



# S.1177, Every Student Succeeds Act of 2015 – Section-by-Section

## COMMITTEE ON EDUCATION & THE WORKFORCE DEMOCRATS

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Hon. Robert C. "Bobby" Scott • Ranking Member

### **Section 1 – Short Title**

States the short title of the bill as the “Every Student Succeeds Act”

### **Section 2 – Table of Contents**

Lists the Table of Contents of the “Every Student Succeeds Act”

### **Section 3 – References**

Except as otherwise expressly provided, reference to an amendment or repeal is considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (ESEA) [20 U.S.C. 6301 et seq.].

### **Section 4 – Transition**

Programs that are no longer authorized and that are not substantively similar to a program authorized under this Act shall continue to receive funds until September 30, 2016. Programs that are no longer authorized but are substantively similar to a program authorized under this Act and programs still authorized under this Act that are recipients of multi-year awards may be awarded in accordance with the terms of the prior award. Programs still authorized under this Act may use funds awarded prior to the enactment of this Act to prepare for orderly implementation of amendments made to such program by this Act. The Secretary is required to provide an orderly transition. “ESEA Flexibility” waivers granted under section 9401 of the ESEA shall be terminated in August 1, 2016.

### **Section 5 – Effective Dates**

Except as otherwise provided, this Act is effective upon the date of enactment. Amendments made by this Act to noncompetitive, formula programs shall take effect July 1, 2016. Amendments made by this Act to competitive programs shall take effect October 1, 2016. Amendments made by this Act to the Impact Aid program shall take effect with respect to appropriations for use in fiscal year 2017.

State accountability systems shall remain in effect until August 1, 2016, except that any school or local educational agency (LEA) that has been identified as a priority or focus school – as well as any school or LEA identified as in need of improvement, corrective action, or restructuring under part A of title I of the ESEA – shall continue to implement applicable interventions until the State plan under section 1111 is approved, or subsections (c) and (d) of section 1111 take effect, whichever comes first. State accountability systems under subsections (c) and (d) of section 1111 of this Act shall take effect in the school year 2017-2018.

### **Section 6 – Table of Contents of the Elementary and Secondary Education Act of 1965**

Amends the table of contents of the ESEA

## **Title I, Part A – Improving Basic Programs Operated by State and Local Educational Agencies**

### **Section 1000 – Redesignations**

Redesignates sections of part A or subpart 1 of Title I [U.S.C. 6311 et seq].

### **Section 1001 – Statement of Purpose**

Amends Section 1001 [20 U.S.C. 6301] by changing the purpose to provide all children the opportunity for a fair, equitable, and significant opportunity to receive a high-quality education, and to close educational achievement gaps.

### **Section 1002 – Authorization of Appropriations**

Amends Section 1002 [20 U.S.C. 6302] by adding a sense of congress on revising limits on discretionary spending consistent with revisions (if any) to the limits established under the Balanced Budget and Emergency Deficit Control Act of 1985 [U.S.C. 901(c)]. Changes the authorization levels as follows:

- Part A: \$15,012,317,605 for fiscal year 2017, \$15,457,459,042 for fiscal year 2018, \$15,897,371,442 for fiscal year 2019, and \$16,182,344,591 for fiscal year 2020;
- Part B, State Assessments: \$378,000,000 for each of fiscal years 2017 through 2020;
- Part C, Education of Migratory Children: \$374,751,000 for each of fiscal years 2017 through 2020;
- Part C, Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk: \$47,614,000 for each of fiscal years 2017 through 2020.
- Part E, Evaluation activities: \$710,000 for each of fiscal years 2017 through 2020.

### **Section 1003 – School Improvement**

Amends Section 1003 [20 U.S.C. 6303] by increasing, from 4% to 7%, the percentage of the State's allocation, for a fiscal year, to carry out the SEA's statewide system of school improvement, technical assistance and support for LEAs. States will allocate 95% of the reserved funds for 4-year grants to LEAs (on a competitive or formula basis) to serve schools identified for school improvement activities under 1111(d), prioritizing those that serve high numbers of schools identified under 1111(d), demonstrate the greatest need for funds, as determined by the State, and demonstrate the strongest commitment to using funds to enable the lowest-performing schools to improve. LEAs must submit an application to SEAs that contains, at a minimum, a description of how it will develop comprehensive support and improvement plans for schools under section 1111(d)(1), support schools developing or implementing supports and improvement plans under section 1111(d)(2), monitor schools receiving improvement funds, rigorously review external partners, align other resources, and provide operational flexibility to support implementation of support and improvement plans. States must publicly report a list of all the LEAs and schools that receive school improvement support, and the amount of funds each school received.

### **Section 1004 – Direct Student Services**

Amends the Act [20 U.S.C. 6301 et seq.] by inserting a Direct Student Services program after section 1003 [20 U.S.C. 6303]. Allows States to set aside 3% of their allocation of school improvement funds to award grants to geographically diverse LEAs, prioritizing LEAs with the highest percentage of schools implementing support and improvement plans under section 1111(d), to cover the costs associated with direct student services for, first, students enrolled in school identified for comprehensive support and improvement, then low-achieving students enrolled in school implementing targeted support and improvement plans, and, with any remaining funds, other low-achieving students. Direct student services include academic and career and technical education coursework not otherwise available; credit recovery and academic acceleration courses; successful completion of postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including the reimbursement of the cost of Advanced Placement and International Baccalaureate examinations for low-income students; personalized learning; and, in LEAs that do not reserve funds under section 1111(d)(1)(D)(v), transportation to allow a student enrolled in a school identified for comprehensive support and improvement to transfer to another school.

### **Section 1005 – State Plans**

Amends Section 1111 [20 U.S.C. 6311] to read as follows:

## Section 1111 – State Plans

All SEAs that desire to receive Title I funds are required to submit a plan to the Secretary for approval.

*Consultation with Key Stakeholders* – In the development of such plan, each SEA must consult with the Governor, the State legislature and State board of education (if the State has a State board of education), local education agencies, representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school representatives (if applicable), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents. Such consultation shall not interfere with timely submission of the plan.

*Peer Review* – State plans must be reviewed by geographically diverse and varied peer-review teams of researchers and individuals who are representative key stakeholders, including those with recent local level experience. The list of peer reviewers who have reviewed the State plans must be made public. The same peer reviewers may not review all of the State plans.

*Approval and Disapproval Process* – The Secretary shall approve State plans within 120 days of submission unless the Secretary determines that the plan fails to meet requirements. In this situation, the Secretary must offer the State the opportunity to revise its plan, provide technical assistance, provide peer-review materials, and offer the opportunity for a hearing. The Secretary may disapprove the plan if the State does not resubmit it, or if the resubmission still does not meet the requirements, as determined by the Secretary. 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 approval and disapproval requirements as the initial plan submission, except within 90 days and without peer review.

## Section 1111(b) – Challenging Academic Standards and Academic Assessments

*Academic Standards* – Each State shall provide an assurance that the State has adopted challenging academic content standards and aligned academic achievement standards, with at least three levels of achievement standards (referred to in the Act, and in this summary, as ‘challenging State academic standards’). With the exception of alternate achievement standards, the same standards must apply to all public schools and public school students in the State and expect the same level levels of achievement of all public school students in the State. The State must demonstrate that standards are aligned with entrance into credit-bearing coursework at public institutions of higher education and with relevant career and technical education standards.

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

*Academic Assessments* – Each State is required to implement statewide academic assessments aligned with the challenging State academic standards in mathematics, reading or language arts, and science to all public school students in the State. Mathematics and reading or language arts assessments shall 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 during grades 3 through 5, 6 through 9, and 10 through 12. Results from such assessments shall be disaggregated by each major racial and ethnic group, economically disadvantaged students, children with disabilities, English proficiency status, gender, and migrant status. Computer adaptive assessments that meet these requirements may be administered. Assessments may be administered through a single, summative assessment or through multiple, statewide assessments that result in a summative score.

*Exception for Advanced Mathematics in Middle School* – A State is permitted to exempt any 8<sup>th</sup> grade student from the statewide mathematics assessment under certain conditions.

*Standards and Assessments for English Learners* – Each State is required to adopt English language proficiency standards that are aligned with the challenging State academic standards. States must assess the English language proficiency of English learners annually. States are provided with two options for recently arrived English learners. Either a State may exempt English learners who have been enrolled for less than 12 months from one administration of the statewide reading or language arts assessment and for the purposes of accountability, in the first year of enrollment, such student’s results on either or both of the reading or language arts and mathematics assessments, or a State may assess recently arrived English learners in the first year, use a measure of growth in the second year, and use proficiency in the third and each succeeding year. .

*Alternate Standards and Assessments for Children with the most Significant Cognitive Disabilities* – States may adopt alternate achievement standards for students with the most significant cognitive disabilities, provided those standards are aligned with the challenging State academic content standards and are aligned to ensure that a student who meets the standards are on track to pursue postsecondary education or employment. States are prohibited from using any other alternate or modified academic achievement standards. States may also provide alternative assessments aligned with alternate academic achievement standards (AA-AAS), but the test may not be administered to more than 1% of all students in each subject in the State. The State may not impose a limit at the school district level and must provide additional support and oversight to any district that administers the AA-AAS to more than 1% of its students. Any State that uses an AA-AAS may not preclude a student who takes it from attempting to complete the requirements for a regular high school diploma.

*Locally-Selected Assessment*– States may administer a locally-selected assessment in lieu of the statewide academic assessments for high school, if the assessment is nationally-recognized high school academic assessment (e.g., SAT or ACT) that meets the State’s technical criteria, is at least as rigorous as the statewide assessment, fulfills all the requirements of federal law, and is approved through federal peer review. LEAs that administer an approved locally-selected assessment must notify the parents of high school students.

*Rule of Construction on Parent Rights* – Clarifies that nothing in Section 1111(b)(2) preempts state or local law regarding parents’ decisions to not have their children participate in assessments required under 1111(b)(2).

*Limitation on Assessment Time* – Permits States to set target limits on the amount of time spent on assessments for each great. This target limit is subject to all Federal or State requirements related to assessments, evaluations, and accommodations for students.

#### Section 1111(c) – Statewide Accountability System

Each State must describe is required to develop and implement a single, statewide accountability system. The State plan must include a description of such system, as well as a description of the State-determined minimum number of students used for disaggregation of information by each subgroup of students that is statistically sound and the same for all students and each subgroup of students.

*Goals* – The statewide accountability system must be based on the challenging State academic standards and establish ambitious long-term goals, including measurements of interim progress toward meeting such goals, for all students and separately for each subgroup of students for proficiency and high school graduation rates. States may also establish long-term goals for the extended-year adjusted cohort graduation rate, so long as such goals are more rigorous, as compared to the goal set for the four-year adjusted cohort graduation rate. The term of the goals must be the same length of time for all students and for each subgroup of students and, for subgroups of students who are behind, must take into account the progress necessary to close proficiency and graduation rate gaps. Long-term goals must also be set for increases in the percentage of English learners making progress toward achieving English language proficiency within a State-determined number of years.

*Indicators* – The statewide accountability system must annually measure, for all students and, except for the indicator described in clause (iv), separately for each subgroup of students, the following indicators:

- (i) For all public schools in the State, academic achievement, as measured by proficiency on the annual assessments and based on the State-designed long-term goals, and which may be student growth for public high schools in the State;
- (ii) For public elementary schools and middle schools, a measure of students growth or another valid and reliable academic indicator that allows for meaningful differentiation in school performance;
- (iii) For public high schools in the State, and based on the State-designed long-term goals, the four-year adjusted cohort graduation rate and, at the State’s discretion, the extended-year adjusted cohort graduation rate;
- (iv) For all public school in the State, progress in achieving English language proficiency;
- (v) For all public schools in the State, not less than one indicator of school quality or student success that is valid, reliable, comparable, statewide, and allows for meaningful differentiation in school performance (e.g., measures of student engagement, postsecondary readiness).

*Differentiation* – Each State must establish a system of annually meaningfully differentiating all public schools in the State that is based on the indicators and, with respect to each of the indicators described in clauses (i) through (iv), affords substantial weight to each such indicator and much greater weight to such indicators in the aggregate than the weight afforded to the indicator or indicators described in clause (v). The system must differentiate any school in which any subgroup of students is consistently underperforming, as determined by the State.

*Identification* – Based on the system of meaningful differentiation, each State must establish a methodology for identifying, at a minimum, a category of schools for comprehensive support and improvement that includes not less than the lowest-performing 5 percent of all schools receiving Title I funds (referred to in this summary as ‘Title I schools’), all public high schools failing to graduate one thirds of more of their students, and Title I schools in which any subgroup of students, on its own, would be identified as the lowest-performing 5 percent of all schools and that have not improved after a State-determined number of years. Identification must begin with school year 2017-2018 and occur at least once every three school years thereafter. Schools in which any subgroup of students, on its own, would be identified as the lowest-performing 5 percent of all schools that have not improved after a State-determined number of years shall be identified for comprehensive support and improvement on a rolling basis.

*Participation Rate* – Each State must annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools, and provide a clear explanation of how such requirement is factored into the statewide accountability system. For the purpose of measuring, calculating, and reporting on academic proficiency, the denominator must include 95 percent of all such students, or 95 percent of all such students in the subgroup, or the number of students participating in the assessments.

#### Section 1111(d) – School Support and Improvement Activities

*Comprehensive Support and Improvement* – States must notify LEAs of schools that are identified, using the system of meaningful differentiation, for comprehensive support and improvement. For each school identified, LEAs must develop and implement a comprehensive support and improvement plan that includes evidence-based interventions, is based on a school-level needs assessment, and identifies resource inequities to be addressed. The State must approve the plan and monitor its implementation. States must take more rigorous action in schools that fail to improve after a State-determined number of years (not to exceed four years).

*Targeted Support and Improvement* – States must notify LEAs of Title I schools in which, using the system of meaningful differentiation, any subgroup of students is consistently underperforming. Each school with a consistently underperforming subgroup must develop and implement a targeted support and improvement plan that includes evidence-based interventions and, if the plan is unsuccessful, results in additional action after a LEA-determined number of years. The LEA must approve the plan and monitor its implementation. In the case of schools with any subgroup of students performing as poorly as the lowest-performing 5 percent of schools, the plan must also identify resource inequities to be addressed, and, if such schools fails to improve after a State-determined number of years, the State must identify them for comprehensive support and improvement.

*Additional State responsibilities* – States must also periodically review resource allocation in and provide technical assistance to LEAs with a significant number of schools implementing improvement plans.

Nothing in this section will alter or affect collective bargaining agreements.

#### Section 1111(e) – Prohibition

This section clarifies that when the Secretary issues regulations related to accountability, the Secretary cannot add new requirements or criteria that are inconsistent or outside the scope of Title I, Part A. The Secretary is also prohibited from prescribing, as a condition of approval of the State plan or of a waiver request, long-term goals or measurements, specific academic assessments, indicators, weight of any measure or indicator, specific methodology for the system of meaningful differentiation, specific support and improvement strategies, exit criteria, the minimum number of students used to disaggregate information on subgroups, the way participation rate is factored into the accountability system, any aspect or parameter of a teacher, principal, or other school leader evaluation system, or indicators of teacher, principal, or other school leader effectiveness.

#### Section 1111(f) – Existing State Law

Nothing in this section shall be construed to alter any State law or regulation granting parents authority over schools that repeatedly failed to make adequate yearly progress under the ESEA.

#### Section 1111(g) – Other Plan Provisions

Each State plan must describe how the State will provide assistance to LEAs and schools supporting early childhood education programs; how low-income and minority children are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the State will take to evaluate and publicly report progress toward addressing this; how the State will support LEAs to improve school conditions for learning, including through reducing incidences of bullying and harassment, the overuse of discipline practices that remove students from the classroom, and the use of aversive behavioral interventions that compromise student health and safety; how the State will support LEAs in meeting the needs of students in middle grades and high school; the steps the State will take to ensure the educational stability of children in foster care; how the State will provide support to LEAs in serving homeless children and youths. Among other assurances, each State plan must contain assurances that the State will make public any criteria for measuring teacher, principal, or other school leader effectiveness, and that the State will provide information on students in a manner that can be cross-tabulated by major racial and ethnic group, gender, English proficiency status, and children with or without disabilities. The Secretary must also, at the request of the State, provide technical assistance to help States cross-tabulate data or disaggregate data for Asian and Native Hawaiian or Pacific Islander students.

#### Section 1111(h) – Reports

*State Report Card* – Each State must prepare and publicly disseminate an annual State report card. The report card must contain a clear and concise description of the State’s accountability system, including the long-term goals established by the State, the n-size for subgroups, the State’s accountability indicators and the weight of

those indicators, and the methodology the State uses to differentiate schools. Each report card must also contain, for all students and disaggregated by each subgroup of students, information including: a description of the statewide accountability system; information on the performance of students on each indicator used in the accountability system, including, for proficiency, the performance of homeless students, students in foster care, and students with a parent who is in the Armed Forces on active duty, and, for the other academic indicator and high school graduation rates, the performance of homeless students and students in foster care, on the other academic indicator and high school graduation rates; the percentage of students assessed and not assessed; key information submitted in accordance with the Civil Rights Data Collection, including rates of in-school and out-of-school suspensions, school-related arrests, referrals to law enforcement, chronic absenteeism, incidences of violence, including bullying and harassment, and the number and percentage of students enrolled in preschool programs and accelerated coursework to earn postsecondary credit while still in high school; the per-pupil expenditures of Federal, State and local funds, including actual personnel expenditures and actual nonpersonnel expenditures; postsecondary enrollment rates where available; the number and percentages of students with the most significant cognitive disabilities who take an alternate assessment; results on the National Assessment of Educational Progress; and other information.

*Local Report Card* – Each LEA is required to prepare and publicly disseminate an annual LEA report card with information on the agency and for each school served by the agency. The report card must include all of the information on the State report card.

*Secretary's Report Card* – The Secretary is required to annually submit to Congress a report that provides national and State-level data on the information the State submits on the achievement of all students, and each subgroup of students, the acquisition of English proficiency by English learners, the number and names of schools implementing comprehensive support and improvement plans and targeted support and improvement plans, and the professional qualifications of teachers in the State, including the number and percentage of inexperienced teachers, teachers with emergency or provisional credentials, and teachers who are not in the subject or field for which they are certified.

### **Section 1006 – Local Education Agency Plans**

Amends section 1112 [20 U.S.C. 6312] to read as follows:

#### **Section 1112 – Local Educational Agency Plans**

Each local education agency is required to submit a Title I plan to the State for review after consultation with various stakeholders. The plan must include similar descriptions to those of the State plan. Of note, the plan must: describe how the LEA 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; describe how the LEA will meet its responsibilities related to school improvement; if applicable, describe how the LEA will coordinate and integrate services with preschool programs; a description of how the LEA will support efforts to reduce the overuse of discipline practices that remove students from the classroom, and, if appropriate, how the LEA will coordinate academic and career and technical education content through instructional strategies which may include experiential learning or work-based learning opportunities . The LEA is also required to inform parents that, at their request, they can receive information regarding the professional qualifications of their child's classroom teachers. Schools must provide parents information related to their child's academic achievement and timely notice that the student has been assigned a teacher who does not meet applicable State certification or licensure requirements. Additionally, the LEA must notify parents of State or local policy regarding student participation in statewide assessments and post information on each assessment required. Each LEA must also inform parents of English learners of the reasons their child was identified and of the services for which they are eligible.

### **Section 1007 – Eligible School Attendance Areas**

Maintains current law requirements related to eligible school attendance areas under Section 1113 [20 U.S.C. 6313], with some amendments. In ranking schools to determine which must be served first, LEAs may lower the poverty threshold to 50 percent for high schools. If a majority of high schools agree, an LEA may measure the number of low-income students in high schools using a feeder pattern calculation. LEAs must reserve funds to serve homeless children, children in institutions for neglected children, and, if appropriate, children in local institutions for delinquent children; the LEA may reserve funds for early childhood education programs.

### **Section 1008 – Schoolwide Programs**

Amends Section 1114 [20 U.S.C. 6314] to allow a school that serves an eligible school attendance area in which less than 40 percent of children are from low-income families, or a school for which less than 40 percent of the children enrolled are from such families, to operate a schoolwide program if the school received a waiver from the State. Schools operating a schoolwide program must develop a comprehensive plan that is based on a needs assessment.

### **Section 1009 – Targeted Assistance Schools**

Amends Section 1115 [20 U.S.C. 6315] to make updates.

### **Section 1010 – Parent and Family Engagement**

Amends Section 1116, as redesignated by this Act, to expand LEA parental involvement policies to include other family members. Parents and family members must be involved in jointly developing the LEA plan and the plans in schools identified for comprehensive support and improvement and in schools in which any subgroup of students is consistently underperforming. LEAs must also conduct an annual evaluation of parental and family engagement policies in order to improve such policies and remove barriers to participation. LEAs must reserve 1 percent of the Title I allocation for parental and family engagement, but may reserve more funds for local educational agency-level parental and family engagement activities, if they choose.

### **Section 1011 – Participation of Children Enrolled in Private Schools**

Amends Section 1117, as redesignated by this Act, to clarify requirements. Requires the SEA to designate an ombudsman to monitor and enforce equitable services requirements. Clarifies obligation and allocation requirements to ensure timely obligation and notice of funds for eligible private school children. Clarifies consultation requirements and adds new requirement that LEAs maintain and provide documentation affirming meaningful consultation with participating private schools has occurred. Adds new compliance requirements and process so that SEAs may provide equitable services directly or through contracts if private school officials file a complaint to the SEA demonstrating, through documentation, that the required consultation was not meaningful and timely.

### **Section 1012 – Supplement not Supplant**

Amends Section 1118, as redesignated by this Act, to maintain the requirement for State or LEAs to use Federal funds to supplement, but not supplant, funds from non-Federal sources. Requires within two years after the enactment of this Act that LEAs comply with the supplement, not supplant requirement by demonstrating methodology used by the LEA to allocate State and local funds to Title I schools ensure that the school receives all of the 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 LEA must use and does not require LEAs to identify individual costs or services supported under Title I in order to comply with supplement, not supplant requirements.

### **Section 1013 – Coordination Requirements**

Section 1119, as redesignated by this Act, is amended by striking references to Early Reading First, updating references to early childhood education programs, and requiring that LEAs using Title I funds to provide early



childhood education programs develop agreements with Head Start agencies and other entities to carry out such activities.

**Section 1014 – Grants for the Outlying Areas and the Secretary of the Interior**

Section 1121 [20 U.S.C. 6331] is amended by adjusting the reservation of funds to allocate .1 additional Title I-A funds to the outlying areas.

**Section 1015 – Allocations to States**

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

**Section 1016 – Adequacy of Funding Rule**

Makes technical changes to Section 1125AA [20 U.S.C. 6336]

**Section 1017 – Education Finance Incentive Grant Program**

Amends Section 1125A [20 U.S.C. 6337] by making technical changes and by amending the Maintain of Effort requirements to allow a State, for one 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.

***Title I, Part B – State Assessment Grants***

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

**Section 1201 – Grants for State Assessments and Related Activities**

Authorizes the Secretary to award formula assessment grants to States for activities that support the development, improvement, and refinement of academic assessments required under section 1111(b)(2) and other academic assessments not required under section 1111(b)(2).

**Section 1202 – State Option to Conduct Assessment System Audit**

Authorizes the Secretary to award grants to States to conduct an audit of their testing system, to subgrant not less than 20 percent of grant funds to LEAs to conduct audits of local assessments, to report the findings of such audits, and to develop a plan for improving and streamlining the assessment system based on such findings, including eliminating unnecessary assessments.

**Section 1203 – Allotment of Appropriated Funds**

Describes allotment of funds for the purposes of Title, Part B, including mandatory reservations of ½ of 1 percent for outlying areas and the Bureau of Indian Education. Requires the Secretary to reserve 20% for audits under section 1202 and to allocate the remainder to each State under section 1201 such that each state receives at least \$3,000,000. Establishes a trigger amount above which the Secretary may award funds competitively to SEAs for activities under 1201. Prohibits the Secretary from requiring, conditioning the grant, or providing a priority for, the development of any assessment common to a number of States.

***Title I, Part C – Education of Migratory Children***

**Section 1018—Education of Migratory Children.**

Makes technical changes to Part C [20 U.S.C. 6391 et seq.] of Title I. Removes the 2002 hold harmless and updates formula to allocate funds based on the current migratory child counts. Provides for a 90 percent hold harmless for each of fiscal years 2017 through 2019. Prioritizes services for migratory children who are failing to meet State standards or have dropped out of school. Requires migratory programs and projects to provide for

outreach activities for migratory children and their families. Inserts and improves definitions for ‘migratory agricultural worker,’ ‘migratory child,’ ‘migratory fisher,’ and ‘qualifying move.’

## ***Title I, Part D – Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk***

### **Section 1020 – Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk**

*Purpose and program authorization* – Under current law, the general purpose of Part D is to improve educational services for children in youth in local and state institutions for neglected and delinquent facilities, provide them with the services needed to make a successful transition out of these institutions, and to prevent youth at-risk of dropping out from doing so and to provide services to children who have dropped out to ensure their continuing education. The Every Student Achieves Act expands this purpose to make reference to youth in tribal facilities, and to include family and community involvement in the system of supports to at-risk youth..

*Allocation of funds* – The Every Student Achieves Act sustains the 85% minimum percentage allocation for the agency in Puerto Rico that provides public education for neglected and delinquent children and youth in institutions or community day programs.

*State plan and State agency applications* – Under current law, SEA plans for addressing the educational needs of neglected and delinquent children and youth were required to address transitions from correctional facilities to locally operated programs. The Every Student Achieves Act recognizes that transitions occur in both directions and requires SEA plans to examine transition for students both to and from correctional facilities and locally operated programs. SEA plans are also required to: focus on State-established outcomes; prioritize neglected and delinquent children and youth’s attainment of a regular high school diploma; establish procedures to ensure the timely re-enrollment of students returning from juvenile justice systems, to the extent practicable provide assessment of each student upon entry into a facility, and where appropriate deliver evidence-based service and interventions designed to keep children and youth in school.

*State uses of funds* – The Every Student Achieves Act explicitly references Pay-for-Success Initiatives and evidence-based services for youth who have come in contact with both the child welfare and juvenile justice systems as acceptable uses of Title I-D funds.

*Institution-wide projects* – Under current law, state agencies can spend Title I-D funds on institution-wide projects if certain parameters are met in their State plan. The Every Student Achieves Act expands those parameters, requiring states to address how records are shared between LEA and state institutions to ensure smooth continuation of educational services and transitions to and from state facilities.

*Transition services* – Under current law, SEA plans for addressing the educational needs of neglected and delinquent children and youth were required to address transitions from correctional facilities to locally operated programs. The Every Student Achieves Act recognizes that transitions occur in both directions and requires SEA plans to examine transition for students both to and from correctional facilities and locally operated programs.

*Local educational agency applications* – The Every Student Achieves Act requires localities applying for funds to include in their application information on: how localities will support successful transitions of children and youth both to and from correctional facilities; whether they are including institutions of higher education as partners in the provision of either credit-bearing coursework or career and technical education; and how family members can be included in the educational achievement of these children and youth.

*Local Uses of funds* – The Every Student Achieves Act allows localities to use grant funds for pay-for-success initiatives, and to provide services via subcontracts, subgrants, or cooperative agreements.

*Definitions* - The Every Student Achieves Act modifies the current law definition of “at-risk” to include students at risk of either dependency or delinquency adjudication, and children and youth who have come in contact with the child welfare system.

## ***Title I, Part E – Flexibility for Equitable Per-Pupil Funding***

### **Section 1021 – Flexibility for Equitable Per-Pupil Funding**

Amends part E of title I to authorize a Flexibility for Equitable Per-Pupil Funding pilot. This pilot allows a local educational agency to consolidate eligible Federal funds (funds received under titles I, II, III, part A of IV, and part C of V) and State and local education funding to create a weighted per-pupil allocation funding system provided the LEA meets certain requirements. Authorizes the Secretary to enter into 3 year local flexibility demonstration agreements with up to 50 LEAs, with the option to, beginning in 2019-2020, expand funding flexibility to any LEA that meets requirements. Participating LEAs must annually demonstrate that no high-poverty school received less per-pupil funding for low-income students and English learners and publicly report per-pupil expenditures. Local flexibility demonstration agreements may be renewed for an additional 3 years if the Secretary determined that it is in the interest of students served under titles I and III. The Director of the Institute of Education Science must evaluate implementation and impact of the agreements, specifically on improving the equitable distribution of State and local funding and increased student achievement.

### **Section 1022 – General Provisions**

Amends current law to update the negotiated rulemaking process for Title I regulations. Requires negotiated rulemaking for regulations related to standards, assessments, 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, costs, and paperwork burden of any proposed regulations, the opportunity for Congress to review for 15 days prior to submission to the Federal Register, and a required 60 day period for public comment. Adds specialized instructional support personnel, representatives of charter schools (in States with charter schools), and paraprofessional to the committee of practitioners created by the State. Makes other technical changes.

Redesignates sections of Title II and Title IX of ESEA

## **Title II – Preparing, Training, and Recruiting High Quality Teachers, Principals, and Other School Leaders**

### **Section 2002 – Preparing, Training, and Recruiting High Quality Teachers, Principals, and Other School Leaders**

Strikes Title II and inserts new Title II:

### **Section 2001 – General Provisions**

Makes technical changes, and redesignates and amends subpart 4 of part D of title II [20 U.S.C. 6777 et seq].

### **Section 2002 – Preparing, Training, and Recruiting High-Quality Teachers, Principals, or Other School Leaders**

Amends the Act [20 U.S.C. 6301 et seq] by striking Title II and inserting the following:

### **Section 2001 – Purpose**

Describes the purposes of this section.

### **Section 2002 – Definitions**

Defines “school leadership residency program,” “state,” and “teacher residency program definitions.”

### **Section 2003 – Authorization of Appropriations**

For part A, authorizes appropriations in the amount of \$2,295,830,000 for each of fiscal years 2017 through 2020. For part B, authorizes to be appropriated: \$468,880,575 for each of fiscal years 2017 and 2018, \$469,168,000 for fiscal year 2019, and \$489,168,000 for fiscal year 2020.

## ***Title II, Part A – Supporting Effective Instruction***

### **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. The formula adjusts allocation of formula funds so states with higher number of students in poverty receive funding that is reflective of their student populations, and this change is phased in over four years. The current law hold harmless is also phased out over seven years.

*State Activities* – Allows States to reserve up to 5 percent of funds before distributing the remaining to LEAs. States may reserve an additional 3 percent for activities related to principals or other school leaders.

*State Plan* – Requires States to submit a plan to the Secretary that includes a description of the uses of funds and assurances State will monitor the implementation of activities carried out with Title II funds. States must describe various activities, including the State system for licensing teachers, and, if the State is going to use 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 principal, or other school leader effectiveness, or professional standards, certification, or licensing for teachers, principals, or other school leaders.

### **Section 2102 – Subgrants to Local Educational Agencies**

*Local allotments* – LEAs receive funds from the State on a formula based on 20 percent population of children ages 5 through 17 and 80 percent population ages 5 through 17 in poverty.

*Local Applications* – LEAs must submit an application to the SEA that includes a description of activities, compliance, effectiveness, fund prioritization, and an assurance that the LEA will coordinate professional development activities with other federal, state and local professional development activities. In writing the application, the LEA must meaningful consult with stakeholders, so long as it does not interfere with timely plan submission.

### **Section 2103 – Local Uses of Funds**

Allows LEAs to use funds to develop, implement and evaluate comprehensive evidence-based programs and activities. These programs and activities may be carried out through a grant or contract with a for-profit, or non-profit in partnership with an institution of higher education, or a tribe or tribal organization. Includes a list of activities for which LEAs can use funds.

### **Section 2104 – Reporting**

Requires States and LEAs to submit a report to the Secretary each year detailing how the state is using the funds; how the activities improved teacher, principal, and school leader effectiveness; how funds used to increase equitable access have improved such access; if applicable, evaluation results of teachers, principals, and school leaders; and, where available, the annual retention rates of effective and ineffective teachers, principals, and school leaders.

## ***Title II, Part B – National Activities***

### **Section 2201 – Reservations**

From the appropriated funds, the Secretary shall reserve a portion to carry out activities authorized under Subparts 1-4.

### **Subpart 1 – Teacher and School Leader Incentive Program**

Sections 2211-2213 authorize the Secretary to award competitive grants to eligible entities for the purpose of developing, implementing, improving, or expanding performance-based compensation or human capital management systems. Applicants may only receive a grant twice, for a period that shall not exceed three years, with the availability of a two year extension. Each eligible entity must fulfill a matching requirement of 50 percent from non-Federal sources. Each eligible entity that receives a grant must provide a summary of grant-assisted activities to the Secretary, and the Secretary must provide a report to Congress. Of the total amount reserved for this subpart, the Secretary can reserve up to 1 percent for the cost of evaluation and technical assistance. From the reserved funds, the Secretary must conduct an independent evaluation of program effectiveness.

### **Subpart 2 – Literacy Education for All, Results for the Nation**

Sections 2221-2225 authorize the Secretary to award competitive grants to States to develop, enhance, and implement comprehensive literacy instruction plans to improve literacy instruction for at-risk students. Subgrants to eligible entities (one of more high-need LEAs, one or more early childhood programs, or such entities in partnership with public or private entities) will support high-quality early literacy initiatives for children from birth through kindergarten and for initiatives in grades kindergarten through 5 and in grades 6 through 12. The Secretary may reserve funds to award competitive grants under Section 2226 to support innovative approaches to literacy, which may include programs to support school libraries, early literacy services, including pediatric literacy programs, programs that provide high-quality books to children on a regular basis.

### **Subpart 3 – American History and Civics Education**

Authorizes the Secretary to reserve not less than 26 percent of the amount available for this subsection for Presidential and Congressional Academies for American History and Civics under Section 2232 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 experience enrichment activities through a seminar or institute. Authorizes the Secretary to reserve not less than 74 percent of the amount available for this subsection to carry out national activities to promote innovative history, civics, government, and geography instruction, and learning strategies for educators related to those subjects.

### **Subpart 4 – Programs of National Significance**

Section 2241 requires the Secretary to reserve, from funds reserved under section 2210(4), 74 percent of funds for Sections 2242, 22 percent for Section 2243, 2 percent for Section 2244; and authorizes the Secretary to reserve 2 percent of to carry out activities under section 2245.

### **Section 2242 – Supporting Effective Educator Development**

Authorizes the Secretary to award competitive grants to national nonprofit organizations or institutions of higher education, or the Bureau of Indian Education (or a consortium of such entities) for activities related to improving preparation and professional development of teachers, principals or other school leaders. Applicants may only receive a grant twice, for a period that shall not exceed three years, with the availability of a two year extension. Each eligible entity must fulfill a matching requirement of 25 percent from non-Federal sources. The Secretary must prioritize entities that will implement evidence-based activities.

### **Section 2243 – School Leader Recruitment and Support**

Authorizes the Secretary to award competitive grants to States, LEAs, or the Bureau of Indian Education (or in partnership with nonprofit organizations or institutions of higher education) for activities related to improving the recruitment, preparation, placement, support and retention of effective principals and other school leaders in high-need schools. Each eligible entity must fulfill a matching requirement of 25 percent from non-Federal sources. The Secretary must prioritize entities that will implement evidence-based activities. The Secretary must prioritize entities that will implement evidence-based activities.

### **Section 2244 – Technical Assistance and National Evaluation**

Authorizes the Secretary to establish a comprehensive center on students at risk of not attaining full literacy skills due to a disability.

### **Section 2245 – STEM Master Teacher Corps**

Authorizes the Secretary to award competitive grants to SEAs, or SEAs in partnership with institutions of higher education, public or private agencies or organizations, to support the development of statewide STEM master teacher corps or to implement, replicate, or expand effective professional development programs that support STEM instructors.

## ***Title II, Part C – General Provisions***

### **Section 2301 – Supplement, Not Supplant**

Provides that funds made available under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.

### **Section 2302 – Rules of Construction**

Prohibits the Secretary or any other officer or employee of the federal government from mandating, directing, or controlling a State, LEA, 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 collective bargaining agreements.

## **Title III – Language Instruction for English Learners and Immigrant Students**

### **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.

### **Section 3111 – State Uses of Funds**

*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 long-term goals and measures of interim progress 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.

### **Section 3113 – 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 long-term goals and measures of interim progress for English learners on English language proficiency and academic assessments, and the steps the agency will take if strategies are not effective; how the State will ensure that the unique needs of immigrant children and youth are being addressed; and provide assurances that States will 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, including using funds to provide intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators.

### **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 long-term goals, including measures of interim progress 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; the eligible entity, if applicable, coordinate activities and share relevant data with local Head Start and Early Head Start agencies; 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 long-goals, including measures of interim progress for English language proficiency, disaggregated by English learners with a disability; attaining English proficiency; meeting challenging State academic standards for 4 years after such students are no longer identified as English learners, disaggregated by 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 “English Learner with a disability”.

### **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– 21<sup>st</sup> Century Schools**

### **Section 4001 – Redesignations and Transfers**

This section makes conforming changes to current law by moving or eliminating sections authorizing specific programs. Those programs are mentioned in later sections under the Title IV-A formula grant program, Student Support and Academic Enrichment Grants, or in Title VIII General Provisions.

### **Section 4002 – General Provisions**

This section includes parental consent requirements for mental-health assessments, prohibited uses of funds, and a prohibition on mandatory medication for activities funded under this Title.

## ***Title IV, Part A – Student Support and Academic Enrichment Grants***

### **Subpart 1: Student Support and Academic Enrichment Grants**

#### **Section 4101-Purpose**

Includes a purpose for this subpart to improve students’ academic achievement by increasing the capacity of states, local educational agencies, schools, and communities to provide students with access to a well-rounded education, improve school conditions for student learning, and improve the use of technology.

#### **Section 4102-Definitions**

This section defines for only this part: blended learning, controlled substance, digital learning, drug, drug violence and prevention, school-based mental health services provider, state, and stem-focused specialty school.

#### **Section 4103 – Formula Grants to States**

In order to receive a grant under this section states must submit a plan describing how they will use the funds, an assurance that they will review existing resources, monitor the implementation, and provide for equitable access for all students to the activities supported under this subpart. Half-percent reservations are made for outlying areas and schools operated by the Bureau of Indian Education. Two percent is reserved for technical assistance and capacity building. States are allotted an amount in relation to the amount they receive under Part A of Title I, with the small state minimum set at one-half of one percent of the total amount.

#### **Section 4104 – State Use of Funds**

States must allocate at least 95 percent of funds to local educational agencies for allowable use activities, reserve not more than one percent for administrative costs, including public reporting on how funds are being expended, and may use the remaining funding to support local educational agencies in providing programs and



activities that offer well-rounded educational experiences to all students, foster safe, healthy, supportive, and drug-free environments, and increase access to technology and learning experiences supported by technology.

### **Section 4105 – Allocations to Local Educational Agencies**

Each state receiving funding under Section 4104 will allocate 95 percent of the funding to local educational agencies with an approved application an amount in relation to the amount they receive under Part A of Title I. No eligible LEA will receive less than \$10,000. LEAs may apply and implement programs and activities under this subpart in consortium with other LEAs and may reserve up to two percent for direct administrative costs of carrying out their responsibilities under this subpart. .

### **Section 4106 – Local Educational Agency Applications**

To be eligible for funds an LEA must submit an application in consultation with various stakeholders, , that includes a description of any partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity, the activities and programming to be carried out under this subpart, program objectives and intended outcomes for activities and programs, and assurances regarding equitable use of funds. LEAs must conduct a comprehensive needs assessment every three years which examines the needs for improvement of access to, and opportunities for, a well-rounded education for all students, school conditions for student learning, and access to personalized learning experiences supported by technology and professional development, An LEA receiving a grant of \$30,000 or more must use at least 20 percent of their funds to support at least one activity to support well-rounded educational opportunities and at least 20 percent of their funds to support at least one activity to support safe and healthy students. LEAs may also use a portion of funds to support the effective use of technology, but may not spend over 15 percent of their total allocation for technology infrastructure.

### **Section 4107 – Activities to Support Well-Rounded Educational Opportunities**

Allowable uses under this section include:

- College and career guidance and counseling programs,
- Arts and music programs to support student success through promotion of problem, solving and conflict resolution,
- STEM programming and activities, including computer science,
- Accelerated learning programs,
- History, civics, economics, geography, foreign language, and environmental education,
- Programs and activities that promote community involvement, and
- Other education programs that support a well-rounded education.

### **Section 4108 – Activities to Support Safe and Healthy Students**

Allowable uses under this section include

- Drug and violence prevention activities and programs,
- School-based mental health services,
- Programs or activities that integrate healthy and safety practices into school or a athletic programs,
- Programs or activities that support a healthy and active lifestyle, including nutritional education and physical education programs,
- Programs or activities that help prevent bullying and harassment,
- Programs or activities that improve instructional practices for developing relationship-building skills ,
- Dropout prevention and re-entry programs and others that provide mentoring and counseling to all students;
- Training for school personnel in various drug, violence, trafficking, and trauma areas, and
- Other programs to support safe and healthy students

### **Section 4109 – Activities to Support the Effective Use of Technology**

Allowable uses under this section include:

- Providing educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to create adaptive learning programs, discover and share high-quality educational resources, and use technology effectively
- Building technological capacity
- Developing strategies for the delivery of specialized academic courses through digital learning technologies
- Carrying out blended learning projects
- Providing professional development
- Providing students in rural, remote, and underserved areas with remote access resources.

### **Section 4110 – Supplement, Not Supplant**

Funds under this subpart must supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

### **Section 4111 – Rule of Construction**

This section includes a rule of construction that nothing in this subpart may be construed to authorize activities or programming that encourages teenage sexual activity or prohibits effective activities or programming that meet certain requirements.

### **Section 4112 – Authorization of Appropriations**

Title IV-A is authorized to be appropriated \$1.65 billion in FY 17 and \$1.60 billion in FY 18-20.

## ***Title IV, Part B – 21<sup>st</sup> Century Community Learning Centers***

### **Section 4201 – 21<sup>st</sup> Century Community Learning Centers.**

Strikes and replaces Part B of Title IV.

### **Section 4201—Purpose; Definitions**

Expands the purpose statement to include additional services that community learning centers may offer, including financial literacy programs, physical fitness and wellness programs, and career and technical programs. Defines “community learning center”, “covered program”, “eligible entity”, “external organization”, “rigorous peer-review process” and “state”

### **Section 4202 – Allotments to States**

Allows the Secretary to make continuation awards, use not more than one percent for national activities, and not more than one percent for payments to the outlying areas and the Bureau of Indian Education. Allows States to use not more than 2 percent of funds for administrative costs and carrying out a rigorous peer-review process and not more than 5 percent of funds for State activities, which may include ensuring that eligible entities identify and partner with external organizations in the community, if available; working with teachers, parents, principals, and other stakeholders to review and improve State policies and practices regarding community learning centers; and providing a list of prescreened external organizations.

### **Section 4203 – State Application**

Defines performance indicators and performance measures as those indicators and measures that are able to track student success and improvement; include State assessment results and other indicators of success and improvement; and for high school, may include career competencies and work-based learning opportunities. Requires the State to provide for timely public notice of intent to file an application and an assurance that the

application will be available for public review after submission. Does not allow the Secretary to give a priority or a preference for States or eligible entities that seek to use funds to extend the regular school day.

#### **Section 4204 – Local Competitive Subgrant**

Requires States to award subgrants to eligible entities for community learning centers and allows states to also award subgrants to eligible entities for expanded learning program activities that support the enriching and engaging academic activities described section 4205, and which provide students at least 300 additional program hours before, during, or after the traditional school day, supplement but do not supplant regular school day activities, and are carried out by entities that meet the priority section. Prioritizes applications from eligible entities who are proposing to target services to students in schools that are identified for improvement, those who are partnering with another eligible entity, and those who demonstrate that the activities would expand accessibility to high-quality services in the community. Allows States to renew an eligible entity’s subgrant based on the eligible entity’s performance during the grant period. In order to receive a subgrant, eligible entities must submit an application including a description of the activities to be funded, how the activities will meet the measures of effectiveness, an evaluation of the community needs and available resources, and other relevant information. Awards made to eligible entities must be at least \$50,000. Does not allow the state educational agency to give a priority or a preference to eligible entities that seek to use funds to extend the regular school day

#### **Section 4205 – Local Activities**

Amends local activities to allow funds to be used for programs that build skills in science, technology, engineering, and mathematics, including computer science, financial literacy and environmental literacy programs, and programs that partner with in-demand fields of the local workforce or build career competencies and career readiness. Requires that for an activity to meet the measures of effectiveness, it must ensure that its measures of student success align with the regular academic program of the school.

#### **Section 4206 – Authorization of Appropriations**

Authorizes \$1,000,000,000 for fiscal year 2017 and \$1,100,000,000 for fiscal years 2018 through 2020.

### ***Title IV, Part C—Empowering Parents and Expanding Opportunity through Innovation***

#### **Section 4301—Public Charter Schools.**

Amends Part C of title IV by striking sections 4301 through 4305.

#### **Section 4301—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 4302—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. Reserves 12.5 percent of funds to support school facilities, 22.5 percent for national activities, and the remaining amount to carry out section 4303.

#### **Section 4103—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*—Allows the Secretary to award grants to State entities for a period of not more than 5 years. Requires a peer review process for awarding both grants and subgrants. Requires the Secretary to award not less than 3 grants per year; fully obligate the first 2 years of funds; and review whether the State entity is using funds for the agreed-upon purposes and determine whether to terminate or reduce the amount of funds in the succeeding year.

*Applications*—Enhances State application requirements to require a description of: how the State will work with charter schools on recruitment, enrollment practices, and retention practices, including by eliminating any barriers to enrollment for educationally disadvantaged students; how a State will actively monitor and hold authorized public chartering agencies accountable; how the State in which the State entity is located addresses charter schools in open meetings laws; 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 website 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; supports charter schools that serve at-risk students through activities such as dropout prevention; 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*— Allows eligible applicants to use funds for preparing teachers, school leaders and specialized instructional support; acquiring supplies, training, and equipment, carrying out necessary renovations; providing one-time startup costs associated with transportation; carrying out community engagement activities; and providing for other appropriate, non-sustained costs when such costs cannot be met from other sources.

*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 start-up, 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 3 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, not more than 9 percent of funds directly to eligible applicants that desire to open a charter school in States that did not receive a grant under the State grant competition, and the remainder of funds to provide technical assistance and disseminate best practices regarding charter schools and evaluate the impact of the charter school program on student achievement.

*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 multi-year financial plan; and a sustainability plan for continuation after program funding expires.

*Selection Criteria and Priority*—Authorizes the Secretary to select eligible entities after taking into consideration the eligible entity's success in increasing achievement for all students and all subgroups of students; and whether the eligible entity has not operated or managed a significant proportion of charter schools that have been closed. Prioritizes eligible entities that plan to operate or manage high-quality charter schools with racially and socioeconomically diverse student bodies; demonstrate success with schools identified for improvement; serve high school student; propose to operate or manage schools that focus on dropout recovery and academic reentry.

Amends Section 4306 [20 U.S.C. 7221e] to clarify hold harmless protections for new or significantly expanded charter schools; Makes technical edits to Section 4308 [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 \$270 million for fiscal years 2017 and 2018 and \$300 million for fiscal years 2019-2020.

## ***Title IV, Part D – Magnet Schools Assistance***

### **Section 4401 – Magnet School Assistance**

Further amends Part D of title IV, as amended by section 4001(b)(3):

*Applications and Requirements* – Requires LEAs as part of their applications to include any available evidence or rationale that their proposed magnet program will promote desegregation, increase interaction among students of different social, economic, ethnic, or racial backgrounds, and how their proposed magnet program will increase student academic achievement.

*Priority* – Prioritizes applications for programs with an established evidence base, applications that plan to revise an existing magnet school via evidence based practices or methods, or applications that propose to increase racial integration by taking into account socioeconomic diversity.

*Use of Funds; Grants* – Removes the explicit ban (Sec. 5308 of the current law) on using funding for transportation and makes transportation to and from the magnet school an allowable use of funds. Also extends the grant period from 3 to 5 years and provides for a maximum grant size of \$15 million.

*Authorization of Appropriations* -- Authorizes \$94 million for fiscal year 2017, \$96,820,000 for fiscal year 2018, \$102,387,150 for fiscal year 2019, and \$108,530,379 for fiscal year 2020.

## ***Title IV, Part E – Family Engagement in Educational Programs***

### **Section 4501 – Purposes**

Includes purposes to assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among school personnel in meeting the educational needs of children and fostering greater parental engagement, and to assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

### **Section 4502 – Grants Authorized**

Includes a minimum award amount of \$500,000. Requires each organization or consortium receiving assistance to demonstrate after the first year of the grant that it is supported through non-Federal contributions. Allows the Secretary to reserve not more than 2 percent of funds to provide technical assistance.

### **Section 4503 – Applications**

Requires each statewide organization or consortium to describe the applicant's approach to family engagement; how the State educational agency and any partner will support the grant; the organization's plan for building a statewide infrastructure for family engagement; and the applicant's demonstrated expertise in providing training, information, and support in family engagement in education policies and practices. Expands the list of members of the special advisory committee. Increases the percentage of funds that must be spent serving local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students. Requires the applicant to conduct training programs in adult literacy, including for parents who are not proficient in English. Establishes a priority for statewide family engagement centers that will use funds for evidence-based practices.

### **Section 4504 – Uses of Funds**

Allows funds to be used for training and technical assistance in order to assist parents to engage in activities that will improve student academic achievement at home and in afterschool and extracurricular programs, and to develop and implement, statewide family engagement in education policy and systemic initiatives that remove barriers to family engagement and support school reform efforts. Clarifies that nothing in this section requires any parent to participate in any program of parent education or developmental screening and that no center shall infringe on the rights of parents to direct the education of their children.

### **Section 4505 – Family Engagement in Indian Schools**

Authorizes the Secretary of the Interior, in consultation with the Secretary of Education, to establish contracts and cooperative agreements with local tribes, tribal organizations, or Indian nonprofit parent organizations to establish and operate family engagement centers.

### **Section 4506 – Authorization of Appropriations**

Authorizes \$10,000,000 for each of the fiscal years 2017 through 2020.

## ***Title IV, Part F – National Activities***

### **Section 4601 – Authorization of Appropriations; Reservations**

Authorizes \$450,741,000 for fiscal years 2017 and 2018 and \$470,741,000. Requires the Secretary to reserve \$5,000,000 for Project SERV; 36 percent of the remainder in fiscal years 2017 and 2018 and 42 percent of the

remainder in fiscal year 2019 and 2020 for Education Innovation and Research; 36 percent of the remainder in fiscal years 2017 and 2018 and 32 percent of the remainder in fiscal years 2019 and 2020 for Community Support for School Success; and 28 percent of the remainder in fiscal years 2017 and 2018 and 26 percent of the remainder in 2019 and 2020 for Academic Enrichment.

#### **Section 4611 – Education Innovation and Research**

Authorizes the Education Innovation and Research program to award grants to eligible entities, which may include State educational agencies, local educational agencies, non-profits, or consortia of such entities to create, develop, implement, replicate, or scale innovations to improve student achievement and evaluate those innovations. Grants can be awarded for early- and mid-phase projects as well as for expansion projects for programs that have demonstrated to be successful in improving student academic achievement and attainment for high-need students. Grantees must raise matching funds equal to 10 percent of the grant unless the Secretary waives the matching requirement. Requires the Secretary to reserve not less than 25 percent of funds for grantees located in rural areas.

#### ***Title IV, Part F, Subpart 2 – Community Support for School Success***

#### **Section 4621 – Purposes**

Provides for two program purposes: to significantly improve the academic and developmental outcomes of children through a community-based continuum of high-quality services, and to provide support for the planning, implementation, and operation of full-service community schools.

#### **Section 4622 – Definitions**

Defines “eligible entity”, “full-service community school,” and “pipeline services.”

#### **Section 4623 – Program Authorized**

Authorizes the Secretary to award competitive grants to eligible entities for Promise Neighborhoods and Full-Service Community Schools activities. Grants for both activities will be for a five year period and can be renewed for an additional two years. The Secretary must make not less than 3 grants per year for Promise Neighborhoods and 10 grants per year for Full-Service Community Schools.

#### **Section 4624 – Promise Neighborhoods**

An eligible entity applying for a grant for Promise Neighborhoods activities must submit an application that includes, among other things, a plan to improve the academic outcomes of children living in the neighborhood; measurable annual objectives and outcomes; a needs assessment; a description of how the pipeline services identified will coordinate promise neighborhood activities; and a description of how family engagement will be initiated and maintained. Grantees will use funds to support planning activities, implementing pipeline services, and continuously evaluating the program.

#### **Section 4625 – Full Service Community Schools**

An eligible entity applying for a grant for Full-Service Community Schools activities must submit an application that includes, among other things, a description of the capacity of the eligible entity to coordinate and provide pipeline services at two or more full-service community schools and a comprehensive plan, including a needs assessments and annual measurable performance objectives and outcomes for the grant. Grantees will use funds to coordinate not less than three existing pipeline services and provide not less than two additional pipeline services at two or more K-12 public schools.

#### ***Title IV, Part F, Subpart 3 – National Activities for School Safety***

Authorization Amount:  
FY 17-20: \$5,000,000

### **Section 4631 – National Activities for School Safety**

The Secretary must use a portion of funds to carry out activities for the Project School Emergency Response to Violence (SERV) Program for eligible entities in which the learning environment has been disrupted due to a violent or traumatic crisis. The Secretary may also fund other activities to improve students' safety and well-being during and after the school day either directly or through grants, contracts, or cooperative agreements with public or private entities or individual, or other Federal agencies.

### ***Title IV, Part F, Subpart 4 – Academic Enrichment***

#### **Section 4641 – Awards for Academic Enrichment**

The Secretary is authorized to award grants for three activities: Assistance for Arts Education, Ready to Learn programming, and Supporting High-Ability Learners and Learnings. The Secretary shall annually make awards to fulfill each activity.

#### **Section 4642 – Assistance for Arts Education**

Awards are made under this section to eligible entities to carry out activities that promote arts education for students, including disadvantaged students and students who are children with disabilities. Priority is given to eligible national nonprofit organizations.

#### **Section 4643 – Ready To Learn Programming**

The Secretary is authorized to make awards to eligible entities to develop, produce, and distribute educational and instructional video programming, support materials, and digital content for preschool and elementary school children.

#### **Section 4644 – Supporting High-Ability Learners and Learning**

Authorization Amount:

FY 15-20: \$10,000,000

This section reauthorizes the Jacob K. Javits Gifted and Talented Students Education Program which supports evidence-based research, demonstration projects and innovative strategies on methods and techniques for identifying and teaching gifted and talented students and meeting their special educational needs. In addition to supporting grants, the Javits program also supports a National Research and Development Center for the Education of Gifted and Talented Children and Youth.

## **Title V – Flexibility and Accountability**

### **Section 5001 – General Provisions**

Redesignates title VI as title V, strikes subparts 1, 3, and 4, and makes further structural and conforming amendments.

### **Section 5002 – Funding Transferability for State and Local Educational Agencies**

Amends part A of title V, as redesignated and amended by Section 5001, is further amended by updating the part heading, striking subpart 2, by making additional technical changes, and by amending section 5102 to allow 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 of title IV, or Section 4204(c)(3) between those provisions, or into (but not out of) part A, part C, or part D of title I, part A of title III, or part B of title V.

### **Section 5003 – Rural Education Initiative**

Further amends Part B of Title V, as redesignated and amended by Section 5001, to update references to applicable funding sources and locale codes used to designate eligible LEAs. Clarifies eligibility for LEAs that are members of educational service agencies that meet certain requirements. Updates 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 this part meet or exceed \$265 million, and adds hold harmless language for those LEAs that are no longer eligible due to the updated eligibility requirements. Streamlines the report to Congress. Inserts a new Section 5225 Choice of Participation to enable LEAs 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.

## **Title VI – Indian, Native Hawaiian, and Alaska Native Education**

### ***Title VI, Part A – Indian Education***

#### **Section 6001 – Statement of Policy**

Current law statement of policy is changed to include in the policy of the United States regarding Indian children that Indian children do not attend school in dilapidated or deteriorating buildings.

#### **Section 6005 – Report on Indian Student Suicides**

Secretary of Education, Interior, and Health and Human Services will provide a report on efforts to address suicides among elementary and secondary school students in Indian country.

#### **Section 6102 – Purpose**

The purpose of Title VI is to support LEA's, Indian tribes, postsecondary institutions, and other entities to:

- Meet the academic needs of American Indian and Alaska Native students, ensure they gain an understanding of their languages, cultures, and histories, and ensure staff have the ability to provide culturally appropriate and effective instruction.

#### **Section 6111 – Purpose**

*Formula Grants to LEAs* – Grants can be made to LEA's, Indian tribes, Indian organizations, and consortia of two or more of these organizations. If an LEA that is eligible for a grant doesn't create a committee to advise on filling out the grant application, an Indian organization or consortium that represents more than one-half of eligible Indian children who are served by the LEA may apply for the grant. If no LEA, Indian tribe, or consortium applies for a grant, an Indian community-based organization serving the community of the LEA may apply.

Applications must:

- Explain use of funds
- Describe the process used to meaningfully collaborate with the community and actions taken resulting from that collaboration
- Discuss how the activities address the cultural, language, and educational needs of Indian students
- Ensure coordination of activities with other related federal programs
- Ensure parental outreach and parental involvement

Allowable uses include:

- Native language restoration programs
- Culturally related activities
- Early childhood and family programs focused on school readiness
- Enrichment programs that directly support attaining state standards
- Educational services that increase parental involvement and student achievement
- Career prep activities to assist in participation of CTE programs
- Violence, abuse, and suicide prevention activities
- Culturally responsive teaching and learning training

- Family literacy programs
- Dropout prevention strategies
- Assistance for Indian students in correctional facilities or transitioning from those facilities

The authorized amount, from FY 16-17, is level to current FY 15 actual funding. FY 18-20 funding sees an increase of two percent per year for an overall increase of \$6.1 million or six percent.

**Section 6121 – Improvement of Educational Opportunities for Indian Children and Youth**

Grants can be awarded to eligible entities to help those entities carry out activities that, among other efforts, assist the educational needs of disadvantaged children; address the special health, psychological and nutritional needs of Indian children; provide dual enrollment opportunities; create early childhood education programs; establish partnerships between schools and local businesses for career prep programs; and prepare students for college.

The authorized amount is flat funding of the appropriated FY 15 level, \$17.9 million.

**Section 6122 – Professional Development**

Grants can be awarded to eligible entities in order to increase number of qualified Indian and Alaska Native teachers; provide pre- and in-service training to Indian individuals; promote the retention of effective teachers and school leaders; create teacher mentoring programs; and provide direct financial support; train cultural experts to assist school personnel. Initial grants must last no more than three years. Grants can be renewed for no more than two years.

**Section 6131 – National Research Activities**

Funds may be used to conduct research related to Indian education approaches, programs, and status of students in need.

**Section 6133 – Native American and Alaska Native Language Immersion Schools**

A grant program is established to support schools that use Native American and Alaska Native languages as the primary language of instruction. An eligible entity that receives a grant can use the funds to:

- Support Native American or Alaska Native language education and development
- Provide professional development for teachers, staff, and administrators to strengthen the overall language and academic goals of the school served by the grant
- Develop or refine curriculum
- Create or refine assessments written in the Native American or Alaska Native language of instruction
- Carry out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language

**Section 6135 – Grants for Education Administrative Planning, Development, and Coordination**

Grants can be awarded to assist tribes to promote self-determination in education; improve academic achievement of Indian children; and promote coordination and collaboration of tribal educational agencies with SEA’s and LEA’s.

**Section 6141 – National Advisory Council on Indian Education**

The Council advises the Secretary of Education concerning the funding and administration of programs established under Title VI. ESSA amends this section to require the Council to also advise the Secretary of the Interior.

***Title VI, Part B – Native Hawaiian Education***

**Section 6204 – Native Hawaiian Education Council**

The Secretary awards grants under this part to an Education Council. The Education Council can use those funds to carry out the following activities:

- Providing advice about coordination related services available to Native Hawaiians
- Assessing whether services meet needs
- Providing direction and guidance to federal, state, and local agencies
- Providing technical assistance
- Obtaining data around effectiveness of grantees who received funding from the Council
- Hold community consultations on each of the islands

### **Section 7205 – Program Authorized**

The Secretary can make direct grants to Native Hawaiian entities, including charter schools, who propose projects that address:

- Early education and care systems for children birth through age five
- Literacy in the early elementary years
- The needs of Native Hawaiian students with disabilities
- Gifted and talented Native Hawaiian students
- Career and technical education
- Community-based learning centers
- Research efforts to determine the educational status and needs of Native Hawaiian students

Program is authorized at a funding level of \$32.3 million, which is the FY 15 appropriated amount.

## ***Title VI, Part C – Alaska Native Education***

### **Section 6304 – Program Authorized**

The Secretary can authorize grants to Alaska Native entities that work to:

- Improve the educational outcomes of Alaska Native people
- Assist in evaluation of programs through data collection
- Develop curricula that address the needs of Alaska Native students
- Address the needs of educators through training and professional development
- Improve school readiness through early childhood and parenting education activities
- Implement student enrichment programs
- Increase the graduation rates of Alaska Native students
- Increase parental involvement
- Increase access for career prep activities and training

Funding is authorized at a funding level of \$31.4 million, which is the FY15 appropriated amount.

## **Title VII – Impact Aid**

### **Section 7001 – General Provisions**

Amends section 563 (c) of the National Defense Authorization Act for Fiscal Year 2013 [20 U.S.C. 6301] also known as the Impact Aid Improvement Act of 2012 and makes these formula changes permanent. Redesignates Title VIII [20 U.S.C 7701 et seq.] as title VII and amends the title by redesignating other sections and by making other structural and conforming amendments.

### **Section 7002 – Purpose**

Amends section 7001, as redesignated by this Act, to replace the term ‘challenging State standards’ with ‘the same challenging State academic standards.’

**Section 7003 – Payments Relating to Federal Acquisition of Real Property**

Amends section 7002, as redesignated, to allow LEAs to use facsimiles or productions of original records, or when original records have been unintentionally destroyed, other appropriate records to demonstrate the value of the Federal property in the LEA boundaries to determine eligibility for Impact Aid funds. Codifies an updated property valuation formula for determining the taxable value for eligible federal property shared by two LEAs. Includes new eligibility requirements for LEAs containing forest service land, LEAs that have consolidated boundaries with two or more former LEAs and removes eligibility requirements for LEAs with certain old and combined Federal property.

**Section 7004 – Payments for Eligible Federally Connected Children**

Amends section 7003, as redesignated by this Act, to streamline and simplify various eligibility requirements, which include requirements for heavily impacted LEAs and LEAs serving on-base children enrolled during renovation, repair, modernization, or demolition projects. Updates the Learning Opportunity Threshold (LOT) formula, to ensure that LEAs are treated equitably within the LOT distribution formula when funds are either less than or sufficient to increase the LOT percentage allocation above 100%. Includes a new hold harmless provision for any LEA facing a 20% reduction in payment due to an unexpected drop in eligible federally connected students. Eliminates the maintenance of effort provision in current law.

**Section 7005 – Policies and Procedures Relating to Children Residing on Indian Lands**

Amends section 7004, as redesignated, by replacing ‘Affairs’ in both places the term appears and inserting ‘Education’.

**Section 7006 – Application for Payments Under Sections 7002 and 7003**

Amends section 7005, as redesignated by this Act, by making structural and conforming edits.

**Section 7007 – Construction**

Amends section 7007, as redesignated, by updating section references and making conforming edits. Includes a new eligibility option for emergency and modernization construction payments.

**Section 7008 – Facilities**

Amends section 7008, as redesignated by this Act, by updating a section reference.

**Section 7009 – State Consideration of Payments in Providing State Aid**

Amends section 7009, as redesignated, by updating section references and striking language in current law enabling the Secretary to request additional information as the Secretary may desire regarding Impact Aid payments as State aid to an LEA for the purpose of state equalization plans.

**Section 7010 – Federal Administration**

Amends section 7010, as redesignated, by updating section references.

**Section 7011 – Administrative Hearings and Judicial Review**

Amends section 7011, as redesignated, by updating section references and striking an outdated reference and accompanying language.

**Section 7012 – Definitions**

Amends section 7013, as redesignated by this Act, by adding Coast Guard to the definition of ‘Armed Forces,’ updating the definition of ‘Current Expenditures,’ and updating the definition of ‘Federal Property’ as it related to land conveyed at any time under the Alaska Native Claims Settler Act that meets certain tax circumstances.

### **Section 7013 – Authorization of Appropriations**

Amends section 7014, as redesignated, by authorizing the following appropriation levels:

- Payments Relating to Federal Acquisition of Real Property: \$66,813 for fiscal years 2017-2019 and \$71,998 for fiscal year 2020
- Basic Support Payments: \$1,151,233 for fiscal years 2017-2019 and \$1,240,573 for fiscal year 2020
- Payments for Children with Disabilities: \$66,813 for fiscal years 2017-2019 and \$71,998 for fiscal year 2020
- Construction: \$17,406 for fiscal years 2017-2019 and \$18,757 for fiscal year 2020
- Facilities Maintenance: \$4,835 for fiscal years 2017-2019 and \$5,210 for fiscal year 2020

## **Title VIII – General Provisions**

### **Section 8001 – General Provisions**

Redesignates Title IX [20 U.S.C. 7801 et seq.] as title VIII and amends the title by redesignating other sections and by making other structural and conforming amendments.

### **Section 8002 – Definitions**

Amends section 8101, as redesignated and amended by this Act, to update and include definitions of ‘Covered Program,’ ‘Current Expenditures,’ ‘Dual or Concurrent Enrollment Program,’ ‘Early Childhood Education Program,’ ‘Early College High School Program,’ ‘English Learner,’ ‘Evidence-Based,’ ‘Expanded Learning Time,’ ‘Extended-Year Adjusted Cohort Graduation Rate,’ ‘Four-year Adjusted Cohort Graduation Rate,’ ‘High School,’ ‘Middle Grades,’ ‘Multi-Tier System of Supports,’ ‘Paraprofessional,’ ‘Pay for Success Initiative,’ ‘Professional Development,’ ‘Outlying Area,’ ‘Regular High School Diploma,’ ‘School Leader,’ ‘State’ Specialized Instructional Support Personnel,’ ‘Specialized Instructional Support Services,’ ‘Universal Design for Learning,’ and ‘Well-Rounded.’ Strikes the definitions of ‘Beginning Teacher,’ ‘Core Academic Subjects,’ ‘Exemplary Teacher,’ ‘Highly Qualified,’ ‘Public Telecommunications Entity,’ ‘Public Services Personnel; Public Services,’ ‘Scientifically-Based Research,’ and ‘Teacher Mentoring.’

### **Section 8003 – Applicability of Title**

Amends section 8102, as redesignated by this Act, by redesignating the parts of this title that apply to title VII.

### **Section 8004 – Applicability to Bureau of Indian Education Operated Schools**

Amends Section 8103, as redesignated by this Act, to replace the term ‘Bureau of Indian Affairs’ with ‘Bureau of Indian Education.’

### **Section 8005 – Consolidation of State Administrative Funds for Elementary and Secondary Education Programs**

Amends Section 8201(b)(2), as redesignated by this Act, by making technical changes and adding implementation of fiscal support teams.

### **Section 8006 – Consolidation of Funds for Local Administration**

Amends Section 8203, as redesignated by this Act, to allow and LEA to contribute State or local funds for fiscal support teams without violating supplement, not supplant requirements.

### **Section 8007 – Consolidated Set-Aside for Department of the Interior Funds**

Makes technical changes to Section 9804, as redesignated and amended by this Act, and inserts accountability system requirements, for the purposes of part A of title I, for schools funded by the Bureau of Indian Education.

### **Section 8008 – Department Staff**

Amends Section 8204, as redesignated and amended by this Act, by adding a requirement that the Department identify full-time equivalent employees who worked on or administered programs or projects that have been eliminated or consolidated by this Act, reduce the workforce by that amount, and submit a report to congress with such, and other, information within 1 year of enactment of this Act.

### **Section 8009 – Optional Consolidated State Plans or Applications**

Amends Section 8302(b)(1), as redesignated by this Act, by striking “nonprofit.”

### **Section 8010 – General Applicability of State Educational Agency Assurances**

Amends Section 8304(a)(2), as redesignated by this Act, by replacing “nonprofit” with “eligible” each time the term appears.

### **Section 8011 – Rural Consolidation Plan**

Amends Section 8305, as redesignated and amended by this Act, to allow two or more eligible rural local educational agencies or educational service agencies to submit a consolidated plan for covered programs.

### **Section 8012 – Other General Assurances**

Amends section 8306(a), as redesignated and amended by this Act, by making technical changes and by replacing “nonprofit” with “eligible” each time the term appears.

### **Section 8013 – Waiver of Statutory and Regulatory Requirements**

Amends section 8401, as redesignated by this Act, 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 120 days unless the Secretary determines that the waiver will not improve instruction and advance student academic achievement consistent with the purposes of the Act. If the Secretary initially disapproves the waiver, the Secretary must immediately notify the applying entity, provide and make public a detailed explanation in writing, offer technical assistance, and offer the opportunity to revise and resubmit the request. The Secretary must also provide the opportunity for a before disapproving a waiver. Prohibits the Secretary from requiring the SEAs, LEAs or other entities to add or delete specific elements of standards, assessments, accountability, teacher or leader evaluation systems, or to use specific assessments, as a condition of waiver approval. Clarifies annual report requirements.

### **Section 8014 – Approval and Disapproval of State Plans and Local Applications**

Amends Title VIII, as redesignated by this Act, by inserting 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. Plans are approved unless the Secretary provides written determination, which includes supporting information and rationale, within 120 days. In this situation, the Secretary or SEA will immediately notify the SEA or LEA, provide a detailed description of the requirements not met, provide technical assistance (upon request) and conduct a hearing within 30 days (upon request), and offer the SEA the opportunity to resubmit the plan within 45 days. The Secretary or SEA has the authority to disapprove a SEA or LEA plan if the SEA or LEA 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 does not meet requirements. The Secretary and SEA does not have the authority to approve or disapprove a plan based on the activities the SEA or LEA proposes to fund under Title IV Part A, so long as the activities meet program requirements. Any portion of the SEA plan that is related to part A of Title I is subject to the peer review process described in 1111(a)(4).

### **Section 8015 – Participation by Private School Children and Teachers**

Amends Section 8501, as redesignated by this Act, by updating the programs to which equitable participation applies. Requires the SEA to designate an ombudsman to monitor and enforce equitable services requirements. Clarifies obligation and allocation requirements to ensure timely obligation and notice of funds for eligible private school children. Clarifies consultation requirements and adds new requirement that LEAs maintain and provide documentation affirming meaningful consultation with participating private schools has occurred. Adds new compliance requirements and process so that SEAs may provide equitable services directly or through contracts if private school officials file a complaint to the SEA demonstrating, through documentation, that the required consultation was not meaningful and timely.

### **Section 8016 – Standards for By-Pass**

Further amends Section 8502(a)(2), as redesignated and amended by this Act, by redesignating sections.

### **Section 8017 – Complaint Process for Participation of Private School Children**

Amends Section 8503, as redesignated by this Act, by adding timelines to the procedures for complaints and appeals to the Secretary such that the SEA must resolve complaints within 45 days and the Secretary must resolve an appeal within 90 days.

### **Section 8018 – By-Pass Determination Process**

Further amends Section 8521, as redesignated by this Act, by redesignating sections.

### **Section 81019 – Maintenance of Effort**

Amends Section 8521, as redesignated by this Act, to allow a local educational agency, for one 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 LEA 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 LEA, in which MOE requirements may be waived.

### **Section 8020 – Prohibition Regarding State Aid**

Amends Section 8522, as redesignated by this Act, to update the title reference.

### **Section 8021 – School Prayer**

Amends Section 8524(a), as redesignated by this Act, to make technical changes.

### **Section 8023 – Prohibited Uses of Funds**

Amends section 8536, as redesignated by this Act, to prohibit the use of funds for construction, renovation, or repair of school facilities, or for transportation, unless otherwise authorized.

### **Section 8023 – Prohibitions**

#### **Section 8526A – Prohibition Against Federal Mandates, Direction, or Control**

Further amends Title VIII, as redesignated by this Act, to insert a new Section 8526A that prohibits the Secretary or an officer or employee of the federal government from mandating, direction, or controlling a State, LEA, or school's specific instructional content, standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of the statute. Prohibits an officer or employee of the Federal government from conditioning the receipt of any grant, contract, or cooperative agreement, or waiver, priority or preference, contract, or cooperative agreement, upon adoption or implementation of specific instructional content, standards or assessments, curricula, or program of instruction developed and implemented to meet the requirements of the statute.

### **Section 8024 – Prohibitions on Federal Government and Use of Federal Funds**

Amends Section 8527, as redesignated by this Act, to strengthen prohibitions against the Federal government mandating, directing, controlling, or making financial support conditioned upon the adoption of specific academic standards or assessments, curriculum, program of instruction, or instructional content. Includes prohibitions on Federal endorsement of curriculum, and against Federal approval or certification of standards.

### **Section 8025 – Armed Forces Recruiter Access to Students and Student Recruiting Information**

Amends Section 8528, as redesignated by this Act, by striking the special rule and inserting an opt-out process permitting a parent of secondary school student to require the LEA get consent before releasing student information. Clarifies that when a student has attained 18 years of age, the permission or consent required of and rights accorded to the parents of the student are only required of and accorded to the student.

### **Section 8026 – Prohibition on Federal Sponsored Testing**

Amends Section 8529, as redesignated by this Act, to strengthen prohibitions on the development of any Federally sponsored national test. Adds a Rule of Construction to ensure SEAs and LEAs can use funds for the development and implementation of any instructional content, academic standards and assessments, curriculum, or program of instruction that the SEA or LEA or school chooses.

### **Section 8027 – Limitations on National Testing or Certification for Teachers, Principal, or Other School Leaders**

Amends Section 8530, as redesignated by this Act, to include principals. Adds further prohibitions against incentivizing national testing or certification for teachers or principals.

### **Section 8028 – Prohibition on Requiring State Participation**

#### **Section 8530A – Prohibition on Requiring State Participation**

Title VIII, as redesignated and amended by this Act, is further amended by inserting Section 8530A to clarify that any State that opts out of receiving funds, or that has not been awarded funds, is not required to carry out requirements of this Act.

### **Section 8029 – Civil Rights**

Makes technical changes to Section 8534(b), as redesignated by this Act.

### **Section 8030 – Consultation with Indian Tribes and Tribal Organizations**

#### **Section 8538 – Consultation with Indian Tribes and Tribal Organizations**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding a new Section 8538 to ensure timely and meaningful consultation with tribes or tribal organizations in the development of LEA programs under this Act if a LEA has at least 50 percent enrollment of American Indian and Alaska Native students or receives at least \$40,000 in Title VI funding.

### **Section 8031 – Outreach and Technical Assistance for Rural Local Educational Agencies**

#### **Section 8529 – Outreach and Technical Assistance for Rural Local Educational Agencies**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding a new Section 8539 to ensure the Secretary will provide outreach and assistance to rural local educational agencies.

### **Section 8032 – Consultation with the Governor**

#### **Section 8040 – Consultation with the Governor**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding to the end Section 8540 to ensure the State educational agency provides the Governor the opportunity to review and sign the State plan under title I or II or section 8302.



## **Section 8033 – Local Governance**

### **Section 8541 – Local Governance**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding a new Section 8541 to state that the Secretary cannot exercise governance over school administration unless authorized under this act, issue regulation without complying with the rulemaking requirements of section 553 of title I, United States Code, or issue nonregulatory guidance without consulting with stakeholders to the extent feasible. States that nothing in the proceeding subsection shall be construed to affect the authority of the Secretary under Federal law.

## **Section 8034 – Rule of Construction Regarding Travel to and from School**

### **Section 8542 – Rule of Construction Regarding Travel to and from School**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding a new Section 8542 to state that, notwithstanding State or local laws, nothing in this Act shall be construed to prohibit a child from traveling to and from school as a parent permits or to expose parents to civil or criminal charges for allowing such travel.

## **Section 8035 – Limitations on School-Based Health Centers**

### **Section 8543 – Limitations on School-Based Health Centers**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding a new Section 8543 to state that, notwithstanding section 8102, funds for activities under this Act shall be carried out in accordance with the provision of section 399z-1(a)(3)(C) of the Public Health Service Act (42 U.S.C. 280h-5(a)(3)(C)).

## **Section 8036 – State Control Over Standards**

### **Section 8544 – State Control Over Standards**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding a new Section 8544 to state that a State may withdraw from the Common Core State Standards or otherwise revise their standards, and to prohibit an officer or employee of the Federal government from taking action against a State that exercises its rights to withdraw from the Common Core or to revise its standards.

## **Section 8037 – Sense of Congress on Protecting Student Privacy**

### **Section 8545 – Sense of Congress on Protecting Student Privacy**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding a new Section 8545 to state findings and a sense of Congress related to student privacy.

## **Section 8038 – Prohibition on Aiding and Abetting Sexual Abuse**

### **Section 8546 – Prohibition on Aiding and Abetting Sexual Abuse**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding a new Section 8546 to state that recipients of funds under this Act shall have laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any State or local educational agency, from assisting a such individual from obtaining a new job if such individual has engaged in sexual misconduct regarding a minor or student in violation of the law.

## **Section 8039 – Sense of Congress on Restoration of State Sovereignty Over Public Education**

### **Section 8547 – Sense of Congress on Restoration of State Sovereignty Over Public Education**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding a new Section 8547 to state a sense of congress regarding consultation with State and local officials.

## **Section 8040 - Privacy**

### **Section 8548 – Privacy**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding a new Section 8548 to require that recipients of funds under this Act provide an assurance that they understand the importance of privacy protections for students and is aware of their responsibilities under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

#### **Section 8041 – Analysis and Periodic Review; Sense of Congress; Technical Assistance**

Subpart 2 of part F of title VIII, as redesignated and amended by this Act, is further amended by adding to the end the following:

#### **Section 8549 – Analysis and Periodic Review of Departmental Guidance**

Requires the Secretary to develop procedures for the approval and periodic review of significant guidance documents.

#### **Section 8549B – Sense of Congress on Early Learning and Child Care**

Adds sense of Congress on State rights to make decisions concerning early learning and child care.

#### **Section 8549C – Technical Assistance**

States that, if requested by a State or LEA, a regional educational laboratory under part D of the Education Sciences Reform Act of 2002 (20 U.S.C. 9561 et seq.) shall provide technical assistance in meeting the requirements of section 8101(21).

#### **Section 8042 – Evaluations**

Amends Section 8601, as redesignated by this Act, 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 IX – Education for the Homeless and Other Laws**

### ***Title IX, Part A – Homeless Children and Youths***

#### **Section 9101 – Statement of Policy**

Amends the statement of policy to require States and local educational agencies to review current practices to determine if they act as a barrier to the identification, enrollment, attendance, or success of homeless children and youths, including preschool-aged homeless children.

#### **Section 9102 – Grants for State and Local Activities**

Requires SEAs to establish an Office of the Coordinator for Education of Homeless Children and Youths that can sufficiently carry out the duties, develop professional development programs that will help LEA's improve identification and address the needs of homeless children and youths, and provide technical assistance to local educational agencies to support their efforts. Requires a description of how the State will remove barriers for homeless children and youth, including barriers to enrollment and retention to due outstanding fees or fines, or absences.

Requires that each local educational agency have a liaison for homeless children and youths. School districts will ensure that the liaisons will have the necessary time and training to fulfill their responsibilities, which

include identifying, supporting, and increasing school stability for homeless children and youth. Ensures that preschool-aged preschool children have the right to remain in their school of origin.

### **Section 9103 – Local Educational Agency Subgrants**

Section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433) is amended to include changes that make current law language more consistent with the defined terms in the Every Student Succeeds Act.

### **Section 9104 – Secretarial Responsibilities**

Section 724 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434) is amended to require the Secretary to update and disseminate a public notice describing the educational rights of homeless children and youths. Additionally, the Secretary will provide technical assistance and evaluation reviews for programs designed to meet the educational needs of homeless children and youth.

### **Section 9105 – Definitions**

Strikes “or are awaiting foster care placement” from the definition of homeless children and youth. Requires that this change will take effective in one year for a State that does not have a statutory law that defines or describes the phrase “awaiting foster care placement” and in two years for a State that does.

### **Section 9106 – Authorization of Appropriations**

McKinney Vento is authorized to be appropriated \$85,000,000 for each fiscal year from FY17-20, which is \$20 million more than current FY 15 funding.

### **Section 9107 – Effective Date**

The changes made under this Title take effect on October 1, 2016.

## ***Title IX, Part B – Miscellaneous; Other Laws***

### **Section 9101 – Findings and Sense of Congress on Sexual Misconduct**

Expresses the sense of Congress that: (1) confidentiality agreements between LEAs or schools and suspected child sex abusers should be prohibited, (2) LEAs or schools should not facilitate the transfer of child predators to other LEAs or schools, and (3) States should require LEAs and schools to report information regarding allegations of sexual misconduct to law enforcement and other appropriate authorities.

### **Section 9202 – Sense of Congress on First Amendment Rights**

Expresses the sense of Congress that individuals’ rights under the First Amendment to the Constitution of the United States are retained during the school day or while on school grounds.

### **Section 9203 – Preventing Improper Use of Taxpayer Funds**

Directs the Secretary to require recipients of funds under the ESEA [20 U.S.C. 6301 et seq.] publicly display the hotline contact information of the Office of Inspector General of the Department of Education (OIG) to facilitate the reporting of improper taxpayers funds, to annually notify employees of the Department of their responsibility to report fraud, and to require applicants for a grant or subgrant under this Act to provide an assurance that the information they provide is truthful and accurate.

### **Section 9204 – Accountability to Taxpayers through Monitoring and Oversight**

Requires the Secretary of Education to notify recipients of funds under this Act of their responsibility to comply with all applicable monitoring requirements, review and analyze the results of monitoring and compliance reviews, publicly report the efforts to prevent fraud, waste and abuse of taxpayer funds, and to work with the OIG to ensure adequate monitoring of grantees and subgrantees.

### **Section 9205 – Report on Department Actions to Address Office of Inspector General Reports**

Directs the Secretary of Education to 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, and make available to the public, a report on the Department’s implementation of recommendations contained in reports from the OIG, including work of the Department to address findings from the March 9, 2010 report on oversight by LEAs and authorized public chartering agencies and the September 2012 report entitled “The Office of Innovation and Improvement’s Oversight and Monitoring of the Charter Schools Program’s Planning and Implementation Grants Final Audit Report.”

### **Section 9206 – Posthumous Pardon**

Expresses the sense of Congress that Jack Johnson should receive posthumous pardon.

### **Section 9207 – Education Flexibility Partnership Act of 1999 Reauthorization**

Makes technical changes and amends Section 4 of the Educational Flexibility Partnership Act of 1999 [20 U.S.C. 5891b] to authorize the Secretary to carry out an educational flexibility program under which the Secretary approves a State educational agency that has met certain conditions to waive statutory or regulatory requirements (except those enumerated) services, equitable participation of students and professional staff in private schools, applicable to one or more programs for any LEA, educational service agency, or school within the State.

### **Section 9208 – Report on the Reduction of the Number of Percentage of Students who Drop Out of School**

Requires the Director of the Institute of Education Science (IES) to, within 5 years of enactment of this Act, evaluate the impact of section 1111(g)(1)(D) of the ESEA [20 U.S.C. 6311(g)(1)(D)] on reducing the number and percentage of students who drop out of school.

### **Section 9209 – Report on Subgroup Sample Size**

Requires the Director of IES to, within 90 days of enactment of this Act, publish, and publicly disseminate, a report on best practices for determining valid, reliable, and statistically significant minimum numbers of students for each of the subgroups of students, as defined in section 1111(c)(2) [20 U.S.C. 6311(c)(2)], as amended by this Act, for the purpose of inclusion of subgroups of students in an accountability system in section 1111(c) of such Act [20 U.S.C. 6311(c)], as amended by this Act. Prohibits the Director of IES from recommending a specific minimum number of students for each of the subgroups of students, as defined in section 1111(c)(2) [20 U.S.C. 6311(c)(2)], as amended by this Act.

### **Section 9210 – Report on Student Home Access to Digital Learning Resources**

Requires the Director of IES to, within 18 months of enactment of this Act, complete, and publicly disseminate, a study on the educational impact of access to digital learning resources outside the classroom.

### **Section 9211 – Study on the Title I Formula**

Requires the Director of IES to, within 18 months of the enactment of this Act, complete, and publicly disseminate, a study on the effectiveness of the four part A of title I formulas in delivering funds to the most economically disadvantaged students. The report must, among other things, consider the impact of number weighting and percentage weighting on targeting part A of title I funds to eligible school attendance areas with the highest concentrations of poverty in LEAs in the 12 locale types classified by the National Center on Education Statistics, and with such LEAs with higher percentages of districtwide poverty.

### **Section 9212 – Preschool Development Grants**

Authorizes a competitive grant program for early learning. States will apply for a one-year grant with the ability for planning, coordination, and quality improvement activities. States will be required to designate a lead agency, coordinate with Head Start collaboration offices and the State Advisory Council for Early Learning and Care, and provide not less than 30 percent of matching funds. During the initial year, recipients will be required

to use funds to conduct a periodic statewide needs assessment, develop a strategic plan, share best practices, and improve the overall quality of early childhood education programs.

After the initial grant period, States may apply for a three year renewal grant to be used for the same activities in year one, but up to 60% of funds in the first year and 75% of the funds in the second and third can also be used for subgrants to increase access to early learning opportunities.

States that have not received a Preschool Development Grant (PDG) as the program existed the day prior to enactment of the Every Student Succeeds Act will receive priority in the initial grant competition. States that have received a PDG grant can apply for the renewal grant without applying for an initial grant first.

### **Section 9213 – Review of Federal Early Childhood Education Programs**

Requires the Secretary of Health and Human Services, in consultation with the heads of all Federal agencies that administer Federal early childhood education programs, to conduct an interdepartmental review of all early childhood education programs for children less than 6 years of age in order to develop a plan for elimination of overlapping programs. The Secretary of Health and Human Services must prepare and submit such 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 within 2 years of the enactment of this Act, and update such report annually thereafter.

### **9213 – Use of the Term “Highly Qualified” in Other Laws**

Clarifies that referenced to the term “highly qualified,” as defined in section 9101 of the ESEA of 1965, shall be treated as a reference to such term under section 9101 as in effect on the day before the date of enactment of this Act when referenced in sections 420, 428, and 460 of the Higher Education Act of 1965 [20 U.S.C. 1070g-2, 1078-10, 1078-11, and 1087j], in section 6112 of the America COMPETES Act [20 U.S.C. 9812], section 553 of the America COMPETES Reauthorization Act of 2010 [20 U.S.C. 9903], and section 9 of the National Science Foundation Authorization Act of 2002 [42 U.S.C. 1862n]. Makes amendments to the reference to “highly qualified” in Section 153 of the Education Science Reform Act of 2002 [20 U.S.C. 9543(a)(1)(F)(ii)], and in Sections 200, 201(3), 202, 204, 205, 207, 208, 242, 251, 255, 258, and 806 of the Higher Education Act of 1965. Amends the reference to “highly qualified” in the Section 602, 612, 653, 654, and 662 of the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], and to Section 302 of the Individuals with Disabilities Education Improvement Act of 2004 [20 U.S.C. 1400 note] to ensure that special education teachers meet high professional standards.

### **Section 9215 – Additional Conforming Amendments to Other Laws**

Makes conforming amendments to other laws.