(B) **RENEWAL.**—*The Secretary may renew a grant awarded under this section for an additional period of not more than 2 years, if an eligible entity—*

*(i) is achieving the objectives of the grant; and*

*(ii) has shown improvement against baseline data on the performance measures described in subparagraphs (A) through (E) of subsection (g)(1).*

(C) **PAYMENTS.**—*The Secretary shall make grant payments under this section on an annual basis.*

(b) **DEFINITION OF ELIGIBLE ENTITY.**—*In this section, the term “eligible entity” means—*

*(1) a State educational agency;*

*(2) a local educational agency; or*

*(3) a partnership consisting of—*

*(A) a national, regional, or statewide nonprofit organization, with expertise and experience in providing accelerated learning course services, dual enrollment programs, and early college high school courses; and*

*(B) a State educational agency or local educational agency.*

(c) **APPLICATION.**—

(1) **IN GENERAL.**—*Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.*

(2) **CONTENTS.**—*The application shall, at a minimum, include a description of—*



(A) *the goals and objectives for the project supported by the grant under this section, including—*

(i) *increasing the number of teachers serving high-need schools who are qualified to teach accelerated learning courses, dual enrollment programs, and early college high school courses;*

(ii) *increasing the number of accelerated learning courses, dual enrollment programs, and early college high school courses that are offered at high-need schools; and*

(iii) *increasing the number of students attending a high-need school, particularly low-income students, who enroll and succeed in—*

(I) *accelerated learning courses;*

(II) *if offered by the school, pre-accelerated learning courses;*

(III) *dual enrollment programs; and*

(IV) *early college high school courses;*

(B) *how the eligible entity will ensure that students have access to courses that will prepare students to enroll and succeed in accelerated learning courses, pre-accelerated learning courses, dual enrollment programs, and early college high school courses;*

(C) *how the eligible entity will provide professional development for teachers that will further the goals and objectives of the grant project;*

(D) *how the eligible entity will ensure that teachers serving high-need schools are qualified to teach accelerated learning courses, dual enrollment programs, and early college high school courses;*

(E) *how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in carrying out the activities described in subsection (e);*

(F) *how the eligible entity will use funds received under this section; and*

(G) *how the eligible entity will evaluate the success of the grant project.*

(d) **PRIORITY.**—*In awarding grants under this section, the Secretary shall give priority to applications from eligible entities that propose to carry out activities in a local educational agency that is eligible under the small rural school achievement program or the rural and low-income school program authorized under subpart 1 or 2 of part B of title VI.*

(e) **AUTHORIZED ACTIVITIES.**—*Each eligible entity that receives a grant under this section may use grant funds for—*

(1) *high-quality teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach accelerated learning courses, dual enrollment programs, and early college high school courses, including through innovative models such as online academies and training institutes;*

(2) *teacher and counselor high-quality professional development in high school to prepare students for success in acceler-*

*ated learning courses, dual enrollment programs, and early college high school courses;*

*(3) coordination and articulation between grade levels to prepare students to enroll and succeed in accelerated learning courses, dual enrollment programs, and early college high school courses;*

*(4) the purchase of instructional materials for accelerated learning courses, dual enrollment programs, and early college high school courses;*

*(5) activities to increase the availability of, and participation in, online accelerated learning courses, dual enrollment programs, and early college high school courses;*

*(6) carrying out the requirements of subsection (g); or*

*(7) in the case of an eligible entity described in subsection (b)(1), awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in paragraphs (1) through (6).*

*(f) CONTRACTS.—An eligible entity that is awarded a grant to provide online courses under this section may enter into a contract with an organization to provide accelerated learning courses, dual enrollment programs, and early college high school courses, including contracting for necessary support services.*

*(g) COLLECTING AND REPORTING REQUIREMENTS.—*

*(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data regarding the results of the grant as the Secretary may reasonably require, including—*

*(A) the number of students served by the eligible entity enrolling in accelerated learning courses, pre-accelerated learning courses, dual enrollment programs, and early college high school courses, disaggregated by grade level of the student, and the grades received by such students in the courses;*

*(B) the number of students taking an accelerated learning examination and the distribution of scores on those examinations, disaggregated by the grade level of the student at the time of examination;*

*(C) the number of teachers who are currently, as of the date of the report, receiving training to teach accelerated learning courses, dual enrollment programs, and early college high school courses, and will teach such courses in the next school year;*

*(D) the number of teachers becoming qualified to teach accelerated learning courses, dual enrollment programs, and early college high school courses; and*

*(E) the number of qualified teachers who are teaching accelerated learning courses, dual enrollment programs, and early college high school courses in high-need schools served by the eligible entity.*

*(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report the data required under paragraph (1)—*

*(A) disaggregated by subject area;*

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(b)(2)(B)(xi); and

(C) in a manner that allows for an assessment of the effectiveness of the grant program.

(h) **EVALUATION.**—The Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this section, including progress as measured by the performance measures established under subparagraphs (A) through (E) of subsection (g)(1).

(i) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—Each eligible entity that receives a grant under this section shall provide toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency, as determined by the Secretary, shall provide an amount equal to not more than 50 percent of the amount of the grant.

(2) **MATCHING FUNDS.**—The eligible entity may provide the matching funds described in paragraph (1) in cash or in-kind, fairly evaluated, but may not provide more than 50 percent of the matching funds in-kind. The eligible entity may provide the matching funds from State, local, or private sources.

(3) **WAIVER.**—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (e).

**SEC. 5506. SUPPLEMENT, NOT SUPPLANT.**

Grant funds provided under this part shall supplement, and not supplant, other non-Federal funds that are available to assist low-income students to pay for the cost of accelerated learning fees or to expand access to accelerated learning and pre-accelerated learning courses.

**SEC. 5507. DEFINITIONS.**

In this part:

(1) **ACCELERATED LEARNING COURSE.**—The term “accelerated learning course” means—

(A) a course of postsecondary-level instruction provided to middle or high school students, terminating in an Advanced Placement or International Baccalaureate examination; or

(B) another highly rigorous, evidence-based, postsecondary preparatory program terminating in—

(i) an examination or sequence of courses that are widely accepted for credit at institutions of higher education; or

(ii) another examination or sequence of courses approved by the Secretary.

(2) **ACCELERATED LEARNING EXAMINATION.**—The term “accelerated learning examination” means an Advanced Placement examination administered by the College Board, an Inter-

*national Baccalaureate examination administered by the International Baccalaureate, an examination that is widely accepted for college credit, or another such examination approved by the Secretary.*

(3) *DUAL ENROLLMENT PROGRAM.*—*The term “dual enrollment” means a program through which a high school student—*

(A) *takes courses offered through an institution of higher education while the student is enrolled in high school; and*

(B) *earns both secondary school and postsecondary credit for the courses described in subparagraph (A).*

(4) *EARLY COLLEGE HIGH SCHOOL.*—*The term “early college high school” means a high school that provides a course of study that enables a student to earn a high school diploma and either an associate’s degree or 1 to 2 years of postsecondary credit toward a postsecondary degree or credential.*

(5) *HIGH-NEED SCHOOL.*—*The term “high-need school” means a high school—*

(A) *with a demonstrated need for Advanced Placement or International Baccalaureate courses, dual enrollment programs, or early college high school courses; and*

(B) *that—*

(i) *has a high concentration of low-income students; or*

(ii) *is a local educational agency that is eligible, as determined by the Secretary, under the small, rural school achievement program, or the rural and low-income school program, authorized under subpart 1 or 2 of part B of title VI.*

(6) *LOW-INCOME STUDENT.*—*The term “low-income student” means a student who is eligible for a free or reduced-price lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).*

**SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.*

**PART F—READY-TO-LEARN TELEVISION**

**SEC. 5601. READY-TO-LEARN.**

(a) *PROGRAM AUTHORIZED; READY-TO-LEARN.*—

(1) *IN GENERAL.*—*The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in paragraph (3) to enable such entities—*

(A) *to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;*

(B) *to facilitate the development, directly or through contracts with producers of children and family educational television programming, of educational program-*

ming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

(C) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

(D) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

(E) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

(i) to promote school readiness; and

(ii) to promote the effective use of materials developed under subparagraphs (B) and (C) among parents, teachers, Head Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

(2) **AVAILABILITY.**—In awarding or entering into grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, and providers of family literacy services to increase the effective use of such programming.

(3) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

(4) **COORDINATION OF ACTIVITIES.**—An entity receiving a grant, contract, or cooperative agreement under this section

*shall consult with the Secretary and the Secretary of Health and Human Services—*

*(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and*

*(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(E) to enhance parent and child care provider skills in early childhood development and education.*

*(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.*

*(c) REPORTS AND EVALUATIONS.—*

*(1) ANNUAL REPORT TO THE SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:*

*(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programs developed.*

*(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.*

*(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.*

*(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.*

*(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biannual report that includes the following:*

*(A) A summary of the activities assisted under subsection (a).*

*(B) A description of the education and training materials made available under subsection (a)(1)(E), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such mate-*

rials, and the manner in which such materials have been distributed in accordance with such subsection.

(d) *ADMINISTRATIVE COSTS.*—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

(e) *FUNDING RULE.*—Not less than 60 percent of the amount appropriated under subsection (f) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).

(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

## **PART G—INNOVATIVE TECHNOLOGY EXPANDS CHILDREN’S HORIZONS (I-TECH)**

### **SEC. 5701. PURPOSES.**

The purposes of this part are—

(1) to improve the achievement, academic growth, and college and career readiness of all students;

(2) to ensure all students have access to personalized, rigorous learning experiences that are supported through technology;

(3) to ensure that educators have the knowledge and skills to use technology, including computer-based assessments and blended learning strategies, to personalize learning;

(4) to ensure district and school leaders have the skills required to implement, and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;

(5) to ensure that students in rural, remote, and underserved areas have the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators;

(6) to ensure that students have increased access to online dual and concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized postsecondary credential (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), and courses taught by educators, including advanced coursework; and

(7) to ensure that State educational agencies, local educational agencies, elementary schools, and secondary schools have the technological capacity, infrastructure, and technical support necessary to meet purposes described in paragraphs (1) through (6).

### **SEC. 5702. DEFINITIONS.**

In this part:

(1) *DIGITAL LEARNING.*—The term “digital learning” means any instructional practice that effectively uses technology to strengthen a student’s learning experience and encompasses a wide spectrum of tools and practices, including—

(A) *interactive learning resources that engage students in academic content;*

(B) *access to online databases and other primary source documents;*

(C) *the use of data, data analytics, and information to personalize learning and provide targeted supplementary instruction;*

(D) *student collaboration with content experts and peers;*

(E) *online and computer-based assessments;*

(F) *digital learning content, software, or simulations;*

(G) *access to online courses;*

(H) *mobile devices for learning in school and at home;*

(I) *learning environments that allow for rich collaboration and communication;*

(J) *hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace;*

(K) *access to online course opportunities for students in rural or remote areas; and*

(L) *discovery, modification, and sharing of openly licensed digital learning materials.*

(2) **ELIGIBLE TECHNOLOGY.**—*The term “eligible technology” means modern computer, and communication technology software, services, or tools, including computer or mobile devices, software applications, systems and platforms, and digital learning content, and related services and supports.*

(3) **TECHNOLOGY READINESS SURVEY.**—*The term “technology readiness survey” means a survey completed by a local educational agency that provides standardized information on the quantity and types of technology infrastructure and access available to the students and in the community served by the local educational agency, including computer devices, access to school libraries, Internet connectivity, operating systems, related network infrastructure, data systems, educator professional learning needs and priorities, and data security.*

(4) **UNIVERSAL DESIGN FOR LEARNING.**—*The term “universal design for learning” has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).*

**SEC. 5703. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

(a) **IN GENERAL.**—*From the amounts appropriated under section 5708, the Secretary may reserve not more than 1.5 percent for national activities to support grantees and shall award the remainder to State educational agencies to strengthen State and local technological infrastructure and professional learning that supports digital learning through State activities under section 5705(c) and local activities under section 5706(c).*

(b) **GRANTS TO STATE EDUCATIONAL AGENCIES.**—

(1) **RESERVATIONS.**—*From the amounts appropriated under section 5708 for any fiscal year, the Secretary shall reserve—*



(A) *three-fourths of 1 percent for the Secretary of the Interior to provide assistance under this part for schools operated or funded by the Bureau of Indian Education; and*

(B) *1 percent to provide assistance under this part to the outlying areas.*

(2) **GRANT ALLOTMENTS.**—*From the amounts appropriated under section 5708 for any fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall make a grant for the fiscal year to each State educational agency with an approved application under section 5704 in an amount that bears the same relationship to such remainder as the amount the State educational agency received under part A of title I for such year bears to the amount all State educational agencies with an approved application under section 5704 received under such part for such year.*

(c) **MINIMUM.**—*The amount of a grant to a State educational agency under subsection (b)(2) for a fiscal year shall not be less than one-half of 1 percent of the total amount made available for grants to all State educational agencies under such subsection for such year.*

(d) **REALLOTMENT OF UNUSED FUNDS.**—*If any State educational agency does not apply for a grant under section 5704 for a fiscal year, or does not use the State educational agency's entire grant allotment under subsection (b)(2) for such year, the Secretary shall reallocate the amount of the State educational agency's grant, or the unused portion of the grant allotment, to the remaining State educational agencies that use their entire grant amounts under subsection (b)(2) for such year.*

(e) **MATCHING FUNDS.**—

(1) **IN GENERAL.**—*A State educational agency that receives a grant under subsection (b)(2) shall provide matching funds, from non-Federal sources, in an amount equal to 10 percent of the amount of grant funds provided to the State educational agency to carry out the activities supported by the grant. Such matching funds may be provided in cash or in-kind, except that any such in-kind contributions shall be provided for the purpose of supporting the State educational agency's activities under section 5705(c).*

(2) **WAIVER.**—*The Secretary may waive the matching requirement under paragraph (1) for a State educational agency that demonstrates that such requirement imposes an undue financial hardship on the State educational agency.*

**SEC. 5704. STATE APPLICATIONS.**

(a) **APPLICATION.**—*To receive a grant under section 5703(b)(2), a State educational agency shall submit to the Secretary an application at such time and in such manner as the Secretary may require and containing the information described in subsection (b).*

(b) **CONTENTS.**—*Each application submitted under subsection (a) shall include the following:*

(1) *A description of how the State educational agency will meet the following goals:*

(A) *Use technology to ensure all students achieve college and career readiness and digital literacy, including by providing high-quality education opportunities to economically or geographically isolated student populations.*

(B) Provide educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—

(i) personalize learning to improve student academic achievement; and

(ii) discover, adapt, and share relevant high-quality open educational resources.

(C) Enable local educational agencies to build the technological capacity and infrastructure.

(2) An assurance that each local educational awarded a subgrant under this part has conducted a technology readiness survey and will take steps to address the readiness gaps identified not later than 3 years after the completion of the survey by the local educational agency.

(3) An assurance that the State educational agency will ensure that the State educational agency's technology systems and school-based technology systems are interoperable.

(4) An assurance that the State educational agency will consider making content widely available through open educational resources when making purchasing decisions with funds received under this part.

(5) A description of how the State educational agency will award subgrants to local educational agencies under section 5706.

(6) A description of the process, activities, and performance measures that the State educational agency will use to evaluate the impact and effectiveness of the grant and subgrant funds awarded under this part across the State and in each local educational agency.

(7) An assurance that the State educational agency consulted with local educational agencies in the development of the State educational agency's application under this subsection.

(8) An assurance that the State educational agency will provide matching funds as required under section 5703(e).

(9) An assurance that the State educational agency will protect the privacy and safety of students and teachers, consistent with requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the "Family Educational Rights and Privacy Act of 1974") and section 445 of the General Education Provisions Act (20 U.S.C. 1232h).

(10) An assurance that funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

**SEC. 5705. STATE USE OF GRANT FUNDS.**

(a) **RESERVATION FOR SUBGRANTS TO SUPPORT TECHNOLOGY INFRASTRUCTURE.**—Each State educational agency that receives a grant under section 5703(b)(2) shall expend not less than 90 percent of the grant amount for each fiscal year to award subgrants to local educational agencies in accordance with section 5706.

(b) **RESERVATION FOR STATE ACTIVITIES.**—

(1) **IN GENERAL.**—A State educational agency shall reserve not more than 10 percent of the grant received under section 5703(b)(2) for the State activities described in subsection (c).

## (2) GRANT ADMINISTRATION.—

(A) *IN GENERAL.*—Subject to subparagraph (B), of the amount reserved by a State educational agency under paragraph (1), the State educational agency may reserve for the administration of the grant under this part not more than—

(i) 1 percent in the case of a State educational agency awarding subgrants under section 5706(a)(1); or

(ii) 3 percent in the case of a State educational agency awarding subgrants under section 5706(a)(2).

(B) *SPECIAL RULE.*—Notwithstanding subparagraph (A), a State educational agency that forms a State purchasing consortium under subsection (d)—

(i) may reserve an additional 1 percent to carry out the activities described in subsection (d)(1); and

(ii) may reserve amounts in addition to the percentage described in clause (i) if the State purchasing consortium receives direct approval from the local educational agencies receiving subgrants under section 5706(a) from the State educational agency prior to reserving more than the additional percentage authorized under clause (i).

(c) *STATE ACTIVITIES.*—A State educational agency may use funds described in subsection (b) to carry out each of the following:

(1) Except for the awarding of subgrants in accordance with section 5706, activities described in the State educational agency's application under section 5704(b).

(2) Providing technical assistance to local educational agencies to—

(A) identify and address technology readiness needs, as determined by the technology readiness surveys;

(B) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners;

(C) build capacity for principals and local educational agency administrators to support teachers in using data and technology to improve teaching and personalize learning;

(D) ensure that contractual requirements for third parties that have access to student data, its storage, or provide analytics on student data provide privacy protections consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the “Family Educational Rights and Privacy Act of 1974”); and

(E) provide tools and processes to support the creation, modification, and distribution of open educational resources.

(3) Developing or utilizing research-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.

(4) *Integrating and coordinating activities under this part with other educational resources and programs across the State.*

(5) *Disseminating information, including making publicly available on the website of the State educational agency, promising practices to improve technology instruction, best practices for data security, and acquiring and implementing technology tools and applications.*

(6) *Ensuring that teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, and administrators possess the knowledge and skills to use technology to meet the goals described in section 5704(b)(1).*

(7) *Coordinating with teacher, principal, and other school leader preparation programs to ensure that preservice teachers, principals, and other school leaders have the skills to implement digital learning programs effectively.*

(8) *Supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities.*

(d) **PURCHASING CONSORTIA.**—

(1) **IN GENERAL.**—*A State educational agency receiving a grant under section 5703(b)(2) may—*

(A) *form a State purchasing consortium with 1 or more State educational agencies receiving such a grant to carry out the State activities described in subsection (c), including purchasing eligible technology;*

(B) *encourage local educational agencies to form local purchasing consortia under section 5706(c)(4); and*

(C) *promote pricing opportunities to local educational agencies for the purchase of eligible technology that are—*

(i) *negotiated by the State educational agency or the State purchasing consortium of the State educational agency; and*

(ii) *available to such local educational agencies.*

(2) **RESTRICTIONS.**—*A State educational agency receiving a grant under section 5703(b)(2) shall not—*

(A) *except for promoting the pricing opportunities described in paragraph (1)(C), make recommendations to local educational agencies for, or require, use of any specific commercial products and services by local educational agencies;*

(B) *require local educational agencies to participate in a State purchasing consortia or local purchasing consortia; or*

(C) *use more than the amount reserved under subsection (b) to carry out the activities described in paragraph (1), unless the State educational agency receives approval in accordance with subsection (b)(2)(B).*

**SEC. 5706. LOCAL SUBGRANTS.**

(a) **SUBGRANTS.**—

(1) **GRANTS TO LOCAL EDUCATIONAL AGENCIES.**—*From the grant funds provided under section 5703(b)(2) to a State educational agency that are remaining after the State educational agency makes reservations under section 5705(b) for any fiscal year and subject to paragraph (2), the State educational agency shall award subgrants for the fiscal year to local educational agencies served by the State educational agency and with an*

approved application under subsection (b) by allotting to each such local educational agency an amount that bears the same relationship to the remainder as the amount received by the local educational agency under part A of title I for such year bears to the amount received by all such local educational agencies under such part for such year, except that no local educational agency may receive less than \$20,000 for a year.

(2) *COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.*—If the amount of funds appropriated under section 5708 is less than \$300,000,000 for any fiscal year, a State educational agency—

(A) shall not award subgrants under paragraph (1);

and

(B) shall—

(i) award subgrants, on a competitive basis, to local educational agencies based on the quality of applications submitted under subsection (b), including—

(I) the level of technology readiness, as determined by the technology readiness surveys completed by local educational agencies submitting such applications; and

(II) the technology plans described in subsection (b)(4) and how the local educational agencies with such plans will carry out the alignment and coordination described in such subsection;

(ii) give priority to local educational agencies that have demonstrated substantial need for assistance in acquiring and using technology, based on the agency's technology readiness survey; and

(iii) give priority to schools that serve students in rural and remote areas, schools identified under section 1114 as in need of intervention and support and the persistently lowest achieving schools, or schools with a high percentage of students aged 5 through 17 who are in poverty, as counted in the most recent census data approved by the Secretary, who are eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act, in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or eligible to receive medical assistance under the Medicaid program.

(3) *DEFINITION OF LOCAL EDUCATIONAL AGENCY FOR CERTAIN FISCAL YEARS.*—For purposes of awarding subgrants under paragraph (2), the term “local educational agency” means—

(A) a local educational agency;

(B) an educational service agency; or

(C) a local educational agency and an educational service agency.

(b) *APPLICATION.*—A local educational agency that desires to receive a subgrant under subsection (a) shall submit an application to the State at such time, in such manner, and accompanied by such information as the State educational agency may require, such as—

(1) a description of how the local educational agency will carry out the goals described in subparagraphs (A) through (C) of section 5704(b)(1);

(2) a description of the results of the technology readiness survey completed by the local educational agency and a description of the plan for the local educational agency to meet the goals described in paragraph (1) within 3 years of completing the survey;

(3) a description of the local educational agency's technology plan to carry out paragraphs (1) and (3) and how the agency will align and coordinate the activities under this section with other activities across the local educational agency;

(4) a description of the team of educators who will coordinate and carry out the activities under this section, including individuals with responsibility and expertise in instructional technology, teachers that specialize in supporting students who are children with disabilities and English learners, other school leaders, library and media personnel, technology officers, and staff responsible for assessments and data;

(5) a description of how the local educational agency will build capacity for principals, other school leaders, and local educational agency administrators to support teachers in developing data literacy skills and in implementing digital tools to support teaching and learning;

(6) a description of how the local educational agency will procure content and ensure content quality; and

(7) an assurance that the local educational agency will protect the privacy and safety of students and teachers, consistent with requirements section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the "Family Educational Rights and Privacy Act of 1974").

(c) USE OF FUNDS.—

(1) PROFESSIONAL DEVELOPMENT IN DIGITAL LEARNING.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 50 percent of such funds to carry out professional development in digital learning for teachers, principals, other school leaders, paraprofessionals, library and media personnel, specialized instructional support personnel, technology coordinators, and administrators in the use of technology to support student learning.

(2) TECHNOLOGY INFRASTRUCTURE.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 25 percent of such funds to support activities for the acquisition of eligible technology needed to—

(A) except for the activities described in paragraph (1), carry out activities described in the application submitted under subsection (b), including purchasing devices, equipment, and software applications; and

(B) address readiness shortfalls identified under the technology readiness survey completed by the local educational agency.

(3) MODIFICATION OF FUNDING ALLOCATIONS.—A State educational agency may authorize a local educational agency to modify the percentage of the local educational agency's subgrant

*funds required to carry out the activities described in paragraph (1) or (2) if the local educational agency demonstrates that such modification will assist the local educational agency in more effectively carrying out such activities.*

*(4) PURCHASING CONSORTIA.—Local educational agencies receiving subgrants under subsection (a) may—*

*(A) form a local purchasing consortia with other such local educational agencies to carry out the activities described in this subsection, including purchasing eligible technology; and*

*(B) use such funds for purchasing eligible technology through a State purchasing consortia under section 5706(d).*

*(5) BLENDED LEARNING PROJECTS.—*

*(A) IN GENERAL.—A local educational agency receiving a subgrant under subsection (a) may use such funds to carry out a blended learning project, which shall include at least 1 of the following activities:*

*(i) Planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities.*

*(ii) Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project.*

*(B) NON-FEDERAL MATCH.—A local educational agency that carries out a blended learning project under this paragraph shall provide non-Federal matching funds equal to not less than 10 percent of the amount of funds used to carry out such project that shall be used to carry out such project.*

*(C) DEFINITION OF BLENDED LEARNING.—In this paragraph, the term “blended learning” means a formal education program that leverages both technology-based and face-to-face instructional approaches that—*

*(i) include an element of online or digital learning, combined with supervised learning time, and student-led learning, in which the elements are connected to provide an integrated learning experience; and*

*(ii) where students are provided some control over time, path, or pace.*

**SEC. 5707. REPORTING.**

*(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under section 5706 shall submit to the State educational agency that awarded such subgrant an annual report that meets the requirements of subsection (c).*

*(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under section 5703(b)(2) shall submit to the Secretary an annual report that meets the requirements of subsection (c).*

(c) *REPORT REQUIREMENTS.*—A report submitted under subsection (a) or (b) shall include, at a minimum, a description of—

(1) the status of the State educational agency's plan described in section 5704(b) or the local education agency's technology plan under section 5706(b)(3), as applicable;

(2) the categories of eligible technology acquired with funds under this part and how such technology is being used;

(3) the professional learning activities funded under this part, including types of activities and entities involved in providing such professional learning to classroom teachers and other staff, such as school librarians; and

(4) the types of programs funded under this part.

**SEC. 5708. AUTHORIZATION.**

There are authorized to be appropriated such sums as may be necessary to carry out this part.

## **PART H—LITERACY AND ARTS EDUCATION**

**SEC. 5801. LITERACY AND ARTS EDUCATION.**

(a) *IN GENERAL.*—From funds made available under subsection (c), the Secretary may award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities for the purposes of—

(1) promoting arts education for disadvantaged students and students who are children with disabilities, through activities such as—

(A) professional development for arts educators, teachers, and principals;

(B) development and dissemination of instructional materials and arts-based educational programming, including online resources, in multiple arts disciplines; and

(C) community and national outreach activities that strengthen and expand partnerships among schools, local educational agencies, communities, or national centers for the arts; and

(2) promoting literacy programs that support the development of literacy skills in low-income communities, including—

(A) developing and enhancing effective school library programs, which may include providing professional development for school librarians, books, and up-to-date materials to low-income schools;

(B) early literacy services, including pediatric literacy programs through which, during well-child visits, medical providers trained in research-based methods of early language and literacy promotion provide developmentally appropriate books and recommendations to parents to encourage them to read aloud to their children starting in infancy; and

(C) programs that provide high-quality books on a regular basis to children and adolescents from disadvantaged communities to increase reading motivation, performance, and frequency.

(b) *DEFINITIONS.*—In this section:

(1) *ELIGIBLE ENTITY.*—The term “eligible entity” means—



- (A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;
  - (B) a consortium of such local educational agencies; or
  - (C) an eligible national nonprofit organization.
- (2) *ELIGIBLE NATIONAL NONPROFIT ORGANIZATION.*—The term “eligible national nonprofit organization” means an organization of national scope that—
- (A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and
  - (B) demonstrates effectiveness or high-quality plans for addressing childhood literacy activities for the population targeted by the grant.
- (c) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.

## **PART I—EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS**

### **SEC. 5901. PURPOSES; DEFINITIONS.**

- (a) *PURPOSES.*—The purposes of this part are to assist States with—
- (1) more efficiently using existing Federal resources to improve, strengthen, and expand existing high-quality early childhood education, as determined by the State;
  - (2) coordinating existing funding streams and delivery models to promote—
    - (A) program quality, while maintaining services;
    - (B) parental choice among high-quality early childhood education program providers; and
    - (C) early care and learning access for children from birth to kindergarten entry; and
  - (3) improving access for children from low-income families to high-quality early childhood education programs in order to enhance school readiness.
- (b) *DEFINITIONS.*—In this part:
- (1) *CENTER OF EXCELLENCE.*—The term “Center of Excellence” means a local public or private nonprofit agency, including a community-based or faith-based organization, or a for-profit agency, within a community, that provides early learning and care services in the State, including the use of best practices for—
    - (A) achieving school readiness, including the development of early literacy and mathematics skills;
    - (B) acquisition of English language skills; and
    - (C) providing high-quality comprehensive services for eligible children and their families.
  - (2) *ELIGIBLE CHILD.*—The term “eligible child” means an individual—
    - (A) who is less than 6 years of age; and
    - (B) whose family income does not exceed—
      - (i) 200 percent of the poverty line;
      - (ii) 85 percent of the State median income for a family of the same size, and whose family assets do not

exceed \$1,000,000 (as certified by a member of such family); or

(iii) a State-determined threshold for eligibility that does not exceed the thresholds in clauses (i) and (ii).

(3) *ELIGIBLE PARTNERSHIP.*—The term “eligible partnership” means a partnership that, at a minimum, includes, as applicable and appropriate, the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act, and all of the following partners, which may be represented on the Council:

(A) One or more public and private (including non-profit or for-profit) providers of early childhood education that serve eligible children residing in the State and meet applicable standards of licensing and quality as determined by the State.

(B) One or more Head Start agencies, which may include Early Head Start, migrant and seasonal Head Start, and Indian Head Start agencies that serve eligible children residing in the State.

(C) The State educational agency.

(D) Other relevant State agencies with oversight of preschool, early education, and child care in the State.

(E) One or more local educational agencies in the State.

(F) One or more institutions of higher education in the State.

(G) One or more representatives of business in the State.

(4) *INSTITUTION OF HIGHER EDUCATION.*—The term “institution of higher education” has the meanings given the term in section 101 and subparagraphs (A) and (B) of section 102(a)(1) of the Higher Education Act of 1965.

(5) *STATE.*—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**SEC. 5902. EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS.**

(a) *GRANTS AUTHORIZED.*—

(1) *IN GENERAL.*—From amounts made available under section 5903, the Secretary, in consultation with the Secretary of Health and Human Services, shall award grants, on a competitive basis, to States to enable the States to carry out the activities described in subsection (d).

(2) *RESERVATION FOR STATES SERVING RURAL AREAS.*—From the amounts appropriated under section 5903 for a fiscal year, the Secretary shall reserve not less than 30 percent for grants to States that propose to carry out the activities described in subsection (d) for eligible children living in rural areas. The Secretary shall reduce the amount described in the preceding sentence if the Secretary does not receive a sufficient number of applications that are deserving of a grant under this part for such purpose.

(3) *PRIORITY.*—In awarding grants under this section, the Secretary shall give priority to a State that will use funds under this grant to focus on eligible children—

(A) who are 3 and 4 years of age; and

(B) whose family income does not exceed 130 percent of the poverty line.

(4) *DURATION OF GRANTS.*—A grant awarded under this section shall be for a period of not more than 3 years and may not be renewed by the Secretary.

(5) *LIMITATION.*—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), a State may receive a grant under this section only once.

(B) *EXCEPTION.*—Notwithstanding subparagraph (A), a State may receive more than 1 grant under this section only—

(i) if the State is proposing, for such additional grants, to carry out activities for eligible children living in rural areas; or

(ii) after all States, which meet the requirements and have submitted an application under this section, have received a grant, to the extent that funds for a grant are still available.

(6) *EQUITABLE DISTRIBUTION.*—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section.

(b) *STATE REQUIREMENTS.*—

(1) *LEAD AGENCY.*—

(A) *DESIGNATION.*—A State desiring a grant under this section shall designate an agency (which may be an appropriate collaborative agency) or establish a joint interagency office, that complies with the requirements of subparagraph (B), to serve as a lead agency for the State under this section.

(B) *DUTIES.*—The lead agency designated under subparagraph (A) shall—

(i) administer, directly or through other governmental or nongovernmental agencies, the Federal assistance received under this section by the State;

(ii) develop the application submitted to the Secretary under subsection (c); and

(iii) coordinate the provision of activities under this section with existing Federal, State, and local early childhood education programs.

(2) *PARTNERS.*—In order to be eligible for a grant under this section, a State shall partner with an eligible partnership.

(3) *MATCHING REQUIREMENT.*—Each State that receives a grant under this part shall provide from Federal or non-Federal sources (which may be provided in cash or in-kind) to carry out the activities supported by the grant, an amount equal to—

(A) 30 percent of the amount of the grant in the first year of such grant; and

(B) not less than 30 percent of the amount of the grant in the second and third year of such grant, respectively.

(c) *APPLICATIONS.*—A State desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

(1) an identification of the lead agency that the Governor of the State has appointed to be responsible for the grant under this section;

(2) a description of the eligible partnership required under subsection (b)(2), which will assist the State in developing the plan and implementing the activities under this part;

(3) to the extent practicable, the unduplicated counts of the number of eligible children served using existing Federal, State, and local resources and programs that the State will coordinate to meet the purposes of this part, including—

(A) programs carried out under the Head Start Act, including the Early Head Start programs carried out under such Act;

(B) programs carried out under section 619 and parts B and C of the Individuals with Disabilities Education Act;

(C) child care programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618);

(D) other Federal, State, local, and Indian tribe or tribal organization programs of early learning, childhood education, child care, and development in the State; and

(E) as applicable—

(i) programs carried out under other provisions of this Act;

(ii) programs carried out under subtitle A of title XX of the Social Security Act (42 U.S.C. 1397 et seq.);

(iii) programs carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(iv) programs serving homeless children and services of local educational agency liaisons for homeless children and youths designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

(v) State agencies and programs serving children in foster care and the foster families of such children; and

(vi) child care programs funded through State veterans affairs offices;

(4) a description of how the State proposes to coordinate such resources and programs identified under paragraph (3) in order to meet the purposes of this part;

(5) a description of how the State will identify early childhood education program providers that demonstrate a high level of quality;

(6) a description of how the State will define eligible children, in accordance with section 5901(b)(2);

(7) a description of how the State will expand access to existing high-quality early learning and care for eligible children in the State, or if no high-quality early learning and care is accessible for eligible children, expand access to high-quality early learning and care for such children;

(8) in the case of a State that has elected to use funds under this section to designate Centers of Excellence—

(A) assurances that the State will designate an entity, such as an agency, an institution of higher education, a consortium of local educational agencies or Head Start centers, or another entity, to designate early childhood education programs as Centers of Excellence;

(B) assurances that the designee will meet the definition of a Center of Excellence;

(C) descriptions of the process by which an entity that carries out an early childhood education program would be designated as a Center of Excellence, including evidence that the early childhood education program involved has demonstrated excellence in program delivery in a manner designed to improve the school readiness of children who have participated in the program; and

(D) descriptions of how the State will assist Centers of Excellence in the dissemination of best practices;

(9) an assurance that the State will provide technical assistance to partners on methods by which Federal and State early learning and care funding can be coordinated and lead to cost-saving and efficiencies strategies, and other methods that will enhance the quality of the early childhood education programs in the State;

(10) a description of how the State will sustain early learning and care activities coordinated under this section, including for rural areas in the State, if applicable, once grant funding is no longer available under this section;

(11) a description of the process that the State proposes to use to collect and disseminate, to parents and the general public, consumer information that will promote informed early learning and care choices in the State;

(12) a description of how the State will serve eligible children residing in rural areas, if applicable; and

(13) an assurance that funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

(d) *USE OF FUNDS.*—

(1) *IN GENERAL.*—A State that receives a grant under this part shall use the grant funds to develop, implement, or improve a coordinated statewide or locally implemented system of voluntary early care and learning, which includes a plan—

(A) for coordinating funding available through existing Federal, State, and local sources; and

(B) which is designed in collaboration with an eligible partnership.

(2) *AUTHORIZED ACTIVITIES.*—Grant funds under this section may be used for the following:

(A) Aligning existing Federal, State, and local funding and resources with a statewide or locally designed system for delivering high-quality early learning and care for eligible children in the State, including developing evidence-based practices to improve staff quality, instructional programming, and time in program.

(B) Analyzing needs for expanded access to existing high-quality early childhood education programs in the

*State, including child care, preschool, and Early Head Start, Head Start, and special education for all children, particularly low-income children.*

(C) *Developing or expanding eligible partnerships to—*

(i) *expand access for eligible children to existing high-quality providers or programs or, if no high-quality early learning and care is accessible for eligible children, expand access to high-quality early learning and care for eligible children;*

(ii) *share best practices; and*

(iii) *ensure that parents have maximum choices in selecting the providers that meet their individual needs, consistent with State and local laws.*

(D) *Developing or expanding Centers of Excellence for the purposes of—*

(i) *disseminating best practices for achieving early academic success in the State, including best practices for—*

(I) *achieving school readiness, including developing early literacy and mathematics skills;*

(II) *the acquisition of the English language for English learners; or*

(III) *providing high-quality comprehensive services to low-income and at-risk children and their families;*

(ii) *coordinating early education, child care, and other social services available in the State and local communities for low-income and at-risk children and families; or*

(iii) *providing effective transitions between preschool programs and elementary schools, including by facilitating ongoing communication between early education and elementary school teachers and by improving the ability of teachers to work effectively with low-income and at-risk children and their families.*

(E) *Expanding existing high-quality early education and care for infants and toddlers, or if no high-quality early education and care is accessible for infants and toddlers, expand access to high quality education and care.*

(F) *Carrying out other strategies determined by the State to improve access to and expand the overall quality of a coordinated State or locally designed system of voluntary early learning and care services in the State.*

(3) *PRIORITY.—The activities implemented by a State under this subsection shall prioritize parental choice of providers and evidence-based practices for improving early learning program quality and access to the extent permitted under State and local law.*

(e) *REPORTING.—A State that receives a grant under this part shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, an annual report that includes—*

(1) *the number and percentage of children who are served in high-quality early childhood education programs, as identi-*

ried by the State, during each year of the grant duration using funds from—

- (A) only this part, as applicable;
- (B) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618);
- (C) the Head Start Act; and
- (D) other public and private providers, as applicable;
- (2) the quality improvements undertaken at the State level;
- (3) the extent to which funds are being blended with other public and private funding; and
- (4) any other ways in which funds are used to meet the purposes of this part.

(f) **REPORT TO CONGRESS.**—The Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biennial report containing the information described in subsection (e) for all States receiving funds under this part.

(g) **LIMITATIONS ON FEDERAL INTERFERENCE.**—Nothing in this part shall be construed to authorize the Secretary to establish any criterion that specifies, defines, or prescribes—

(1) early learning and development guidelines, standards, or specific assessments, including the standards or measures that States use to develop, implement, or improve such guidelines, standards, or assessments;

(2) specific measures or indicators of quality early learning and care, including—

(A) the systems that States use to assess the quality of early childhood education programs and providers, school readiness, and achievement; and

(B) the term “high-quality” early learning or care;

(3) early learning or preschool curriculum, program of instruction, or instructional content;

(4) teacher and staff qualifications and salaries;

(5) class sizes and child-to-instructional staff ratios; and

(6) any aspect or parameter of a teacher, principal, other school leader, or staff evaluation system within a State or local educational agency.

**SEC. 5903. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

\* \* \* \* \*

## **TITLE VI—FLEXIBILITY AND ACCOUNTABILITY**

**SEC. 6001. PURPOSES.**

The purposes of this title are—

*(1) to support State and local innovation in preparing all students to meet challenging State academic standards under section 1111(b);*

*(2) to provide States and local educational agencies with maximum flexibility in using Federal funds provided under this Act; and*

*(3) to support education in rural areas.*

## **PART A—IMPROVING ACADEMIC ACHIEVEMENT**

### **[Subpart 1—Accountability]**

#### **[SEC. 6111. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.**

**[**The Secretary shall make grants to States to enable the States—

**[**(1) to pay the costs of the development of the additional State assessments and standards required by section 1111(b), which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State; and

**[**(2) if a State has developed the assessments and standards required by section 1111(b), to administer those assessments or to carry out other activities described in this subpart and other activities related to ensuring that the State's schools and local educational agencies are held accountable for results, such as the following:

**[**(A) Developing challenging State academic content and student academic achievement standards and aligned assessments in academic subjects for which standards and assessments are not required by section 1111(b).

**[**(B) Developing or improving assessments of English language proficiency necessary to comply with section 1111(b)(7).

**[**(C) Ensuring the continued validity and reliability of State assessments.

**[**(D) Refining State assessments to ensure their continued alignment with the State's academic content standards and to improve the alignment of curricula and instructional materials.

**[**(E) Developing multiple measures to increase the reliability and validity of State assessment systems.

**[**(F) Strengthening the capacity of local educational agencies and schools to provide all students the opportunity to increase educational achievement, including carrying out professional development activities aligned with State student academic achievement standards and assessments.

**[**(G) Expanding the range of accommodations available to students with limited English proficiency and students with disabilities to improve the rates of inclusion of such students, including professional development activities aligned with State academic achievement standards and assessments.



[(H) Improving the dissemination of information on student achievement and school performance to parents and the community, including the development of information and reporting systems designed to identify best educational practices based on scientifically based research or to assist in linking records of student achievement, length of enrollment, and graduation over time.]

**[SEC. 6112. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.**

[(a) GRANT PROGRAM AUTHORIZED.—From funds made available to carry out this subpart, the Secretary shall award, on a competitive basis, grants to State educational agencies that have submitted an application at such time, in such manner, and containing such information as the Secretary may require, which demonstrate to the satisfaction of the Secretary, that the requirements of this section will be met, for the following:

[(1) To enable States (or consortia of States) to collaborate with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(3).

[(2) To measure student academic achievement using multiple measures of student academic achievement from multiple sources.

[(3) To chart student progress over time.

[(4) To evaluate student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments.

[(b) APPLICATION.—Each State wishing to apply for funds under this section shall include in its State plan under part A of title I such information as the Secretary may require.

[(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities, and the result of those activities, under the grant.

**[SEC. 6113. FUNDING.**

[(a) AUTHORIZATION OF APPROPRIATIONS.—

[(1) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—  
[For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated \$72,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(2) STATE ASSESSMENTS AND RELATED ACTIVITIES.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$490,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) ALLOTMENT OF APPROPRIATED FUNDS.—

[(1) IN GENERAL.—From amounts made available for each fiscal year under subsection (a)(2) that are equal to or less than the amount described in section 1111(b)(3)(D) (hereinafter

in this subsection referred to as the “trigger amount”), the Secretary shall—

    【(A) reserve one-half of 1 percent for the Bureau of Indian Affairs;

    【(B) reserve one-half of 1 percent for the outlying areas; and

    【(C) from the remainder, allocate to each State an amount equal to—

        【(i) \$3,000,000; and

        【(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

    【(2) REMAINDER.—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available as follows:

        【(A)(i) To award funds under section 6112 to States according to the quality, needs, and scope of the State application under that section.

        【(ii) In determining the grant amount under clause (i), the Secretary shall ensure that a State’s grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

        【(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

    【(c) STATE DEFINED.—In this section, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.】

\* \* \* \* \*

**Subpart [2]1—Funding Transferability for State and Local Educational Agencies**

**SEC. [6121]6111. SHORT TITLE.**

\* \* \*

**SEC. [6122]6112. PURPOSE.**

The purpose of this subpart is to allow States and local educational agencies the flexibility—

(1) \* \* \*

\* \* \* \* \*

**SEC. [6123]6113. TRANSFERABILITY OF FUNDS.****(a) TRANSFERS BY STATES.—**

(1) **IN GENERAL.**— In accordance with this subpart, a State may transfer **[not more than 50 percent of the nonadministrative State funds]***all, or any lesser amount, of State funds* (including funds transferred under paragraph (2)) allotted to the State for use for State-level activities under the following provisions for a fiscal year to one or more of the State's allotments for such fiscal year under any other of such provisions:

**[(A) Section 2113(a)(3).**

**[(B) Section 2412(a)(1).**

**[(C) Subsections (a)(1) (with the agreement of the Governor) and (c)(1) of section 4112 and section 4202(c)(3).**

**[(D) Section 5112(b).]**

*(A) Part A of title II.*

*(B) Part A of title IV.*

*(C) Part G of title V.*

(2) **ADDITIONAL FUNDS FOR TITLE I.**—In accordance with this subpart **[and subject to the 50 percent limitation described in paragraph (1)]**, a State may transfer any funds allotted to the State under a provision listed in paragraph (1) to its allotment under title I.

**(b) TRANSFERS BY LOCAL EDUCATIONAL AGENCIES.—****(1) AUTHORITY TO TRANSFER FUNDS.—**

**(A) IN GENERAL.**—In accordance with this subpart, a local educational agency **[(except a local educational agency identified for improvement under section 1116(c) or subject to corrective action under section 1116(c)(9))]** may transfer not more than 50 percent of the funds allocated to it (including funds transferred under subparagraph (C)) *may transfer all, or any lesser amount, of the funds allocated to it* under each of the provisions listed in paragraph (2) for a fiscal year to one or more of its allocations for such fiscal year under any other provision listed in paragraph (2).

**[(B) AGENCIES IDENTIFIED FOR IMPROVEMENT.**— In accordance with this subpart, a local educational agency identified for improvement under section 1116(c) may transfer not more than 30 percent of the funds allocated to it (including funds transferred under subparagraph (C)) under each of the provisions listed in paragraph (2) for a fiscal year—

**[(i) to its allocation for school improvement for such fiscal year under section 1003; or**

**[(ii) to any other allocation for such fiscal year if such transferred funds are used only for local educational agency improvement activities consistent with section 1116(c).]**

**[(C)](B) ADDITIONAL FUNDS FOR TITLE I.**—In accordance with this subpart **[and subject to the percentage limitation described in subparagraph (A) or (B), as applicable]**, a local educational agency may transfer funds allocated to

such agency under any of the provisions listed in paragraph (2) for a fiscal year to its allocation for part A of title I for that fiscal year.

(2) APPLICABLE PROVISIONS.—A local educational agency may transfer funds under [subparagraph (A), (B), or (C)]*subparagraph (A) or (B)* of paragraph (1) from allocations made under each of the following provisions:

- [(A) Section 2121.
- [(B) Section 2412(a)(2)(A).
- [(C) Section 4112(b)(1).
- [(D) Section 5112(a).]
- (A) *Part A of title II.*
- (B) *Part A of title IV.*
- (C) *Part G of title V.*

(c) NO TRANSFER OF TITLE I FUNDS.— \* \* \*

\* \* \* \* \*

***Subpart 2—Weighted Student Funding Flexibility Pilot Program***

**SEC. 6121. WEIGHTED STUDENT FUNDING FLEXIBILITY PILOT PROGRAM.**

(a) *PURPOSE.*—*The purpose of the pilot program under this section is to provide local educational agencies with flexibility to consolidate Federal, State, and local funding in order to create a single school funding system based on weighted per pupil allocations for low-income and otherwise disadvantaged students.*

(b) *AUTHORITY.*—*The Secretary may, on a competitive basis, enter into local flexibility demonstration agreements—*

*(1) for not more than 2 years with local educational agencies that are selected under subsection (c) and submit proposed agreements that meet the requirements of subsection (d); and*

*(2) under which such agencies may consolidate and use funds in accordance with subsection (d) in order to develop and implement a school funding system based on weighted per pupil allocations for low-income and otherwise disadvantaged students.*

(c) *SELECTION OF LOCAL EDUCATIONAL AGENCIES.*—

*(1) IN GENERAL.*—*The Secretary may enter into local flexibility demonstration agreements with not more than 25 local educational agencies, reflecting the size and geographic diversity of all such agencies nationwide to the maximum extent feasible.*

*(2) SELECTION.*—*Each local educational agency shall be selected on a competitive basis from among those local educational agencies that—*

*(A) submit a proposed local flexibility demonstration agreement under subsection (d) to the Secretary;*

*(B) demonstrate to the satisfaction of the Secretary that the agreement meets the requirements of subsection (d); and*

*(C) agree to meet the continued demonstration requirements under subsection (e).*

(d) *REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.*—

(1) *APPLICATION.*—Each local educational agency that desires to participate in the pilot program under this section shall submit, at such time, in such form, and including such information as the Secretary may prescribe, an application to enter into a local flexibility demonstration agreement with the Secretary in order to develop and implement a school funding system based on weighted per pupil allocations that meets the requirements of this section, including—

(A) a description of the school funding system based on weighted per pupil allocations, including how the system will meet the requirements under paragraph (2);

(B) a list of funding sources, including eligible Federal funds the local educational agency will include in such system;

(C) a description of the amount and percentage of total local educational agency funding, including State, local, and eligible Federal funds, that will be allocated through such system;

(D) the per-pupil expenditures (including actual personnel expenditures, including staff salary differentials for years of employment, and actual nonpersonnel expenditures) of State and local funds for each school served by the agency for the preceding fiscal year;

(E) the per-pupil amount of eligible Federal funds each school served by the agency, disaggregated by program, received in the preceding fiscal year;

(F) a description of how the system will continue to ensure that any eligible Federal funds allocated through the system will continue to meet the purposes of each Federal funding stream, including serving students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk, as applicable;

(G) a description of how the local educational agency will develop and employ a weighted student funding system to support public elementary schools and secondary schools in order to improve the academic achievement of students, including low-income students, the lowest achieving students, English learners, and students with disabilities;

(H) an assurance that the local educational agency developed and will implement the local flexibility demonstration agreement in consultation with teachers, principals, other school leaders, administrators of Federal programs impacted by the agreement, parents, civil rights leaders, and other relevant stakeholders;

(I) an assurance that the local educational agency will use fiscal control and sound accountability procedures that ensure proper disbursement of, and accounting for, eligible Federal funds consolidated and used under such system;

(J) an assurance that the local educational agency will continue to meet the fiscal provisions in section 1117; and

(K) an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using funds under the agreement.

(2) *REQUIREMENTS OF SYSTEM.*—A local educational agency's school funding system based on weighted per pupil allocations shall meet each of the following requirements:

(A) *The system shall—*

(i) *allocate a significant portion of funds, including State, local, and eligible Federal funds, to the school level through a formula that determines per-pupil weighted amounts based on individual student characteristics;*

(ii) *use weights or allocation amounts that allocate substantially more funding to students from low-income families and English learners than to other students; and*

(iii) *demonstrate to the Secretary, that each high-poverty school received at least as much total per-pupil funding, including from Federal, State, and local sources, for low-income students and at least as much total per-pupil funding, including from Federal, State, and local sources, for English learners as the school received in the year prior to carrying out the pilot program.*

(B) *The system shall be used to allocate a significant portion, including all school level personnel expenditures for instructional staff and nonpersonnel expenditures, but not less than 65 percent, of all the local educational agency's local and State funds to schools.*

(C) *After allocating funds through the school funding system, the local educational agency shall charge schools for the per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures for instructional staff and actual nonpersonnel expenditures.*

(D) *The system may include weights or allocation amounts according to other characteristics.*

(e) *CONTINUED DEMONSTRATION.*—Each local educational agency that is selected to participate in the pilot program under this section shall annually—

(1) *demonstrate to the Secretary, that no high-poverty school served by the agency received less total per-pupil funding, including from Federal, State, and local sources, for low-income students or less total per-pupil funding, including from Federal, State, and local sources, for English learners than the school received in the previous year;*

(2) *make public and report to the Secretary the per-pupil expenditures (including actual personnel expenditures that include staff salary differentials for years of employment, and actual non-personnel expenditures) of State, local, and Federal funds for each school served by the agency, and disaggregated by student poverty quartile and by minority student quartile for the preceding fiscal year; and*

(3) *make public the total number of students enrolled in each school served by the agency and the number of students enrolled in each such school disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A).*

(f) *ELIGIBLE FEDERAL FUNDS.*—In this section, the term “eligible Federal funds” means funds received by a local educational agency under titles I, II, III, and IV of this Act.

(g) *LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.*—Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this section may use, for administrative purposes, from eligible Federal funds not more than the percentage of funds allowed for such purpose under any of titles I, II, III, or IV.

(h) *PEER REVIEW.*—The Secretary may establish a peer-review process to assist in the review of a proposed local flexibility demonstration agreement.

(i) *NONCOMPLIANCE.*—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided for in subsection (j)), terminate a local flexibility demonstration agreement under this section if there is evidence that the local educational agency has failed to comply with the terms of the agreement and the requirements under subsections (d) and (e).

(j) *EVIDENCE.*—If a local educational agency believes that the Secretary’s determination under subsection (i) is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final termination determination.

(k) *PROGRAM EVALUATION.*—From the amount reserved for evaluation activities in section 9601, the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the local flexibility demonstration agreements under this section, consistent with section 9601 and specifically on improving the equitable distribution of State and local funding and increasing student achievement.

(l) *RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.*—The Secretary may renew for additional 3-year terms a local flexibility demonstration agreement under this section if—

(1) the local educational agency has met the requirements under subsections (d)(2) and (e) and agrees to and has a high likelihood of continuing to meet such requirements; and

(2) the Secretary determines that renewing the local flexibility demonstration agreement is in the interest of students served under titles I and III, including students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk.

(m) *DEFINITION OF HIGH-POVERTY SCHOOL.*—In this section, the term “high-poverty school” means a school that is in the highest 2 quartiles of schools served by a local educational agency, based on the percentage of enrolled students from low-income families.

### **[Subpart 3—State and Local Flexibility Demonstration]**

#### **[SEC. 6131. SHORT TITLE.**

**[This subpart may be cited as the “State and Local Flexibility Demonstration Act”.]**

**[SEC. 6132. PURPOSE.]**

【The purpose of this subpart is to create options for selected State educational agencies and local educational agencies—

【(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;

【(2) to improve teacher quality and subject matter mastery, especially in mathematics, reading, and science;

【(3) to better empower parents, educators, administrators, and schools to effectively address the needs of their children and students;

【(4) to give participating State educational agencies and local educational agencies greater flexibility in determining how to increase their students' academic achievement and implement education reforms in their schools;

【(5) to eliminate barriers to implementing effective State and local education reform, while preserving the goals of opportunity for all students and accountability for student progress;

【(6) to hold participating State educational agencies and local educational agencies accountable for increasing the academic achievement of all students, especially disadvantaged students; and

【(7) to narrow achievement gaps between the lowest and highest achieving groups of students so that no child is left behind.】

**[SEC. 6133. GENERAL PROVISION.]**

【For purposes of this subpart, any State that is one local educational agency shall be considered a State educational agency and not a local educational agency.】

**[CHAPTER A—STATE FLEXIBILITY AUTHORITY]****[SEC. 6141. STATE FLEXIBILITY.]**

【(a) FLEXIBILITY AUTHORITY.—Except as otherwise provided in this chapter, the Secretary shall, on a competitive basis, grant flexibility authority to not more than seven eligible State educational agencies, under which the agencies may consolidate and use funds in accordance with section 6142.

【(b) DEFINITIONS.—In this chapter:

【(1) ELIGIBLE STATE EDUCATIONAL AGENCY.—The term “eligible State educational agency” means a State educational agency that—

【(A) submits an approvable application under subsection (c); and

【(B) proposes performance agreements—

【(i) that shall be entered into with not fewer than 4, and not more than 10, local educational agencies;

【(ii) not fewer than half of which shall be entered into with high-poverty local educational agencies; and

【(iii) that require the local educational agencies described in clause (i) to align their use of consolidated funds under section 6152 with the State educational agency's use of consolidated funds under section 6142.

【(2) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term “high-poverty local educational agency” means a local



educational agency for which 20 percent or more of the children who are age 5 through 17, and served by the local educational agency, are from families with incomes below the poverty line.

**[(c) STATE APPLICATIONS.—**

**[(1) APPLICATIONS.—**To be eligible to receive flexibility authority under this chapter, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

**[(A)** information demonstrating, to the satisfaction of the Secretary, that the grant of authority offers substantial promise of—

**[(i)** assisting the State educational agency in making adequate yearly progress, as defined under section 1111(b)(2); and

**[(ii)** aligning State and local reforms and assisting the local educational agencies that enter into performance agreements with the State educational agency under paragraph (2) in making such adequate yearly progress;

**[(B)** the performance agreements that the State educational agency proposes to enter into with eligible local educational agencies under paragraph (2);

**[(C)** information demonstrating that the State educational agency has consulted with and involved parents, representatives of local educational agencies, and other educators in the development of the terms of the grant of authority;

**[(D)** a provision specifying that the grant of flexibility authority shall be for a term of not more than 5 years;

**[(E)** a list of the programs described in section 6142(b) that are included in the scope of the grant of authority;

**[(F)** a provision specifying that no requirements of any program described in section 6142(b) and included by a State educational agency in the scope of the grant of authority shall apply to that agency, except as otherwise provided in this chapter;

**[(G)** a 5-year plan describing how the State educational agency intends to consolidate and use the funds from programs included in the scope of the grant of authority, for any educational purpose authorized under this Act, in order to make adequate yearly progress and advance the education priorities of the State and the local educational agencies with which the State educational agency enters into performance agreements;

**[(H)** an assurance that the State educational agency will provide parents, teachers, and representatives of local educational agencies and schools with notice and an opportunity to comment on the proposed terms of the grant of authority;

**[(I)** an assurance that the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will use fiscal control and fund accounting procedures that

will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the grant of authority;

【J) an assurance that the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will meet the requirements of all applicable Federal civil rights laws in carrying out the grant of authority, including consolidating and using funds under the grant of authority;

【K) an assurance that, in consolidating and using funds under the grant of authority—

【(i) the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will provide for the equitable participation of students and professional staff in private schools consistent with section 9501; and

【(ii) that sections 9502, 9503, and 9504 shall apply to all services and assistance provided with such funds in the same manner as such sections apply to services and assistance provided in accordance with section 9501;

【L) an assurance that the State educational agency will, for the duration of the grant of authority, use funds consolidated under section 6142 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds; and

【M) an assurance that the State educational agency shall, not later than 1 year after the date on which the Secretary makes the grant of authority, and annually thereafter during the term of the grant of authority, disseminate widely to parents and the general public, transmit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report, which shall include a detailed description of how the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, used the funds consolidated under the grant of authority to make adequate yearly progress and advance the education priorities of the State and local educational agencies in the State.

【(2) PROPOSED PERFORMANCE AGREEMENTS WITH LOCAL EDUCATIONAL AGENCIES.—

【(A) IN GENERAL.—A State educational agency that wishes to receive flexibility authority under this subpart shall propose performance agreements that meet the requirements of clauses (i) and (ii) of subsection (b)(1)(B) (subject to approval of the application or amendment involved under subsection (d) or (e)).

**[(B) PERFORMANCE AGREEMENTS.—**Each proposed performance agreement with a local educational agency shall—

**[(i)** contain plans for the local educational agency to consolidate and use funds in accordance with section 6152, for activities that are aligned with the State educational agency's plan described in paragraph (1)(G);

**[(ii)** be subject to the requirements of chapter B relating to agreements between the Secretary and a local educational agency, except—

**[(I)** that, as appropriate, references in that chapter to the Secretary shall be deemed to be references to the State educational agency; and

**[(II)** as otherwise provided in this chapter; and

**[(iii)** contain an assurance that the local educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds.

**[(d) APPROVAL AND SELECTION.—**The Secretary shall—

**[(1)** establish a peer review process to assist in the review of proposed State applications under this section; and

**[(2)** appoint individuals to participate in the peer review process who are—

**[(A)** representative of parents, teachers, State educational agencies, and local educational agencies; and

**[(B)** familiar with educational standards, assessments, accountability, curricula, instruction, and staff development, and other diverse educational needs of students.

**[(e) AMENDMENT TO GRANT OF AUTHORITY.—**

**[(1) IN GENERAL.—**Subject to paragraph (2), the Secretary shall amend the grant of flexibility authority made to a State educational agency under this chapter, in each of the following circumstances:

**[(A) REDUCTION IN SCOPE OF THE GRANT OF AUTHORITY.—**Not later than 1 year after receiving a grant of flexibility authority, the State educational agency seeks to amend the grant of authority to remove from the scope of the grant of authority any program described in section 6142(b).

**[(B) EXPANSION OF SCOPE OF THE GRANT OF AUTHORITY.—**Not later than 1 year after receiving a grant of flexibility authority, the State educational agency seeks to amend the grant of authority to include in the scope of the grant of authority any additional program described in section 6142(b) or any additional achievement indicators for which the State will be held accountable.

**[(C) CHANGES WITH RESPECT TO NUMBER OF PERFORMANCE AGREEMENTS.—**The State educational agency seeks to amend the grant of authority to include or remove per-

formance agreements that the State educational agency proposes to enter into with eligible local educational agencies, except that in no case may the State educational agency enter into performance agreements that do not meet the requirements of clauses (i) and (ii) of subsection (b)(1)(B).

**[(2) APPROVAL AND DISAPPROVAL.—**

**[(A) DEEMED APPROVAL.—**A proposed amendment to a grant of flexibility authority submitted by a State educational agency pursuant to paragraph (1) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the proposed amendment, that the proposed amendment is not in compliance with this chapter.

**[(B) DISAPPROVAL.—**The Secretary shall not finally disapprove the proposed amendment, except after giving the State educational agency notice and an opportunity for a hearing.

**[(C) NOTIFICATION.—**If the Secretary finds that the proposed amendment is not in compliance, in whole or in part, with this chapter, the Secretary shall—

**[(i)** give the State educational agency notice and an opportunity for a hearing; and

**[(ii)** notify the State educational agency of the finding of noncompliance and, in such notification, shall—

**[(I)** cite the specific provisions in the proposed amendment that are not in compliance; and

**[(II)** request additional information, only as to the noncompliant provisions, needed to make the proposed amendment compliant.

**[(D) RESPONSE.—**If the State educational agency responds to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, and re-submits the proposed amendment with the requested information described in subparagraph (C)(ii)(II), the Secretary shall approve or disapprove such proposed amendment prior to the later of—

**[(i)** the expiration of the 45-day period beginning on the date on which the proposed amendment is re-submitted; or

**[(ii)** the expiration of the 120-day period described in subparagraph (A).

**[(E) FAILURE TO RESPOND.—**If the State educational agency does not respond to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, such proposed amendment shall be deemed to be disapproved.

**[(3) TREATMENT OF PROGRAM FUNDS WITHDRAWN FROM GRANT OF AUTHORITY.—**Beginning on the effective date of an amendment executed under paragraph (1)(A), each program requirement of each program removed from the scope of a grant

of authority shall apply to the use of funds made available under the program by the State educational agency and each local educational agency with which the State educational agency has a performance agreement.】

**[SEC. 6142. CONSOLIDATION AND USE OF FUNDS.**

**[(a) IN GENERAL.—**

**[(1) AUTHORITY.—**Under a grant of flexibility authority made under this chapter, a State educational agency may consolidate Federal funds described in subsection (b) and made available to the agency, and use such funds for any educational purpose authorized under this Act.

**[(2) PROGRAM REQUIREMENTS.—**Except as otherwise provided in this chapter, a State educational agency may use funds under paragraph (1) notwithstanding the program requirements of the program under which the funds were made available to the State.

**[(b) ELIGIBLE FUNDS AND PROGRAMS.—**

**[(1) FUNDS.—**The funds described in this subsection are funds, for State-level activities and State administration, that are described in the following provisions:

**[(A) Section 1004.**

**[(B) Paragraphs (4) and (5) of section 1202(d).**

**[(C) Section 2113(a)(3).**

**[(D) Section 2412(a)(1).**

**[(E) Subsections (a) (with the agreement of the Governor), (b)(2), and (c)(1) of section 4112.**

**[(F) Paragraphs (2) and (3) of section 4202(c).**

**[(G) Section 5112(b).**

**[(2) PROGRAMS.—**The programs described in this subsection are the programs authorized to be carried out with funds described in paragraph (1).

**[(c) SPECIAL RULE.—**A State educational agency that receives a grant of flexibility authority under this chapter—

**[(1) shall ensure that the funds described in section 5112(a) are allocated to local educational agencies in the State in accordance with section 5112(a); but**

**[(2) may specify how the local educational agencies shall use the allocated funds.】**

**[SEC. 6143. PERFORMANCE REVIEW AND PENALTIES.**

**[(a) MIDTERM REVIEW.—**

**[(1) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—**If, during the term of a grant of flexibility authority under this chapter, a State educational agency fails to make adequate yearly progress for 2 consecutive years, the Secretary shall, after providing notice and an opportunity for a hearing, terminate the grant of authority promptly.

**[(2) NONCOMPLIANCE.—**The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide evidence as described in paragraph (3)), terminate a grant of flexibility authority for a State if there is evidence that the State educational agency involved has failed to comply with the terms of the grant of authority.

**[(3) EVIDENCE.—**If a State educational agency believes that a determination of the Secretary under this subsection is

in error for statistical or other substantive reasons, the State educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final termination determination under this subsection.

**[(b) FINAL REVIEW.—**

**[(1) IN GENERAL.—**If, at the end of the 5-year term of a grant of flexibility authority made under this chapter, the State educational agency has not met the requirements described in section 6141(c), the Secretary may not renew the grant of flexibility authority under section 6144.

**[(2) COMPLIANCE.—**Beginning on the date on which such term ends, the State educational agency, and the local educational agencies with which the State educational agency has entered into performance agreements, shall be required to comply with each of the program requirements in effect on such date for each program that was included in the grant of authority.]

**[SEC. 6144. RENEWAL OF GRANT OF FLEXIBILITY AUTHORITY.**

**[(a) IN GENERAL.—**Except as provided in section 6143 and in accordance with this section, if a State educational agency has met, by the end of the original 5-year term of a grant of flexibility authority under this chapter, the requirements described in section 6141(c), the Secretary shall renew a grant of flexibility authority for one additional 5-year term.

**[(b) RENEWAL.—**The Secretary may not renew a grant of flexibility authority under this chapter unless, not later than 6 months before the end of the original term of the grant of authority, the State educational agency seeking the renewal notifies the Secretary, and the local educational agencies with which the State educational agency has entered into performance agreements, of the agency's intention to renew the grant of authority.

**[(c) EFFECTIVE DATE.—**A renewal under this section shall be effective on the later of—

**[(1)** the expiration of the original term of the grant of authority; or

**[(2)** the date on which the State educational agency seeking the renewal provides to the Secretary all data required for the application described in section 6141(c).]

**[CHAPTER B—LOCAL FLEXIBILITY DEMONSTRATION]**

**[SEC. 6151. LOCAL FLEXIBILITY DEMONSTRATION AGREEMENTS.**

**[(a) AUTHORITY.—**Except as otherwise provided in this chapter, the Secretary shall, on a competitive basis, enter into local flexibility demonstration agreements—

**[(1)** with local educational agencies that submit approvable proposed agreements under subsection (c) and that are selected under subsection (b); and

**[(2)** under which those agencies may consolidate and use funds in accordance with section 6152.

**[(b) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—**

**[(1) IN GENERAL.—**Subject to paragraph (2), the Secretary shall enter into local flexibility demonstration agreements under this chapter with not more than 80 local educational

agencies. Each local educational agency shall be selected on a competitive basis from among those local educational agencies that—

【(A) submit a proposed local flexibility demonstration agreement under subsection (c) to the Secretary and demonstrate, to the satisfaction of the Secretary, that the agreement—

【(i) has a substantial promise of assisting the local educational agency in meeting the State's definition of adequate yearly progress, advancing the education priorities of the local educational agency, meeting the general purposes of the programs included under this chapter and the purposes of this part, improving student achievement, and narrowing achievement gaps in accordance with section 1111(b);

【(ii) meets the requirements of this chapter; and

【(iii) contains a plan to consolidate and use funds in accordance with section 6152 in order to meet the State's definition of adequate yearly progress and the local educational agency's specific, measurable goals for improving student achievement and narrowing achievement gaps; and

【(B) have consulted and involved parents and other educators in the development of the proposed local flexibility demonstration agreement.

【(2) GEOGRAPHIC DISTRIBUTION.—

【(A) INITIAL AGREEMENTS.—The Secretary may enter into not more than three local flexibility demonstration agreements under this chapter with local educational agencies in each State that does not have a grant of flexibility authority under chapter A.

【(B) URBAN AND RURAL AREAS.—If more than three local educational agencies in a State submit approvable local flexibility demonstration agreements under this chapter, the Secretary shall select local educational agencies with which to enter into such agreements in a manner that ensures an equitable distribution among such agencies serving urban and rural areas.

【(C) PRIORITY OF STATES TO ENTER INTO STATE FLEXIBILITY DEMONSTRATION AGREEMENTS.—Notwithstanding any other provision of this part, a local educational agency may not seek to enter into a local flexibility demonstration agreement under this chapter if that agency is located in a State for which the State educational agency—

【(i) has, not later than 4 months after the date of enactment of the No Child Left Behind Act of 2001, notified the Secretary of its intent to apply for a grant of flexibility authority under chapter A and, within such period of time as the Secretary may establish, is provided with such authority by the Secretary; or

【(ii) has, at any time after such period, been granted flexibility authority under chapter A.

【(c) REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Each local flexibility demonstration agreement en-

tered into with the Secretary under this chapter shall contain each of the following terms:

[(1) DURATION.—The local flexibility demonstration agreement shall be for a term of 5 years.

[(2) APPLICATION OF PROGRAM REQUIREMENTS.—The local flexibility demonstration agreement shall provide that no requirements of any program described in section 6152 and included by a local educational agency in the scope of its agreement shall apply to that agency, except as otherwise provided in this chapter.

[(3) LIST OF PROGRAMS.—The local flexibility demonstration agreement shall list which of the programs described in section 6152 are included in the scope of the agreement.

[(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—The local flexibility demonstration agreement shall contain a 5-year plan describing how the local educational agency intends to consolidate and use the funds from programs included in the scope of the agreement for any educational purpose authorized under this Act to advance the education priorities of the local educational agency, meet the general purposes of the included programs, improve student achievement, and narrow achievement gaps in accordance with section 1111(b).

[(5) LOCAL INPUT.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will provide parents, teachers, and representatives of schools with notice and an opportunity to comment on the proposed terms of the local flexibility demonstration agreement.

[(6) FISCAL RESPONSIBILITIES.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the agreement.

[(7) CIVIL RIGHTS.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using the funds under the agreement.

[(8) PRIVATE SCHOOL PARTICIPATION.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency agrees that in consolidating and using funds under the agreement—

[(A) the local educational agency, will provide for the equitable participation of students and professional staff in private schools consistent with section 9501; and

[(B) that sections 9502, 9503, and 9504 shall apply to all services and assistance provided with such funds in the same manner as such sections apply to services and assistance provided in accordance with section 9501.

[(9) SUPPLANTING.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Fed-



eral funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds.

[(10) ANNUAL REPORTS.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency shall, not later than 1 year after the date on which the Secretary enters into the agreement, and annually thereafter during the term of the agreement, disseminate widely to parents and the general public, transmit to the Secretary, and the State educational agency for the State in which the local educational agency is located, distribute to print and broadcast media, and post on the Internet, a report that includes a detailed description of how the local educational agency used the funds consolidated under the agreement to improve student academic achievement and reduce achievement gaps.

[(d) PEER REVIEW.—The Secretary shall—

[(1) establish a peer review process to assist in the review of proposed local flexibility demonstration agreements under this chapter; and

[(2) appoint individuals to the peer review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, curriculum, instruction and staff development, and other diverse educational needs of students.

[(e) AMENDMENT TO PERFORMANCE AGREEMENT.—

[(1) IN GENERAL.—In each of the following circumstances, the Secretary shall amend a local flexibility demonstration agreement entered into with a local educational agency under this chapter:

[(A) REDUCTION IN SCOPE OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Not later than 1 year after entering into a local flexibility demonstration agreement, the local educational agency seeks to amend the agreement to remove from the scope any program described in section 6152.

[(B) EXPANSION OF SCOPE OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Not later than 1 year after entering into the local flexibility demonstration agreement, a local educational agency seeks to amend the agreement to include in its scope any additional program described in section 6251 or any additional achievement indicators for which the local educational agency will be held accountable.

[(2) APPROVAL AND DISAPPROVAL.—

[(A) DEEMED APPROVAL.—A proposed amendment to a local flexibility demonstration agreement pursuant to paragraph (1) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the proposed amendment, that the proposed amendment is not in compliance with this chapter.

[(B) DISAPPROVAL.—The Secretary shall not finally disapprove the proposed amendment, except after giving

the local educational agency notice and an opportunity for a hearing.

[(C) NOTIFICATION.—If the Secretary finds that the proposed amendment is not in compliance, in whole or in part, with this chapter, the Secretary shall—

[(i) give the local educational agency notice and an opportunity for a hearing; and

[(ii) notify the local educational agency of the finding of noncompliance and, in such notification, shall—

[(I) cite the specific provisions in the proposed amendment that are not in compliance; and

[(II) request additional information, only as to the noncompliant provisions, needed to make the proposed amendment compliant.

[(D) RESPONSE.—If the local educational agency responds to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, and re-submits the proposed amendment with the requested information described in subparagraph (C)(ii)(II), the Secretary shall approve or disapprove such proposed amendment prior to the later of—

[(i) the expiration of the 45-day period beginning on the date on which the proposed amendment is re-submitted; or

[(ii) the expiration of the 120-day period described in subparagraph (A).

[(E) FAILURE TO RESPOND.—If the local educational agency does not respond to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, such proposed amendment shall be deemed to be disapproved.

[(3) TREATMENT OF PROGRAM FUNDS WITHDRAWN FROM AGREEMENT.—Beginning on the effective date of an amendment executed under paragraph (1)(A), each program requirement of each program removed from the scope of a local flexibility demonstration agreement shall apply to the use of funds made available under the program by the local educational agency.]

**[SEC. 6152. CONSOLIDATION AND USE OF FUNDS.**

[(a) IN GENERAL.—

[(1) AUTHORITY.—Under a local flexibility demonstration agreement entered into under this chapter, a local educational agency may consolidate Federal funds made available to the agency under the provisions listed in subsection (b) and use such funds for any educational purpose permitted under this Act.

[(2) PROGRAM REQUIREMENTS.—Except as otherwise provided in this chapter, a local educational agency may use funds under paragraph (1) notwithstanding the program requirements of the program under which the funds were made available to the agency.

[(b) ELIGIBLE PROGRAMS.—Program funds made available to local educational agencies on the basis of a formula under the fol-

lowing provisions may be consolidated and used under subsection (a):

- [(1) Subpart 2 of part A of title II.
- [(2) Subpart 1 of part D of title II.
- [(3) Subpart 1 of part A of title IV.
- [(4) Subpart 1 of part A of title V.]

**[SEC. 6153. LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.**

Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this chapter may use for administrative purposes not more than 4 percent of the total amount of funds allocated to the agency under the programs included in the scope of the agreement.]

**[SEC. 6154. PERFORMANCE REVIEW AND PENALTIES.**

**[(a) MIDTERM REVIEW.—**

**[(1) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—**If, during the term of a local flexibility demonstration agreement, a local educational agency fails to make adequate yearly progress for 2 consecutive years, the Secretary shall, after notice and opportunity for a hearing, promptly terminate the agreement.

**[(2) NONCOMPLIANCE.—**The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided for in paragraph (3)), terminate a local flexibility demonstration agreement under this chapter if there is evidence that the local educational agency has failed to comply with the terms of the agreement.

**[(3) EVIDENCE.—**If a local educational agency believes that the Secretary's determination under this subsection is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final early termination determination.

**[(b) FINAL REVIEW.—**If, at the end of the 5-year term of a local flexibility demonstration agreement entered into under this chapter, the local educational agency has not met the requirements described in section 6151(c), the Secretary may not renew the agreement under section 6155 and, beginning on the date on which such term ends, the local educational agency shall be required to comply with each of the program requirements in effect on such date for each program included in the local flexibility demonstration agreement.]

**[SEC. 6155. RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.**

**[(a) IN GENERAL.—**Except as provided in section 6154 and in accordance with this section, the Secretary shall renew for one additional 5-year term a local flexibility demonstration agreement entered into under this chapter if the local educational agency has met, by the end of the original term of the agreement, the requirements described in section 6151(c).

**[(b) NOTIFICATION.—**The Secretary may not renew a local flexibility demonstration agreement under this chapter unless, not less than 6 months before the end of the original term of the agreement, the local educational agency seeking the renewal notifies the Secretary of its intention to renew.

[(c) EFFECTIVE DATE.—A renewal under this section shall be effective at the end of the original term of the agreement or on the date on which the local educational agency seeking renewal provides to the Secretary all data required under the agreement, whichever is later.]

**[SEC. 6156. REPORTS.**

[(a) TRANSMITTAL TO CONGRESS.—Not later than 60 days after the Secretary receives a report described in section 6151(b)(10), the Secretary shall make the report available to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

[(b) LIMITATION.—A State in which a local educational agency that has a local flexibility demonstration agreement is located may not require such local educational agency to provide any application information with respect to the programs included within the scope of that agreement other than that information that is required to be included in the report described in section 6151(b)(10).]

**[Subpart 4—State Accountability for Adequate Yearly Progress]**

**[SEC. 6161. ACCOUNTABILITY FOR ADEQUATE YEARLY PROGRESS.**

[In the case of a State educational agency that has a plan approved under subpart 1 of part A of title I after the date of enactment of the No Child Left Behind Act of 2001, and has a plan approved under subpart 1 of part A of title III of such Act after such date of enactment, the Secretary shall annually, starting with the beginning of the first school year following the first two school years for which such plans were implemented, review whether the State has—

[(1) made adequate yearly progress, as defined in section 1111(b)(2)(B), for each of the groups of students described in section 1111(b)(2)(C)(v); and

[(2) met its annual measurable achievement objectives under section 3122(a).]

**[SEC. 6162. PEER REVIEW.**

[The Secretary shall use a peer review process to review, based on data from the State assessments administered under section 1111(b)(3) and on data from the evaluations conducted under section 3121, whether the State has failed to make adequate yearly progress for 2 consecutive years or whether the State has met its annual measurable achievement objectives.]

**[SEC. 6163. TECHNICAL ASSISTANCE.**

[(a) PROVISION OF ASSISTANCE.—

[(1) ADEQUATE YEARLY PROGRESS.—Based on the review described in section 6161(1), the Secretary shall provide technical assistance to a State that has failed to make adequate yearly progress, as defined in section 1111(b)(2), for 2 consecutive years. The Secretary shall provide such assistance not later than the beginning of the first school year that begins after such determination is made.

**[(2) ANNUAL MEASURABLE ACHIEVEMENT OBJECTIVES.—**Based on the reviews described in section 6161(2), the Secretary may provide technical assistance to a State that has failed to meet its annual measurable achievement objectives under section 3122(a) for 2 consecutive years. The Secretary shall provide such assistance not later than the beginning of the first school year that begins after such determination is made.

**[(b) CHARACTERISTICS.—**The technical assistance described in subsection (a) shall—

**[(1)** be valid, reliable and rigorous; and

**[(2)** provide constructive feedback to help the State make adequate yearly progress, as defined in section 1111(b)(2), or meet the annual measurable achievement objectives under section 3122(a).**]**

**[SEC. 6164. REPORT TO CONGRESS.**

**[**Beginning with the school year that begins in 2005, the Secretary shall submit an annual report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate containing the following:

**[(1)** A list of each State that has not made adequate yearly progress based on the review conducted under section 6161(1).

**[(2)** A list of each State that has not met its annual measurable achievement objectives based on the review conducted under section 6161(2).

**[(3)** The information reported by the State to the Secretary pursuant to section 1119(a).

**[(4)** A description of any technical assistance provided pursuant to section 6163.**]**

\* \* \* \* \*

**PART B—RURAL EDUCATION INITIATIVE**

**SEC. 6201. SHORT TITLE.**

This part may be cited as the “Rural Education Achievement Program”.

\* \* \* \* \*

**Subpart 1—Small, Rural School Achievement Program**

**SEC. 6211. USE OF APPLICABLE FUNDING.**

(a) **ALTERNATIVE USES.—**

(1) **IN GENERAL.—**\* \* \*

- [(A)** Part A of title I.
- [(B)** Part A or D of title II.
- [(C)** Title III.
- [(D)** Part A or B of title IV.
- [(E)** Part A of title V.**]**
- (A) Part A of title I.*
- (B) Part A of title II.*
- (C) Title III.*

(D) Part A or B of title IV.  
 (E) Part G of title V.

\* \* \* \* \*  
 (b) ELIGIBILITY.—  
 (1) IN GENERAL.—\* \* \*  
 (A)(i)(I) \* \* \*

\* \* \* \* \*  
 (ii) all of the schools served by the local educational agency are designated with a school locale code of [7 or 8, as determined by the Secretary; or] 41, 42, or 43, as determined by the Secretary;

(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii) [.] ; or

(C) the local educational agency is a member of an educational service agency that does not receive funds under this subpart and the local educational agency meets the requirements of this part.

(c) APPLICABLE FUNDING DEFINED.—In this section, the term “applicable funding” means funds provided under any of the following provisions:

- [(1) Subpart 2 and section 2412(a)(2)(A) of title II.
- [(2) Section 4114.
- [(3) Part A of title V.]
- (1) Part A of title II.
- (2) Part A of title IV.

**SEC. 6212. GRANT PROGRAM AUTHORIZED. \* \* \***

(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities authorized under any of the following provisions:

- [(1) Part A of title I.
- [(2) Part A or D of title II.
- [(3) Title III.
- [(4) Part A or B of title IV.
- [(5) Part A of title V.]
- (1) Part A of title I.
- (2) Part A of title II.
- (3) Title III.
- (4) Part A or B of title IV.
- (5) Part G of title V.

(b) ALLOCATION.—

[(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 6211(b) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 6211(c) for the preceding fiscal year.]

(1) ALLOCATION.—

(A) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to

a local educational agency eligible under section 6211(b) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 6211(c) for the preceding fiscal year.

(B) *SPECIAL DETERMINATION.*—For a local educational agency that is eligible under section 6211 and is a member of an educational service agency, the Secretary may determine the award amount by subtracting from the initial amount determined under paragraph (2), an amount that is equal to that local educational agency’s per-pupil share of the total amount received by the educational service agency under titles II and IV, as long as a determination under this subparagraph would not disproportionately affect any State.

[(2) *DETERMINATION OF INITIAL AMOUNT.*—The initial amount referred to in paragraph (1) is equal to \$100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus \$20,000, except that the initial amount may not exceed \$60,000.]

(2) *DETERMINATION OF INITIAL AMOUNT.*—

(A) *IN GENERAL.*—The initial amount referred to in paragraph (1) is equal to \$100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus \$20,000, except that the initial amount may not exceed \$60,000.

(B) *SPECIAL RULE.*—For any fiscal year in which the amount made available to carry out this part is \$252,000,000 or more, subparagraph (A) shall be applied—

- (i) by substituting “\$25,000” for “\$20,000”; and
- (ii) by substituting “\$80,000” for “\$60,000”.

(3) *RATABLE ADJUSTMENT.*—

(A) *IN GENERAL.*— \* \* \*

\* \* \* \* \*

(4) *HOLD HARMLESS.*—For a local educational agency that is not eligible under this subpart but met the eligibility requirements under section 6211(b) as such section was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015, the agency shall receive—

(A) for fiscal year 2016, 75 percent of the amount such agency received for fiscal year 2015;

(B) for fiscal year 2017, 50 percent of the amount such agency received for fiscal year 2015; and

(C) for fiscal year 2018, 25 percent of the amount such agency received for fiscal year 2015.

(c) *DISBURSEMENT.*— \* \* \*

[(d) *SPECIAL ELIGIBILITY RULE.*—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year is not eligible to receive funds for such fiscal year under subpart 2.]

**SEC. 6213. ACCOUNTABILITY.**

**[(a) ACADEMIC ACHIEVEMENT ASSESSMENT.—**Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer an assessment that is consistent with section 1111(b)(3).

**[(b) DETERMINATION REGARDING CONTINUING PARTICIPATION.—**Each State educational agency that receives funding under the provisions of law described in section 6211(c) shall—

**[(1)** after the third year that a local educational agency in the State participates in a program under this subpart and on the basis of the results of the assessments described in subsection (a), determine whether the local educational agency participating in the program made adequate yearly progress, as described in section 1111(b)(2);

**[(2)** permit only those local educational agencies that participated and made adequate yearly progress, as described in section 1111(b)(2), to continue to participate; and

**[(3)** permit those local educational agencies that participated and failed to make adequate yearly progress, as described in section 1111(b)(2), to continue to participate only if such local educational agencies use applicable funding under this subpart to carry out the requirements of section 1116.]

**SEC. 6213. ACADEMIC ACHIEVEMENT ASSESSMENTS.**

*Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer an assessment that is consistent with section 1111(b)(2).*

**Subpart 2—Rural and Low-Income School Program**

**SEC. 6221. PROGRAM AUTHORIZED.**

(a) GRANTS TO STATES.—

(1) IN GENERAL.— \* \* \*

\* \* \* \* \*

(b) LOCAL AWARDS.—

(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

(A) \* \* \*

(B) all of the schools served by the agency are designated with a school locale code of [6, 7, or 8]32, 33, 41, 42, or 43, as determined by the Secretary.

(2) AWARD BASIS.— \* \* \*

\* \* \* \* \*

(c) RESERVATIONS.—From amounts appropriated under section 6234 for this subpart for a fiscal year, the Secretary shall reserve—

(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the [Bureau of Indian Affairs]Bureau of Indian Education, to carry out the activities authorized under this subpart; and

(2) \* \* \*

\* \* \* \* \*



**SEC. 6222. USES OF FUNDS.**

(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this subpart shall be used for any of the following:

[(1) Teacher recruitment and retention, including the use of signing bonuses and other financial incentives.

[(2) Teacher professional development, including programs that train teachers to utilize technology to improve teaching and to train special needs teachers.

[(3) Educational technology, including software and hardware, as described in part D of title II.

[(4) Parental involvement activities.

[(5) Activities authorized under the Safe and Drug-Free Schools program under part A of title IV.

[(6) Activities authorized under part A of title I.

[(7) Activities authorized under title III.]

(1) *Activities authorized under part A of title I.*

(2) *Activities authorized under part A of title II.*

(3) *Activities authorized under title III.*

(4) *Activities authorized under part A of title IV.*

(5) *Parental involvement activities.*

(6) *Activities authorized under part G of title V.*

\* \* \* \* \*

**SEC. 6223. APPLICATIONS.**

(a) IN GENERAL.—Each State educational agency or specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary [at such time, in such manner, and accompanied by such information] *at such time and in such manner* as the Secretary may require.

[(b) CONTENTS.—At a minimum, each application submitted under subsection (a) shall include information on specific measurable goals and objectives to be achieved through the activities carried out through the grant, which may include specific educational goals and objectives relating to—

[(1) increased student academic achievement;

[(2) decreased student dropout rates; or

[(3) such other factors as the State educational agency or specially qualified agency may choose to measure.]

(b) CONTENTS.—*Each application submitted under subsection (a) shall include information on—*

(1) *program objectives and outcomes for activities under this subpart, including how the State educational agency or specially qualified agency will use funds to help all students meet the challenging State academic standards under section 1111(b);*

(2) *if the State educational agency or specially qualified agency will competitively award grants to eligible local educational agencies, as described in section 6221(b)(2)(A), the application under the section shall include—*

(A) *the methods and criteria the State educational agency or specially qualified agency will use for reviewing applications and awarding funds to local educational agencies on a competitive basis; and*

*(B) how the State educational agency or specially qualified agency will notify eligible local educational agencies of the grant competition; and*

*(3) a description of how the State educational agency or specially qualified agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 6222.*

**SEC. 6224. ACCOUNTABILITY.**

(a) STATE REPORT.—Each State educational agency or specially qualified agency that receives a grant under this subpart shall prepare and submit an annual report to the Secretary. The report shall describe—

[(1) the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;]

*(1) if the report is submitted by a State educational agency, the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;*

(2) \* \* \*

[(3) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 6223.]

*(3) the degree to which progress has been made toward meeting the objectives and outcomes described in the application submitted under section 6223, including having all students in the State or the area served by the specially qualified agency, as applicable, meet the challenging State academic standards under section 1111(b).*

[(b) SPECIALLY QUALIFIED AGENCY REPORT.—Each specially qualified agency that receives a grant under this subpart shall provide an annual report to the Secretary. Such report shall describe—

[(1) how such agency uses funds provided under this subpart; and

[(2) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 6223.

[(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a biennial report. The report shall describe—

[(1) the methods the State educational agencies used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;

[(local educational agencies and schools used funds provided under this subpart; and

[(3) the degree to which progress has been made toward meeting the goals and objectives described in the applications submitted under section 6223.]

*(b) REPORT TO CONGRESS.—The Secretary shall prepare a summary of the reports under subsection (a) and submit a biennial report to the Committee on Health, Education, Labor, and Pensions*

*of the Senate and the Committee on Education and the Workforce of the House of Representatives.*

**[(d)](c) ACADEMIC ACHIEVEMENT ASSESSMENT.**—Each local educational agency or specially qualified agency that receives a grant under this subpart for a fiscal year shall administer an **[a**ssessment that is consistent with section 1111(b)(3)**]***assessment that is consistent with section 1111(b)(2).*

**[(e) DETERMINATION REGARDING CONTINUING PARTICIPATION.**—Each State educational agency or specially qualified agency that receives a grant under this subpart shall—

**[(1) after the third year that a local educational agency or specially qualified agency in the State receives funds under this subpart, and on the basis of the results of the assessments described in subsection (d)—**

**[(A) in the case of a local educational agency, determine whether the local educational agency made adequate yearly progress, as described in section 1111(b)(2); and**

**[(B) in the case of a specially qualified agency, submit to the Secretary information that would allow the Secretary to determine whether the specially qualified agency has made adequate yearly progress, as described in section 1111(b)(2);**

**[(2) permit only those local educational agencies or specially qualified agencies that made adequate yearly progress, as described in section 1111(b)(2), to continue to receive grants under this subpart; and**

**[(3) permit those local educational agencies or specially qualified agencies that failed to make adequate yearly progress, as described in section 1111(b)(2), to continue to receive such grants only if the State educational agency disbursed such grants to the local educational agencies or specially qualified agencies to carry out the requirements of section 1116.]**

**SEC. 6225. CHOICE OF PARTICIPATION.**

*(a) IN GENERAL.*—*If a local educational agency is eligible for funding under both subparts 1 and 2 of this part, such local educational agency may receive funds under either subpart 1 or subpart 2 for a fiscal year, but may not receive funds under both subparts for such fiscal year.*

*(b) NOTIFICATION.*—*A local educational agency eligible for funding under both subparts 1 and 2 of this part shall notify the Secretary and the State educational agency under which of such subparts the local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.*

\* \* \* \* \*

**SEC. 6234. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part **[\$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years,]***such sums as may be necessary for each of the fiscal years 2016 through 2021, to be distributed equally between subparts 1 and 2.*

**[PART C—GENERAL PROVISIONS]**

**[SEC. 6301. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.**

**[Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.]**

**[SEC. 6302. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.**

**[Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.]**

***PART C—GENERAL PROVISIONS***

***SEC. 6301. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.***

*Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.*

***SEC. 6302. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.***

*Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.*

\* \* \* \* \*

**TITLE VII—INDIAN, NATIVE HAWAIIAN,  
AND ALASKA NATIVE EDUCATION**

**PART A—INDIAN EDUCATION**

**SEC. 7101. STATEMENT OF POLICY.**

\* \* \* \* \*

**[SEC. 7102. PURPOSE.**

**[(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State student academic achievement standards as all other students are expected to meet.**

**[(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—**

- [(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;**
- [(2) the education of Indian children and adults;**
- [(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and**

[(4) research, evaluation, data collection, and technical assistance.]

**SEC. 7102. PURPOSE.**

*It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—*

*(1) to ensure the academic achievement of American Indian and Alaska Native students by meeting their unique culture, language, and educational needs, consistent with section 1111;*

*(2) to ensure that American Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and*

*(3) to ensure that teachers, principals, other school leaders, and other staff who serve American Indian and Alaska Native students have the ability to provide effective instruction and supports to such students.*

\* \* \* \* \*

## **Subpart 1—Formula Grants to Local Educational Agencies**

**[SEC. 7111. PURPOSE.**

**[It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—**

**[(1) are based on challenging State academic content and student academic achievement standards that are used for all students; and**

**[(2) are designed to assist Indian students in meeting those standards.]**

**SEC. 7111. PURPOSE.**

*It is the purpose of this subpart to support local educational agencies in developing elementary school and secondary school programs for American Indian and Alaska Native students that are designed to—*

*(1) meet the unique cultural, language, and educational needs of such students; and*

*(2) ensure that all students meet the challenging State academic standards adopted under section 1111(b).*

**SEC. 7112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.**

**[(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 7113, to local educational agencies and Indian tribes, in accordance with this section and section 7113.]**

*(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 7113, and in accordance with this section and section 7113, to—*

*(1) local educational agencies;*

*(2) Indian tribes; and*

*(3) consortia of 2 or more local educational agencies, Indian tribes, Indian organizations, or Indian community-based organizations, provided that each local educational agency participating in such a consortium—*

(A) provides an assurance that the eligible Indian children served by such local educational agency receive the services of the programs funded under this subpart; and

(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart.

(b) LOCAL EDUCATIONAL AGENCIES.—

(1) ENROLLMENT REQUIREMENTS.—[A local educational agency shall] Subject to paragraph (2), a local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 7117 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

(A) \* \* \*

\* \* \* \* \*

(2) COOPERATIVE AGREEMENTS.—A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe—

(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and

(B) requests that the local educational agency enters into a cooperative agreement under this subpart.

[(2)](3) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

[(c)] INDIAN TRIBES.—

(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(4) for such grant, an Indian tribe that represents not less than ½ of the eligible Indian children who are served by such local educational agency may apply for such grant.

[(2)](2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe is not subject to section 7114(c)(4), section 7118(c), or section 7119.]

(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(4) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

(2) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a public school and such tribe is not affiliated with either a local educational agency or the Bureau of Indian Education shall be eligible to apply for a grant under this subpart.

(3) SPECIAL RULE.—

(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, or consortium of such enti-

ties applying for a grant pursuant to paragraph (1) or (2) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

(B) *EXCEPTIONS.*—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(4) of section 7114 or section 7118(c) or 7119.

(4) *ASSURANCE TO SERVE ALL INDIAN CHILDREN.*—An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 7114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

(d) *INDIAN COMMUNITY-BASED ORGANIZATION.*—

(1) *IN GENERAL.*—If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, an Indian community-based organization serving the community of the local educational agency may apply for such grant.

(2) *APPLICABILITY OF SPECIAL RULE.*—The Secretary shall apply the special rule in subsection (c)(3) to an Indian community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium.

(3) *DEFINITION OF INDIAN COMMUNITY-BASED ORGANIZATION.*—In this subsection, the term “Indian community-based organization” means any organization that—

(A) is composed primarily of Indian parents and community members, tribal government education officials, and tribal members from a specific community;

(B) assists in the social, cultural, and educational development of Indians in such community;

(C) meets the unique cultural, language, and academic needs of Indian students; and

(D) demonstrates organizational capacity to manage the grant.

(e) *CONSORTIA.*—

(1) *IN GENERAL.*—A local educational agency, Indian tribe, or Indian organization that meets the eligibility requirements under this section may form a consortium with other eligible local educational agencies, Indian tribes, or Indian organizations for the purpose of obtaining grants and operating programs under this subpart.

(2) *REQUIREMENTS.*—In any case where 2 or more local educational agencies, Indian tribes, or Indian organizations that are eligible under subsection (b) form or participate in a consortium to obtain a grant, or operate a program, under this subpart, each local educational agency, Indian tribe, and Indian organization participating in such a consortium shall—

(A) provide, in the application submitted under section 7114, an assurance that the eligible Indian children served by such local educational agency, Indian tribe, and Indian

*organization will receive the services of the programs funded under this subpart; and*

*(B) agree to be subject to all requirements, assurances, and obligations applicable to a local educational agency, Indian tribe, and Indian organization receiving a grant under this subpart.*

\* \* \* \* \*

**SEC. 7113. AMOUNT OF GRANTS.**

(a) AMOUNT OF GRANT AWARDS.—

(1) IN GENERAL.—\* \* \*

\* \* \* \* \*

(b) MINIMUM GRANT.—

(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 7112, and a school that is operated or supported by the [Bureau of Indian Affairs] *Bureau of Indian Education* that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than \$3,000.

(2) CONSORTIA.—\* \* \*

\* \* \* \* \*

(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF [INDIAN AFFAIRS] *INDIAN EDUCATION*.—

(1) IN GENERAL.—\* \* \*

(A) the total number of Indian children enrolled in schools that are operated by—

- (i) the [Bureau of Indian Affairs] *Bureau of Indian Education*; or
- (ii) \* \* \*

\* \* \* \* \*

**SEC. 7114. APPLICATIONS.**

(a) APPLICATION REQUIRED.—Each local educational agency, *Indian tribe, or consortia as described in section 7113(b)(2)* that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

(1) \* \* \*

(2)(A) [is consistent with the State and local plans] *supports the State, tribal, and local plans* submitted under other provisions of this Act; and

[(B) includes academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, that are based on the challenging State academic content and student academic achievement standards adopted under title I for all children;]



*(B) includes program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under title I for all students;*

**[(3) explains how Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students;]**

*(3) explains how the local educational agency, tribe, or consortium will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of such students;*

*(4) \* \* \**

*(5) describes the professional development opportunities that will be provided, as needed, to ensure that—*

*(A) \* \* \**

*(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; [and]*

*(6) describes how the local educational agency—*

*(A) \* \* \**

*(B) will provide the results of each assessment referred to in subparagraph (A) to—*

*(i) the committee described in subsection (c)(4);*

**[and]**

*(ii) \* \* \**

*(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”); and*

*(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A)[.]; and*

*(7) describes the process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs and the actions taken as a result of such collaboration.*

*(c) ASSURANCES.— \* \* \**

*(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for [the education of Indian children,]services and activities consistent with those described in this subpart, and not to supplant such funds;*

*(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—*

*(A) carry out the functions of the Secretary under this subpart; [and]*

*(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students [served by such agency]served by such agency, and meet program objectives and outcomes for activities under this subpart; and*

(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students;

(3) the program for which assistance is sought—

(A) \* \* \*

\* \* \* \* \*

(C) was developed by such agency in open consultation with parents of Indian children and teachers, *representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribe has any children in such school*, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; **and**

(4) the local educational agency developed the program with the participation and written approval of a committee—

(A) that is composed of, and selected by—

(i) parents *and family members* of Indian children in the local educational agency's schools;

(ii) *representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribe has any children in such school*;

(ii)(iii) teachers in the schools; and

(iii)(iv) if appropriate, Indian students attending secondary schools of the agency;

**[(B) a majority of whose members are parents of Indian children;]**

*(B) a majority of whose members are parents and family members of Indian children and representatives of Indian tribes described in subparagraph (A)(ii), as applicable;*

(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents *and family members* of the children, and representatives of the area, to be served;

(D) with respect to an application describing a schoolwide program in accordance with section 7115(c), that has—

(i) \* \* \*

(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students; **and**

(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws**].**; and

*(F) that will determine the extent to which the activities of the local educational agency will address the unique cultural, linguistic, and educational needs of Indian students;*

(5) the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;

(6) the local educational agency conducted outreach to parents and family members to meet the requirements under this paragraph; and

(7) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart.

(d) *OUTREACH.*—The Secretary shall monitor the applications for grants under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for such grants, and shall undertake appropriate outreach activities to encourage and assist eligible entities to submit applications for such grants.

(e) *TECHNICAL ASSISTANCE.*—The Secretary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request (in addition to any technical assistance available under other provisions of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

- (1) the development of applications under this subpart;
- (2) improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and
- (3) integration of activities under this subpart with other educational activities carried out by the local educational agency.

\* \* \* \* \*

**SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.**

(a) *GENERAL REQUIREMENTS.*—\* \* \*

(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 7114(a) *solely for the services and activities described in such application;*

(2) are designed with special regard for the language and cultural needs of the Indian students *to be responsive to the unique learning styles of Indian and Alaska Native children;* and

(3) \* \* \*

[(b) *PARTICULAR ACTIVITIES.*—The services and activities referred to in subsection (a) may include—

[(1) culturally related activities that support the program described in the application submitted by the local educational agency;

[(2) early childhood and family programs that emphasize school readiness;

[(3) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content and student academic achievement standards;

[(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

[(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

[(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

[(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 7111;

[(8) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

[(9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;

[(10) family literacy services; and

[(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.】

*(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—*

*(1) activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders;*

*(2) culturally related activities that support the program described in the application submitted by the local educational agency;*

*(3) high-quality early childhood and family programs that emphasize school readiness;*

*(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic standards described in 1111(b);*

*(5) integrated educational services in combination with other programs that meet the needs of Indian children and their families, including programs that promote parental involvement in school activities and increase student achievement;*

*(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;*

*(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;*

*(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 7111;*

*(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;*

*(10) family literacy services;*

(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; and

(12) dropout prevention strategies and strategies to—

(A) meet the educational needs of at-risk Indian students in correctional facilities; and

(B) support Indian students who are transitioning from such facilities to schools served by local educational agencies.

(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

(1) the committee established pursuant to section 7114(c)(4) approves the use of the funds for the schoolwide program; [and]

(2) the schoolwide program is consistent with the purpose described in section 7111[.]; and

(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will provide benefits to Indian students.

(d) LIMITATION ON ADMINISTRATIVE COSTS.— \* \* \*

(e) LIMITATION ON USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.

\* \* \* \* \*

**SEC. 7116. INTEGRATION OF SERVICES AUTHORIZED.**

(a) PLAN.— \* \* \*

\* \* \* \* \*

(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the [No Child Left Behind Act of 2001]Every Child Achieves Act of 2015, the Secretary of Education, the Secretary of the Interior, the Secretary of Health and Human Services, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

(1) \* \* \*

\* \* \* \* \*

(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

(1) PRELIMINARY REPORT.—[Not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001]Not later than 2 years after date of enactment of the Every Child Achieves Act of 2015, and every 5 years thereafter, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status

of the implementation of the demonstration projects authorized under this section.

[(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.]

(2) CONTENTS.—*The report required under paragraph (1) shall identify—*

(A) *any statutory barriers to the ability of participants to more effectively integrate their education and related services to Indian students in a manner consistent with the objectives of this section; and*

(B) *the effective practices for program integration that result in increased student achievement, graduation rates, and other relevant outcomes for Indian students.*

(p) DEFINITIONS.— \* \* \*

\* \* \* \* \*

**SEC. 7117. STUDENT ELIGIBILITY FORMS.**

(a) IN GENERAL.— \* \* \*

(b) FORMS.—The form described in subsection (a) shall include—

(1) either—

(A)(i) \* \* \*

(ii) the enrollment *or membership* number establishing the membership of the child (if readily available); and

(iii) \* \* \*

(B) the name, the enrollment *or membership* number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

(2) \* \* \*

\* \* \* \* \*

[(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.]

(e) DOCUMENTATION.—

(1) *IN GENERAL.*—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

(2) *NO NEW OR DUPLICATE DETERMINATIONS.*—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

(3) *PREVIOUSLY FILED FORMS.*—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Every Child Achieves Act of 2015 and that met the requirements of this section, as this section was in effect on the day before the date of enactment of such Act, shall remain valid for such Indian student.

\* \* \* \* \*

(g) *TRIBAL GRANT AND CONTRACT SCHOOLS.*—Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the ~~【Bureau of Indian Affairs】~~*Bureau of Indian Education*, the Secretary shall use only one of the following, as selected by the school:

(1) \* \* \*

\* \* \* \* \*

(i) *TECHNICAL ASSISTANCE.*—The Secretary shall, directly or through contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request, in addition to any technical assistance available under section 1114 or available through the Institute of Education Sciences, to support the services and activities described under this section, including for the—

- (1) development of applications under this section;
- (2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart;
- (3) integration of activities under this title with other educational activities established by the local educational agency; and
- (4) coordination of activities under this title with programs administered by each Federal agency providing grants for the provision of educational and related services and sharing of best practices.

**SEC. 7118. PAYMENTS.**

(a) *IN GENERAL.*— \* \* \*

\* \* \* \* \*

**【(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.**—

[(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 7113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

[(2) FAILURE TO MAINTAIN EFFORT.—If, for the preceding fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort for such agency at the level specified in paragraph (1), the Secretary shall—

[(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

[(B) not use the reduced amount of the agency and State expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

[(3) WAIVER.—

[(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

[(B) FUTURE DETERMINATIONS.—The Secretary shall not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.]

*(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—Each local educational agency shall maintain fiscal effort in accordance with section 9521 or be subject to reduced payments under this subpart in accordance with such section 9521.*

\* \* \* \* \*

**[SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.]SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.**

(a) PURPOSE.—

(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children *and youth*.



(2) COORDINATION.— The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this subpart with—

(A) \* \* \*

(B) other Federal programs operated for the benefit of American Indian and Alaska Native children *and youth*.

(b) ELIGIBLE ENTITIES.—In this section, the term “eligible entity” means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, [Indian institution (including an Indian institution of higher education)]*a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965)*, or a consortium of such entities.

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

(A) innovative programs related to the educational needs of educationally disadvantaged children *and youth*;

(B) educational services that are not available to such children *and youth* in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

(C) \* \* \*

(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children *and youth*;

(E) special compensatory and other programs and projects designed to assist and encourage Indian children *and youth* to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children *and youth*;

(F) \* \* \*

[(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;]

*(G) high-quality early childhood education programs that are effective in preparing young children to be making sufficient academic progress by the end of grade 3, including kindergarten and prekindergarten programs, family-based preschool programs that emphasize school readiness, and the provision of services to Indian children with disabilities;*

(H) \* \* \*

(L) activities that recognize and support the unique cultural and educational needs of Indian children *and youth*, and incorporate [appropriately qualified tribal elders and seniors]*traditional leaders*; or

(M) \* \* \*

(2) PROFESSIONAL DEVELOPMENT.—[Professional development]*High-quality professional development* of teaching profes-

sionals and paraprofessionals may be a part of any program assisted under this section.

(d) GRANT REQUIREMENTS AND APPLICATIONS.—

(1) GRANT REQUIREMENTS.—

(A) IN GENERAL.— \* \* \*

\* \* \* \* \*

(C) PROGRESS.—The Secretary shall [make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines] *award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines* that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

(2) DISSEMINATION GRANTS.—

(A) IN GENERAL.— \* \* \*

(3) APPLICATION.—

(A) IN GENERAL.— \* \* \*

(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

(i) a description of how [parents of Indian children] *parents and family of Indian children* and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

(ii) \* \* \*

(iii) [information demonstrating that the proposed program for the activities is a scientifically based research program] *evidence demonstrating that the proposed program is an evidence-based program*, where applicable, which may include a program that has been modified to be culturally appropriate for students who will be served;

(iv) \* \* \*

\* \* \* \* \*

(f) CONTINUATION.—*Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Every Child Achieves Act of 2015 may continue to carry out such activities after such date of enactment under such grant in accordance with the terms of such grant award.*

\* \* \* \* \*

**SEC. 7122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.**

(a) PURPOSES.— The purposes of this section are— \* \* \*

(1) to increase the number of qualified Indian [individuals in teaching or other education professions that serve Indian people] *teachers and administrators serving Indian students*;

(2) to provide training *and support* to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and **ancillary educational personnel** *specialized instructional support personnel*; and

(3) \* \* \*

(b) ELIGIBLE ENTITIES.—\* \* \*

(1) an institution of higher education, **including an Indian institution of higher education** *including a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965*;

\* \* \* \* \*

(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978) *in a consortium with at least one Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965, where feasible.*

\* \* \* \* \*

(d) AUTHORIZED ACTIVITIES.—\* \* \*

(1) IN GENERAL.—\* \* \*

(2) SPECIAL RULES.—

(A) TYPE OF TRAINING.—\* \* \*

\* \* \* \* \*

(C) CONTINUATION.—*Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Every Child Achieves Act of 2015 may continue to carry out such activities under such grant in accordance with the terms of that award.*

**[(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.]**

*(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require. At a minimum, an application under this section shall describe how the eligible entity will—*

*(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers, or principals, or school leaders;*

*(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and*

*(3) assist participants in meeting the requirements under subsection (h).*

(f) SPECIAL RULE.—\* \* \*

*(1) may give priority in making grants to tribally-chartered and federally-chartered institutions of higher education;*

**[(1)](2)** \* \* \*

**[(2)](3)** may not limit eligibility to receive a grant under this section on the **basis of—**

[(A) the number of previous grants the Secretary has awarded such entity; or

[(B) the length of any period during which such entity received such grants.] *basis of the length of any period for which the eligible entity has received a grant.*

[(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.]

(g) *GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for an additional period of not more than 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.*

(h) SERVICE OBLIGATION.—

(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

(A) perform work—

(i) \* \* \*

(ii) that benefits Indian [people] *students in a local educational agency that serves a high proportion of Indian students; or*

(B) \* \* \*

\* \* \* \* \*

### Subpart 3—National Activities

#### [SEC. 7132. IN-SERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN.

[(a) GRANTS AUTHORIZED.—In addition to the grants authorized by section 7122(c), the Secretary may make grants to eligible consortia for the provision of high quality in-service training. The Secretary may make such a grant to—

[(1) a consortium of a tribal college and an institution of higher education that awards a degree in education; or

[(2) a consortium of—

[(A) a tribal college;

[(B) an institution of higher education that awards a degree in education; and

[(C) one or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

[(b) USE OF FUNDS.—

[(1) IN-SERVICE TRAINING.—A consortium that receives a grant under subsection (a) shall use the grant funds only to provide high quality in-service training to teachers, including teachers who are not Indians, in schools of local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.

[(2) COMPONENTS.—The training described in paragraph (1) shall include such activities as preparing teachers to use the best available scientifically based research practices and learning strategies, and to make the most effective use of cur-

ricula and materials, to respond to the unique needs of Indian children in their classrooms.

[(c) PREFERENCE FOR INDIAN APPLICANTS.—In applying section 7143 to this section, the Secretary shall give a preference to any consortium that includes one or more of the entities described in section 7143.]

**[SEC. 7133. FELLOWSHIPS FOR INDIAN STUDENTS.**

[(a) FELLOWSHIPS.—

[(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

[(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

[(A) of not more than 4 academic years; and

[(B) that leads—

[(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or

[(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

[(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

[(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided to such recipient.

[(d) SPECIAL RULES.—

[(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.

[(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

[(A) the amount of the funding for the fellowship; and

[(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

[(3) PRIORITY.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

[(e) SERVICE OBLIGATION.—

[(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

[(A) perform work—

[(i) related to the training for which the individual receives the assistance under this section; and

[(ii) that benefits Indian people; or

[(B) repay all or a prorated portion of such assistance.

[(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

[(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.]

**[SEC. 7134. GIFTED AND TALENTED INDIAN STUDENTS.**

[(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

[(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

[(2) support demonstration projects described in subsection (c).

[(b) ELIGIBLE ENTITIES.—The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—

[(1) two tribally controlled community colleges that—

[(A) are eligible for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978; and

[(B) are fully accredited; or

[(2) the American Indian Higher Education Consortium, if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1).

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—

[(A) the establishment of centers described in subsection (a); and

[(B) carrying out demonstration projects designed to—

[(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and

[(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

[(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity,

including the Children's Television Workshop, to carry out the demonstration project.

[(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (b) may include—

[(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

[(i) identifying the emotional and psychosocial needs of such students; and

[(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the projects;

[(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

[(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

[(ii) carrying out mentoring and apprenticeship programs;

[(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

[(D) the use of public television in meeting the special educational needs of such gifted and talented children;

[(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

[(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the projects.

[(4) APPLICATION.—Each eligible entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

[(d) ADDITIONAL GRANTS.—

[(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (hereafter referred to individually in this section as a "Bureau school") for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

[(A) gifted and talented students;

[(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

[(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

[(D) mathematics and science education.

[(2) APPLICATIONS.—Each Bureau school desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

[(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

[(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

[(5) GRANT PERIOD.—Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

[(6) DISSEMINATION.—

[(A) COOPERATIVE EFFORTS.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

[(B) REPORT.—The Secretary shall prepare and submit to the Secretary of the Interior and to Congress a report concerning any results from activities described in this subsection.

[(7) EVALUATION COSTS.—

[(A) DIVISION.—The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).

[(B) GRANTS AND CONTRACTS.—If no funds are provided under subsection (b) for—

[(i) the evaluation of activities assisted under paragraph (1);

[(ii) technical assistance and coordination with respect to such activities; or

[(iii) the dissemination of the evaluations referred to in clause (i),

[(the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

[(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the infor-



mation developed by the grant or contract recipient is readily available to the entire educational community.】

**【SEC. [7135]7132. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.**

【(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

【(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

【(2) develop education codes for schools within the territorial jurisdiction of the tribe;

【(3) provide support services and technical assistance to schools serving children of the tribe; and

【(4) perform child-find screening services for the preschool-aged children of the tribe to—

【(A) ensure placement in appropriate educational facilities; and

【(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

【(b) PERIOD OF GRANT.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

【(c) APPLICATION FOR GRANT.—

【(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

【(2) CONTENTS.—Each application described in paragraph (1) shall contain—

【(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

【(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

【(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

【(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

【(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

[(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

[(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.]

**[SEC. 7136. [20 U.S.C. 7456] IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.**

[(a) IN GENERAL.—The Secretary shall make grants to State educational agencies, local educational agencies, and Indian tribes, institutions, and organizations—

[(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

[(2) to assist in the establishment and operation of programs that are designed to stimulate—

[(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and

[(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

[(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

[(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

[(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

[(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

[(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

[(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

[(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

[(d) APPLICATIONS.—

[(1) IN GENERAL.—Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

[(2) CONTENTS.—Each application described in paragraph (1) shall contain—

[(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and

[(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.

[(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—

[(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and

[(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

[(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

[(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this section for a fiscal year may be used to pay for administrative costs.]

**SEC. 7132. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING, DEVELOPMENT, AND COORDINATION.**

(a) *IN GENERAL.*—The Secretary may award grants under this section to eligible applicants to enable the eligible applicants to—

- (1) promote tribal self-determination in education;
- (2) improve the academic achievement of Indian children and youth; and
- (3) promote the coordination and collaboration of tribal educational agencies with State and local educational agencies to meet the unique educational and culturally related academic needs of Indian students.

(b) *DEFINITIONS.*—In this section:

(1) *ELIGIBLE APPLICANT.*—In this section, the term “eligible applicant” means—

- (A) an Indian tribe or tribal organization approved by an Indian tribe; or
- (B) a tribal educational agency.

(2) *INDIAN TRIBE.*—The term “Indian tribe” means a federally recognized tribe or a State-recognized tribe.

(3) *TRIBAL EDUCATIONAL AGENCY.*—The term “tribal educational agency” means the agency, department, or instrumentality of an Indian tribe that is primarily responsible for supporting tribal students’ elementary and secondary education.

(c) *GRANT PROGRAM.*—The Secretary may award grants to—

- (1) eligible applicants described under subsection (b)(1)(A) to plan and develop a tribal educational agency, if the tribe or organization has no current tribal educational agency, for a period of not more than 1 year; and

(2) eligible applicants described under subsection (b)(1)(B), for a period of not more than 3 years, in order to—

(A) directly administer education programs, including formula grant programs under this Act, consistent with State law and under a written agreement between the parties;

(B) build capacity to administer and coordinate such education programs, and to improve the relationship and coordination between such applicants and the State educational agencies and local educational agencies that educate students from the tribe;

(C) receive training and support from the State educational agency and local educational agency, in areas such as data collection and analysis, grants management and monitoring, fiscal accountability, and other areas as needed;

(D) train and support the State educational agency and local educational agency in areas related to tribal history, language, or culture;

(E) build on existing activities or resources rather than replacing other funds; and

(F) carry out other activities, subject to the approval of the Secretary.

(d) GRANT APPLICATION.—

(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may reasonably prescribe.

(2) CONTENTS.—Each application described in paragraph (1) shall contain—

(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant;

(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved; and

(C) for applications for activities under subsection (c)(2), evidence of—

(i) a preliminary agreement with the appropriate State educational agency, 1 or more local educational agencies, or both the State educational agency and a local educational agency; and

(ii) existing capacity as a tribal educational agency.

(3) APPROVAL.—The Secretary may approve an application submitted by an eligible applicant under this subsection only if the Secretary is satisfied that such application, including any documentation submitted with the application—

(A) demonstrates that the eligible applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant that will be affected by the activities to be conducted under the grant;

(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought.

(e) RESTRICTIONS.—

(1) IN GENERAL.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

(2) DIRECT SERVICES.—No funds under this section may be used to provide direct services.

(f) SUPPLEMENT, NOT SUPPLANT.—Funds under this section shall be used to supplement, and not supplant, other Federal, State, and local programs that meet the needs of tribal students.

\* \* \* \* \*

SEC. 7141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the “Council”), which shall—

(1) \* \* \*

\* \* \* \* \*

(b) DUTIES.—The Council shall—

(1) advise the Secretary and the Secretary of the Interior concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

(A) \* \* \*

\* \* \* \* \*

SEC. 7151. DEFINITIONS.

For the purposes of this part:

(1) ADULT.— The term “adult” means an individual who—

(A) \* \* \*

\* \* \* \* \*

(4) TRADITIONAL LEADERS.—The term “traditional leaders” has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).

\* \* \* \* \*

SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.

(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated [\$96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years]such sums as may be necessary for each of fiscal years 2016 through 2021.

(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated [\$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years]such sums as may be necessary for each of fiscal years 2016 through 2021.

\* \* \* \* \*

## PART B—NATIVE HAWAIIAN EDUCATION

This part may be cited as the “Native Hawaiian Education Act”.

### SEC. 7202. FINDINGS.

Congress finds the following:

(1) \* \* \*

\* \* \* \* \*

[(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the “Native Hawaiian Educational Assessment Project”, was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

[(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

[(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

[(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

[(i) late or no prenatal care;

[(ii) high rates of births by Native Hawaiian women who are unmarried; and

[(iii) high rates of births to teenage parents;

[(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

[(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

[(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

[(E) Native Hawaiian students continue to be over-represented among students qualifying for special education programs provided to students with learning dis-

abilities, mild intellectual disabilities, emotional impairment, and other such disabilities;

【(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed four or more years of college;

【(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

【(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

【(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawaii; and

【(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

【(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawaii Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

【(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawaii.

【(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

【(19) Following the overthrow of the Kingdom of Hawaii in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawaii, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: “I ka “olelo no ke ola; I ka “olelo no ka make. In the language rests life; In the language rests death.”.

【(20) Despite the consequences of over 100 years of non-indigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

【(21) The State of Hawaii, in the constitution and statutes of the State of Hawaii—

[(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

[(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and

[(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.]

\* \* \* \* \*

**[SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.**

[(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the “Education Council”).

[(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

[(c) CONDITIONS AND TERMS.—

[(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawaii Office of Hawaiian Affairs shall serve as a member of the Education Council.

[(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

[(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

[(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

[(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council to carry out the following activities:

[(1) Coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

[(2) Assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education.

[(3) Provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of re-



sources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity.

[(4) Make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

[(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

[(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

[(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

[(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

[(f) ESTABLISHMENT OF ISLAND COUNCILS.—

[(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as an "island council") for the following islands:

- [(A) Hawaii.
- [(B) Maui.
- [(C) Molokai.
- [(D) Lanai.
- [(E) Oahu.
- [(F) Kauai.
- [(G) Niihau.

[(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least three-fourths of the members of each island council shall be Native Hawaiians.

[(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

[(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.]

[(i) REPORT.—Not later than 4 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.]

**SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

(a) *GRANT AUTHORIZED.*—*In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to the education council described under subsection (b).*

(b) *EDUCATION COUNCIL.*—

(1) *ELIGIBILITY.*—*To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the ‘Education Council’) that meets the requirements of this subsection.*

(2) *COMPOSITION.*—*The Education Council shall consist of 15 members, of whom—*

(A) *1 shall be the President of the University of Hawaii (or a designee);*

(B) *1 shall be the Governor of the State of Hawaii (or a designee);*

(C) *1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);*

(D) *1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);*

(E) *1 shall be the executive director of Hawaii’s Charter School Network (or a designee);*

(F) *1 shall be the chief executive officer of the Kamehameha Schools (or a designee);*

(G) *1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);*

(H) *1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;*

(I) *1 shall be the Mayor of the County of Hawaii (or a designee);*

(J) *1 shall be the Mayor of Maui County (or a designee from the Island of Maui);*

(K) *1 shall be the Mayor of the County of Kauai (or a designee);*

(L) *1 shall be appointed by the Mayor of Maui County from the Island of Molokai or the Island of Lanai;*

(M) *1 shall be the Mayor of the City and County of Honolulu (or a designee);*

(N) *1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and*

(O) *I shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).*

(3) *REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian education or cultural activities, with traditional cultural experience given due consideration.*

(4) *LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a direct recipient or administrator of grant funds that are awarded under this part.*

(5) *TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.*

(6) *CHAIR, VICE CHAIR.—*

(A) *SELECTION.—The Education Council shall select a Chairperson and a Vice-Chairperson from among the members of the Education Council.*

(B) *TERM LIMITS.—The Chairperson and Vice-Chairperson shall each serve for a 2-year term.*

(7) *ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chairperson of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.*

(8) *NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.*

(c) *USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through a grant under subsection (a) to carry out each of the following activities:*

(1) *Providing advice about the coordination of, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.*

(2) *Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.*

(3) *Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.*

(4) *Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).*

(5) *Hiring an executive director who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).*

(d) *USE OF FUNDS FOR TECHNICAL ASSISTANCE.*—The Education Council shall use funds made available through a grant under subsection (a) to—

(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

(B) the effectiveness of such grantees in carrying out any of the activities described in paragraphs (2) and (3) of section 7205(a) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these priorities;

(3) assess and define the educational needs of Native Hawaiians;

(4) assess the programs and services available to address the educational needs of Native Hawaiians;

(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals; and

(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

(A) a description of the activities of the Education Council during the calendar year;

(B) a description of significant barriers to achieving the goals of this part;

(C) a summary of each community consultation session described in subsection (e); and

(D) recommendations to establish priorities for funding under this part, based on an assessment of—

(i) the educational needs of Native Hawaiians;

(ii) programs and services available to address such needs;

(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State academic standards under section 1111(b)(1); and

(iv) priorities for funding in specific geographic communities.

(e) *USE OF FUNDS FOR COMMUNITY CONSULTATIONS.*—The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

(1) not less than 3 members of the Education Council shall be in attendance;

(2) the Education Council shall gather community input regarding—

(A) current grantees under this part, as of the date of the consultation;

(B) priorities and needs of Native Hawaiians; and  
(C) other Native Hawaiian education issues; and  
(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 7205(c)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.

\* \* \* \* \*

**SEC. 7205. PROGRAM AUTHORIZED.**

(a) GENERAL AUTHORITY.—

(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

(A) \* \* \*

\* \* \* \* \*

(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; **[and]**

(D) charter schools; and

**[(D)](E)** consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C), to carry out programs that meet the purposes of this part.

\* \* \* \* \*

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section and section 7204 such sums as may be necessary **[for fiscal year 2002 and each of the 5 succeeding fiscal years]**for each of fiscal years 2016 through 2021.

(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve \$500,000 **[for fiscal year 2002 and each of the 5 succeeding fiscal years]** for each of fiscal years 2016 through 2021 to make a direct grant to the Education Council to carry out section 7204.

(3) AVAILABILITY.— \* \* \*

\* \* \* \* \*

**SEC. 7207. DEFINITIONS.**

In this part:

(1) COMMUNITY CONSULTATION.—The term “community consultation” means a public gathering—

(A) to discuss Native Hawaiian education concerns; and

(B) about which the public has been given not less than 30 days notice.

(1)(2) NATIVE HAWAIIAN.—The term “Native Hawaiian” means any individual who is—

(A) \* \* \*

\* \* \* \* \*

(2)(3) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—\* \* \*

(3)(4) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term “Native Hawaiian educational organization” means a private nonprofit organization that—

(A) \* \* \*

\* \* \* \* \*

(4)(5) NATIVE HAWAIIAN LANGUAGE.—\* \* \*

(5)(6) NATIVE HAWAIIAN ORGANIZATION.—The term “Native Hawaiian organization” means a private nonprofit organization that—

(A) \* \* \*

\* \* \* \* \*

(6)(7) OFFICE OF HAWAIIAN AFFAIRS.—\* \* \*

\* \* \* \* \*

**PART C—ALASKA NATIVE EDUCATION**

\* \* \* \* \*

**SEC. 7302. FINDINGS.**

Congress finds and declares the following:

[(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

[(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

[(3) Alaska Native children enter and exit school with serious educational handicaps.

[(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

[(5) The programs authorized in this part, combined with expanded Head Start, infant learning, and early childhood education programs, and parent education programs, are essential if educational handicaps are to be overcome.

[(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

[(7) Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.]

*(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Native peoples in*

*the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.*

*(2) Many Alaska Native children enter and exit school with serious educational disadvantages.*

*(3) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continues, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.*

*(4) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.*

*(5) Improving educational outcomes for Alaska Native students increases access to employment opportunities.*

*(6) The programs and activities authorized under this subpart give priority to Alaska Native organizations as a means of increasing Alaska Native parents' and community involvement in the promotion of academic success of Alaska Native students.*

*(7) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98-63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this subpart supports the Federal trust responsibility of the United States to Alaska Natives.*

**SEC. 7303. PURPOSES.**

The purposes of this part are as follows:

*(1) To recognize and address the unique educational needs of Alaska Natives.*

*(2) To recognize the role of Alaska Native languages and cultures in the educational success and long term well-being of Alaska Native students.*

*(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students' positive identity, and support local place-based and culture-based curriculum and programming.*

**[(3) To supplement existing programs and authorities in the area of education to further the purposes of this part.]**

**[(2)](4) To authorize the development [of supplemental educational programs to benefit Alaska Natives.]of supplemental educational programs to benefit Alaska Native peoples.**

**[(4)](5) \* \* \***

*(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, implementation, management, and evaluation of programs designed to*

*serve Alaska Native students, and to ensure Alaska Native tribes and tribal organizations play a meaningful role in providing supplemental educational services to Alaska Native students.*

\* \* \* \* \*

**SEC. 7304. PROGRAM AUTHORIZED.**

**(a) GENERAL AUTHORITY.—**

**(1) GRANTS AND CONTRACTS.—**The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this part.

**(2) PERMISSIBLE ACTIVITIES.—**Activities provided through programs carried out under this part may include the following:

**(A)** The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

**(B)** The development of curricula and educational programs that address the educational needs of Alaska Native students, including the following:

**(i)** Curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives.

**(ii)** Instructional programs that make use of Native Alaskan languages.

**(iii)** Networks that introduce successful programs, materials, and techniques to urban and rural schools.

**(C)** Professional development activities for educators, including the following:

**(i)** Programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students.

**(ii)** In-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students.

**(iii)** Recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska.

**(D)** The development and operation of home instruction programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages.

**(E)** Family literacy services.

**(F)** The development and operation of student enrichment programs in science and mathematics that—



【(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math;

【(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

【(iii) may include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and seniors.

【(G) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults.

【(H) Other research and evaluation activities related to programs carried out under this part.

【(I) Remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests.

【(J) Education and training of Alaska Native students enrolled in a degree program that will lead to certification or licensing as teachers.

【(K) Parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers.

【(L) Cultural education programs operated by the Alaska Native Heritage Center and designed to share the Alaska Native culture with students.

【(M) A cultural exchange program operated by the Alaska Humanities Forum and designed to share Alaska Native culture with urban students in a rural setting, which shall be known as the Rose Cultural Exchange Program.

【(N) Activities carried out through Even Start programs carried out under subpart 3 of part B of title I and Head Start programs carried out under the Head Start Act, including the training of teachers for programs described in this subparagraph.

【(O) Other early learning and preschool programs.

【(P) Dropout prevention programs operated by the Cook Inlet Tribal Council's Partners for Success program.

【(Q) An Alaska Initiative for Community Engagement program.

【(R) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

【(S) Provision of operational support and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.

[(T) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

[(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include the following:

[(A) Programs for parents and their infants, from the prenatal period of the infant through age 3.

[(B) Preschool programs.

[(C) Training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

[(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

[(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in subsection (a)(2), except for activities listed in subsection (d)(2), the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least one Alaska Native regional nonprofit organization.

[(d) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(2) AVAILABILITY OF FUNDS.—Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—

[(A) not less than \$1,000,000 to support activities described in subsection (a)(2)(K);

[(B) not less than \$1,000,000 to support activities described in subsection (a)(2)(L);

[(C) not less than \$1,000,000 to support activities described in subsection (a)(2)(M);

[(D) not less than \$2,000,000 to support activities described in subsection (a)(2)(P); and

[(E) not less than \$2,000,000 to support activities described in subsection (a)(2)(Q).]

**SEC. 7304. PROGRAM AUTHORIZED.**

(a) *GENERAL AUTHORITY.*—

(1) *GRANTS AND CONTRACTS.*—*The Secretary is authorized to make grants to, or enter into contracts with, Indian tribes or tribal organizations that are in partnership with a State educational agency or a local educational agency to carry out programs that meet the purposes of this subpart, or with Indian tribes or tribal organizations that operate programs that fulfill the purposes under this subpart.*

(2) *MANDATORY ACTIVITIES.*—*Activities provided through the programs carried out under this part shall include the following:*

(A) *The development and implementation of plans, methods, strategies and activities to improve the educational outcomes of Alaska Native peoples.*

(B) *The collection of data to assist in the evaluation of the programs carried out under this subpart.*

(3) *PERMISSIBLE ACTIVITIES.*—Activities provided through programs carried out under this subpart may include the following:

(A) *The development of curricula and programs that address the educational needs of Alaska Native students, including the following:*

(i) *Curriculum materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Native people.*

(ii) *Instructional programs that make use of Alaska Native languages and cultures.*

(iii) *Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.*

(iv) *Methods to evaluate teachers' inclusion of diverse Alaska Native cultures in their lesson plans.*

(B) *Training and professional development activities for educators, including the following:*

(i) *Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native history, cultures, values, and ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students and incorporate them into lesson plans and teaching methods.*

(ii) *Recruitment and preparation of teachers who are Alaska Native.*

(iii) *Programs that will lead to the certification and licensing of Alaska Native teachers, principals, other school leaders, and superintendents.*

(C) *Early childhood and parenting education activities designed to improve the school readiness of Alaska Native children, including—*

(i) *the development and operation of home visiting programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages;*

(ii) *training, education, and support, including in-home visitation, for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development, reading readiness, observation, storytelling, and critical thinking);*

(iii) *family literacy services;*

(iv) *activities carried out under the Head Start Act;*

(v) *programs for parents and their infants, from the prenatal period of the infant through age 3;*

(vi) *early childhood education programs; and*

(vii) *Native language immersion within early childhood, Head Start, or preschool programs.*

(D) *The development and operation of student enrichment programs, including those in science, technology, engineering, and mathematics that—*

(i) are designed to prepare Alaska Native students to excel in such subjects;

(ii) provide appropriate support services to enable such students to benefit from the programs; and

(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

(E) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults and other such research and evaluation activities related to programs funded under this subpart.

(F) Activities designed to increase Alaska Native students' graduation rates and assist Alaska Native students to be prepared for postsecondary education or the workforce without the need for postsecondary remediation, such as—

(i) remedial and enrichment programs;

(ii) culturally based education programs such as—

(I) programs of study and other instruction in Alaska Native history and ways of living to share the rich and diverse cultures of Alaska Native peoples among Alaska Native youth and elders, non-Native students and teachers, and the larger community;

(II) instructing Alaska Native youth in leadership, communication, Native culture, arts, and languages;

(III) inter-generational learning and internship opportunities to Alaska Native youth and young adults;

(IV) cultural immersion activities;

(V) culturally informed curriculum intended to preserve and promote Alaska Native culture;

(VI) Native language instruction and immersion activities;

(VII) school-within-a-school model programs; and

(VIII) college preparation and career planning; and

(iii) holistic school or community-based support services to enable such students to benefit from the supplemental programs offered, including those that address family instability, school climate, trauma, safety, and nonacademic learning.

(G) The establishment or operation of Native language immersion nests or schools.

(H) Student and teacher exchange programs, cross-cultural immersion programs, and culture camps designed to build mutual respect and understanding among participants.

(I) Education programs for at-risk urban Alaska Native students that are designed to improve academic proficiency and graduation rates, utilize strategies otherwise permissible under this subpart, and incorporate a strong data collection and continuous evaluation component.

(J) *Strategies designed to increase parents' involvement in their children's education.*

(K) *Programs and strategies that provide technical assistance and support to schools and communities to engage adults in promoting the academic progress and overall well-being of Alaska Native people such as through—*

(i) *strength-based approaches to child and youth development;*

(ii) *positive youth-adult relationships; and*

(iii) *improved conditions for learning (school climate, student connection to school and community), and increased connections between schools and families.*

(L) *Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.*

(M) *Provision of operational support and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.*

(N) *Regional leadership academies that demonstrate effectiveness in building respect and understanding, and fostering a sense of Alaska Native identity to promote their pursuit of and success in completing higher education or career training.*

(O) *Other activities, consistent with the purposes of this subpart, to meet the educational needs of Alaska Native children and adults.*

(b) **AUTHORIZATION OF APPROPRIATIONS.**—*There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.*

\* \* \* \* \*

**[SEC. 7305. ADMINISTRATIVE PROVISIONS.]**

**[(a) APPLICATION REQUIRED.]**—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

**[(b) APPLICATIONS.]**—A State educational agency or local educational agency may apply for an award under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

**[(c) CONSULTATION REQUIRED.]**—Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

**[(d) LOCAL EDUCATIONAL AGENCY COORDINATION.]**—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application. ]

**SEC. 7305. FUNDS FOR ADMINISTRATIVE PURPOSES.**

*Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.*

\* \* \* \* \*

**SEC. 7306. DEFINITIONS.**

In this part:

(1) ALASKA NATIVE.—The term “Alaska Native” has the same meaning as the term “Native” has in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)) and includes the descendants of individuals so defined.

(2) ALASKA NATIVE ORGANIZATION.—The term “Alaska Native organization” means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and another organization that—

(A) \* \* \*

\* \* \* \* \*

(3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act.

(4) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act.

\* \* \* \* \*

**PART D—NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS**

**SEC. 7401. NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS.**

(a) PURPOSES.—The purposes of this section are—

(1) to establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction;

(2) to maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act (25 U.S.C. 2901 et seq.); and

(3) to support the Nation’s First Peoples’ efforts to maintain and revitalize their languages and cultures, and to improve student outcomes within Native American and Alaska Native communities.

(b) DEFINITION.—In this part, the term “Native American” has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts made available to carry out this part, the Secretary may award grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including prekindergarten through postsecondary education sites and streams, using Na-

*tive American and Alaska Native languages as the primary language of instruction.*

(2) *ELIGIBLE ENTITIES.*—*In this section, the term “eligible entity” means any of the following entities that has a plan to develop and maintain, or to improve and expand, programs that support the entity’s use of Native American or Alaska Native languages as the primary language of instruction:*

(A) *An Indian tribe.*

(B) *A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965).*

(C) *A tribal education agency.*

(D) *A public elementary school or secondary school (including a public charter school).*

(E) *A school operated by the Bureau of Indian Education.*

(F) *An Alaska Native Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).*

(G) *A private, tribal, or Alaska Native nonprofit organization.*

(d) *APPLICATION.*—

(1) *IN GENERAL.*—*An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including the following:*

(A) *The name of the Native American or Alaska Native language to be used for instruction at the school supported by the eligible entity.*

(B) *The number of students attending such school.*

(C) *The number of present hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.*

(D) *A description of how the applicant will—*

(i) *use the funds provided to meet the purposes of this part;*

(ii) *implement the activities described in subsection (f);*

(iii) *ensure the implementation of rigorous academic content; and*

(iv) *ensure that students progress towards high-level fluency goals.*

(E) *Information regarding the school’s organizational governance or affiliations, including information about—*

(i) *the school governing entity (such as a local educational agency, tribal education agency or department, charter organization, private organization, or other governing entity);*

(ii) *the school’s accreditation status;*

(iii) *any partnerships with institutions of higher education; and*

(iv) *any indigenous language schooling and research cooperatives.*

(F) *An assurance that—*

(i) the school is engaged in meeting State or tribally designated proficiency levels for students, as may be required by applicable Federal, State, or tribal law;

(ii) the school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;

(iii) the qualifications of all instructional and leadership personnel at such school is sufficient to deliver high quality education through the Native American or Alaska Native language used in the school; and

(iv) the school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or job training programs, of students who are enrolled in the school's programs.

(2) *LIMITATION.*—The Secretary shall not give a priority in awarding grants under this part based on the information described in paragraph (1)(E).

(3) *SUBMISSION OF CERTIFICATION.*—

(A) *IN GENERAL.*—An eligible entity that is a public elementary school or secondary school (including a public charter school) or a non-tribal for-profit or nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that the school has the capacity to provide education primarily through a Native American or Alaska Native language and that there are sufficient speakers of the target language at the school or available to be hired by the school.

(B) *CERTIFICATION.*—The certification described in subparagraph (A) shall be from one of the following entities, on whose land the school is located, that is an entity served by such school, or that is an entity whose members (as defined by that entity) are served by the school:

(i) A Tribal College or University.

(ii) A federally recognized Indian tribe or tribal organization.

(iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.

(iv) A Native Hawaiian organization.

(e) *AWARDING OF GRANTS.*—In awarding grants under this section, the Secretary shall—

(1) determine the amount of each grant and the duration of each grant, which shall not exceed 3 years; and

(2) ensure, to the maximum extent feasible, that diversity in languages is represented.

(f) *ACTIVITIES AUTHORIZED.*—

(1) *REQUIRED ACTIVITIES.*—An eligible entity that receives a grant under this section shall use such funds to carry out the following activities:

(A) Supporting Native American or Alaska Native language education and development.

(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen



*the overall language and academic goals of the school that will be served by the grant program.*

*(C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.*

*(2) ALLOWABLE ACTIVITIES.—An eligible entity that receives a grant under this section may use such funds to carry out the following activities:*

*(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.*

*(B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.*

*(g) REPORT TO SECRETARY.—Each eligible entity that receives a grant under this part shall provide an annual report to the Secretary in such form and manner as the Secretary may require.*

*(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2016 through 2021.*

\* \* \* \* \*

PUBLIC LAW 112-239

\* \* \* \* \*

**SEC. 563. AMENDMENTS TO THE IMPACT AID PROGRAM**

National Defense Authorization Act for Fiscal Year 2013

(a) **SHORT TITLE.**—This section may be cited as the “Impact Aid Improvement Act of 2012”.

(b) \* \* \*

(c) **EFFECTIVE DATE, IMPLEMENTATION, AND REPEAL.**—

[(1) **IN GENERAL.**—The amendments made by subsection (b) *other than the amendment made by paragraph (3)(A) of such subsection*) shall be effective for a [2-year]5-year period beginning on the date of enactment of this Act.]

[(2)(1) **EFFECTIVE DATE.**—Notwithstanding section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705 (d)), subsection (b)(1), and the amendments made by subsection (b)(1), shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) for fiscal year 2010.

[(3)(2) **IMPLEMENTATION.**—The Secretary of Education shall carry out the amendments made by this section without regard to the rulemaking procedures under section 553 of title 5, United States Code.

[(4) **REPEAL.**—The amendments made by subsection (b) *other than the amendment made by paragraph (3)(A) of such subsection*) shall be repealed on the day after the [2-year]5-year period described in paragraph (1) and title VIII of the Elementary and Secondary Act of 1965 (20 U.S.C. 7701 et seq.) shall be applied as if such subsection and the amendments

made by such subsection (other than the amendment made by paragraph (3)(A) of such subsection) had never been enacted.】

\* \* \* \* \*

### TITLE VIII—IMPACT AID

#### SEC. 8001. PURPOSE.

In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement, because certain activities of the Federal Government, such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 511 of the Servicemembers Civil Relief Act, place a financial burden on the local educational agencies serving areas where such activities are carried out, and to help such children meet [challenging State standards]the same challenging State academic standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

(1) \* \* \*

\* \* \* \* \*

#### SEC. 8002. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines—

(1) \* \* \*

\* \* \* \* \*

(b) AMOUNT.—

(1) IN GENERAL.— \* \* \*

\* \* \* \* \*

(3) DETERMINATION OF TAXABLE VALUE FOR ELIGIBLE FEDERAL PROPERTY.—

(A) IN GENERAL.—In determining the estimated taxable value of such acquired Federal property for fiscal year 2010 and each succeeding fiscal year, the Secretary shall—

(i) \* \* \*

\* \* \* \* \*

【(B) SPECIAL RULE.—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies, such a local educational agency may ask the Secretary to calculate the per acre value of each such local educational agency as provided under subparagraph (A) and apply the average of these per acre values to the acres of the Federal property in such agency.】

(B) SPECIAL RULE.—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies that are eligible under this section, any of such agencies may ask the Secretary to calculate (and the Secretary shall calculate) the taxable

value of the eligible Federal property that is within its boundaries by—

(i) first calculating the per-acre value of the eligible Federal property separately for each eligible local educational agency that shared the Federal property, as provided in subparagraph (A)(ii);

(ii) then averaging the resulting per-acre values of the eligible Federal property from each eligible local educational agency that shares the Federal property; and

(iii) then applying the average per-acre value to determine the total taxable value of the eligible Federal property under subparagraph (A)(iii) for the requesting local educational agency.

\* \* \* \* \*

(e) LOCAL EDUCATIONAL AGENCY CONTAINING FOREST SERVICE LAND AND SERVING CERTAIN COUNTIES.— \* \* \*

(1) ACREAGE AND ACQUISITION BY THE FOREST SERVICE.— \* \* \*

(2) COUNTY CHARTER.—The local educational agency serves a county chartered under State law in 1875 or 1890.

*For each fiscal year beginning with fiscal year 2015, the Secretary shall treat local educational agencies chartered in 1871 having more than 70 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1). For each fiscal year beginning with fiscal year 2015, the Secretary shall treat local educational agencies that serve a county chartered or formed in 1734 having more than 24 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1).*

[(f) SPECIAL RULE.—(1) Beginning with fiscal year 1994, and notwithstanding any other provision of law limiting the period during which fiscal year 1994 funds may be obligated, the Secretary shall treat the local educational agency serving the Wheatland R-II School District, Wheatland, Missouri, as meeting the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) (20 U.S.C. 237(a)(1)(C)) or subsection (a)(1)(C).

[(2) For each fiscal year beginning with fiscal year 1999, the Secretary shall treat the Webster School District, Day County, South Dakota as meeting the eligibility requirements of subsection (a)(1)(C) of this section.

[(3)<sup>45</sup> For each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Central Union, California; Island, California; Hill City, South Dakota; and Wall, South Dakota local educational agencies as meeting the eligibility requirements of subsection (a)(1)(C) of this section.

[(4) For the purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hot Springs, South Dakota local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 for fiscal year 1994 if the Secretary has received the fiscal year 1994

application, as well as Exhibits A and B not later than December 1, 1999.

[(5) For purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hueneme, California local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 if the Secretary has received the fiscal year 1995 application not later than December 1, 1999.]

(f) *SPECIAL RULE.—Beginning with fiscal year 2015, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if the agency was eligible under paragraph (1) or (3) of this subsection, as such subsection was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015.*

\* \* \* \* \*

(h) **PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.**—For any fiscal year for which the amount appropriated under section 8014(a) is insufficient to pay to each eligible local educational agency the full amount determined under subsection (b), the Secretary shall make payments to each local educational agency under this section as follows:

(1) **FOUNDATION PAYMENTS FOR PRE-2010 RECIPIENTS.**—  
 (A) **IN GENERAL.**— \* \* \*

\* \* \* \* \*

(4) **DATA.**—[For each local educational agency that received a payment under this section for fiscal year 2010 through the fiscal year in which the Impact Aid Improvement Act of 2012 is enacted] *For each local educational agency that received a payment under this section for fiscal year 2010 or any succeeding fiscal year, the Secretary shall not make a payment under paragraph (3) to a local educational agency that fails to submit, within 60 days of the date the Secretary notifies the agency that the information is needed, the data necessary to calculate the maximum amount of a payment under subsection (b) for that local educational agency.*

\* \* \* \* \*

[(k) **SPECIAL RULE.**—For purposes of payments under this section for each fiscal year beginning with fiscal year 1998—

[(1) the Secretary shall, for the Stanley County, South Dakota local educational agency, calculate payments as if subsection (e) had been in effect for fiscal year 1994; and

[(2) the Secretary shall treat the Delaware Valley, Pennsylvania local educational agency as if it had filed a timely application under section 2 of Public Law 81–874 for fiscal year 1994.]

[(1)](j) **PRIOR YEAR DATA.**—Notwithstanding any other provision of this section, in determining the eligibility of a local educational agency for a payment under subsection (b) or (h)(4)(B) of this section for a fiscal year, and in calculating the amount of such payment, the Secretary—

(1) \* \* \*

\* \* \* \* \*

**[(m)](k) ELIGIBILITY.—**

(1) OLD FEDERAL PROPERTY.— \* \* \*

\* \* \* \* \*

**[(n)](l) LOSS OF ELIGIBILITY.—**

(1) IN GENERAL.— \* \* \*

\* \* \* \* \*

**SEC. 8003. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.**

**(a) COMPUTATION OF PAYMENT.—**

(1) IN GENERAL.— \* \* \*

\* \* \* \* \*

(5) MILITARY “BUILD TO LEASE” PROGRAM HOUSING.—

(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the “Build to Lease” program), as added by section 801 of the Military Construction Authorization Act, 1984, **[to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.]***or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility or attached to and under any type of force protection agreement with the military installation upon which such housing is situated.*

(B) ADDITIONAL REQUIREMENTS.—If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

(i) \* \* \*

\* \* \* \* \*

**(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—**

(1) BASIC SUPPORT PAYMENTS.—

(A) IN GENERAL.— \* \* \*

\* \* \* \* \*

**[(E) SPECIAL RULE.—**For purposes of determining the comparable local contribution rate under subparagraph (C)(iii) for a local educational agency described in section 222.39(c)(3) of title 34, Code of Federal Regulations, that had its comparable local contribution rate for fiscal year 1998 calculated pursuant to section 222.39 of title 34, Code

of Federal Regulations, the Secretary shall determine such comparable local contribution rate as the rate upon which payments under this subsection for fiscal year 2000 were made to the local educational agency adjusted by the percentage increase or decrease in the per pupil expenditure in the State serving the local educational agency calculated on the basis of the second most recent preceding school year compared to the third most recent preceding school year for which school year data are available.】

(F)(E) INCREASE IN LOCAL CONTRIBUTION RATE DUE TO UNUSUAL GEOGRAPHIC FACTORS.— \* \* \*

(G)(F) \* \* \*

(2) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—(i) \* \* \*

\* \* \* \* \*

【(B) ELIGIBILITY FOR CONTINUING HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

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

【(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000; and

【(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

【(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;

【(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;

[(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

[(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000).

[(ii) LOSS OF ELIGIBILITY.—A heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

[(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

**[(C) ELIGIBILITY FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—**

[(i) IN GENERAL.—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation (or if the agency is a qualified local educational agency as described in clause (iv)), or the agency—

[(I) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—

[(aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or

[(bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

[(II)(aa) for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

[(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local education agency or three comparable local educational agencies in the State in which the local educational agency is located; and

[(III) has a tax rate for general fund purposes that is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State.

[(ii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation (or if the agency is a qualified local educational agency as described in clause (iv)), or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

[(iii) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

[(iv) QUALIFIED LOCAL EDUCATIONAL AGENCY.—A qualified local educational agency described in this clause is an agency that meets the following requirements:

[(I) The boundaries of the agency are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government.

[(II) The agency has no taxing authority.

[(III) The agency received a payment under paragraph (1) for fiscal year 2001.



**[(D) MAXIMUM AMOUNT FOR REGULAR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i)** Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

**[(I)** four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

**[(II)** four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

**[(ii)(I)** For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.

**[(II)** For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

**[(III)** For a local educational agency that does not qualify under (B)(i)(II)(aa) of this subsection and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

**[(E) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i)(I)** Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

**[(II)** A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

**[(ii)** For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with re-

spect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

**[(F) DATA.—**For purposes of providing assistance under this paragraph the Secretary—

**[(i)** shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph; and

**[(ii)** except as provided in subparagraph (C)(i)(I), shall include all of the children described in subparagraphs (F) and (G) of subsection (a)(1) enrolled in schools of the local educational agency in determining (I) the eligibility of the agency for assistance under this paragraph, and (II) the amount of such assistance if the number of such children meet the requirements of subsection (a)(3).

**[(G) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—**For the purpose of determining average tax rates for general fund purposes for local educational agencies in a State under this paragraph (except under subparagraph (C)(i)(II)(bb)), the Secretary shall use either—

**[(i)** the average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

**[(ii)** the average tax rate of all the local educational agencies in the State.

**[(H) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—**

**[(i) ELIGIBILITY.—**For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B), (C), (D), or (E), as the case may be, by reason of the conversion of military housing units to private housing described in clause (iii), shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be, for the period during which the housing units are undergoing such conversion.

**[(ii) AMOUNT OF PAYMENT.—**The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (D) or (E), as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph (D) or (E) under which the agency was paid during the prior fiscal year.

**[(iii) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.—**For purposes of clause (i), “conversion of military housing units to private housing” means the conversion of military housing

units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.】

(B) *ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.*—

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

(I) *is a local educational agency—*

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

(bb) *that has no taxing authority;*

(II) *is a local educational agency that—*

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

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

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

(BB) *for any agency that has a total student enrollment less than 500, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and*

(cc) *is an agency that—*

(AA) *has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or*

(BB) *was eligible to receive a payment under this subsection for fiscal year 2013 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies;*

(III) *is a local educational agency that—*

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

(bb) *for the 3 fiscal years preceding the fiscal year for which the determination is*

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

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

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

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

*(bb) not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or*

*(V) is a local educational agency that—*

*(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency;*

*(bb) has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State; and*

*(cc) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.*

*(ii) LOSS OF ELIGIBILITY.—*

*(I) IN GENERAL.—Subject to subclause (II), a heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.*

(II) *LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.*—*In a case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).*

(III) *TAKEN OVER BY STATE BOARD OF EDUCATION.*—*In the case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has been taken over by a State board of education in 2 previous years, such agency shall be deemed to maintain heavily impacted status for 2 fiscal years from after the date of enactment of the Every Child Achieves Act of 2015.*

(iii) *RESUMPTION OF ELIGIBILITY.*—*A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.*

(C) *MAXIMUM AMOUNT FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.*—

(i) *IN GENERAL.*—*Except as provided in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—*

(I) *four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or*

(II) *four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year*

preceding the fiscal year for which the determination is made.

(ii) **CALCULATION OF WEIGHTED STUDENT UNITS.—**

(I) **IN GENERAL.—**

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

(bb) **EXCEPTION.—**Notwithstanding item (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment.

(II) **ENROLLMENT OF 100 OR FEWER CHILDREN.—**For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

(III) **ENROLLMENT OF MORE THAN 100 CHILDREN BUT LESS THAN 1000.—**For a local educational agency that is not described under subparagraph (B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

(D) **MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—**

(i) **IN GENERAL.—**

(I) **IN GENERAL.—**Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

(II) **HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCY.—**A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment

of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

(ii) *FACTOR*.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

(E) *DATA*.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.

(F) *DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES*.—

(i) *IN GENERAL*.—Except as provided in clause (ii), for the purpose of determining the average tax rates for general fund purposes for local educational agencies in a State under this paragraph, the Secretary shall use either—

(I) the average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

(II) the average tax rate of all the local educational agencies in the State.

(ii) *FISCAL YEARS 2010-2015*.—

(I) *IN GENERAL*.—For fiscal years 2010 through 2015, any local educational agency that was found ineligible to receive a payment under subparagraph (A) because the Secretary determined that it failed to meet the average tax rate requirement for general fund purposes in subparagraph (B)(i)(II)(bb), shall be considered to have met that requirement, if its State determined, through an alternate calculation of average tax rates for general fund purposes, that such local educational agency met that requirement.

(II) *SUBSEQUENT FISCAL YEARS AFTER 2015*.—For any succeeding fiscal year after 2015, any local educational agency identified in subclause (I) may continue to have its State use that alternate methodology to calculate whether the average tax rate requirement for general fund purposes under subparagraph (B)(i)(II)(bb) is met.

(III) *AVAILABILITY OF FUNDS*.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2012, the Secretary shall reserve an amount equal to a total of \$14,000,000 from funds that remain unobligated under this section from fiscal years 2013 or

2014 in order to make payments under this clause for fiscal years 2011 through 2014.

(G) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—

(i) ELIGIBILITY.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B), (C), (D), or (E), as the case may be, due to of the conversion of military housing units to private housing described in clause (iii), or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation, shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be, for the period during which the housing units are undergoing such conversion or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing.

(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (C) or (D), as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph (C) or (D) under which the agency was paid during the prior fiscal year.

(iii) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.—For purposes of clause (i), “conversion of military housing units to private housing” means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.

(3) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

(A) IN GENERAL.— \* \* \*

(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (1).—(i) \* \* \*

\* \* \* \* \*

(ii) \* \* \*

[(iii) For the purpose of determining the percentages described in subclauses (I) and (II) of clause (i) that are applicable to the local educational agency providing free public education to students in grades 9 through 12 residing on Hanscom Air Force Base, Massachusetts, the Secretary shall consider only that portion of such agency’s total enrollment of students in grades 9 through 12 when calculating the percentage under such subclause (I) and only that portion of the total current expenditures attrib-



uted to the operation of grades 9 through 12 in such agency when calculating the percentage under subclause (II).】

*(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, that enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and that received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015) for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).*

\* \* \* \* \*

(C) **LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (2).**—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under [subparagraph (D) or (E) of paragraph (2),]paragraph (2)(D) as the case may be.

【(D) **RATABLE DISTRIBUTION.**—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computations made under subparagraphs (B) and (C).】

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

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

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

(E) **INSUFFICIENT PAYMENTS.**—For each fiscal year described in subparagraph (A) for which the sums appropriated are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (D), the Secretary shall ratably

reduce the payment to each local educational agency under this paragraph.

(F) *INCREASES.*—If the sums appropriated are sufficient to increase the threshold payment above the 100 percent threshold payment described in subparagraph (D), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection.

(G) *PROVISION OF TAX RATE AND RESULTING PERCENTAGE.*—The Secretary shall provide the local educational agency's tax rate and the resulting percentage to each eligible local educational agency immediately following the payments of funds under paragraph (2).

(4) STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.—

(A) *IN GENERAL.*— \* \* \*

\* \* \* \* \*

(c) *PRIOR YEAR DATA.*—

(1) *IN GENERAL.*— \* \* \*

[(2) *EXCEPTION.*—Calculations for a local educational agency that is newly established by a State shall, for the first year of operation of such agency, be based on data from the fiscal year for which the agency is making application for payment.]

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

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

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

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

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

(II) subparagraphs (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of Interior; and

(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

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

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

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

(d) **CHILDREN STUDENTS With Disabilities.**—

(1) **IN GENERAL.**—From the amount appropriated under section 8014(c) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

(A) multiplying the number of **children students** described in subparagraphs (A)(ii), (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) by a factor of 1.0; and

(B) multiplying the number of **children students** described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of 0.5.

(2) **USE OF FUNDS.**—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to **children students** described in paragraph (1) in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(e) **HOLD HARMLESS.**—

**(1) IN GENERAL.**—Subject to paragraphs (2) and (3), the total amount the Secretary shall pay a local educational agency under subsection (b)—

**(A)** for fiscal year 2001 shall not be less than 85 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000; and

**(B)** for fiscal year 2002 shall not be less than 70 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000.】

**(1) IN GENERAL.**—

**(A) IN GENERAL.**—*In the case of any local educational agency whose payment under subsection (b) for a fiscal year is determined to be reduced by an amount greater than \$5,000,000 or by 20 percent, as compared to the amount received in the previous fiscal year, the Secretary shall, subject to subparagraph (B), pay a local educational agency, for each of the 3 years following the reduction under subsection (b), the amount determined under subparagraph (B).*

**(B) AMOUNT OF REDUCTION.**—*Subject to subparagraph (C), a local educational agency described in subparagraph (A) shall receive—*

*(i) for the first year for which the reduced payment is determined, an amount that is not less than 90 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) in the fiscal year prior to the reduction (referred to in this paragraph as the “base year”);*

(ii) for the second year following such reduction, an amount that is not less than 85 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) in the base year; and

(iii) for the third year following such reduction, an amount that is not less than 80 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) in the base year.

(C) SPECIAL RULE.—For any fiscal year for which a local educational agency would be subject to a reduced payment under clause (ii) or (iii) of subparagraph (B), but the total amount of the payment for which the local educational agency is eligible under subsection (b) for that fiscal year is greater than the amount that initially subjected the local educational agency to the requirements of this subsection, the Secretary shall pay the greater amount to the local educational agency for such year.

(2) MAXIMUM AMOUNT.— \* \* \*

\* \* \* \* \*

[(g) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under sections 8002 and 8003(b) for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.]

\* \* \* \* \*

**SEC. 8004. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.**

(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall establish policies and procedures to ensure that—

(1) \* \* \*

\* \* \* \* \*

(e) COMPLAINTS.—

(1) IN GENERAL.— (A) \* \* \*

\* \* \* \* \*

(9) REJECTION OF DETERMINATION.—If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian [Affairs]Education or by contract with the Bureau of Indian [Affairs]Education, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such subsection (d) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 8003. In such event, funds under such section shall not be

withheld pursuant to paragraph (8) and no further complaints with respect to such students may be filed under paragraph (1).

\* \* \* \* \*

**SEC. 8005. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.**

(a) **IN GENERAL.**—A local educational agency desiring to receive a payment under section 8002 or 8003 shall—

(1) \* \* \*

\* \* \* \* \*

(b) **CONTENTS.**—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

(1) \* \* \*

\* \* \* \* \*

(c) **STUDENT COUNT.**—*In collecting information to determine the eligibility of a local educational agency and the number of federally connected children for the local educational agency, the Secretary shall, in addition to any options provided under section 222.35 of title 34, Code of Federal Regulations, or a successor regulation, allow a local educational agency to count the number of such children served by the agency as of the date by which the agency requires all students to register for the school year of the fiscal year for which the application is filed.*

[(c)](d) \* \* \*

[(d)](e) \* \* \*

\* \* \* \* \*

**SEC. 8007. CONSTRUCTION.**

(a) **CONSTRUCTION PAYMENTS AUTHORIZED.**—

(1) **IN GENERAL.**— \* \* \*

\* \* \* \* \*

(b) **SCHOOL FACILITY EMERGENCY AND MODERNIZATION GRANTS AUTHORIZED.**—

(1) **IN GENERAL.**—From 60 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary—

(A) \* \* \*

\* \* \* \* \*

(3) **ELIGIBILITY REQUIREMENTS.**—

(A) **EMERGENCY GRANTS.**—A local educational agency is eligible to receive an emergency grant under paragraph (2)(A) if—

(i) \* \* \*

\* \* \* \* \*

(C) **ADDITIONAL ELIGIBILITY FOR EMERGENCY AND MODERNIZATION GRANTS.**— (i) \* \* \*

(I) The agency receives a basic support payment under section 8003(b) for the fiscal year and the agency meets at least one of the following requirements:

(aa) \* \* \*

\* \* \* \* \*

(cc) *Not less than 10 percent of the property in the agency is exempt from State and local taxation under Federal law.*

\* \* \* \* \*

(6) APPLICATION.— A local educational agency that desires to receive an emergency grant or a modernization grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain the following:

(A) \* \* \*

\* \* \* \* \*

[(F) Such other information and assurances as the Secretary may reasonably require.]

\* \* \* \* \*

**SEC. 8009. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.**

(a) GENERAL PROHIBITION.—Except as provided in subsection (b), a State may not—

(1) \* \* \*

\* \* \* \* \*

(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—

(1) WRITTEN NOTICE.—

(A) IN GENERAL.— \* \* \*

(B) CONTENTS.—Such notice shall be in the form [and contain the information] the Secretary requires, including evidence that the State has notified each local educational agency in the State of such State’s intention to consider such payments in providing State aid.

\* \* \* \* \*

**SEC. 8013. DEFINITIONS.**

For purposes of this title:

(1) ARMED FORCES.— \* \* \*

\* \* \* \* \*

(5) FEDERAL PROPERTY.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term “Federal property” means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

(i) \* \* \*

(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

(II) \* \* \*

[(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation;]

*(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native*

*group, or village or regional corporation (including single family occupancy properties that may have been subsequently sold or leased to a third party), except that property that is conveyed under such Act—*

*(aa) that is not taxed is, for the purposes of this paragraph, considered tax-exempt due to Federal law; or*

*(bb) is considered Federal property for the purpose of this paragraph, only if the property is located within a Regional Educational Attendance Area that has no taxing power;*

*(iii)(I) \* \* \**

*(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the [Stewart B. McKinney Homeless Assistance Act]McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411); or*

*[(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or]*

*(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or*

*(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.— \* \* \**

*\* \* \* \* \**

**SEC. 8014. AUTHORIZATION OF APPROPRIATIONS.**

**(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—**For the purpose of making payments under section 8002, there are authorized to be appropriated **[\$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years]** *such sums as may be necessary for each of fiscal years 2016 through 2021.*

**(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—**For the purpose of making payments under section 8003(b), there are authorized to be appropriated **[\$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years]** *such sums as may be necessary for each of fiscal years 2016 through 2021.*

**(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—**For the purpose of making payments under section 8003(d), there are authorized to be appropriated **[\$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years]** *such sums as may be necessary for each of fiscal years 2016 through 2021.*

**[(e)](d) CONSTRUCTION.—**For the purpose of carrying out section 8007, there are authorized to be appropriated **[\$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, \$150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years]***such sums as may be necessary for each of fiscal years 2016 through 2021.*

**[(f)](e) FACILITIES MAINTENANCE.—**For the purpose of carrying out section 8008, there are authorized to be appropriated **[\$5,000,000 for fiscal year 2000 and such sums as may be nec-**

essary for each of the seven succeeding fiscal years]such sums as may be necessary for each of fiscal years 2016 through 2021.

\* \* \* \* \*

**TITLE IX—GENERAL PROVISIONS**

**PART A—DEFINITIONS**

**SEC. 9101. DEFINITIONS.**

Except as otherwise provided, in this Act:

(1) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term “4-year adjusted cohort graduation rate” has the meaning given the term “four-year adjusted cohort graduation rate” in section 200.19(b)(1) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008.

[(1)](2) \* \* \*

\* \* \* \* \*

[(2)](3) \* \* \*

(3) BEGINNING TEACHER.—The term “beginning teacher” means a teacher in a public school who has been teaching less than a total of three complete school years.]

\* \* \* \* \*

[(11) CORE ACADEMIC SUBJECTS.—The term “core academic subjects” means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.]

(11) CORE ACADEMIC SUBJECTS.—The term “core academic subjects” means English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, and physical education, and any other subject as determined by the State or local educational agency.

\* \* \* \* \*

(13) COVERED PROGRAM.—The term “covered program” means each of the programs authorized by—

- (A) part A of title I;
- [(B)](B) subpart 3 of part B of title I;
- [(C)](B) part C of title I;
- [(D)](C) part D of title I;
- [(E)](D) part F of title I;
- [(F)](D) part A of title II;
- [(G)](D) part D of title II;
- [(H)](E) part A of title III;
- [(I)](F) part A of title IV;
- [(J)](G) part B of title IV;
- (H) part G of title V; and
- [(K)](I) part A of title V; and
- [(L)](I) subpart 2 of part B of title VI.

\* \* \* \* \*

(16) DISTANCE LEARNING.—\* \* \*



(17) *EARLY CHILDHOOD EDUCATION PROGRAM.*—The term “early childhood education program” has the meaning given the term in section 103 of the Higher Education Act of 1965.

[(17)](18) \* \* \*

[(18)](19) \* \* \*

[(19) EXEMPLARY TEACHER.]—The term “exemplary teacher” means a teacher who—

[(A) is a highly qualified teacher such as a master teacher;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

[(C) is recommended to be an exemplary teacher by administrators and other teachers who are knowledgeable about the individual’s performance;

[(D) is currently teaching and based in a public school; and

[(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs teacher mentoring, develops curricula, and offers other professional development.]

[(25)](20) [LIMITED ENGLISH PROFICIENT] *ENGLISH LEARNER.*—The term “[limited English proficient] *English learner*”, when used with respect to an individual, means an individual—

(A) \* \* \*

\* \* \* \* \*

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(i) the ability to meet the [State’s proficient level of achievement on State assessments described in section 1111(b)(3)] *challenging State academic standards described in section 1111(b)(1)*;

(ii) \* \* \*

\* \* \* \* \*

(21) *EVIDENCE-BASED.*—

(A) *IN GENERAL.*—*Except as provided in subparagraph (B), the term “evidence-based”, when used with respect to an activity, means an activity that—*

(i) *demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—*

(I) *strong evidence from at least 1 well-designed and well-implemented experimental study;*

(II) *moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or*

(III) *promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or*

(ii) (I) *demonstrates a rationale that is based on high-quality research findings that such activity is likely to improve student outcomes or other relevant outcomes; and*

(II) includes ongoing efforts to examine the effects of such activity.

(B) DEFINITION FOR PART A OF TITLE I.—For purposes of part A of title I, the term “evidence-based”, when used with respect to an activity, means an activity that meets the requirements of subclause (I) or (II) of subparagraph (A)(i).

(22) EXPANDED LEARNING TIME.—The term “expanded learning time” means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for—

(A) instruction and enrichment in core academic subjects, other academic subjects, and other activities that contribute to a well-rounded education; and

(B) instructional and support staff to collaborate, plan, and engage in professional development (including professional development on family and community engagement) within and across grades and subjects.

(23) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—The term “extended-year adjusted cohort graduation rate” has the meaning given the term in section 200.19(b)(1)(v) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008.

[(20)](24) \* \* \*

[(21)](25) \* \* \*

[(22)](26) \* \* \*

[[[(23)](27) HIGHLY QUALIFIED.— The term “highly qualified”—

[(A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that—

[(i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State’s public charter school law; and

[(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

[(B) when used with respect to—

[(i) an elementary school teacher who is new to the profession, means that the teacher—

[(I) holds at least a bachelor’s degree; and

[(II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

[(ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—

[(I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

[(II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and

[(C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and—

[(i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or

[(ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that—

[(I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;

[(II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

[(III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

[(IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

[(V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;

[(VI) is made available to the public upon request; and

[(VII) may involve multiple, objective measures of teacher competency.]

(27) *HIGH SCHOOL.*—The term “high school” means a secondary school that—

(A) grants a diploma, as defined by the State; and

(B) includes, at least, grade 12.

\* \* \* \* \*

[(24)](28) \* \* \*

[(26)](29) \* \* \*

(A) IN GENERAL.— \* \* \*

\* \* \* \* \*

(C) **[BIA]BIE** schools.—The term includes an elementary school or secondary school funded by the Bureau of Indian **[Affairs]Education** but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian **[Affairs] Education**.

**[(27)](30)** \* \* \*

**(31) MULTI-TIER SYSTEM OF SUPPORTS.**—*The term “multi-tier system of supports” means a comprehensive continuum of evidence-based, system-wide practices to support a rapid response to academic and behavioral needs, with frequent data-based monitoring for instructional decisionmaking.*

**[(28)](32)** \* \* \*

**[(29)](33) OTHER STAFF.**—The term “other staff” means **[pupil services]specialized instructional support** personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

**[(30)](34) OUTLYING AREA.**—The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121(b) and any other discretionary grant program under this Act, **[includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau until an agreement for the extension of United States education assistance under the Compact of Free Association for each of the freely associated states becomes effective after the date of enactment of the No Child Left Behind Act of 2001.]includes the Republic of Palau except during any period for which the Secretary determines that a Compact of Free Association is in effect that contains provisions for education assistance prohibiting the assistance provided under this Act.**

**[(31)](35)** \* \* \*

**[(32)](36) PARENTAL INVOLVEMENT.**— The term “parental involvement” means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

(A) \* \* \*

\* \* \* \* \*

(C) that parents are full partners in their child’s education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child; *and*

(D) the carrying out of other activities, such as those described in **[section 1118]section 1115**.

~~[(33)](37) \* \* \*~~

~~[(34)](38) PROFESSIONAL DEVELOPMENT. The term “professional development”—~~

~~[(A) includes activities that—~~

~~[(i) improve and increase teachers’ knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;~~

~~[(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;~~

~~[(iii) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;~~

~~[(iv) improve classroom management skills;~~

~~[(v)(I) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher’s performance in the classroom; and~~

~~[(II) are not 1-day or short-term workshops or conferences;~~

~~[(vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;~~

~~[(vii) advance teacher understanding of effective instructional strategies that are—~~

~~[(I) based on scientifically based research (except that this subclause shall not apply to activities carried out under part D of title II); and~~

~~[(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and~~

~~[(viii) are aligned with and directly related to—~~

~~[(I) State academic content standards, student academic achievement standards, and assessments; and~~

~~[(II) the curricula and programs tied to the standards described in subclause (I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B);~~

~~[(ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;~~

~~[(x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;~~

~~[(xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and~~

learning in the curricula and core academic subjects in which the teachers teach;

【(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

【(xiii) provide instruction in methods of teaching children with special needs;

【(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and

【(xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and 【(B) may include activities that—

【(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

【(ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

【(iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.】

【(35) PUBLIC TELECOMMUNICATIONS ENTITY.—The term “public telecommunications entity” has the meaning given that term in section 397(12) of the Communications Act of 1934.

【(36) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

【(A) PUPIL SERVICES PERSONNEL.—The term “pupil services personnel” means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

【(B) PUPIL SERVICES.—The term “pupil services” means the services provided by pupil services personnel.

【(37) SCIENTIFICALLY BASED RESEARCH.—The term “scientifically based research”—

【(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

【(B) includes research that—

【(i) employs systematic, empirical methods that draw on observation or experiment;

】(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

【(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

【(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

【(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

【(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.】

(38) *PROFESSIONAL DEVELOPMENT.*—*The term “professional development” means activities that—*

*(A) are coordinated and aligned to support educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators); and*

*(B) are designed and implemented to improve student achievement and classroom practice, which may include activities that—*

*(i) improve and increase teachers’—*

*(I) knowledge of the academic subjects the teachers teach;*

*(II) understanding of how students learn; and*

*(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;*

*(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;*

*(iii) allow personalized plans for each educator to address the educator’s specific needs identified in observation or other feedback;*

*(iv) give teachers, principals, other school leaders, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic standards;*

*(v) improve classroom management skills;*

*(vi)(I) are high-quality, sustained, intensive, collaborative, job-embedded, data-driven, and classroom-*

*focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and*

*(II) are not 1-day or short-term workshops or conferences;*

*(vii) support the recruiting, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;*

*(viii) advance teacher understanding of—*

*(I) effective instructional strategies that are evidence-based; and*

*(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;*

*(ix) are aligned with and directly related to—*

*(I) challenging State academic standards and assessments under section 1111(b);*

*(II) the curricula and programs tied to the standards described in subclause (I); and*

*(III) related academic goals of the school or local educational agency;*

*(x) are developed with extensive participation of teachers, principals, other school leaders, parents, and administrators of schools to be served under this Act;*

*(xi) are designed to give teachers of children who are English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;*

*(xii) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;*

*(xiii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;*

*(xiv) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tiered systems of supports, and use of accommodations;*

*(xv) include instruction in the use of data and assessments to inform and instruct classroom practice;*

*(xvi) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;*



(xvii) involve the forming of partnerships with institutions of higher education to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

(xviii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(xix) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(xx) where applicable and practical, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

(39) **SCHOOL LEADER.**—The term “school leader” means a principal, assistant principal, or other individual who is—

(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.

[(38)](40) **SECONDARY SCHOOL.**—

[(39)](41) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

**[STATE.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.]

[(42) **TEACHER MENTORING.**—The term “teacher mentoring” means activities that—

[(A) consist of structured guidance and regular and ongoing support for teachers, especially beginning teachers, that—

[(i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and

[(part of ongoing developmental induction process—

[(I) involve the assistance of an exemplary teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and

[(II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

[(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.]

(42) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term “specialized instructional support personnel” means —

(i) school counselors, school social workers, and school psychologists; and

(ii) other qualified professional personnel, such as school nurses and speech language pathologists, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term “specialized instructional support services” means the services provided by specialized instructional support personnel.

(43) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

[(41)](44) STATE EDUCATIONAL AGENCY.—The term “State educational agency” means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

[(43)](45) TECHNOLOGY.—The term “technology” means state-of-the-art technology products and services.

(46) UNIVERSAL DESIGN FOR LEARNING.—The term “universal design for learning” has the meaning given the term in section 103 of the Higher Education Act of 1965.

\* \* \* \* \*

**SEC. 9103. APPLICABILITY TO [BUREAU OF INDIAN AFFAIRS]BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.**

For the purpose of any competitive program under this Act—

(1) a consortium of schools operated by the [Bureau of Indian Affairs]Bureau of Indian Education;

(2) a school operated under a contract or grant with the [Bureau of Indian Affairs]Bureau of Indian Education in consortium with another contract or grant school or a tribal or community organization; or

(3) a [Bureau of Indian Affairs]Bureau of Indian Education school in consortium with an institution of higher education, a contract or grant school, or a tribal or community organization,

shall be given the same consideration as a local educational agency.

\* \* \* \* \*

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

**SEC. 9201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.**

- (a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—
- (1) IN GENERAL.— \* \* \*

\* \* \* \* \*

**SEC. 9203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.**

- (a) GENERAL AUTHORITY.— \* \* \*
- (b) STATE PROCEDURES.— [Within 1 year after the date of enactment of the No Child Left Behind Act of 2001, a State] A State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under those programs that may be used for administration on a consolidated basis.
- (c) CONDITIONS.— \* \* \*

\* \* \* \* \*

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

**SEC. 9301. PURPOSES.**

- The purposes of this part are—
- (1) \* \* \*

\* \* \* \* \*

**SEC. 9305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.**

- (a) GENERAL AUTHORITY.—
- (1) CONSOLIDATED PLAN.— \* \* \*
- (d) NECESSARY MATERIALS.— \* \* \*
- (e) RURAL CONSOLIDATED PLAN.—
- (1) IN GENERAL.— *Two or more eligible local educational agencies, a consortium of eligible local education service agencies, or an educational service agency on behalf of eligible local educational agencies may submit plans or applications for 1 or more covered programs to the State educational agency on a consolidated basis, if each eligible local educational agency impacted elects to participate in the joint application or elects to allow the educational service agency to apply on its behalf.*
- (2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.— *For the purposes of this subsection, the term “eligible local educational agency” means a local educational agency that is an eligible local educational agency under part B of title VI.*

**PART D—WAIVERS**

**SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.**

[(a) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

[(1) receives funds under a program authorized by this Act; and

[(2) requests a waiver under subsection (b).]

(a) IN GENERAL.—

(1) REQUEST FOR WAIVER BY STATE OR INDIAN TRIBE.—A State educational agency or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL REQUESTS SUBMITTED THROUGH THE STATE.—

(A) REQUEST FOR WAIVER BY LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under a program authorized under this Act and desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the appropriate State educational agency. The State educational agency may then submit the request to the Secretary if the State educational agency determines the waiver appropriate.

(B) REQUEST FOR WAIVER BY SCHOOL.—An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the local educational agency serving the school. The local educational agency may then submit the request to the State educational agency in accordance with subparagraph (A) if the local educational agency determines the waiver appropriate.

(3) RECEIPT OF WAIVER.—Except as provided in subsection (b)(4) or (c), the Secretary may waive any statutory or regulatory requirement of this Act for which a waiver request is submitted to the Secretary pursuant to this subsection.

(b) REQUEST FOR WAIVER.—

(1) IN GENERAL.—A State educational agency[, local educational agency,], acting on its own behalf or on behalf of a local educational agency in accordance with subsection (a)(2), or Indian tribe that desires a waiver shall submit a waiver request to the Secretary, which shall include a plan that—

(A) \* \* \*

\* \* \* \* \*

[(C) describes, for each school year, specific, measurable educational goals, in accordance with section 1111(b), for the State educational agency and for each local educational agency, Indian tribe, or school that would be affected by the waiver and the methods to be used to meas-

ure annually such progress for meeting such goals and outcomes;

【(D) explains how the waiver will assist the State educational agency and each affected local educational agency, Indian tribe, or school in reaching those goals; and】

*(C) describes the methods the State educational agency, local educational agency, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan;*

*(D) includes only information directly related to the waiver request on how the State educational agency, local educational agency, or Indian tribe will maintain and improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of students according to each category of students described in section 1111(b)(2)(B)(xi); and*

(E) \* \* \*

(2) ADDITIONAL INFORMATION.—Such requests—

(A) \* \* \*

(B) shall be developed and submitted—

(i)(I) \* \* \*

(II) by State educational agencies 【(on behalf of, and based on the requests of, local educational agencies)】*on behalf of those agencies or on behalf of, and based on the requests of, local educational agencies in the State* to the Secretary; or

(ii) \* \* \*

(3) GENERAL REQUIREMENTS.—

(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting on its own behalf, *or on behalf of local educational agencies in the State under subsection (a)(2)*, the State educational agency shall—

(i) provide 【all interested local educational agencies】*any interested local educational agency* in the State with notice and a reasonable opportunity to comment on the request, *to the extent that the request impacts the local educational agency;*

(ii) \* \* \*

(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

(i) the request shall be 【reviewed by the State educational agency】*reviewed and approved by the State educational agency in accordance with subsection (a)(2) before being submitted to the Secretary* and be accompanied by the comments, if any, of the State educational agency; and

(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notices and information to the public.

(4) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

(A) *IN GENERAL.*—The Secretary shall issue a written determination regarding the approval or disapproval of a waiver request not more than 90 days after the date on which such request is submitted, unless the Secretary determines and demonstrates that—

- (i) the waiver request does not meet the requirements of this section; or
- (ii) the waiver is not permitted under subsection

(c).

(B) *WAIVER DETERMINATION AND REVISION.*—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

- (i) immediately—

(I) notify the State educational agency, local educational agency and State educational agency, or Indian tribe, as applicable, of such determination; and

(II) provide detailed reasons for such determination in writing and in a public manner, such as posting to the Department's website in a clear and easily accessible manner;

- (ii) offer the State educational agency, local educational agency (through the State educational agency), or Indian tribe an opportunity to revise and resubmit the waiver request by a date that is not more than 60 days after the date of such determination; and

(iii) if the Secretary determines that the resubmission does not meet the requirements of this section, at the request of the State educational agency, local educational agency, or Indian tribe, conduct a public hearing not more than 30 days after the date of such resubmission.

(C) *WAIVER DISAPPROVAL.*—The Secretary may disapprove a waiver request if—

- (i) the State educational agency, local educational agency, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

(ii) the State educational agency, local educational agency (through the State educational agency), or Indian tribe—

(I) does not revise and resubmit the waiver request; or

(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii).

(D) *EXTERNAL CONDITIONS.*—The Secretary shall not disapprove a waiver request under this section based on conditions outside the scope of the waiver request.

(c) *RESTRICTIONS.*—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

(1) \* \* \*

\* \* \* \* \*

(8) the requirement for a charter school under [subpart 1 of part B of title V] *part A of title V*;

\* \* \* \* \*

(10) the selection of a school attendance area or school under [subsections (a) and (b) of section 1113] *section 1113(a)*, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the local educational agency that meets the requirements of [subsections (a) and (b) of section 1113] *section 1113(a)*.

(d) DURATION AND EXTENSION OF WAIVER; *LIMITATIONS*.—

(1) IN GENERAL.— \* \* \*

(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

(A) \* \* \*

\* \* \* \* \*

(3) *SPECIFIC LIMITATIONS*.—*The Secretary shall not place any requirements on a State educational agency, local educational agency, or Indian tribe as a condition, criterion, or priority for the approval of a waiver request, unless such requirements are—*

(A) *otherwise requirements under this Act; and*

(B) *directly related to the waiver request.*

[(e) REPORTS.—

[(1) LOCAL WAIVER.—A local educational agency that receives a waiver under this section shall, at the end of the second year for which a waiver is received under this section and each subsequent year, submit a report to the State educational agency that—

[(A) describes the uses of the waiver by the agency or by schools;

[(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers were granted; and

[(C) evaluates the progress of the agency and of schools in improving the quality of instruction or the academic achievement of students.

[(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall annually submit a report to the Secretary that is based on those reports and contains such information as the Secretary may require.

[(3) INDIAN TRIBE WAIVER.—An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

[(A) describes the uses of the waiver by schools operated by the tribe; and

[(B) evaluates the progress of those schools in improving the quality of instruction or the academic achievement of students.

[(4) REPORT TO CONGRESS.—Beginning in fiscal year 2002 and for each subsequent year, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

[(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

[(B) describing whether the waivers—

[(i) increased the quality of instruction to students; or

[(ii) improved the academic achievement of students.]

(e) *REPORTS.—A State educational agency, local educational agency, or Indian tribe receiving a waiver under this section shall describe, as part of, and pursuant to, the required annual reporting under section 1111(d)—*

(1) *the progress of schools covered under the provisions of such waiver toward improving the quality of instruction to students and increasing student academic achievement; and*

(2) *how the use of the waiver has contributed to such progress.*

(f) *TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section [if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.]if, after notice and an opportunity for a hearing, the Secretary—*

(A) *presents substantial evidence that clearly demonstrates that the waiver is not contributing to the progress of schools described in subsection (e)(1); or*

(B) *determines that the waiver is no longer necessary to achieve its original purposes.*

## **PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS**

### **SEC. 9451. APPROVAL AND DISAPPROVAL OF STATE PLANS.**

(a) *DEEMED APPROVAL.—A plan submitted by a State pursuant to section 2101(d), 4103(d), or 9302 shall be deemed to be approved by the Secretary unless—*

(1) *the Secretary makes a written determination, prior to the expiration of the 90-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section 2101(d) or 4103(d) or part C, respectively; and*

(2) *the Secretary presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of section 2101(d) or 4103(d) or part C, respectively.*

(b) *DISAPPROVAL PROCESS.—*



(1) *IN GENERAL.*—The Secretary shall not finally disapprove a plan submitted under section 2101(d), 4103(d), or 9302, except after giving the State educational agency notice and an opportunity for a hearing.

(2) *NOTIFICATIONS.*—If the Secretary finds that the plan is not in compliance, in whole or in part, with section 2101(d) or 4103(d) or part C, as applicable, the Secretary shall—

(A) immediately notify the State of such determination;

(B) provide a detailed description of the specific provisions of the plan that the Secretary determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

(C) offer the State an opportunity to revise and resubmit its plan within 45 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of such section or part, as applicable;

(D) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

(E) conduct a public hearing within 30 days of the plan's resubmission under subparagraph (C), with public notice provided not less than 15 days before such hearing, unless a State declines the opportunity for such public hearing; and

(F) request additional information, only as to the non-compliant provisions, needed to make the plan compliant.

(3) *RESPONSE.*—If the State educational agency responds to the Secretary's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the plan with the requested information described in paragraph (2)(B), the Secretary shall approve or disapprove such plan prior to the later of—

(A) the expiration of the 45-day period beginning on the date on which the plan is resubmitted; or

(B) the expiration of the 90-day period described in subsection (a).

(4) *FAILURE TO RESPOND.*—If the State educational agency does not respond to the Secretary's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the State educational agency received the notification, such plan shall be deemed to be disapproved.

(c) *PEER-REVIEW REQUIREMENTS.*—Notwithstanding any other requirements of this part, the Secretary shall ensure that any portion of a consolidated State plan that is related to part A of title I is subject to the peer-review process described in section 1111(a)(3).

**SEC. 9452. APPROVAL AND DISAPPROVAL OF LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

(a) *DEEMED APPROVAL.*—An application submitted by a local educational agency pursuant to section 2102(b), 4104(b), or 9305 shall be deemed to be approved by the State educational agency unless—

(1) the State educational agency makes a written determination, prior to the expiration of the 90-day period beginning

on the date on which the State educational agency received the application, that the application is not in compliance with section 2102(b) or 4104(b), or part C, respectively; and

(2) the State presents substantial evidence that clearly demonstrates that such application does not meet the requirements of section 2102(b) or 4104(b), or part C, respectively.

(b) *DISAPPROVAL PROCESS.*—

(1) *IN GENERAL.*—The State educational agency shall not finally disapprove an application submitted under section 2102(b), 4104(b), or 9305 except after giving the local educational agency notice and opportunity for a hearing.

(2) *NOTIFICATIONS.*—If the State educational agency finds that the application submitted under section 2102(b), 4104(b), or 9305 is not in compliance, in whole or in part, with section 2102(b) or 4104(b), or part C, respectively, the State educational agency shall—

(A) immediately notify the local educational agency of such determination;

(B) provide a detailed description of the specific provisions of the application that the State determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

(C) offer the local educational agency an opportunity to revise and resubmit its application within 45 days of such determination, including the chance for the local educational agency to present substantial evidence to clearly demonstrate that the application meets the requirements of such section or part;

(D) provide technical assistance, upon request of the local educational agency, in order to assist the local educational agency to meet the requirements of such section or part, as applicable;

(E) conduct a public hearing within 30 days of the application's resubmission under subparagraph (C), with public notice provided not less than 15 days before such hearing, unless a local educational agency declines the opportunity for such public hearing; and

(F) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

(3) *RESPONSE.*—If the local educational agency responds to the State educational agency's notification described in paragraph (2)(B) during the 45-day period beginning on the date on which the local educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(C), the State educational agency shall approve or disapprove such application prior to the later of—

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

(B) the expiration of the 90-day period described in subsection (a).

(4) *FAILURE TO RESPOND.*—If the local educational agency does not respond to the State educational agency's notification described in paragraph (2)(B) during the 45-day period begin-

ning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.

\* \* \* \* \*

**PART [E]F—UNIFORM PROVISIONS**

**Subpart 1—Private Schools**

**SEC. 9501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.**

(a) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.— \* \* \*

\* \* \* \* \*

(b) APPLICABILITY.—

(1) IN GENERAL.—This section applies to programs under—

[(A) subparts 1 and 3 of part B of title I;

[(B) part C of title I;

[(C) part A of title II, to the extent provided in paragraph (3);

[(D) part B of title II;

[(E) part D of title II;

[(F) part A of title III;

[(G) part A of title IV; and

[(H) part B of title IV.]

(A) part C of title I;

(B) part A of title II;

(C) part A of title III; and

(D) title IV.

(2) DEFINITION.— \* \* \*

[(3) APPLICATION.—(A) Except as provided in subparagraph (B), this subpart, including subsection (a)(4), applies to funds awarded to a local educational agency under part A of title II only to the extent that the local educational agency uses funds under that part to provide professional development to teachers and others.]

(B) \* \* \*

(c) CONSULTATION.— \* \* \*

(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

(A) \* \* \*

\* \* \* \* \*

(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel [and the amount], the amount of funds available for those [services; and] services, and how that amount is determined;

(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, includ-

ing a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers[.]; and

(G) *whether the agency, consortium, or entity shall provide services directly or assign responsibility for the provision of services to a separate government agency, consortium, or entity, or to a third-party contractor.*

\* \* \* \* \*

## Subpart 2—Other Provisions

### SEC. 9521. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of the agency and the State with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year, *subject to the requirements of subsection (b).*

(b) REDUCTION IN CASE OF FAILURE TO MEET.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency), *if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years.*

\* \* \* \* \*

(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster *or a change in the organizational structure of the local educational agency*; or

(2) a precipitous decline in the financial resources of the local educational agency.

\* \* \* \* \*

### SEC. 9524. SCHOOL PRAYER.

(a) GUIDANCE.—The Secretary shall provide and revise guidance, not later than September 1, 2002, and of every second year thereafter, to State educational agencies, local educational agencies, and the public on constitutionally protected prayer in public elementary schools and secondary schools, including making the guidance available [on the Internet] *by electronic means, including by posting the guidance on the Department's website in a clear and easily accessible manner.* The guidance shall be reviewed, prior to distribution, by the Office of Legal Counsel of the Department of Justice for verification that the guidance represents the current

state of the law concerning constitutionally protected prayer in public elementary schools and secondary schools.

\* \* \* \* \*

**[SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.**

**[(a) GENERAL PROHIBITION.—**Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

**[(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—**Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

**[(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—**

**[(1) IN GENERAL.—**Notwithstanding any other provision of Federal law, no State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

**[(2) RULE OF CONSTRUCTION.—**Nothing in this subsection shall be construed to affect requirements under title I or part A of title VI.

**[(d) RULE OF CONSTRUCTION ON BUILDING STANDARDS.—**Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.]

**SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.**

**(a) GENERAL PROHIBITION.—**

**(1) IN GENERAL.—***Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, through grants, contracts, or other cooperative agreements (including as a condition of any waiver provided under section 9401) to—*

*(A) mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, instructional content, specific academic standards or assessments, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act;*

*(B) incentivize a State, local educational agency, or school to adopt any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction, including by providing any priority, preference, or special consideration during the application process for any grant, contract, or cooperative agreement that is based on the adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction; or*

(C) make financial support available in a manner that is conditioned upon a State, local educational agency, or school's adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction (such as the Common Core State Standards developed under the Common Core State Standards Initiative, any other standards common to a significant number of States, or any specific assessment, instructional content, or curriculum aligned to such standards).

(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department directly or indirectly, including through any grant, contract, cooperative agreement, or waiver provided by the Secretary under section 9401, to endorse, approve, or sanction any curriculum (including the alignment of such curriculum to any specific academic standard) designed to be used in an early childhood education program, elementary school, secondary school, or institution of higher education.

(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic content or academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

(2) RULES OF CONSTRUCTION.—

(A) APPLICABILITY.—Nothing in this subsection shall be construed to affect requirements under title I.

(B) STATE OR LOCAL AUTHORITY.—Nothing in this section shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State, local educational agency, or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

(3) BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.

**SEC. 9528. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.**

(a) POLICY.—

(1) ACCESS TO STUDENT RECRUITING INFORMATION.— \* \* \*

\* \* \* \* \*

[(d) SPECIAL RULE.—A local educational agency prohibited by Connecticut State law (either explicitly by statute or through statutory interpretation by the State Supreme Court or State Attorney General) from providing military recruiters with information or access as required by this section shall have until May 31, 2002, to comply with that requirement.]

\* \* \* \* \*

**[SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED TESTING.**

[(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

[(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(5) of the Education Sciences Reform Act of 2002 and administered to only a representative sample of pupils in the United States and in foreign nations.]

**SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED TESTING.**

(a) *GENERAL PROHIBITION.*—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

(b) *EXCEPTIONS.*—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(5) of the Education Sciences Reform Act of 2002 and administered to only a representative sample of pupils in the United States and in foreign nations.

(c) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State or local educational agency or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

**SEC. 9530. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS.**

(a) *MANDATORY NATIONAL TESTING OR CERTIFICATION OF TEACHERS.*—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers, principals, or education paraprofessionals, including any planning, development, implementation, or administration of, or incentive regarding, such test or certification.

\* \* \* \* \*

**SEC. 9536. [20 U.S.C. 7916] SEVERABILITY.**

If any provision of this Act is held invalid, the remainder of this Act shall be unaffected thereby.

**SEC. [4155]9537. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.**

(a) *NONAPPLICATION OF PROVISIONS.*—This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other non-public school, person, institution, or other entity, that provides education below the college level.

(b) *DISCIPLINARY RECORDS.*—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

\* \* \* \* \*

**SEC. 9538. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.**

(a) *IN GENERAL.*—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency during the design and development of the affected local educational agency's programs under this Act, with the overarching goal of meeting the unique cultural, language, and educational needs of American Indian and Alaska Native students.

(b) *TIMING.*—The consultation described in subsection (a) shall include meetings of officials from the affected local educational agency and the tribes or tribal organizations approved by the tribes and shall occur before the affected local educational agency makes any decision regarding how the needs of American Indian and Alaska Native children will be met in covered programs or in services or activities provided under title VII.

(c) *DOCUMENTATION.*—Each affected local educational agency shall maintain in the agency's records and provide to the State educational agency a written affirmation signed by officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

(d) *AFFECTED LOCAL EDUCATIONAL AGENCY.*—In this section, the term "affected local educational agency" means a local educational agency—

(1) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or

(2) with an enrollment of not less than 50 American Indian or Alaska Native students.



**SEC. 9539. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.**

(a) *OUTREACH.*—The Secretary shall engage in outreach to rural local educational agencies regarding opportunities to apply for competitive grant programs under this Act.

(b) *TECHNICAL ASSISTANCE.*—If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 32, 33, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this Act. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.

\* \* \* \* \*

**Subpart [5]3—Teacher Liability Protection**

**SEC. [2361]9541. SHORT TITLE.**

This subpart may be cited as the “Paul D. Coverdell Teacher Protection Act of 2001”.

\* \* \* \* \*

**SEC. [2362]9542. PURPOSE.**

The purpose of this subpart is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

\* \* \* \* \*

**SEC. [2363]9543. DEFINITIONS.**

For purposes of this subpart:

(1) *ECONOMIC LOSS.*—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) *HARM.*—The term “harm” includes physical, nonphysical, economic, and noneconomic losses.

(3) *NONECONOMIC LOSS.*—The term “noneconomic loss” means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.

(4) *SCHOOL.*—The term “school” means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

(5) *STATE.*—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United

*States, or any political subdivision of any such State, territory, or possession.*

(6) **TEACHER.**—*The term “teacher” means—*

(A) *a teacher, instructor, principal, or administrator;*

(B) *another educational professional who works in a school;*

(C) *a professional or nonprofessional employee who—*

(i) *works in a school; and*

(ii) *(I) in the employee’s job, maintains discipline or ensures safety; or*

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

(D) *an individual member of a school board (as distinct from the board).*

\* \* \* \* \*

**SEC. [2364]9544. APPLICABILITY**

*This subpart shall only apply to States that receive funds under this Act, and shall apply to such a State as a condition of receiving such funds.*

\* \* \* \* \*

**SEC. [2365]9545. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.**

(a) **PREEMPTION.**—*This subpart preempts the laws of any State to the extent that such laws are inconsistent with this subpart, except that this subpart shall not preempt any State law that provides additional protection from liability relating to teachers.*

(b) **ELECTION OF STATE REGARDING NONAPPLICABILITY.**—*This subpart shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—*

(1) *citing the authority of this subsection;*

(2) *declaring the election of such State that this subpart shall not apply, as of a date certain, to such civil action in the State; and*

(3) *containing no other provisions.*

\* \* \* \* \*

**SEC. [2366]9546. LIMITATION ON LIABILITY FOR TEACHERS.**

(a) **LIABILITY PROTECTION FOR TEACHERS.**—*Except as provided in subsection (b), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—*

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

(2) *the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;*

(3) *if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities*

for the activities or practice involved in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

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

(A) possess an operator's license; or

(B) maintain insurance.

(b) **EXCEPTIONS TO TEACHER LIABILITY PROTECTION.**—IF THE LAWS OF A STATE LIMIT TEACHER LIABILITY SUBJECT TO ONE OR MORE OF THE FOLLOWING CONDITIONS, SUCH CONDITIONS SHALL NOT BE CONSTRUED AS INCONSISTENT WITH THIS SECTION:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

**【State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.】**

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(c) **LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.**—

(1) **GENERAL RULE.**—Punitive damages may not be awarded against a teacher in an action brought for harm based on the act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an act or omission of such teacher that constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) **CONSTRUCTION.**—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(d) **EXCEPTIONS TO LIMITATIONS ON LIABILITY.**—

(1) **IN GENERAL.**—The limitations on the liability of a teacher under this subpart shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

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

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

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

(2) **HIRING.**—The limitations on the liability of a teacher under this subpart shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

(e) **RULES OF CONSTRUCTION.**—

(1) **CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.**—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(2) **CONCERNING CORPORAL PUNISHMENT.**—Nothing in this subpart shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.

\* \* \* \* \*

**SEC. [2367]19547. ALLOCATION OF RESPONSIBILITY FOR NONECONOMIC LOSS.**

(a) **GENERAL RULE.**—In any civil action against a teacher, based on an act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) **AMOUNT OF LIABILITY.**—

(1) **IN GENERAL.**—

(A) **LIABILITY.**—Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable.

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

(2) **PERCENTAGE OF RESPONSIBILITY.**—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.

**SEC. [2368]9548. EFFECTIVE DATE.**

(a) *IN GENERAL.*—This subpart shall take effect 90 days after the date of enactment of the No Child Left Behind Act of 2001.

(b) *APPLICATION.*—This subpart applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

\* \* \* \* \*

**[Subpart 4—Limitation on Availability of Certain Funds for Schools]Subpart 4—Internet Safety**

**SEC. [2441]9551. INTERNET SAFETY.**

(a) *IN GENERAL.*—No funds made available under this part to a local educational agency for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)) may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—

(1)(A) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

- (i) obscene;
- (ii) child pornography; or
- (iii) harmful to minors; and

(B) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

(2)(A) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

- (i) obscene; or
- (ii) child pornography; and

(B) is enforcing the operation of such technology protection measure during any use of such computers.

(b) **TIMING AND APPLICABILITY OF IMPLEMENTATION.**—

(1) *IN GENERAL.*—The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as part of the application process for the next program funding year under this Act following December 21, 2000, and for each subsequent program funding year thereafter.

(2) **PROCESS.**—

(A) **SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.**—A local educational agency with responsibility for a school covered by subsection (a) that has in place an Internet safety policy

meeting the requirements of subsection (a) shall certify its compliance with subsection (a) during each annual program application cycle under this Act.

**(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—**

(i) **CERTIFICATION.**—A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a)—

(I) for the first program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

(II) for the second program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.

(ii) **INELIGIBILITY.**—Any school covered by subsection (a) for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this part for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

(C) **WAIVERS.**—Any school subject to a certification under subparagraph (B)(i)(II) for which the local educational agency concerned cannot make the certification otherwise required by that subparagraph may seek a waiver of that subparagraph if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that subparagraph. The local educational agency concerned shall notify the Secretary of the applicability of that subparagraph to the school. Such notice shall certify that the school will be brought into compliance with the requirements in subsection (a) before the start of the third program year after December 21, 2000, in which the school is applying for funds under this part.

(c) **DISABLING DURING CERTAIN USE.**—An administrator, supervisor, or person authorized by the responsible authority under subsection (a) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

(d) **NONCOMPLIANCE.**—

(1) **USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.**—Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—

(A) withhold further payments to the recipient under this part;

(B) issue a complaint to compel compliance of the recipient through a cease and desist order; or

(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements, in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act.

(2) *RECOVERY OF FUNDS PROHIBITED.*—The actions authorized by paragraph (1) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this section, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

(3) *RECOMMENCEMENT OF PAYMENTS.*—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under paragraph (1)(A) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that paragraph.

(e) *DEFINITIONS.*—In this subpart:

(1) *COMPUTER.*—The term “computer” includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

(2) *ACCESS TO INTERNET.*—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.

(3) *ACQUISITION OR OPERATION.*—An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

(A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

(B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

(4) *MINOR.*—The term “minor” means an individual who has not attained the age of 17.

(5) *CHILD PORNOGRAPHY.*—The term “child pornography” has the meaning given that term in section 2256 of title 18, United States Code.

(6) *HARMFUL TO MINORS.*—The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that—

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(7) *OBSCENE.*—The term “obscene” has the meaning applicable to that term under section 1460 of title 18, United States Code.

(8) *SEXUAL ACT AND SEXUAL CONTACT.*—The terms “sexual act” and “sexual contact” have the meanings given those terms in section 2246 of title 18, United States Code.

(f) *SEVERABILITY.*—If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.

\* \* \* \* \*

### **Subpart [3]5—Gun Possession**

#### **SEC. [4141]9561. GUN-FREE REQUIREMENTS.**

(a) *SHORT TITLE.*—This subpart may be cited as the “Gun-Free Schools Act”.

(b) *REQUIREMENTS.*—

(1) *IN GENERAL.*—Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

(2) *CONSTRUCTION.*—Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student’s regular school setting from providing educational services to such student in an alternative setting.

(3) *DEFINITION.*—For the purpose of this section, the term “firearm” has the same meaning given such term in section 921(a) of title 18, United States Code.

(c) *SPECIAL RULE.*—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

(d) *REPORT TO STATE.*—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance—

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

(A) the name of the school concerned;

(B) the number of students expelled from such school;

and

(C) the type of firearms concerned.

(e) *REPORTING.*—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.



(f) *DEFINITION.*—For the purpose of subsection (d), the term “school” means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

(g) *EXCEPTION.*—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

(h) *POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.*—

(1) *IN GENERAL.*—No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(2) *DEFINITION.*—For the purpose of this subsection, the term “school” has the same meaning given to such term by section 921(a) of title 18, United States Code.

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## [PART C—ENVIRONMENTAL TOBACCO SMOKE]

### *Subpart 6—Environmental Tobacco Smoke*

**SEC. [4301]9571. SHORT TITLE.**

*This part may be cited as the “Pro-Children Act of 2001”.*

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**SEC. [4302]9572. DEFINITIONS.**

*As used in this part:*

(1) *CHILDREN.*—The term “children” means individuals who have not attained the age of 18.

(2) *CHILDREN’S SERVICES.*—The term “children’s services” means the provision on a routine or regular basis of health, day care, education, or library services—

(A) that are funded, after the date of enactment of the No Child Left Behind Act of 2001, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

(3) **INDOOR FACILITY.**—The term “indoor facility” means a building that is enclosed.

(4) **PERSON.**—The term “person” means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children’s services or any individual who owns or operates or otherwise controls and provides such services.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

\* \* \* \* \*

**SEC. [4303]9573. NONSMOKING POLICY FOR CHILDREN’S SERVICES.**

(a) **PROHIBITION.**—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

(b) **ADDITIONAL PROHIBITION.**—

(1) **IN GENERAL.**—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or [early childhood development (Head Start) services]early childhood education programs.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to—

(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(B) any private residence.

(c) **FEDERAL AGENCIES.**—

(1) **KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.**—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

(2) **HEALTH OR DAY CARE OR EARLY CHILDHOOD [DEVELOPMENT SERVICES]EDUCATION PROGRAMS.**—

(A) **IN GENERAL.**—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood [development (Head Start) services]education programs to children.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply to—

(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(ii) any private residence.

(3) *APPLICATION OF PROVISIONS.*—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

(d) *NOTICE.*—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children’s services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the No Child Left Behind Act of 2001, whichever occurs first.

(e) *CIVIL PENALTIES.*—

(1) *IN GENERAL.*—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed 50 percent of the amount of Federal funds received under any title of this Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term “person”, as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

(2) *ADMINISTRATIVE PROCEEDING.*—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary’s designee) and such person may consult to arrange a suitable date and location where appropriate.

(3) *CIRCUMSTANCES AFFECTING PENALTY OR ORDER.*—In determining the amount of the civil penalty or the nature of the

administrative compliance order, the Secretary shall take into account, as appropriate—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

**[(C) such other matters as justice may require.]**(C) such other matters as justice may require.

(4) **MODIFICATION.**—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

(5) **PETITION FOR REVIEW.**—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary’s designee. The petition shall be filed within 30 days after the Secretary’s assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

(6) **FAILURE TO COMPLY.**—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

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**SEC. [4304]9574. PREEMPTION.**

Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

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## **PART [F]G—EVALUATIONS**

### **ISEC. 9601. EVALUATIONS.**

**[(a) RESERVATION OF FUNDS.—***Except as provided in subsections (b) and (c), the Secretary may reserve not more than 0.5 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this Act—*

**[(1) to conduct—**

**[(A) comprehensive evaluations of the program or project; and**

**[(B) studies of the effectiveness of the program or project and its administrative impact on schools and local educational agencies;**

**[(2) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law; and**

**[(3) to increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, and use of information relating to performance under the program or project.**

**[(b) TITLES I AND III EXCLUDED.—***The Secretary may not reserve under subsection (a) funds appropriated to carry out any program authorized under title I or title III.*

**[(c) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—***If, under any other provision of this Act (other than title I), funds are authorized to be reserved or used for evaluation activities with respect to a program or project, the Secretary may not reserve additional funds under this section for the evaluation of that program or project.]*

### **SEC. 9601. EVALUATIONS.**

**(a) RESERVATION OF FUNDS.—***Except as provided in subsection (b) and (e), the Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve not more than 0.5 percent of the amount appropriated for each program authorized under this Act to carry out activities under this section. If the Secretary elects to make a reservation under this subsection, the reserved amounts—*

*(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—*

*(A) conduct comprehensive, high-quality evaluations of the programs that—*

*(i) are consistent with the evaluation plan under subsection (d); and*

*(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;*

*(B) conduct studies of the effectiveness of the programs and the administrative impact of the programs on schools and local educational agencies; and*

- (C) widely disseminate evaluation findings under this section related to programs authorized under this Act—
- (i) in a timely fashion;
  - (ii) in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice;
  - (iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and
  - (iv) in a manner that promotes the utilization of such findings; and
- (2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—
- (A) to evaluate the aggregate short- and long-term effects and cost efficiencies across—
    - (i) Federal programs assisted or authorized under this Act; and
    - (ii) related Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law;
  - (B) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and use of information relating to performance to promote continuous improvement of programs assisted or authorized under this Act; and
  - (C) to assist recipients of grants under such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under paragraph (1).
- (b) **TITLE I.**—The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 1002(e) to carry out evaluation activities under this section related to title I, and shall not reserve any other money from such title for evaluation.
- (c) **CONSOLIDATION.**—Notwithstanding any other provision of this section or section 1002(e), the Secretary, in consultation with the Director of the Institute of Education Sciences—
- (1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a)(1); and
  - (2) shall not be required to evaluate under subsection (a)(1) each program authorized under this Act each year.
- (d) **EVALUATION PLAN.**—The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—
- (1) describes the specific activities that will be carried out under subsection (a) for the 2-year period applicable to the plan, and the timelines of such activities;
  - (2) contains the results of the activities carried out under subsection (a) for the most recent 2-year period; and
  - (3) describes how programs authorized under this Act will be regularly evaluated.

(e) *EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.*—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.

***[Editor's Note: The McKinney-Vento Homeless Assistance Act changes in existing law do not appear in this report. In consulting with the Senate Legislative Counsel, this office was advised that the compilation needed to show the changes was updated prior to completion of this report.]***

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