

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

Strike the text and insert the following:

1 SECTION 1. SHORT TITLE.

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

3 SEC. 2. REFERENCES.

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

10 SEC. 3. TABLE OF CONTENTS.

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

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- Sec. 3. Table of contents.

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DISADVANTAGED**

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1 **TITLE I—IMPROVING THE ACA-**
2 **DEMIC ACHIEVEMENT OF THE**
3 **DISADVANTAGED**

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

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

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

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

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

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

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

1 advantaged children and their more advantaged
2 peers;

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

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

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

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

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

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

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

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

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

4 (2) in subsection (c)—

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

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

9 (3) in subsection (d)—

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

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

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

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

17 **“SEC. 1111. STATE PLAN.**

18 “(a) PLANS REQUIRED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(iii) be either—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 applicable early care and education pro-
2 grams;

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

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

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

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

17 “(3) HIGH-QUALITY ASSESSMENTS.—

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

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

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

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

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

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

22 “(v) provide an accurate measure of—

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

25 “(II) student academic growth;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(D) NATIVE LANGUAGE ASSESSMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(v) establish, at a minimum—

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

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

23 “(E) STUDENT GROWTH STANDARDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(i) academic learning, such as—

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

1 or International Baccalaureate (IB)
2 courses;

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

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

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

13 “(ii) student engagement, such as—

14 “(I) student attendance rates;

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

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

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

22 “(iii) student advancement, such as—

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

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

3 “(III) course failure rates; and

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

6 “(iv) student health and wellness;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(i) high priority schools that—

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

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

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

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

14 “(iii) reward schools that have—

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

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

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

6 “(2) GOALS AND TARGETS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(iv) Students with disabilities.

4 “(v) English learners.

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

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

12 “(ii) does not exceed 15 students;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(4) TRANSITION PROVISIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 has obtained prior approval by the
2 Secretary;

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

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

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

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

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

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

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

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

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

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

1 thorized public chartering agency
2 that—

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

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

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

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

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

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

11 “(2) ASSURANCES.—Assurances that—

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

21 “(B) the State educational agency will—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(iii) providing a hearing; and

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

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

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

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

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

17 “(B) peer review comments;

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

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

22 “(E) hearings.

23 “(g) DURATION OF THE PLAN.—

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

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

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

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

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

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

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

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

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

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

11 “(i) REPORTS.—

12 “(1) ANNUAL STATE REPORT CARD.—

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

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

21 “(i) concise; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(ii) in the case of a school—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(7) PARENTS RIGHT-TO-KNOW.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(m) DEFINITIONS.—In this section:

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

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

10 “(i) the sum of—

11 “(I) the entering cohort; plus

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

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

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

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

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

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

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

16 “(E) TRANSFERRED OUT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(A) the result of—

4 “(i) the number of students who—

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

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

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

14 “(B) 100.

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

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

19 “(A) the sum of—

20 “(i) the number of students who—

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

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

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

7 “(ii) the result of—

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

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

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

19 “(B) 100.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 “(3) RESERVATION.—

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

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

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

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

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

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

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

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

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

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

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

14 “(a) LOCAL REVIEW.—

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

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

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

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

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

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

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

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

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

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

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

13 “(A) for elementary schools—

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

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

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

25 “(B) for secondary schools—

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

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

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

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

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

17 “(b) SCHOOL IMPROVEMENT.—

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

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

3 “(2) SCHOOL IMPROVEMENT TEAM.—

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

9 “(B) SCHOOLS IN NEED OF SUPPORT.—

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

14 “(C) HIGH-PRIORITY SCHOOLS.—Each

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

19 “(3) SCHOOL IMPROVEMENT PLAN.—

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

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

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

8 “(ii) the type of support required;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(III) the school curriculum;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 as providing specialized instructional
2 support personnel;

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

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

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

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

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

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

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

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

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

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

1 “(A) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(aa) opening a new school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(I) an associate’s degree; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tive programs that meaningfully engage
2 families.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 107. PARAPROFESSIONALS.**

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

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

5 “(c) PARAPROFESSIONALS.—

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

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

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

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

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

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

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

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

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

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

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

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

21 “(f) DUTIES OF PARAPROFESSIONALS.—

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

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

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

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

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

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

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

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

19 “(F) to act as a translator; or

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

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

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

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

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

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

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

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

17 “(1) IN GENERAL.—

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

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

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

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

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

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

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

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

14 “(4) REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(C) may exclude capital expenditures; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(a) RESERVATION OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (2) in clause (ii)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (f) EDUCATION FINANCE INCENTIVE GRANT PRO-
24 GRAM.—Section 1125A(b) (20 U.S.C. 6337(b)) is amend-
25 ed—

1 (1) in paragraph (1)(B)—

2 (A) in clause (ii), by redesignating sub-
3 clauses (I) and (II) as items (aa) and (bb), re-
4 spectively, and indenting appropriately;

5 (B) by redesignating clauses (i) and (ii) as
6 subclauses (I) and (II), respectively, and in-
7 denting appropriately;

8 (C) by striking “Notwithstanding any
9 other provision of this section or section 1122”
10 and inserting the following:

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

14 (D) by adding at the end the following new
15 clause:

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

23 (2) in paragraph (2)(B)—

1 (A) in the subparagraph heading, by in-
2 serting “AND CERTAIN OUTLYING AREAS” be-
3 fore the period at the end; and

4 (B) by adding after “Commonwealth of
5 Puerto Rico” the following: “, American
6 Samoa, Guam, the Commonwealth of the
7 Northern Mariana Islands, and the United
8 States Virgin Islands”.

9 (g) DEFINITION.—Section 9101(30) (20 U.S.C.
10 7801(30)) is amended by striking “section 1121(b) and
11 any other” and inserting “any”.

12 **SEC. 111. SUPPORT FOR HIGH-QUALITY ASSESSMENTS.**

13 (a) AMENDMENT.—Part A of title I (20 U.S.C. 6311
14 et seq.) is amended by adding at the end the following
15 new subpart:

16 **“Subpart 3—Support for High-Quality Assessments**
17 **“SEC. 1131. GRANTS TO IMPROVE DELIVERY OF HIGH-QUAL-**
18 **ITY ASSESSMENTS AND FOR RELATED AC-**
19 **TIVITIES.**

20 “(a) IN GENERAL.—From the amount reserved
21 under section 1134(b)(5) and subject to subparagraphs
22 (A) and (B) of such section, the Secretary shall make
23 grants by allocating funds in accordance with subsection
24 (b) of this section to States to enable the States to—

1 “(1) develop, administer, and further align
2 State assessments required by section 1111(b)(3) to
3 State content standards required by section
4 1111(b)(1);

5 “(2) ensure the provision of appropriate accom-
6 modations as required by section 1111(b)(3) to stu-
7 dents with limited English proficiency and students
8 with disabilities to improve the rates of inclusion in
9 State assessments of such students;

10 “(3) develop State assessment systems aligned
11 to the State’s content standards that support sys-
12 tems of continuous improvement and meet the as-
13 surance of coordination and alignment as described
14 in section 1111(b)(3)(H);

15 “(4) support local educational agencies in iden-
16 tifying uses of assessment data, which may include
17 appropriate use of student assessment data as one
18 of multiple measures of student learning for teacher
19 and school leader performance and evaluation, where
20 applicable; and

21 “(5) carry out the activities described in the re-
22 port required under subsection (c).

23 “(b) ALLOCATION OF FUNDS.—From the amount re-
24 served under section 1134(b)(5), each State shall receive
25 an allocation for each fiscal year in an amount equal to—

1 “(1) \$4,000,000; and

2 “(2) with respect to any amounts remaining
3 after the allocation is made under paragraph (1), an
4 amount that bears the same relationship to such
5 total remaining amounts as the number of students
6 ages 5 through 17 in the State (as determined by
7 the Secretary on the basis of the most recent satis-
8 factory data) bears to the total number of such stu-
9 dents in all States.

10 “(c) STATE REPORT.—Not later than 6 months after
11 a State receives a grant under this section, the State shall,
12 in consultation with education stakeholders, prepare and
13 make publically available a report, that explains how the
14 State has used, or will use, the grant to—

15 “(1) improve the quality and use of the State’s
16 assessment system, including assessments not re-
17 quired by section 1111(b)(3), and for related activi-
18 ties;

19 “(2) ensure that all summative assessments
20 that are used for accountability purposes, including
21 accountability described in section 1111(c) are valid
22 and reliable, and consistent with relevant, nationally
23 recognized professional and technical standards; and

1 “(3) improve the use of State assessment data
2 by school leaders, educators, and parents, and for
3 related activities, such as—

4 “(A) disseminating the assessment data in
5 an accessible and understandable format for
6 educators, parents, and families;

7 “(B) decreasing time between admin-
8 istering such State assessments and releasing
9 assessment data;

10 “(C) supporting the dissemination of
11 promising practices from local educational
12 agencies that have successfully used assessment
13 data to improve individual student and overall
14 school performance;

15 “(D) identifying appropriate uses of as-
16 sessment data, which may include appropriate
17 use of student assessment data as one of mul-
18 tiple measures of student learning for teacher
19 and school leader performance and evaluation;
20 and

21 “(E) providing professional development on
22 assessment and data literacy to teachers and
23 school leaders, including on the development
24 and effective use of formative and classroom-

1 based assessments aligned with State content
2 standards.

3 **“SEC. 1132. GRANTS FOR ASSESSMENT SYSTEM ALIGN-**
4 **MENT, QUALITY, AND USE.**

5 “(a) IN GENERAL.—From the amount reserved
6 under section 1134(b)(3), the Secretary shall make grants
7 to States to—

8 “(1) in the case of a grant awarded under this
9 section to a State for the first time—

10 “(A) carry out an audit of the State as-
11 sessment system and ensure that local edu-
12 cational agencies carry out audits of local as-
13 sessments under subsection (e)(1);

14 “(B) prepare and carry out the State plan
15 under subsection (e)(6); and

16 “(C) award subgrants under subsection (f);
17 and

18 “(2) in the case of a grant awarded under this
19 section to a State that has previously received a
20 grant under this section—

21 “(A) carry out the State plan on audit
22 findings under subsection (e)(6); and

23 “(B) award subgrants under subsection
24 (f).

1 “(b) MINIMUM AMOUNT.—Each State with an ap-
2 proved application shall receive a grant amount of not less
3 than \$2,000,000.

4 “(c) REALLOCATION.—If a State chooses not to apply
5 to receive a grant under this subsection, or if such State’s
6 application under subsection (d) is disapproved by the Sec-
7 retary, the Secretary shall reallocate such grant amount
8 to other States with approved applications.

9 “(d) APPLICATION.—A State desiring to receive a
10 grant under this section shall submit an application to the
11 Secretary at such time, in such manner, and containing
12 such information as the Secretary may require.

13 “(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND
14 LOCAL ASSESSMENTS.—

15 “(1) AUDIT REQUIREMENTS.—Not later than 1
16 year after a State receives a grant under this section
17 for the first time, the State shall—

18 “(A) conduct an audit of the State assess-
19 ment system;

20 “(B) ensure that each local educational
21 agency under the State’s jurisdiction and re-
22 ceiving funds under this Act—

23 “(i) conducts an audit of each local
24 assessment administered by the local edu-
25 cational agency; and

1 “(ii) submits the results of such audit
2 to the State; and

3 “(C) report the results of each State and
4 local educational agency audit conducted under
5 subparagraphs (A) and (B)—

6 “(i) in a publicly available format,
7 such as a widely accessible online platform;
8 and

9 “(ii) with appropriate accessibility
10 provisions for individuals with disabilities
11 and individuals with limited English pro-
12 ficiency.

13 “(2) RESOURCES FOR LOCAL EDUCATIONAL
14 AGENCIES.—In carrying out paragraph (1)(B), each
15 State shall develop and provide local educational
16 agencies with resources, such as guidelines and pro-
17 tocols, to assist the agencies in conducting and re-
18 porting the results of the audit required under such
19 paragraph (1)(B).

20 “(3) STATE ASSESSMENT SYSTEM DESCRIP-
21 TION.—An audit of a State assessment system con-
22 ducted under paragraph (1) shall include a descrip-
23 tion of each State assessment carried out in the
24 State, including—

1 “(A) the grade and subject matter as-
2 sessed;

3 “(B) whether the assessment is required
4 under section 1111(b)(3);

5 “(C) the annual cost to the State edu-
6 cational agency involved in developing, pur-
7 chasing, administering, and scoring the assess-
8 ment;

9 “(D) the purpose for which the assessment
10 was designed and the purpose for which the as-
11 sessment is used, including assessments de-
12 signed to contribute to systems of continuous
13 improvement of teaching and learning;

14 “(E) the time for disseminating assess-
15 ment results;

16 “(F) a description of how the assessment
17 is aligned with the State’s content standards;

18 “(G) a description of any State law or reg-
19 ulation that established the requirement for the
20 assessment;

21 “(H) the schedule and calendar for all
22 State assessments given; and

23 “(I) a description of the State’s policies for
24 inclusion of students with limited English pro-
25 ficiency and students with disabilities.

1 “(4) LOCAL ASSESSMENT DESCRIPTION.—An
2 audit of a local assessment conducted under para-
3 graph (1) shall include a description of the local as-
4 sessment carried out by the local educational agency,
5 including—

6 “(A) the descriptions listed in subpara-
7 graphs (A), (D), and (E) of paragraph (3);

8 “(B) the annual cost to the local edu-
9 cational agency of developing, purchasing, ad-
10 ministering, and scoring the assessment;

11 “(C) the extent to which the assessment is
12 aligned to the State’s content standards;

13 “(D) a description of any State or local
14 law or regulation that establishes the require-
15 ment for the assessment; and

16 “(E) in the case of a summative assess-
17 ment that is used for accountability purposes,
18 whether the assessment is valid and reliable and
19 consistent with nationally recognized profes-
20 sional and technical standards.

21 “(5) STAKEHOLDER FEEDBACK.—Each audit of
22 a State assessment system or local assessment sys-
23 tem conducted under subparagraph (A) or (B) of
24 paragraph (1) shall include feedback on such system

1 from education stakeholders, which shall cover infor-
2 mation such as—

3 “(A) how educators and administrators use
4 assessment data to improve and differentiate
5 instruction;

6 “(B) the timing of release of assessment
7 data;

8 “(C) the extent to which assessment data
9 is presented in an accessible and understand-
10 able format for educators, parents, students, if
11 appropriate, and the community;

12 “(D) the opportunities, resources, and
13 training educators and administrators are given
14 to review assessment results and make effective
15 use of assessment data;

16 “(E) the distribution of technological re-
17 sources and personnel necessary to administer
18 assessments;

19 “(F) the amount of time educators spend
20 on test preparation;

21 “(G) the assessments that administrators,
22 educators, parents, and students, if appropriate,
23 do and do not find useful;

24 “(H) the amount of time students spend
25 taking the assessments; and

1 “(I) other information as appropriate.

2 “(6) STATE PLAN ON AUDIT FINDINGS.—

3 “(A) PREPARING THE STATE PLAN ON
4 AUDIT FINDINGS.—Not later than 6 months
5 after a State conducts an audit under para-
6 graph (1) and based on the results of such
7 audit, the State shall, in coordination with the
8 local educational agencies under the jurisdiction
9 of the State, prepare and submit to the Sec-
10 retary, a plan to improve and streamline State
11 assessment systems and local assessment sys-
12 tems, including through activities such as—

13 “(i) eliminating any assessments that
14 are not required by section 1111(b)(3)
15 (such as by buying out the remainder of
16 procurement contracts with assessment de-
17 velopers) and that—

18 “(I) are low-quality;

19 “(II) not aligned to the State’s
20 content standards;

21 “(III) in the case of summative
22 assessments used for accountability
23 purposes, are not valid or reliable and
24 are inconsistent with nationally recog-

1 nized professional and technical
2 standards;

3 “(IV) do not contribute to sys-
4 tems of continuous improvement for
5 teaching and learning; or

6 “(V) are redundant;

7 “(ii) supporting the dissemination of
8 promising practices from local educational
9 agencies or other States that have success-
10 fully improved assessment quality and effi-
11 ciency to improve teaching and learning;

12 “(iii) supporting local educational
13 agencies or consortia of local educational
14 agencies to carry out efforts to streamline
15 local assessment systems and implementing
16 a regular process of review and evaluation
17 of assessment use in local educational
18 agencies;

19 “(iv) supporting appropriate uses of
20 assessment data, which may include appro-
21 priate use of student assessment data as
22 one of multiple measures of student learn-
23 ing for teacher and school leader perform-
24 ance and evaluation; and

1 “(v) providing professional develop-
2 ment to teachers and school leaders on se-
3 lecting and implementing formative assess-
4 ments, designing classroom-based assess-
5 ments, and assessment and data literacy.

6 “(B) CARRY OUT THE STATE PLAN ON
7 AUDIT FINDINGS.—A State shall carry out a
8 State plan on audit findings as soon as prac-
9 ticable after the State prepares such State plan
10 under subparagraph (A) and during each grant
11 period of a grant described in subsection (a)(2)
12 that is awarded to the State.

13 “(f) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
14 CIES.—

15 “(1) IN GENERAL.—From the amount awarded
16 to a State under this section, the State shall reserve
17 not less than 20 percent of funds to make subgrants
18 to local educational agencies in the State, or a con-
19 sortium of such local educational agencies, based on
20 demonstrated need in the agency’s or consortium’s
21 application to improve assessment quality, use, and
22 alignment with the State’s content standards.

23 “(2) LOCAL EDUCATIONAL AGENCY APPLICA-
24 TION.—Each local educational agency, or consortium
25 of local educational agencies, seeking a subgrant

1 under this subsection shall submit an application to
2 the State at such time, in such manner, and describ-
3 ing that agency's or consortium's needs to improve
4 assessment quality, use, and alignment (as described
5 in paragraph (1)), and such other information as de-
6 termined by the State.

7 “(3) USE OF FUNDS.—A subgrant awarded
8 under this subsection to a local educational agency
9 or consortium of such agencies may be used to—

10 “(A) conduct an audit of local assessments
11 under subsection (e)(1)(B);

12 “(B) eliminate any assessments identified
13 for elimination by such audit, such as by buying
14 out the remainder of procurement contracts
15 with assessment developers;

16 “(C) disseminate the promising practices
17 described in subsection (e)(6)(B);

18 “(D) improve the capacity of school leaders
19 and educators to disseminate assessment data
20 in an accessible and understandable format for
21 parents and families, including for individuals
22 with disabilities or individuals with limited
23 English proficiency;

24 “(E) support the appropriate use of assess-
25 ment data, which may include appropriate use

1 of student assessment data as one of multiple
2 measures of student learning for teacher and
3 school leader performance and evaluation;

4 “(F) provide professional development to,
5 and time for teacher collaboration on designing
6 classroom-based assessments and improving as-
7 sessments and data literacy for, teachers and
8 school leaders, which may include providing ad-
9 ditional planning time to analyze student and
10 team data and designing instruction based on
11 data analysis;

12 “(G) improve assessment delivery systems
13 and schedules, including by increasing access to
14 technology and exam proctors, where appro-
15 priate;

16 “(H) hire instructional coaches, or pro-
17 moting educators who may receive increased
18 compensation to serve as instructional coaches,
19 to support educators to develop classroom-based
20 assessments, interpret assessment data, and de-
21 sign instruction; and

22 “(I) provide for appropriate assessment ac-
23 commodation to maximize inclusion of students
24 with disabilities and students with limited

1 English proficiency, including by providing the
2 assessments described in section 1111(b)(6).

3 **“SEC. 1133. COMPETENCY EDUCATION DEMONSTRATION**
4 **AUTHORITY.**

5 “(a) DEFINITIONS.—In this part:

6 “(1) COLLEGE AND CAREER READY STAND-
7 ARDS.—The term ‘college and career ready stand-
8 ards’ means the academic content and student aca-
9 demic achievement standards adopted by a State
10 under section 1111(b).

11 “(2) COMPETENCY EDUCATION.—The term
12 ‘competency education’ is defined, (at a minimum),
13 as a school-level framework for learning that enables
14 personalization, with the goal of students becoming
15 proficient, in which—

16 “(A) students advance upon mastery;

17 “(B) competencies are transparent, aligned
18 to State academic standards, and include ex-
19 plicit, measurable, and transferable learning ob-
20 jectives;

21 “(C) assessment improves teaching and
22 learning in real time and validates when stu-
23 dents are ready to demonstrate mastery; and

1 “(D) students receive timely, differentiated
2 support based on their individual learning
3 needs.

4 Competencies emphasize growth towards higher
5 order skills, including the application and creation of
6 knowledge and social emotional skills.

7 “(3) CORE INDICATORS.—The term ‘core indi-
8 cators’ means—

9 “(A) State academic assessments that
10 meet the requirements of section 1111(b)(3)
11 and that provide data that can be compared
12 with data regarding the State academic assess-
13 ments required under section 1111(b)(3); and

14 “(B) graduation rates.

15 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means a State educational agency or consor-
17 tium of State educational agencies.

18 “(5) MASTERY.—The term ‘mastery’ means a
19 level of knowledge or skill development demonstrated
20 by a student signifying that the student has met a
21 standard and is prepared to progress to a subse-
22 quent standard.

23 “(6) PERFORMANCE ASSESSMENT.—The term
24 ‘performance assessment’ means a multi-step assess-
25 ment that—

1 “(A) includes complex activities with clear
2 criteria, expectations, and processes that enable
3 students to interact with meaningful content;
4 and

5 “(B) measures the depth at which students
6 learn content and apply complex skills to create
7 or refine an original product or solution.

8 “(b) DEMONSTRATION AUTHORITY.—

9 “(1) IN GENERAL.—The Secretary may provide
10 eligible entities, in accordance with paragraph (3),
11 with the authority to establish State assessment sys-
12 tems that enable competency education to satisfy the
13 requirements under section 1111(c) and 1111(b)(3)
14 and use results of such competency education assess-
15 ment system for the purposes of section 1111(c) and
16 section 1116 and in accordance with an application
17 approved under subsection (c).

18 “(2) DEMONSTRATION PERIOD.—The initial
19 award of demonstration authority under this part
20 shall be for a period of 5 years. After such period,
21 if the Secretary has not withdrawn the demonstra-
22 tion authority from an eligible entity, the eligible en-
23 tity shall be permitted to operate the assessment
24 system approved under the demonstration authority
25 in lieu of the requirements under section 1111(b)(3),

1 except that the assessments required under section
2 1111(b)(3) shall be administered at a minimum of
3 once in grades 3 through 56, once in grades 6
4 through 8, and once in high school.

5 “(3) INITIAL DEMONSTRATION AUTHORITY; EX-
6 PANSION; RENEWAL.—

7 “(A) INITIAL LIMIT.—During the initial 3-
8 year period of demonstration authority under
9 this section, the Secretary may not provide
10 more than 5 eligible entities with the authority
11 described in paragraph (1).

12 “(B) EXPANSION OF DEMONSTRATION AU-
13 THORITY.—After the end of the initial dem-
14 onstration period described in subparagraph
15 (A), the Secretary may provide additional eligi-
16 ble entities with demonstration authority de-
17 scribed in paragraph (1), subject to each of the
18 requirements of this part as applicable, if the
19 Secretary determines that the demonstration
20 authority provided under this part during the
21 initial demonstration period has effectively sup-
22 ported student progress on core indicators
23 among students served by the eligible entities,
24 including subgroups of students described in
25 section 1111(e)(3)(A).

1 “(c) APPLICATIONS.—To be eligible to participate in
2 the demonstration under this part, an eligible entity shall
3 submit an application to the Secretary at such time, in
4 such manner, and containing such information as the Sec-
5 retary may require, that describes the assessment system
6 that will be used by the eligible entity to enable com-
7 petency education, including—

8 “(1) a description of the assessment system the
9 eligible entity will use (consistent with section
10 1111(b)(3)(B) and covering the subjects described in
11 section 1111(b)(3)(C)), including—

12 “(A) how the system will provide annual
13 summative student performance data gathered
14 in one of the following ways—

15 “(i) a statewide summative assess-
16 ment administered at least once annually
17 in each of grades 3 through 8 and once in
18 grades 9 through 12;

19 “(ii) a statewide summative instru-
20 ment administered at least once annually
21 in each of grades 3 through 8 and once in
22 grades 9 through 12 administered as mul-
23 tiple assessments throughout the year; or

24 “(iii) a combination of a statewide
25 summative assessment and , or in lieu of,

1 local summative assessments administered
2 at least once annually in each of grades 3
3 through 8 and once in grades 9 through
4 12, so long as—

5 “(I) the assessments provide, at
6 a minimum, annual information about
7 student performance to inform deter-
8 minations about accountability and
9 supports and interventions;

10 “(II) the statewide assessment
11 occurs at a minimum of once in ele-
12 mentary, once in middle, and once in
13 high school;

14 “(III) the assessment items are
15 aligned to college- and career-ready
16 State academic standards;

17 “(IV) the local assessment in-
18 struments produce comparable results
19 across the State that are of high tech-
20 nical quality, reliability, and validity;
21 and

22 “(V) the system of assessments
23 incorporates multiple sources of evi-
24 dence of student learning, including
25 performance-based tasks; and

1 “(B) how the system will incorporate form-
2 ative, interim, and summative assessments, in-
3 cluding the use of performance assessments and
4 other sources of evidence of student learning
5 that determine mastery of college and career
6 ready standards and competencies.

7 “(d) ASSURANCES.—The State educational agency
8 will provide assurances that—

9 “(1) the system is aligned to college and career
10 ready standards described in section 1111 and
11 State-approved competencies;

12 “(2) the system has been developed in collabo-
13 ration with stakeholders representing the interests of
14 students with disabilities, English learners, and civil
15 rights organizations in the State, as demonstrated
16 through modifications made to the assessments re-
17 sulting from such collaboration;

18 “(3) the system incorporates the principles of
19 universal design as defined in section 3(a) of the As-
20 sistive Technology Act of 1998 (29 U.S.C.14
21 3002(a));

22 “(4) the system will allow students to dem-
23 onstrate progress toward mastery of such standards
24 and State-approved competencies;

1 “(5) the assessments will assess mastery of
2 State-approved competencies when students are
3 ready to demonstrate mastery of such standards and
4 competencies;

5 “(6) the system will provide students with mul-
6 tiple opportunities to demonstrate mastery of such
7 standards and competencies;

8 “(7) the system will engage and support teach-
9 ers in scoring assessments, including the use of high
10 quality professional development, standardized and
11 calibrated scoring rubrics, and other strategies to
12 ensure inter-rater reliability and comparability of de-
13 terminations of mastery across the State;

14 “(8) the system provides educators, students,
15 and parents with real-time data to inform instruc-
16 tional practice and continuously improve student
17 performance;

18 “(9) the system will provide instructional sup-
19 port and targeted intervention to all students to en-
20 sure every student is on-track to master the State
21 approved standards and competencies by graduation;

22 “(10) the system will only utilize a student’s in-
23 dividualized education program, as defined in section
24 602 of the Individuals with Disabilities Education

1 Act, for purposes specifically allowed under such
2 Act;

3 “(11) a description of how the system will be
4 used to satisfy the accountability requirements of
5 section 1111(c);

6 “(12) the State will administer the annual
7 statewide assessment required under section
8 1111(b)(3) until the secretary removes such require-
9 ment as described under subsection (b)(2);

10 “(13) the eligible entity’s plan to—

11 “(A) ensure that all students, including
12 each student subgroup described in section
13 1111(c)(3)(A)—

14 “(i) are held to the same high stand-
15 ard;

16 “(ii) demonstrate annually, at a min-
17 imum, at least 1 year of academic growth
18 consistent with the requirement in section
19 1111(b)(4)(E); and

20 “(iii) receive the instructional support
21 needed to attain mastery of college and ca-
22 reer ready standards and State-approved
23 competencies;

1 “(B) train local educational agency and
2 school staff to implement the assessments de-
3 scribed in paragraph (2)(A);

4 “(C) acclimate students to the new assess-
5 ment and accountability systems; and

6 “(D) ensure that each local educational
7 agency has the technological infrastructure to
8 operate the accountability and assessment sys-
9 tems described in this section; and

10 “(14) a description of how instruction and pro-
11 fessional development will be enhanced to personalize
12 the educational experience for each student to en-
13 sure all students graduate college and career ready,
14 as determined in accordance with State academic
15 achievement standards under section 1111(b); and

16 “(15) a description of the local educational
17 agencies within the State that will participate in the
18 polit.

19 “(e) PEER REVIEW.—The Secretary shall—

20 “(1) implement a peer review process, which
21 shall include a review team comprised of practi-
22 tioners and experts who are knowledgeable about
23 competency education, to inform the awarding of the
24 demonstration authority under this part; and

1 “(2) make publicly available the applications
2 submitted under subsection (c) and the peer com-
3 ments and recommendations on such applications.

4 “(f) DEMONSTRATION AUTHORITY WITHDRAWN.—
5 The Secretary may withdraw the demonstration authority
6 provided to an eligible entity under this part if at any
7 point after the 3 year demonstration period described in
8 subsection (b)(2), the Secretary determines that student
9 performance for all students served by the eligible entity
10 or any student subgroup described under section
11 1111(c)(3)(A) has declined on core indicators;

12 “(g) DISSEMINATION OF BEST PRACTICES.—The
13 Secretary shall disseminate best practices on the imple-
14 mentation of accountability and assessment systems that
15 enable competency education, including on—

16 “(1) strategies that States used to accelerate
17 mastery of State standards and aligned com-
18 petencies to close achievement gaps and increase
19 readiness for college and career;

20 “(2) the effective use of formative, interim, and
21 summative assessments to inform instruction; and

22 “(4) the development of standardized and cali-
23 brated scoring rubrics, and other strategies to en-
24 sure inter-rater reliability and comparability of de-
25 terminations of mastery across the State.

1 **“SEC. 1134. FUNDING.**

2 “(a) AUTHORIZATION OF APPROPRIATIONS.—

3 “(1) NATIONAL ASSESSMENT OF EDUCATIONAL
4 PROGRESS.—For the purpose of administering the
5 State assessments under the National Assessment of
6 Educational Progress, there are authorized to be ap-
7 propriated \$72,000,000 for fiscal year 2016, and
8 such sums as may be necessary for each of the 5
9 succeeding fiscal years.

10 “(2) STATE ASSESSMENTS AND RELATED AC-
11 TIVITIES.—For the purpose of carrying out this sub-
12 part, there are authorized to be appropriated
13 \$600,000,000 for fiscal year 2016, and such sums
14 as may be necessary for each of the 5 succeeding fis-
15 cal years.

16 “(b) RESERVATION OF APPROPRIATED FUNDS.—
17 From amounts made available for each fiscal year under
18 subsection (a)(2), the Secretary shall—

19 “(1) reserve one-half of 1 percent for the Bu-
20 reau of Indian Affairs;

21 “(2) reserve one-half of 1 percent for the out-
22 lying areas;

23 “(3) reserve 20 percent to carry out section
24 1132;

25 “(4) reserve 3 percent to carry out section
26 1133; and

1 “(5) reserve the remainder (after reserving
2 funds under paragraphs (1) through (4)) to carry
3 out section 1131, except that—

4 “(A) for any fiscal year for which the
5 funds appropriated under subsection (a)(2) of
6 this section are equal to or greater than
7 \$450,000,000, each State that receives a grant
8 under section 1131 shall use the grant to carry
9 out paragraphs (1) through (5) of section
10 1131(a); and

11 “(B) for any fiscal year for which the
12 funds appropriated under subsection (a)(2) of
13 this section are less than \$450,000,000, each
14 State that receives a grant under section 1131
15 shall only be required to use the grant to carry
16 out paragraphs (1) through (3) of section
17 1131(a).

18 **“SEC. 1135. STATE DEFINED.**

19 “‘In this section, the term ‘State’ means each of the
20 50 States, the District of Columbia, and the Common-
21 wealth of Puerto Rico.’”.

22 (b) CONFORMING AMENDMENT.—Subpart 1 of part
23 A of title VI (20 U.S.C. 7301 et seq.) is repealed.

1 **SEC. 112. STATE AGENCY PROGRAMS.**

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

4 (1) in section 1414(a)(2)—

5 (A) in subparagraph (B), by striking
6 “and” at the end;

7 (B) by redesignating subparagraph (C) as
8 subparagraph (F); and

9 (C) by inserting after subparagraph (B)
10 the following:

11 “(C) contain procedures to ensure that
12 each student who has been placed in the State’s
13 juvenile justice system is promptly re-enrolled
14 in secondary school or placed in a re-entry pro-
15 gram that best meets the educational and social
16 needs of the student;

17 “(D) contain procedures for facilitating the
18 transfer of credits that such students earned
19 during placement;

20 “(E) provide that, to the extent feasible,
21 students will have the opportunity to participate
22 in higher education or career pathways; and”;

23 (2) in section 1416—

24 (A) by redesignating paragraphs (3), (4),
25 (5), (6), (7) and (8) as paragraphs (4), (5), (7),
26 (8), (9), and (10), respectively;

1 (B) by inserting after paragraph (2) the
2 following:

3 “(3) includes the development of an initial edu-
4 cation services and transition plan for each child or
5 youth served under this subpart upon entry into the
6 correctional facility, in partnership with the child or
7 youth’s family members and the local educational
8 agency that most recently provided services to the
9 child or youth;”;

10 (C) by inserting after paragraph (5), as so
11 redesignated by subparagraph (A), the fol-
12 lowing:

13 “(6) describes how the program will consult
14 with the child or youth’s local educational agency for
15 a period jointly determined necessary by the correc-
16 tional facility and the local educational agency upon
17 discharge from that facility, to coordinate edu-
18 cational services so as to minimize disruption to the
19 child’s or youth’s achievement;”;

20 (D) in paragraph (9), as so redesignated,
21 by striking “and” at the end;

22 (E) in paragraph (10), as so redesignated,
23 by striking the period at the end and inserting
24 “; and”; and

25 (F) by adding at the end the following:

1 “(1) IN GENERAL.—Each State educational
2 agency receiving assistance under part A shall col-
3 laborate with the State agency responsible for ad-
4 ministering the State plans under parts B and E of
5 title IV of the Social Security Act (42 U.S.C. 621
6 et seq., 670 et seq.) to develop and implement a plan
7 to ensure that the following occurs, for each child in
8 the State, when the child moves to a new school at-
9 tendance area as a result of being placed in foster
10 care (as described in section 1442 (1)), changing
11 foster care placements, or leaving foster care:

12 “(A) ATTENDANCE AT A SCHOOL OF ORI-
13 GIN.—

14 “(i) IN GENERAL.—The child enrolls
15 or remains in the child’s school of origin,
16 unless a determination is made that it is in
17 the child’s best interest to attend a dif-
18 ferent school.”.

19 “(ii) LIMITATION.—A child who leaves
20 foster care shall only be entitled to remain
21 in the child’s school of origin for the re-
22 mainder of the school year.

23 “(B) IMMEDIATE ENROLLMENT.—When a
24 determination is made regarding the school that
25 it is in the best interest of a child in foster care

1 to attend, the child shall be immediately en-
2 rolled in such school, even if the child is unable
3 to produce records normally required for enroll-
4 ment, such as previous academic records, im-
5 munization and medical records, a birth certifi-
6 cate, guardianship records, proof of residency,
7 or other documentation.

8 “(C) RECORDS TRANSFER.—Any records
9 ordinarily kept by a school, including records of
10 immunizations, health screenings, and other re-
11 quired health records, academic records, birth
12 certificates, evaluations for special services or
13 programs, and any individualized education pro-
14 grams (as defined in section 602 of the Individ-
15 uals with Disabilities Education Act (20 U.S.C.
16 1401)), regarding a child in foster care shall
17 be—

18 “(i) maintained so that the records in-
19 volved are available, in a timely fashion,
20 when a child in foster care enters a new
21 school; and

22 “(ii) immediately transferred to the
23 enrolling school, even if the child owes fees
24 or fines or was not withdrawn from pre-

1 vious schools in conformance with local
2 withdrawal procedures.

3 “(2) IMPLEMENTATION.—Each State edu-
4 cational agency receiving assistance under part shall
5 ensure that the plan described in paragraph (1) is
6 implemented by the local educational agencies in the
7 State.

8 “(b) CREDIT TRANSFER AND DIPLOMAS.—Each
9 State that receives assistance under part A shall have poli-
10 cies for ensuring that—

11 “(1) a child in foster care who is changing
12 schools can transfer school credits and receive par-
13 tial credits for coursework satisfactorily completed
14 while attending a prior school or educational pro-
15 gram;

16 “(2) a child in foster care is afforded opportuni-
17 ties to recover school credits lost due to placement
18 instability while in foster care; and

19 “(3) a child in foster care who has changed sec-
20 ondary schools can receive a secondary school di-
21 ploma either from one of the schools in which the
22 child was enrolled or through a State-issued sec-
23 ondary school diploma system, consistent with State
24 graduation requirements.

25 “(c) TRANSPORTATION.—

1 “(1) IN GENERAL.—The local educational agen-
2 cy and state shall collaborate with the local child
3 welfare agency to develop and within one year of en-
4 actment of this act implement clear written proce-
5 dures governing how transportation to maintain chil-
6 dren in foster care in their school of origin when in
7 their best interest will be provided, arranged, and
8 funded for the duration of the time in foster care
9 and through the remainder of the school year in
10 which the children leave foster care. The procedures
11 shall ensure that children needing transportation to
12 the school of origin will promptly receive transpor-
13 tation in a cost effective manner and in accordance
14 with section 475(1)(G)of the Social Security Act (42
15 U.S.C. 675(1)(G).

16 “(2) COST OF TRANSPORTATION-Where
17 the child in foster care remains in the school of ori-
18 gin pursuant to section 475(1)(G) of the Social Se-
19 curity Act (42 U.S.C. 675(1)(G)), and if there are
20 additional costs incurred in providing transportation
21 to maintain children in their schools of origin, the
22 local educational agency will provide transportation
23 to their school of origin if:

1 “(A) the local child welfare agency agrees
2 to reimburse the local educational agency for
3 the cost of such transportation;

4 “(B) the local educational agency agrees to
5 pay for the cost of such transportation; or

6 “(C) the local educational agency and the
7 local child welfare agency agree to share the
8 cost of such transportation; or

9 “(D) TRANSPORTATION FOR THE REMAIN-
10 DER OF THE SCHOOL YEAR.—The local edu-
11 cational agency will provide transportation for
12 the remainder of the academic year in which a
13 child leaves foster care if whomever the child is
14 returned to by the child welfare agency requests
15 transportation and remaining in the school of
16 origin is in the child’s best interest.

17 “(d) POINTS OF CONTACT.—

18 “(1) LOCAL EDUCATIONAL AGENCIES.—A State
19 that receives assistance under part A shall:

20 “(A) advise each local educational agency
21 in the State of their option to designate an indi-
22 vidual employed by the agency to serve as a
23 point of contact for the child welfare agencies
24 responsible for children in foster care enrolled
25 in the local educational agency and that they

1 must designate such a point of contact if the
2 corresponding local child welfare agency pro-
3 vides written notice it has designated an indi-
4 vidual employed by that agency to serve as a
5 point of contact for the local educational agen-
6 cy;

7 “(B) ensure that local educational agency
8 points of contact oversee the implementation of
9 the local educational agency requirements under
10 this section; and

11 “(C) ensure that high needs local edu-
12 cational agencies as defined in XX do not des-
13 ignate the same individual as the point of con-
14 tact for children in foster care and the local
15 educational agency liaison under section
16 722(g)(1)(J)(ii) of the McKinney-Vento Home-
17 less Assistance Act.

18 “(2) STATE EDUCATIONAL AGENCIES.—

19 “(A) Each State educational agency receiv-
20 ing assistance under part A shall designate an
21 individual to serve as a point of contact for
22 child welfare agencies and to oversee the imple-
23 mentation of the State educational agency re-
24 quirements under this section.

1 “(B) A State educational agency’s point of
2 contact shall not be the individual designated as
3 the State’s Coordinator for Education of Home-
4 less Children and Youths under section
5 722(d)(3) of the McKinney-Vento Homeless As-
6 sistance Act.

7 **“SEC. 1442. DEFINITIONS.**

8 “(a) HEADER.—In this part:

9 “(1) CHILD IN FOSTER CARE.—The term ‘child
10 in foster care’ means a child whose care and place-
11 ment is the responsibility of the agency that admin-
12 isters a State plan under part B or E of title IV of
13 the Social Security Act (42 U.S.C. 621 et seq., 670
14 et seq.), without regard to whether foster care main-
15 tenance payments are made under section 472 of the
16 Social Security Act (42 U.S.C. 672) on behalf of the
17 child.

18 “(2) SCHOOL ATTENDANCE AREA.—The term
19 ‘school attendance area’ has the meaning given the
20 term in section 1113(a)(2).

21 “(3) SCHOOL OF ORIGIN.—The term ‘school of
22 origin’ means, with respect to a child in foster care,
23 any of the following:

24 “(A) The public school in which the child
25 was enrolled prior to entry into foster care.

1 “(B) The public school in which the child
2 is enrolled when a change in foster care place-
3 ment occurs.

4 “(C) The public school the child attended
5 when last permanently housed, as such term is
6 used in section 722(g)(3)(G) of the McKinney-
7 Vento Homeless Assistance Act (42 U.S.C.
8 11432(g)(3)(G)), if such child was eligible for
9 assistance under such Act before the child be-
10 came a child in foster care.”.”.

11 (b) GUIDANCE.—Not later than 90 days after the
12 date of enactment of this Act, the Secretary, in collabora-
13 tion with the Secretary of Health and Human Services,
14 is directed to issue guidance on the implementation of part
15 E of title I of this Act, including how State and local agen-
16 cies will work together to ensure that transportation for
17 children in foster care is provided to the school of origin.

18 **SEC. 114. SCHOOL DROPOUT PREVENTION.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
20 1803 (20 U.S.C. 6553) is amended by striking “2002”
21 and inserting “2016”.

22 (b) NATIONAL ACTIVITIES.—Section 1811(b)(4) (20
23 U.S.C. 6555(b)(4)) is amended—

24 (1) in the matter preceding subparagraph (A),
25 by striking “for all students”;

1 (2) in subparagraph (A)—

2 (A) by inserting “for all students” before
3 “in that”; and

4 (B) by striking “or” at the end;

5 (3) by redesignating subparagraph (B) as sub-
6 paragraph (C);

7 (4) by inserting after subparagraph (A), as so
8 amended, the following:

9 “(B) for students in one or more of the
10 subgroups described in section 1111(c)(3)(A);
11 or”;

12 (5) in subparagraph (C), as so amended, by in-
13 sserting “for all students or for students in one or
14 more of the subgroups described in section
15 1111(c)(3)(A) with a higher than average dropout
16 rate” after “middle school.”

17 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
18 CIES.—Section 1822(b)(1) (20 U.S.C. 6561a(b)(1)) is
19 amended—

20 (1) in subparagraph (D), by inserting before
21 the semicolon at the end the following: “, including
22 the development of early warning indicator systems
23 in middle schools, as described in section
24 1116(c)(5)(A)”;

1 (2) in subparagraph (H), by inserting before
2 the semicolon at the end the following: “, including
3 the creation of individualized student success plans”.

4 (d) APPLICATIONS.—Section 1823(b)(1)(G) (20
5 U.S.C. 6561b(b)(1)(G)) is amended—

6 (1) by striking “about” and inserting “and evi-
7 dence-based”; and

8 (2) by striking “reentry” and inserting “reentry
9 programs”.

10 (e) REPORTING AND ACCOUNTABILITY.—Section
11 1830 (20 U.S.C. 6561i(a)(1)) by striking “race and eth-
12 nicity” and inserting “each subgroup described in section
13 111(c)(3)(A)”.

14 (f) PROHIBITED USES OF FUNDS.—Subpart 2 of
15 part H of title I (20 U.S.C. 6561 et seq.) is amended by
16 adding at the end the following:

17 **“SEC. 1831. PROHIBITED USES OF FUNDS.**

18 “No funds under this part may be used for—

19 “(1) the development, establishment, implemen-
20 tation, or enforcement of zero-tolerance school dis-
21 cipline policies unless otherwise required by Federal
22 law; or

23 “(2) law enforcement agencies or local police
24 departments serving a school or local educational
25 agency—

1 “(A) with substantial documented excesses
2 or racial disparities in the use of exclusionary
3 discipline;

4 “(B) operating under an open school de-
5 segregation order, whether court-ordered or vol-
6 untary;

7 “(C) operating under a pattern or practice
8 or practice consent decree for civil rights viola-
9 tions; or

10 “(D) already receiving substantial Federal
11 funds for the placement of law enforcement in
12 schools.”.

13 **TITLE II—TEACHERS AND** 14 **LEADERS**

15 **SEC. 201. GREAT TEACHERS AND LEADERS.**

16 Title II (20 U.S.C. 6601 et seq.) is amended to read
17 as follows:

18 **“TITLE II—GREAT TEACHERS** 19 **AND LEADERS**

20 **“SEC. 2001. PURPOSE.**

21 “The purpose of this title is to help States and local
22 educational agencies support teachers and school leaders
23 to improve student achievement for all students, including
24 English learners and students with disabilities, by—

1 “(1) promoting and enhancing the teaching pro-
2 fession;

3 “(2) supporting the development of qualified
4 and effective of teachers and school leaders;

5 “(3) recruiting, rewarding, and retaining effec-
6 tive teachers and other school leaders and fostering
7 excellent instructional teams, especially in high-need
8 local educational agencies, schools, fields, and sub-
9 jects;

10 “(4) providing teachers with the knowledge,
11 skills, data, support, and collaborative opportunities
12 needed to be effective in the classroom and to the
13 meet the diverse learning needs of their students;

14 “(5) providing all students with access to effec-
15 tive teachers and school leaders; and

16 “(6) improving the management of the edu-
17 cation workforce in States and local educational
18 agencies.

19 **“SEC. 2002. DEFINITIONS.**

20 “‘In this title:

21 “(1) CAREER LADDERS.—The term ‘career lad-
22 ders’ means promotion and professional growth op-
23 portunities, beyond moving into administration, for
24 effective teachers, as determined by the State or
25 local educational agency, including teacher leaders,

1 instructional or curriculum specialists, and teacher
2 mentors, who help improve teaching and learning in
3 a school or local educational agency.

4 “(2) HIGH-NEED FIELD.—The term ‘high-need
5 field’ refers to the fields of special education, bilin-
6 gual education, and English language acquisition.

7 “(3) HIGH-NEED SUBJECT.—The term ‘high-
8 need subject’ means mathematics, science, and any
9 other content area that is designated by a State edu-
10 cational agency or the Secretary as a teacher short-
11 age area.

12 “(4) HIGH-NEED LOCAL EDUCATIONAL AGEN-
13 CY.—The term ‘high-need local educational agency’
14 means a local educational agency—

15 “(A)(i) that serves not fewer than 10,000
16 children from families with incomes below the
17 poverty line; or

18 “(ii) for which not less than 20 percent of
19 the children served by the agency are from fam-
20 ilies with incomes below the poverty line; and

21 “(B)(i) for which there is a high percent-
22 age of teachers not teaching in the academic
23 subjects or grade levels that the teachers were
24 trained to teach; or

1 “(ii) for which there is a high percentage
2 of teachers with emergency, provisional, or tem-
3 porary certification or licensing.

4 “(5) QUALIFIED TEACHER.—The term ‘quali-
5 fied teacher’ means a teacher who meets the min-
6 imum qualifications to teach in a State and—

7 “(A) when used with respect to a middle
8 school or high school teacher who is entering
9 the profession in a State for the first time,
10 means that the teacher—

11 “(i) holds at least a bachelor’s degree;

12 “(ii) has demonstrated to the State,
13 content knowledge in the content area that
14 the teacher will teach as determined—

15 “(I) by passing a rigorous State
16 assessment; or

17 “(II) by successful completion of
18 an academic major, a graduate de-
19 gree, or coursework equivalent to an
20 undergraduate academic major in the
21 content area that the teacher will
22 teach;

23 “(iii) if required by the State to dem-
24 onstrate teaching skills by passing a State

1 teacher performance assessment, has
2 passed such assessment;

3 “(iv) has successfully completed a tra-
4 ditional or alternative teacher preparation
5 program; and

6 “(v) at the State’s discretion, may be
7 enrolled in an alternative teacher prepara-
8 tion program, and—

9 “(I) be on track to successful
10 completion of such program; and

11 “(II) be supervised by a mentor
12 teacher;

13 “(B) when used with respect to an elemen-
14 tary school teacher who is entering the profes-
15 sion in a State for the first time, means that
16 the teacher—

17 “(i) holds at least a bachelor’s degree;

18 “(ii) has demonstrated to the State,
19 content knowledge and teaching skills in
20 reading, writing, mathematics, science, and
21 other areas of the elementary school cur-
22 riculum—

23 “(I) by passing a rigorous State
24 assessment or State-required test in
25 reading, writing, mathematics,

1 science, and other areas of the basic
2 elementary school curriculum; or

3 “(II) by successful completion of
4 an academic major, a graduate de-
5 gree, or coursework equivalent to an
6 undergraduate academic major in the
7 content areas that the teacher will
8 teach;

9 “(iii) if required by the State to dem-
10 onstrate teaching skills by passing a State
11 teacher performance assessment, has
12 passed such assessment;

13 “(iv) has successfully completed a tra-
14 ditional or alternative teacher preparation
15 program;

16 “(v) at the State’s discretion, may be
17 enrolled in an alternative teacher prepara-
18 tion program; and

19 “(I) be on track to successful
20 completion of such program; and

21 “(II) be supervised by a mentor
22 teacher; and

23 “(C) means any teacher who is highly
24 qualified as defined in section 9101(23) or sec-
25 tion 602(10) of the Individuals with Disabilities

1 Education Act, as such section was in effect on
2 the day before the date of enactment of the
3 Student Success Act.

4 “(6) INDUCTION.—The term ‘induction’ means
5 a program for new teachers and new principals, as
6 appropriate, during at least their first 2 years of
7 practice, that is designed to increase effectiveness
8 and retention of new teachers and new principals,
9 and that includes—

10 “(A) high-quality mentoring;

11 “(B) development of skills and knowledge
12 in areas needed for new teachers, including,
13 content knowledge and pedagogy, instructional
14 strategies for teaching students with diverse
15 learning needs, classroom management (includ-
16 ing strategies that improve the school-wide cli-
17 mate for learning, which may include positive
18 behavioral interventions and supports), forma-
19 tive assessment of student learning, and the
20 analysis and use of student assessment data to
21 improve instruction;

22 “(C) frequent, structured time for collabo-
23 ration and professional development with teach-
24 ers and principals in the same field, grade, or
25 subject area, and opportunities to draw directly

1 on the expertise of other school and local edu-
2 cational agency staff, staff of high-performing
3 pathways, and other organizations that provide
4 high-quality induction supports;

5 “(D) regular and structured observation
6 and feedback by mentors, school leaders, or ef-
7 fective teachers, as determined by the State or
8 local educational agency; and

9 “(E) where feasible, team teaching, re-
10 duced teaching load and activities designed to
11 ensure that teachers have appropriate teaching
12 tools and instructional materials for their class-
13 room.

14 “(7) MENTORING.—The term ‘mentoring’
15 means the mentoring of new teachers and principals,
16 as appropriate, so as to increase the effectiveness
17 and retention of those teachers and principals
18 through a program that—

19 “(A) includes clear criteria for the selec-
20 tion of teacher and principal mentors that take
21 into account a candidate’s effectiveness as a
22 teacher or principal and that individual’s ability
23 to facilitate adult learning;

1 “(B) provides high-quality training for the
2 mentors on how to support new teachers and
3 principals effectively;

4 “(C) provides regularly scheduled time for
5 collaboration and for examination of student
6 work and achievement data, and on-going op-
7 portunities for mentors and mentees to observe
8 each other’s practice; and

9 “(D) matches, when possible, each mentee
10 with a mentor who is in the same field, grade,
11 or subject area as the mentee.

12 “(8) PROFESSIONAL DEVELOPMENT.—The
13 term ‘professional development’ means coordinated
14 and aligned activities with evidence of increasing ef-
15 fectiveness of educators, which may include teachers,
16 principals, other school leaders, specialized instruc-
17 tional support personnel, paraprofessionals, early
18 childhood educators, and other school staff that—

19 “(A) fosters collective responsibility for im-
20 proved student performance;

21 “(B) is comprised of professional learning
22 that—

23 “(i) aligns with State academic con-
24 tent and achievement standards and early
25 learning standards, as appropriate, with

1 local educational agency and school im-
2 provement goals and plans, including those
3 identified under section 1116, and with
4 school instructional materials;

5 “(ii) is aligned to a teacher and prin-
6 cipal evaluation system, where applicable;

7 “(iii) is conducted among educators at
8 the school and facilitated by trained school
9 principals and school-based professional
10 development coaches, mentors, master
11 teachers, or other teacher leaders;

12 “(iv) supports family engagement in
13 their children’s education;

14 “(v) primarily occurs frequently and
15 during significant blocks of time among es-
16 tablished teams of teachers, principals, and
17 other instructional staff members where
18 the teams of educators engage in a contin-
19 uous cycle of improvement that—

20 “(I) defines a clear set of educa-
21 tor learning goals based on the rig-
22 orous analysis of data and improves
23 content knowledge, pedagogical skills,
24 and the ability to analyze and use
25 data;

1 “(II) achieves the educator learn-
2 ing goals identified under subclause
3 (I) by implementing coherent, sus-
4 tained, and evidence-based learning
5 strategies, such as lesson study and
6 the development of formative assess-
7 ments, that improve instructional ef-
8 fectiveness and student achievement;

9 “(III) provides job-embedded
10 coaching or other forms of assistance
11 to support the transfer of new knowl-
12 edge and skills to the classroom;

13 “(IV) regularly assesses the ef-
14 fectiveness of the professional develop-
15 ment in achieving identified learning
16 goals, improving teaching, and assist-
17 ing all students in meeting chal-
18 lenging State academic achievement
19 standards;

20 “(V) informs ongoing improve-
21 ments in teaching and student learn-
22 ing;

23 “(VI) may support joint profes-
24 sional development activities for
25 school staff and early childhood edu-

1 cators that address the transition to
2 elementary school, including issues re-
3 lated to school readiness across all
4 major domains of early learning; and

5 “(VII) may be supported by ex-
6 ternal assistance with relevant exper-
7 tise, including content expertise; and

8 “(C) may be supplemented by activities
9 such as courses, workshops, institutes, net-
10 works, and conferences that—

11 “(i) address the learning goals and
12 objectives established for professional de-
13 velopment by educators at the school level;

14 “(ii) advance the ongoing school-based
15 professional development; and

16 “(iii) are provided for by for-profit
17 and non-profit entities outside the school
18 such as universities, education service
19 agencies, technical assistance providers,
20 networks of content-area specialists, and
21 other education organizations and associa-
22 tions.

23 “(9) SCHOOL LEADER.—The term ‘school lead-
24 er’ means a principal, an assistant principal, or an
25 individual who is—

1 “(A) an employee or officer of a school;
2 and

3 “(B) is responsible for the managerial op-
4 erations and instructional leadership of that
5 school.

6 “(10) SCHOOL LEADERSHIP TEAM.—The term
7 ‘school leadership team’ means a group that includes
8 the principal, other school leaders, and teachers at
9 a school who work together to develop school plans
10 or goals for the school.

11 “(11) STATE TEACHER PERFORMANCE ASSESS-
12 MENT.—The term ‘State-teacher performance as-
13 sessment’ means a rigorous assessment used to
14 measure teacher performance that is developed and
15 approved in collaboration with teachers, and admin-
16 istered by the State and—

17 “(A) is based on professional teaching
18 standards;

19 “(B) are aligned to State academic content
20 and achievement and early learning standards;

21 “(C) is used to document the effectiveness
22 of a teacher’s—

23 “(i) curriculum planning;

24 “(ii) instruction of students, including
25 appropriate supports for students who are

1 English learners and students who are
2 children with disabilities; and

3 “(iii) assessment of students, includ-
4 ing analysis of evidence of student learn-
5 ing;

6 “(D) is validated based on professional as-
7 sessment standards;

8 “(E) is regularly monitored to ensure the
9 quality, reliability, validity, fairness, consist-
10 ency, and objectivity of the evaluators’ deter-
11 minations;

12 “(F) is reliably scored by trained eval-
13 uators with appropriate oversight of the process
14 to ensure consistency; and

15 “(G) the results of which are used to sup-
16 port continuous improvement of educator prac-
17 tice.

18 “(12) TEACHING RESIDENCY PROGRAM.—The
19 term ‘teaching residency program’ means a school-
20 based teacher preparation program in which a pro-
21 spective teacher—

22 “(A) teaches alongside a mentor teacher,
23 who is the teacher of record, for at least one
24 year;

1 “(B) receives concurrent instruction in the
2 teaching of the content area in which the teach-
3 er will become certified or licensed;

4 “(C) receives concurrent instruction in ef-
5 fective teaching skills; and

6 “(D) attains full State teacher certification
7 or licensure, and becomes qualified prior to, or
8 upon, completion of the program.

9 “(13) EVIDENCE OF CLASSROOM PRACTICE.—
10 The term ‘evidence of classroom practice’ means evi-
11 dence gathered through multiple formats and from
12 multiple sources that demonstrate effective teaching
13 skills and—

14 “(A) shall include—

15 “(i) multiple classroom observations
16 based on rigorous teacher performance
17 standards or rubrics and conducted by
18 trained personnel;

19 “(ii) information on the teacher’s suc-
20 cessful use of data to improve instruction
21 and demonstrate evidence of student learn-
22 ing;

23 “(iii) student work, lesson plans, feed-
24 back provided to students and teacher de-
25 veloped classroom assessments;

1 “(iv) demonstration of professional re-
2 sponsibility; and

3 “(B) may include, but which shall have a
4 weight that is less than the weight assigned to
5 the requirements described in subparagraph
6 (A)—

7 “(i) videos of teacher practice;

8 “(ii) teacher portfolios; and

9 “(iii) parent, student, and peer feed-
10 back.

11 “(14) EVIDENCE OF SCHOOL LEADERSHIP.—
12 The term ‘evidence of school leadership’ means evi-
13 dence gathered through multiple formats and from
14 multiple sources that shall include an evaluation
15 of—

16 “(A) data on student learning gains, in-
17 cluding evidence of student learning;

18 “(B) gains in student achievement, includ-
19 ing passage of required exams for course pro-
20 gression, credit accumulation, completion of
21 promotion standards, and graduation rates;

22 “(C) increases in student attendance rates;

23 “(D) percentage of effective teachers on
24 staff;

1 “(E) retention rates of effective teachers
2 as determined by the State or local educational
3 agency;

4 “(F) evidence of successful alignment of
5 teacher evaluation with professional develop-
6 ment and teacher support;

7 “(G) demonstration of instructional leader-
8 ship, including use of data and assessment to
9 inform decision-making;

10 “(H) demonstration of effective fiscal man-
11 agement, where applicable;

12 “(I) evidence of effective community and
13 parent engagement;

14 “(J) improved teacher attendance rates;

15 “(K) establishment of learning commu-
16 nities where principals and teachers—

17 “(i) share a school mission and goals
18 with an explicit vision of quality teaching
19 and learning that guides all instructional
20 decisions;

21 “(ii) commit to improving student
22 outcomes and performances;

23 “(iii) set a continuous cycle of collec-
24 tive inquiry and improvement;

1 “(iv) foster a culture of collaboration
2 where teachers and principals work to-
3 gether on a regular basis to analyze and
4 improve teaching and learning; and

5 “(v) support and share leadership;
6 and

7 “(L) develop and maintain a positive
8 school culture where students, teachers and
9 other staff are motivated to collaborate and
10 work together to achieve goals.

11 “(15) EVIDENCE OF STUDENT LEARNING.—The
12 term ‘evidence of student learning’ means data that
13 shall be based on multiple, valid and reliable indica-
14 tors of student academic growth towards State con-
15 tent and achievement standards, which shall be
16 based significantly on—

17 “(A) student learning gains on the State
18 student academic assessments under section
19 1111(c) and, for grades and subjects not cov-
20 ered by the State’s student academic assess-
21 ments, another valid and reliable assessment of
22 student academic achievement, as long as the
23 assessment is used consistently by the local
24 educational agency for the grade or class for
25 which the assessment is administered; and

1 “(B) other evidence of student learning
2 that is comparable across schools within an
3 local educational agency such as—

4 “(i) formative and summative assess-
5 ments;

6 “(ii) objective performance-based as-
7 sessments; and

8 “(iii) representative samples of stu-
9 dent work, including progress towards per-
10 formance standards and evidence of stu-
11 dent growth.

12 “(16) MENTOR PRINCIPAL.—The term ‘mentor
13 principal’ means an individual with—

14 “(A) Strong instructional leadership skills
15 in an elementary school or secondary school set-
16 ting;

17 “(B) Strong verbal and written commu-
18 nication skills, which may be demonstrated by
19 performance on appropriate assessments; and

20 “(C) Knowledge and skills to—

21 “(i) establish and maintain a profes-
22 sional learning community that effectively
23 utilizes data to improve the school culture
24 and personalize instruction to increase stu-
25 dent achievement;

1 “(ii) create and maintain a learning
2 culture within the school that provides a
3 climate conducive to the development of all
4 members of the school community, includ-
5 ing one of continuous learning for adults
6 tied to student learning and other school
7 goals;

8 “(iii) engage in continuous profes-
9 sional development, utilizing a combination
10 of academic study, developmental simula-
11 tion exercises, self-reflection, mentorship
12 and internship;

13 “(iv) understand youth development
14 appropriate to the age level served by the
15 school and from this knowledge sets high
16 expectations and standards for the aca-
17 demic, social, emotional and physical devel-
18 opment of all students; and

19 “(v) actively engage the community to
20 create shared responsibility for student
21 academic performance and successful de-
22 velopment.

1 **“PART A—EFFECTIVE TEACHER AND LEADER**

2 **STATE GRANTS**

3 **“SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated
5 \$3,500,000,000 for fiscal year 2016, and such sums as
6 may be necessary for each of the 5 succeeding fiscal years,
7 to carry out this part.

8 **“Subpart 1—Grants to States**

9 **“SEC. 2111. ALLOCATIONS TO STATES.**

10 “(a) RESERVATIONS.—From the amounts made
11 available under section 2101 for this subpart for each fis-
12 cal year, the Secretary shall reserve—

13 “(1) one-half of one percent for the outlying
14 areas, to be distributed among the outlying areas on
15 the basis of their relative need, as determined by the
16 Secretary, for activities consistent with the purposes
17 of this title;

18 “(2) one-half of one percent for the Secretary
19 of the Interior, for activities, consistent with the
20 purposes of this title described in section 2001, in
21 schools operated by or funded by the Bureau of In-
22 dian Education; and

23 “(3) one-half of one percent for a competitive
24 grant program to encourage consortia of States to
25 develop instructional supports aligned to new
26 college- and career-ready standards that are made

1 widely available to all States and local educational
2 agencies.

3 “(b) ALLOTMENTS TO STATES, REDUCTIONS.—

4 “(1) IN GENERAL.—From the amounts made
5 available under section 2101 for this subpart for
6 each fiscal year that remain after the Secretary re-
7 serves funds under subsection (a) of this section, the
8 Secretary shall allot to each State with an approved
9 application under section 2112 the sum of—

10 “(A) an amount that bears the same rela-
11 tionship to 35 percent of the remaining amount
12 as the number of individuals age five through
13 17 in the State, as determined by the Secretary
14 on the basis of the most recent satisfactory
15 data, bears to the number of those individuals
16 in all such States, as so determined; and

17 “(B) an amount that bears the same rela-
18 tionship to 65 percent of the remaining amount
19 as the number of individuals age five through
20 17 from families with incomes below the pov-
21 erty line, in the State, as determined by the
22 Secretary on the basis of the most recent satis-
23 factory data, bears to the number of those indi-
24 viduals in all such States, as so determined.

1 “(2) FISCAL YEAR 2016.—Notwithstanding
2 paragraph (1), for fiscal year 2016, no State shall
3 receive less than 90 percent of the State’s allocation
4 under this part for fiscal year 2015, as such part
5 was in effect on the day before the date of enact-
6 ment of the Student Success Act.

7 “(3) SUCCEEDING FISCAL YEARS.—Notwith-
8 standing paragraph (1), for fiscal year 2016 and
9 each succeeding fiscal year, no State shall receive an
10 allotment under paragraph (1) that is less than 90
11 percent of the State’s allotment under such para-
12 graph for the preceding fiscal year.

13 “(c) RATABLE REDUCTIONS.—If the funds made
14 available to carry out paragraph (1) of subsection (b) are
15 insufficient to pay the full amounts that all States are eli-
16 gible to receive under subparagraph (2) or (3) of such sub-
17 section for any fiscal year, the Secretary shall ratably re-
18 duce each such amount for such fiscal year.

19 “(d) REALLOTMENTS.—If any State does not apply
20 for an allotment under this section, or has its application
21 disapproved by the Secretary, the Secretary shall reallocate
22 the amount of that State’s allotment to the remaining
23 States that have approved applications in accordance with
24 this subpart.

1 **“SEC. 2112. STATE APPLICATIONS.**

2 “(a) IN GENERAL.—For a State to be eligible to re-
3 ceive a grant under this part, the State educational agency
4 shall submit an application to the Secretary at such time,
5 in such manner, and containing such information as the
6 Secretary may reasonably require. The Secretary shall
7 provide the State educational agency with the opportunity
8 to apply for funds under this part and part B through
9 a consolidated application.

10 “(b) CONTENTS.—Each application submitted under
11 this section shall include the following—

12 “(1) descriptions of any systems of teacher and
13 principal evaluation in the State, including whether
14 each system—

15 “(A) is designed primarily to—

16 “(i) increase student learning and im-
17 prove instruction for students;

18 “(ii) inform professional development
19 for teachers and principals and support
20 interventions for students; and

21 “(iii) provide on-going and timely, in-
22 dividual and meaningful feedback, and
23 substantive support to the teacher or prin-
24 cipal;

1 “(B) is developed, implemented, and
2 adopted in collaboration with teachers, prin-
3 cipals, and other education stakeholders;

4 “(C) includes—

5 “(i) multiple measures of teacher and
6 principal performance, including—

7 “(I) in the case of teachers, evi-
8 dence of classroom practice; and

9 “(II) in the case of principals,
10 evidence of school leadership;

11 “(ii) evidence of student learning;

12 “(iii) contributions to student growth
13 including higher order thinking skills, citi-
14 zenship, and social and emotional develop-
15 ment; and

16 “(iv) differentiated levels of teacher
17 and principal performance that are clearly
18 articulated;

19 “(D) provides results that are comparable
20 and consistent across all teachers and principals
21 within a local educational agency consistent
22 with section 2301 that reflect the ages and
23 grades being taught and consistent within indi-
24 vidual grade levels and subject areas in each
25 local educational agency;

1 “(E) evaluates, annually, each teacher and
2 principal in the local educational agency and
3 takes into consideration the experience and per-
4 formance level of the teacher or principal;

5 “(F) uses evaluation results to inform—

6 “(i) professional improvement plans
7 for teachers and principals, which shall be
8 developed in collaboration with teachers
9 and principals, that are appropriate to the
10 level of the individual being evaluated, in-
11 cluding support and timelines to carry out
12 each plan; and

13 “(ii) comprehensive support, men-
14 toring, interventions and timelines to carry
15 out each plan; and

16 “(G) establishes appropriate training for
17 evaluators and staff being evaluated includ-
18 ing—

19 “(i) a clear articulation of the evalua-
20 tion system and the process, systems, rat-
21 ings, and the implications of the results
22 provided to teachers and principals;

23 “(ii) how the system provides teachers
24 and principals the opportunity and assist-

1 ance to improve consistent with subpara-
2 graph (F)(i); and

3 “(iii) how to identify working condi-
4 tions that affect teaching and learning,
5 such as facilities and resources, and school
6 climate and safety, and isolating educator
7 impact on student outcomes from these
8 factors;

9 “(2) a description of how the State educational
10 agency will ensure that within 4 years of the date
11 of enactment of the Student Success Act, each local
12 educational agency in the State that receives a
13 subgrant under subpart 2 makes public the results
14 of an evaluation system if applicable;

15 “(3) a description of how, within 2 years of the
16 date of enactment of the Student Success Act, each
17 local educational agency in the State that receives a
18 subgrant under subpart 2 shall conduct an annual
19 assessment of educator support and working condi-
20 tions that—

21 “(A) evaluates supports for teachers, lead-
22 ers, and other school personnel, such as—

23 “(i) teacher and principal perceptions
24 of availability of high-quality professional

1 development and instructional materials
2 and opportunities for collaboration;

3 “(ii) timely availability of data on stu-
4 dent academic achievement and growth;

5 “(iii) the presence of high-quality in-
6 structional leadership; and

7 “(iv) opportunities for professional
8 growth such as career ladders and men-
9 toring and induction programs;

10 “(B) evaluates working conditions for
11 teachers, leaders and other school personnel,
12 such as—

13 “(i) school climate;

14 “(ii) school safety;

15 “(iii) class size;

16 “(iv) availability and use of common
17 planning time and opportunities to collabo-
18 rate; and

19 “(v) family and community engage-
20 ment;

21 “(C) is developed with teachers, leaders
22 and other school personnel, parents, students,
23 and the community;

24 “(D) develops and implements a plan with
25 the groups described in subparagraph (C) and

1 with, at a minimum, annual benchmarks to ad-
2 dress the results of the assessment carried de-
3 scribed in this paragraph; and

4 “(E) publicly reports on the results of the
5 evaluations described in subparagraph (A) and
6 (B) and the plan described in subparagraph
7 (C);

8 “(4) a description of the educator supports the
9 State has developed to assist in the implementation
10 of new college- and career-ready standards, as de-
11 scribed in section 1111(b)(2), including the State’s
12 plan for making those supports available to its local
13 educational agencies and for prioritizing the intro-
14 duction of those supports, in conjunction with the
15 appropriate local educational agency, into the State’s
16 lowest performing schools;

17 “(5) a description of how a State will develop
18 and implement a plan for the equitable distribution
19 of teachers and principals that—

20 “(A) low-income and minority students are
21 not—

22 “(i) taught at higher rates than are
23 other students by teachers not deemed
24 qualified or who are rated in the lowest

1 evaluation categories, where applicable;
2 and

3 “(ii) assigned at higher rates than are
4 other students to schools administered by
5 principals who have been rated in the low-
6 est evaluation rating categories, where ap-
7 plicable;

8 “(B) includes—

9 “(i) percentage of effective teachers,
10 as determined by the State or local edu-
11 cational agency, for schools in the top
12 quartile of poverty against the schools in
13 the bottom quartile of poverty;

14 “(ii) percentage of effective teachers,
15 as determined by the State or local edu-
16 cational agency, for schools in the top
17 quartile in percentage of minority students
18 against the bottom quartile of percentage
19 of minority students;

20 “(iii) specific and measurable goals
21 and strategies to close gaps identified in
22 the plan; and

23 “(C) uses a combined measure of indica-
24 tors such as a composite to carry out the plan
25 described in this paragraph that—

1 “(i) shall include—

2 “(I) the percentage of first year
3 teachers; and

4 “(II) the percentage of qualified
5 teachers; and

6 “(ii) may include—

7 “(I) with respect to middle
8 schools and high schools, the percent-
9 age of core academic courses taught
10 by teachers who have met State licen-
11 sure requirements for such courses;

12 “(II) the percentage of teachers
13 whose licensure exam scores fall one
14 standard deviation above passing
15 score of teachers within the State;

16 “(III) the percent of teachers
17 with more than 10 absences over the
18 course of the school year; and

19 “(IV) the percentage of teachers
20 hired after the first day of school;

21 “(6) the State definition of teacher-of-record,
22 how local educational agencies report to the State on
23 the teacher-of-record, and how the definition is used
24 to ensure equitable distribution of effective and high-
25 ly effective teachers;

1 “(7) a description of how the State will estab-
2 lish and maintain a data system that within 3 years
3 after the date of enactment of the Student Success
4 Act—

5 “(A) supports data sharing among local
6 educational agencies and a teacher and leader
7 preparation program described in section
8 200(6)(A)(IV) of the Higher Education Act of
9 1965, as amended by section 202 of the Stu-
10 dent Success Act, on the program’s graduates’
11 students’, which may include data on evidence
12 of student learning; and

13 “(B) publically reports the percentage of
14 effective teachers and leaders, as determined by
15 the State or local educational agency, by prepa-
16 ration program;

17 “(8) a description of the State’s plan to—

18 “(A) implement the plan within the re-
19 quired timelines, including annual benchmarks
20 for implementation; and

21 “(B) report annually to the Secretary on
22 its progress implementing the plan and meeting
23 annual benchmarks outlined under subpara-
24 graph (A);

1 “(9) the State’s definition of, or standards and
2 criteria for—

3 “(A) a qualified teacher; and

4 “(B) an effective teacher;

5 “(10) a description of any performance meas-
6 ures in addition to those described in subpart 4 that
7 the State will use to measure the performance of the
8 State and of each local educational agency that re-
9 ceives a subgrant under subpart 2; and

10 “(11) a description of how the State will carry
11 out the activities outlined in section 2113.

12 “(c) COMPLIANCE AND DISAPPROVAL.—If the Sec-
13 retary finds that a State’s application does not comply in
14 whole or in part with the requirements of this subpart,
15 the Secretary shall—

16 “(1) notify the State regarding the specific pro-
17 visions in the application that do not comply with
18 the requirements of this subpart;

19 “(2) request any additional information needed
20 to determine whether the application will comply
21 with the requirements of this subpart; and

22 “(3) before disapproving the application, give
23 the State notice and an opportunity for a hearing.

1 **“SEC. 2113. STATE USES OF FUNDS.**

2 “(a) IN GENERAL.—A State that receives a grant
3 under this subpart shall use—

4 “(1) 90 percent of the grant funds to award
5 subgrants under subpart 2 to local educational agen-
6 cies with approved applications under section 2122;

7 “(2) not more than 5 percent of the grant
8 funds, to plan and administer the activities of the
9 State under this subpart, including the awarding of
10 the subgrants under subpart 2 and the monitoring
11 and enforcement of the requirements for the sub-
12 grants, including developing or improving any teach-
13 er and principal evaluation systems that are based
14 in part on evidence of student learning and other
15 measures determined by the State.

16 “(3) at least 2 percent of the grant funds to ac-
17 tivities designed to recruit, support, and retain effec-
18 tive principals for high-need and low-performing
19 schools, such as—

20 “(A) strengthening principal preparation
21 programs to ensure that they are highly selec-
22 tive, include in-depth residency for at least one
23 year or field-based experience in a high-need or
24 low-performing school, and provide induction or
25 other support for at least the first year of a
26 principal’s service, including coaching from a

1 mentor principal in instructional leadership and
2 organizational management;

3 “(B) provide training in school and per-
4 sonnel management, including management of
5 the organization, staff and resources, developing
6 a school climate and instructional program, de-
7 veloping effective relationships with community
8 and parents, and using student-level and school
9 level-data to inform decision-making;

10 “(C) training on child development, im-
11 proving instruction and closing achievement
12 gaps;

13 “(D) providing compensation incentives to
14 attract, retain, and reward effective principals
15 and other school leaders for high-need and low-
16 performing schools;

17 “(E) developing teacher career ladders
18 with a performance-based selection process that
19 distribute school leadership responsibilities and
20 develop a pipeline of individuals who gain the
21 experience necessary to become an effective
22 principal; and

23 “(F) activities to improve the effectiveness
24 of school superintendents, principal supervisors,

1 human resources directors, and other local edu-
2 cational agency managers; and

3 “(4) use any remaining funds reserved at the
4 State level to—

5 “(A) carry out any other activities de-
6 signed to help the State make progress toward
7 carrying out the purposes of this title and
8 showing improvement on the performance meas-
9 ures described in subpart 4 and any additional
10 measures described in the State’s application,
11 including activities designed to—

12 “(i) align the State’s professional
13 teaching standards, teacher and principal
14 certification or licensure requirements,
15 teacher-preparation programs, and profes-
16 sional-development requirements with kin-
17 dergarten-through-grade-12 academic con-
18 tent and achievement standards that build
19 toward college-and-career-readiness;

20 “(ii) reform teacher and school leader
21 compensation, including by modifying poli-
22 cies and practices and providing technical
23 assistance to local educational agencies, in
24 order to enable those agencies to recruit,
25 reward, and retain effective teachers and

1 school leaders in high-need schools, fields,
2 subjects, and areas;

3 “(iii) support the training of teachers,
4 principals, and other school leaders in
5 meeting the diverse learning needs of their
6 students, including through universal de-
7 sign for learning, as described in section
8 5429(b)(21), and multi-tiered system of
9 supports and language acquisition instruc-
10 tion;

11 “(iv) support the training of teachers,
12 principals, and other school leaders in ef-
13 fectively integrating technology (including
14 technology for students with disabilities)
15 into curricula and instruction and in how
16 to use technology for on-line communica-
17 tion and for collaboration and data anal-
18 ysis;

19 “(v) strengthen human resource sys-
20 tems in local educational agencies to re-
21 cruit, train, hire, and place individuals who
22 are or are most likely to be effective teach-
23 ers and principals, provide effective teach-
24 ers and principals with support and devel-
25 opment opportunities focused on increasing

1 student achievement, and retain effective
2 teachers and principals over time by cre-
3 ating school environments that enable ex-
4 cellent teaching including through strate-
5 gies such as distributed leadership, time
6 for collaboration and use of student data
7 for job-embedded professional development;
8 “(vi) develop and provide professional
9 development, including through joint pro-
10 fessional development opportunities, for
11 early childhood educators, teachers, prin-
12 cipals, specialized instructional support
13 personnel, and other school leaders;
14 “(vii) develop and implement policies
15 and practices that position the State to be
16 a competitive applicant for grants under
17 part B of this title;
18 “(viii) support the training of teach-
19 ers, principals, and other school leaders on
20 how to accelerate the learning of students
21 who are performing below grade level; and
22 “(ix) provide professional development
23 for teachers, principals and other school
24 administrators in early elementary grades
25 that includes specialized knowledge about

1 child development and learning, develop-
2 mentally-appropriate curricula and teach-
3 ing practices, meaningful family engage-
4 ment and collaboration with early care and
5 education programs;

6 “(B) provide technical assistance, as nec-
7 essary, to each local educational agency that re-
8 ceives a subgrant under subpart 2, in order to
9 help the local educational agency improve per-
10 formance on the measures described in subpart
11 4;

12 “(C) establish policies and practices to en-
13 sure the quality of the data reported under this
14 part and the effectiveness of the methods used
15 to analyze those data; and

16 “(D) develop and disseminate the State re-
17 port card required under subpart 4, and use the
18 information in the report card to guide efforts
19 under this title.

20 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-
21 ceived under this subpart shall be used to supplement, and
22 not supplant, non-Federal funds that would otherwise be
23 used for activities authorized under this subpart.

1 **“Subpart 2—Subgrants to Local Educational**
2 **Agencies**

3 **“SEC. 2121. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**
4 **CIES.**

5 “(a) IN GENERAL.—Each State educational agency
6 that receives an allocation under subpart 1 shall allocate
7 to each local educational agency in the State that has an
8 application approved by the State under section 2122 the
9 sum of—

10 “(1) the amount that bears the same relation-
11 ship to 20 percent of the amount allocated to the
12 State educational agency as the number of individ-
13 uals age 5 through 17 in the geographic area served
14 by the agency, as determined by the Secretary on
15 the basis of the most recent satisfactory data, bears
16 to the number of those individuals in the geographic
17 areas served by all such local educational agencies in
18 the State, as so determined; and

19 “(2) the amount that bears the same relation-
20 ship to 80 percent of the amount allocated to the
21 State educational agency as the number of individ-
22 uals age 5 through 17 from families with incomes
23 below the poverty line in the geographic area served
24 by the agency, as determined by the Secretary on
25 the basis of the most recent satisfactory data, bears
26 to the number of those individuals in the geographic

1 areas served by all such local educational agencies in
2 the State, as so determined.

3 “(b) MINIMUM ALLOTMENTS.—

4 “(1) FISCAL YEAR 2016.—For fiscal year 2016,
5 no local educational agency shall receive an alloca-
6 tion under subsection (a) that is less than 90 per-
7 cent of the allocation the local educational agency
8 received under this part for fiscal year 2015, as this
9 part was in effect on the day before the date of en-
10 actment of the Student Success Act.

11 “(2) SUBSEQUENT FISCAL YEARS.—For fiscal
12 year 2017 and each succeeding fiscal year, no local
13 educational agency receiving an allotment under sub-
14 section (a) shall receive less than 90 percent of the
15 allotment the local educational agency received
16 under this subpart for the preceding fiscal year.

17 “(c) RATABLE REDUCTION.—If the funds described
18 in subsection (a) are insufficient to pay the full amounts
19 that all local educational agencies are eligible to receive
20 under subsection (b) for any fiscal year, the State shall
21 ratably reduce such amounts for such fiscal year.

22 **“SEC. 2122. LOCAL EDUCATIONAL AGENCY NEEDS ASSESS-**
23 **MENT AND APPLICATIONS.**

24 “(a) IN GENERAL.—To receive a subgrant under this
25 subpart a local educational agency shall—

1 “(1) submit an application to the State edu-
2 cational agency involved at such time, in such man-
3 ner, and containing such information and assurances
4 as the State educational agency may reasonably re-
5 quire; and

6 “(2) conduct, in developing its application, and
7 with the involvement of teachers, principals, and
8 other stakeholders, as applicable, an assessment of
9 educator support and working conditions consistent
10 with section 2112(b)(3), in the areas set forth under
11 the performance measures described in subpart 4,
12 identified under the school improvement plans under
13 section 1116, as applicable, and the needs of schools
14 receiving funds under title I.

15 “(b) CONTENTS.—Each application submitted under
16 this section shall include—

17 “(1) a description of—

18 “(A) the results of the needs assessment
19 conducted under subsection (a)(2);

20 “(B) the performance measures and activi-
21 ties the local educational agency will use to ad-
22 dress the needs identified under the assessment;

23 “(C) the local educational agency’s plan
24 for using the subgrant under this subpart, and
25 other local, State, and Federal funds, to ensure

1 the equitable distribution of teachers and prin-
2 cipals, within the local educational agency so
3 that low-income and minority students are
4 not—

5 “(i) taught at higher rates than are
6 other students by teachers not deemed
7 qualified and who are not effective, as de-
8 termined by the State or local educational
9 agency;

10 “(ii) assigned to schools administered
11 by principals who not effective, as deter-
12 mined by the State or local educational
13 agency, at higher rates than other students
14 within the local educational agency;

15 “(D) the local educational agency’s plan
16 for using the subgrant under this subpart to
17 support teachers in meeting the diverse learning
18 needs of all their students, including through
19 universal design for learning, as described in
20 section 5429(b)(21), and multi-tiered system of
21 supports and language acquisition; and

22 “(E) a description of the educator supports
23 the local educational agency will provide to as-
24 sist with the implementation of new college- and
25 career-ready standards and early learning

1 standards, including the local educational agen-
2 cy's plan for prioritizing the introduction of
3 those supports in its lowest performing schools;

4 “(F) a description of how the local edu-
5 cational agency will, as appropriate, involve in
6 the delivery of activities and services under this
7 part, external providers that have demonstrated
8 expertise and experience in using evidence-
9 based strategies and programs to deliver evi-
10 dence-based professional development and to
11 raise the quality of teaching and school leader-
12 ship; and

13 “(2) an assurance that, within 5 years of re-
14 ceiving a subgrant under this subpart, the local edu-
15 cational agency will—

16 “(A) conduct a second needs assessment,
17 with the involvement of teachers, principals,
18 and other stakeholders, as applicable, in the
19 areas set forth in subpart 4 and identified in
20 plans under section 1116, as applicable, par-
21 ticularly the needs of schools receiving funds
22 under title I; and

23 “(B) submit a revised application to the
24 State, consistent with the requirements of this
25 section.

1 **“SEC. 2123. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.**

2 “(a) USE OF FUNDS.—Subject to the requirements
3 of the State consistent with section 2112(a), a local edu-
4 cational agency that receives a subgrant under this sub-
5 part shall, directly, or with other local educational agen-
6 cies or the State educational agency, use the subgrant
7 funds for activities designed to increase academic achieve-
8 ment for all students, including English learners and stu-
9 dents with disabilities, by increasing the number and per-
10 centage of effective teachers and principals, as determined
11 by the State or local educational agency, and to ensure
12 the equitable distribution of effective teachers and prin-
13 cipals through activities that—

14 “(1) develop and implement, or improve, where
15 applicable, a teacher and principal evaluation sys-
16 tem;

17 “(2) provide meaningful feedback to teachers
18 and principals on evaluation results, where applica-
19 ble, and use those results in making decisions, in-
20 cluding about professional development;

21 “(3) recruit teachers who are qualified and
22 teachers and principals who are effective, as deter-
23 mined by the State or local educational agency, espe-
24 cially teachers and principals who are needed for
25 high-need and low-performing schools and high-need

1 fields and subjects, including teachers and principals
2 who come from underrepresented backgrounds;

3 “(4) implement the assessment of educator sup-
4 port and working conditions in accordance with sec-
5 tion 2112(b)(3);

6 “(5) implement the local educational agency’s
7 plan for ensuring the equitable distribution of effec-
8 tive teachers and principals, as determined by the
9 State or local educational agency, who have been
10 rated by the teacher and principal evaluation system
11 as at least effective;

12 “(6) develop and implement an induction pro-
13 gram that is designed to increase the effectiveness of
14 new teachers and retain effective teachers, especially
15 in high-need and low-performing schools, such as a
16 program that provides reduced teaching assignments
17 for new teachers, training for instructional coaches
18 or mentors who will participate in induction activi-
19 ties, access to on-line support systems, and frequent
20 feedback to promote continuous learning and in-
21 structional improvement;

22 “(7) work toward reducing class size for kinder-
23 garten through third grade by an amount and to a
24 level consistent with what research has found to im-
25 prove student academic achievement at a minimum

1 in the schools in the lowest quartile of poverty in the
2 local educational agency;

3 “(8) improve within-school equity in the dis-
4 tribution of effective teachers, as determined by the
5 State or local educational agency, so that low-income
6 and minority students are not taught at higher rates
7 than are other students by teachers rated in one of
8 the two lowest evaluation rating categories, where
9 applicable;

10 “(9) plan and administer activities carried out
11 under this subpart, including other activities to im-
12 prove effectiveness and the equity of distribution as
13 required in accordance with the local educational
14 agency’s needs assessments under subsection (a)(2);

15 “(10) develop a plan to expand and improve the
16 capacity of the local educational agency to recruit,
17 select, train, evaluate, and develop effective staff,
18 teachers, school leaders, and school leader managers
19 to work at or with schools identified for improve-
20 ment under section 1116;

21 “(11) develop a plan to improve the manage-
22 ment of school leaders and to address the barriers
23 in schools served by the local educational agency;

24 “(12) recruit, train, and support teacher lead-
25 ers or principals for high-need schools; and

1 “(13) provide meaningful support to principals
2 and their instructional leadership teams.

3 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-
4 ceived under this subpart shall be used to supplement, and
5 not supplant, non-Federal funds that would otherwise be
6 used for activities authorized under this subpart.

7 “(c) RULE OF CONSTRUCTION.—Nothing in this sub-
8 part shall be construed to require a local educational agen-
9 cy to transfer school personnel in order to comply with
10 the requirements of this part.

11 **“Subpart 3—National Leadership Activities**

12 **“SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.**

13 “From the funds made available under section 2101
14 for this subpart for any fiscal year, the Secretary may to
15 reserve up to 3 percent for research, development, tech-
16 nical assistance, outreach, and dissemination activities,
17 carried out either directly or through grants, contracts,
18 or cooperative agreements. Such activities may include—

19 “(1) activities to strengthen teacher and prin-
20 cipal evaluation, including establishing a national
21 center to gather, provide benchmarks on, and dis-
22 seminate best practices and provide technical assist-
23 ance on teacher and principal evaluation so as to
24 support States and local educational agencies in de-
25 veloping robust and reliable evaluation systems that

1 take evidence of student learning, as defined in sec-
2 tion 2002(15) into account;

3 “(2) direct assistance to nonprofit organizations
4 to enhance their support for local educational agen-
5 cies and schools, including to community-based orga-
6 nizations that can support multiple local educational
7 agencies in strengthening their teacher and principal
8 pipelines and human-resource practices and provide
9 professional enhancement activities, including ad-
10 vanced credentialing and high-quality, sustained pro-
11 fessional development targeted to low-performing
12 schools;

13 “(3) activities to support development of a lead-
14 ership academy to train school leaders in effective
15 school management and instructional leadership,
16 with a primary focus on turning around low-per-
17 forming schools, including—

18 “(A) effective management of the organiza-
19 tion, staff, and resources;

20 “(B) developing a school climate and in-
21 structional program and related evidence-based
22 professional development aligned to the needs of
23 the students and school;

24 “(C) effective relationships with commu-
25 nity and parents; and

1 “(D) using student-level and school level-
2 data to inform decision-making;

3 “(4) activities to strengthen evaluation of su-
4 perintendents including developing model evalua-
5 tions; and

6 “(5) activities to support pay for success initia-
7 tives to meet the purposes of this part.

8 **“Subpart 4—Accountability**

9 **“SEC. 2141. EQUITY ACCOUNTABILITY.**

10 “(a) STATE REQUIREMENTS.—

11 “(1) IN GENERAL.—Each State that receives a
12 grant under subpart 1 shall—

13 “(A) in a case in which the comparisons
14 conducted under section 2112(b)(5) of the
15 State plan indicate the inequalities described in
16 paragraph (2) with respect to high-poverty and
17 high-minority local educational agencies—

18 “(i) in consultation with the local edu-
19 cational agencies in the State, established
20 2, 4 and 5 year improvement goals that
21 will substantially reduce or eliminate the
22 inequities in the schools of such high-pov-
23 erty and high-minority local educational
24 agencies; and

1 “(ii) establish a support plan to assist
2 such high-poverty and high-minority local
3 educational agencies meet such improve-
4 ment goals; and

5 “(B) in a case in which a high-poverty and
6 high-minority local educational agency has not
7 achieved the 2-year improvement goals estab-
8 lished under subparagraph (A)(i), use 2.5 per-
9 cent of the grant funds received under subpart
10 2 to carry out the activities described in sub-
11 paragraph (A).

12 “(2) INEQUALITIES.—The inequalities described
13 in this paragraph are as follows:

14 “(A) Students in high poverty and high
15 minority local educational agencies in the State
16 were being taught at higher rates by teachers
17 rated in the lowest two quartiles based on the
18 combined measure established under section
19 2112(b)(5)(C) compared to students in low pov-
20 erty and low minority local educational agencies
21 in the State.

22 “(B) Students in high poverty and high
23 minority local educational agencies are being
24 taught at higher rates by teachers who are not
25 effective as determined by the State or local

1 educational agency, as compared to students in
2 low poverty and low minority local educational
3 agencies.

4 “(b) LOCAL EDUCATIONAL AGENCY REQUIRE-
5 MENTS.—

6 “(1) IN GENERAL.—Subject to paragraph (3), a
7 high-poverty or high-minority local educational agen-
8 cy described in paragraph (2) and with respect to
9 which a State established improvement goals under
10 subsection (a)(1)(A)(i), shall—

11 “(A) in a case in which the local edu-
12 cational agency fails to meet its 2 year improve-
13 ment goals established under such subsection,
14 use all funds made available through the
15 subgrant to carry out the activities described in
16 section 2112(b)(5);

17 “(B) in a case in which the local edu-
18 cational agency fails to meet its 4 year improve-
19 ment goals established under such subsection—

20 “(i) receive a subgrant from the State
21 under subpart 2 equal to not more than 50
22 percent of the subgrant received by the
23 local educational agency in the preceding
24 year under such subpart; and

1 “(ii) make non-Federal contributions
2 in an amount equal to not less than the
3 Federal funds provided under the
4 subgrant; and

5 “(C) in a case in which the local edu-
6 cational agency fails to meet its 5 year improve-
7 ment goals established under such subsection,
8 the local educational agency shall be prohibited
9 from receiving a subgrant subpart 2.

10 “(2) DESCRIPTION OF LOCAL EDUCATIONAL
11 AGENCIES.—A local educational agency described in
12 this paragraph is a local educational agency that—

13 “(A) students in high poverty and high mi-
14 nority schools are being taught at higher rates
15 by teachers rated in the lowest two quartiles
16 based on the combined measure established
17 under section 2112(b)(5)(C) compared to stu-
18 dents in low poverty and low minority schools;
19 and

20 “(B) students in high poverty and high mi-
21 nority schools are being taught at higher rates
22 by teachers who are not effective, as determined
23 by the State or local educational agency, com-
24 pared to students in low poverty and low minor-
25 ity schools.

1 “(3) EXCEPTION.—Paragraph (1) shall not
2 apply to high poverty and high minority schools
3 where students are being taught at higher rates who
4 are not effective, as determined by the State or local
5 educational agency, compared to students in low
6 poverty and low minority schools in the local edu-
7 cational agency if the performance of the high pov-
8 erty or high minority school’s students, including
9 each group of students described in section
10 1111(b)(2)(C)(v)(II), on the State’s annual student
11 academic assessments has exceeded the statewide av-
12 erage performance for students overall in that sub-
13 ject for at least the previous 2 years.

14 “(4) INAPPLICABILITY.—This section shall not
15 apply to a local educational agency that does not
16 have more than one building for each grade span.

17 “(5) TRANSITIONAL COMPLIANCE.—Beginning
18 on the date of enactment of the Student Success
19 Act, for no more than 4 full school years a local edu-
20 cational agency shall be deemed to be in compliance
21 with this section for any school year, if the teachers
22 hired to fill vacancies in local education agencies
23 served under this part, improve the equity in dis-
24 tribution of effective teachers, as determined by the
25 State or local educational agency, between students

1 served by high poverty or high minority schools and
2 students served by low poverty or low minority
3 schools as described in paragraph (2).

4 “(6) WAIVER.—A local educational agency may
5 apply to the Secretary for a temporary waiver of the
6 requirements of this section in the case of a natural
7 disaster or unpredictable or significant personnel as-
8 signments that occur after the beginning of a school
9 year that would affect determination of compliance
10 with this section.

11 “(7) RULES OF CONSTRUCTION.—Nothing in
12 this section shall be construed to require a local edu-
13 cational agency to transfer school personnel in order
14 to comply with this section.

15 **“Subpart 5—Public Reporting**

16 **“SEC. 2151. PUBLIC REPORTING.**

17 “(a) IN GENERAL.—

18 “(1) STATE REPORT CARD.—Each State that
19 receives a grant under subpart 1 shall annually sub-
20 mit to the Secretary, and make public, a State re-
21 port card on program performance and results under
22 the grant, in a manner prescribed by the Secretary
23 and containing, analyzing, and updating the infor-
24 mation required under subsection (b).

1 “(2) LOCAL EDUCATIONAL AGENCY REPORT.—
2 Each local educational agency that receives a
3 subgrant under subpart 2 shall annually submit to
4 the State, and make public—

5 “(A) a report on the local educational
6 agency’s program performance and results
7 under the subgrant, in a manner prescribed by
8 the State or the Secretary, containing, ana-
9 lyzing, and updating the information required
10 under subsection (c); and

11 “(B) the notifications to parents described
12 in subsection (d).

13 “(3) PRIVACY.—Information required under
14 this subpart shall be collected, reported, and dis-
15 seminated in a manner that protects the privacy of
16 individuals.

17 “(b) STATE REPORT CARD REQUIREMENTS.—Each
18 State described in subsection (a)(1) shall report the fol-
19 lowing information in accordance with such subsection:

20 “(1) With respect to the State overall and for
21 each local educational agency in the State,
22 disaggregated by poverty quartile and minority quar-
23 tile—

24 “(A) the number and percentage of teach-
25 ers and principals, for each grant year, who—

1 “(i) are classified as qualified;

2 “(ii) are effective, where applicable;

3 “(iii) have taught for less than one
4 full school year; and

5 “(iv) have demonstrated content
6 knowledge in the subject or subjects the
7 teachers are assigned to teach;

8 “(B) with respect to middle and high
9 schools, the percentage of core academic
10 courses taught by teachers who have met State
11 licensure requirements for that course;

12 “(C) information required under equitable
13 distribution plans for the State and each local
14 educational agency under sections 2112(b)(5)
15 and 2123(a), respectively;

16 “(D) staff retention rates for effective
17 teachers, as determined by the State or local
18 educational agency; and

19 “(E) any other performance measures the
20 State is using to measure the performance of
21 local educational agencies that receive a
22 subgrant under subpart 2.

23 “(2) Results of the data collection reporting
24 under section 2112(b)(7).

1 “(3) Progress towards meeting the equitable
2 distribution requirements under section 2112(b)(5).

3 “(4) Results of the assessment of educator sup-
4 port and working conditions described in section
5 2112(b)(3).

6 “(5) Results of the needs assessment required
7 under subpart 2 by each school in the State and
8 compared to the rubric which was used to conduct
9 the needs assessment.

10 “(c) LOCAL EDUCATIONAL AGENCY REPORT CARD
11 REQUIREMENTS.—Each local educational described in
12 subsection (a)(2) shall report the following information,
13 for each grant year, in accordance with such subsection:

14 “(1) With respect to the local educational agen-
15 cy overall and for schools in the agency by poverty
16 quartile and minority quartile—

17 “(A) the number and percentage of teach-
18 ers and principals, for each grant year, who—

19 “(i) are classified as qualified;

20 “(ii) are effective, as determined by
21 the State or local educational agency;

22 “(iii) have taught for less than one
23 full school year; and

1 “(iv) have demonstrated content
2 knowledge in the subject or subjects the
3 teachers are assigned to teach; and

4 “(B) with respect to middle school and
5 high school, the percentage of core academic
6 courses taught by teachers who have met State
7 licensure requirements for that course.

8 “(d) PARENTS’ RIGHT TO KNOW.—Each local edu-
9 cational agency that receives a subgrant under subpart 2
10 shall ensure that each school served by the local edu-
11 cational agency provides, on an annual basis and at the
12 beginning of the school year—

13 “(1) the teacher’s qualified status based on the
14 definition under section 2002(5), including whether
15 the teacher meets the status based on the require-
16 ment in subparagraph (A)(v) of such section; and

17 “(2) in local educational agencies with teacher
18 evaluation systems—

19 “(A) written notification to the parent of
20 each student who has, for 2 consecutive years,
21 been assigned an ineffective teacher, as deter-
22 mined by the State or local educational agency,
23 that such student has been so assigned; and

24 “(B) a description of—

1 “(i) the supports the school and local
2 educational agency will offer the student to
3 compensate for the teacher assignment;

4 “(ii) the local educational agency’s
5 plan for ensuring this assignment pattern
6 does not continue; and

7 “(iii) the teacher’s qualified status
8 based on the definition under section
9 2002(5), including whether the teacher
10 meets the status based on the requirement
11 in subparagraph (A)(v) of such section.

12 **“PART B—TEACHER AND LEADER INNOVATION**

13 **FUND**

14 **“SEC. 2201. TEACHER AND LEADER INNOVATION FUND.**

15 “The purpose of this part is to support States and
16 local educational agencies in improving the effectiveness
17 of their teachers and school leaders, especially those teach-
18 ers and school leaders working in high-need schools, by
19 creating the conditions needed to identify, recruit, pre-
20 pare, retain, reward, and advance effective teachers, prin-
21 cipals, and school leadership teams in such schools.

22 **“SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) IN GENERAL.—There are authorized to be ap-
24 propriated \$950,000,000 for fiscal year 2016 and such

1 sums as may be necessary for each of the 5 succeeding
2 fiscal years to carry out this part.

3 “(b) CONTINUATION.—From the funds made avail-
4 able under subsection (a), the Secretary may reserve funds
5 to continue funding the Teacher Incentive Fund author-
6 ized under the fourth, fifth, and sixth provisos of the ‘In-
7 novation and Improvement Account’ under title III of
8 Public Law 109–149, in accordance with the terms and
9 conditions of such Fund that were in effect on the day
10 before the enactment of the Student Success Act.

11 **“SEC. 2203. GRANTS.**

12 “(a) IN GENERAL.—From the funds made available
13 under section 2202 and not reserved under subsection (b)
14 of such section, for each fiscal year, the Secretary shall
15 award grants, on a competitive basis, to eligible entities
16 to carry out the purpose of this part.

17 “(b) ELIGIBLE ENTITY.—In this part, the term ‘eli-
18 gible entity’ means—

19 “(1) a State educational agency or a consor-
20 tium of such agencies;

21 “(2) a high-need local educational agency or a
22 consortium of such agencies;

23 “(3) one or more of the entities described in
24 paragraphs (1) and (2) in partnership with one or

1 more institutions of higher education, nonprofit or-
2 ganization, or educational service agencies; or

3 “(4) an entity described in paragraph (1) in
4 partnership with 1 or more local educational agen-
5 cies at least one of which is a high-need local edu-
6 cational agency.

7 “(c) DURATION.—The Secretary shall award a grant
8 under this part to an eligible entity for an initial period
9 of not more than 3 years, and may renew the grant for
10 up to an additional 2 years if the Secretary finds that the
11 eligible entity is achieving the objectives of the grant and
12 has shown improvement against baseline measures on per-
13 formance indicators.

14 **“SEC. 2204. APPLICATIONS.**

15 “(a) IN GENERAL.—Each eligible entity that desires
16 a grant under this part shall submit an application to the
17 Secretary at such time, in such manner, and containing
18 such information and assurances as the Secretary may
19 reasonably require.

20 “(b) CONTENTS.—Each application submitted under
21 this section shall contain—

22 “(1) a description of—

23 “(A) how the eligible entity will differen-
24 tiate levels of teacher and principal performance
25 by effectiveness, and the criteria it will use to

1 determine that differentiation, which shall in-
2 clude the use of evidence of student learning as
3 a significant factor, as well as other measures;
4 and

5 “(B) how that differentiation will be—

6 “(i) consistent with the teacher and
7 principal evaluation system described in
8 section 2112(b)(1); and

9 “(ii) used by the local educational
10 agency served by the eligible entity to
11 make decisions about professional develop-
12 ment and retention;

13 “(2) a description of the rigorous performance
14 standards that the eligible entity has established, or
15 will establish, within 2 years of the date of enact-
16 ment of Student Success Act, that will be used to
17 evaluate performance;

18 “(3) a plan, developed with appropriate stake-
19 holders, setting forth the activities to be imple-
20 mented under the grant and how those activities will
21 be aligned with the results of—

22 “(A) an analysis of workforce data (includ-
23 ing teacher and principal surveys) that identi-
24 fies strengths and weaknesses in the working
25 conditions provided to teachers, school leaders,

1 and other school personnel and the current and
2 future staffing needs within the State or local
3 educational agency;

4 “(B) a public review of any State or local
5 educational agency statutes, policies, and prac-
6 tices, including employment policies and prac-
7 tices that pose a barrier to staffing schools,
8 particularly high-need schools, with teachers
9 and principals who have been rated in the high-
10 est rating categories;

11 “(C) an analysis of the effectiveness and
12 the cost-effectiveness of applicable State or local
13 educational agency policies and practices re-
14 lated to increasing teacher and principal effec-
15 tiveness;

16 “(D) an analysis of the alignment of the
17 policies and practices reviewed and analyzed
18 under subparagraphs (B) and (C) with the goal
19 of ensuring that educators are prepared to help
20 all students achieve to college-and-career-ready
21 standards; and

22 “(E) as applicable, an analysis of the ex-
23 tent to which the local educational agency’s
24 human capital strategies, including career ad-
25 vancement opportunities, salary schedules (in-

1 including incentives for graduate credit and ad-
2 vanced degrees), and incentives, reward actions,
3 and strategies that improve instruction and stu-
4 dent learning; and

5 “(4) evidence of involvement and support for
6 the proposed grant activities from—

7 “(A) in the case of an application from an
8 eligible entity that includes a local educational
9 agency or a consortium of such agencies, a local
10 school board, teachers union (where there is a
11 designated exclusive representative for the pur-
12 pose of collective bargaining), teachers, prin-
13 cipals, and other stakeholders; and

14 “(B) in the case of an application from a
15 State educational agency or consortium of such
16 agencies, the State board of education, State
17 agency for higher education, any participating
18 local educational agency, and other stake-
19 holders.

20 “(c) SELECTION CRITERION.—In making grants
21 under this part, the Secretary shall consider the extent
22 to which the eligible entity’s activities that are carried out
23 through a grant under part A or through State and local
24 funds are aligned with the entity’s plan under subsection
25 (b)(3) and the purpose of this part.

1 “(d) PRIORITY.—The Secretary shall give priority to
2 applications that address particular needs in improving
3 the effectiveness of the education workforce in high-need
4 schools or the needs of local educational agencies to fill
5 positions in high-need fields and subjects.

6 **“SEC. 2205. USE OF FUNDS.**

7 “(a) IN GENERAL.—A eligible entity under this
8 part—

9 “(1) shall use its grant funds for activities to—

10 “(A) improve the use of teacher and prin-
11 cipal effectiveness information, which shall in-
12 clude the adoption of an evaluation system by
13 a local educational agency, as described in sec-
14 tion 2112(b)(1), and use of such evaluation re-
15 sults in consequential decisionmaking, including
16 in—

17 “(i) paying bonuses and increased sal-
18 aries, if the eligible entity uses an increas-
19 ing share of non-Federal funds to pay the
20 bonuses and increased salaries each year of
21 the grant, to highly effective teachers or
22 principals who work in high-need schools;

23 “(ii) activities under sections 2112
24 and 2122;

1 “(iii) reforming the local educational
2 agency’s system of compensating teachers
3 and principals; and

4 “(iv) developing and implementing a
5 human capital system; and

6 “(B) improve teacher and school-leader
7 compensation and career-development systems,
8 which may include instituting performance pay,
9 career advancement systems (such as career
10 ladders or incentives for assuming additional
11 roles and responsibilities intended to improve
12 student academic achievement), or market-
13 based compensation for a high-need school; and

14 “(2) may use its grant funds for activities to—

15 “(A) help ensure that high-need and low-
16 performing schools are staffed more effectively
17 and efficiently, such as through—

18 “(i) the implementation or use of ear-
19 lier hiring timelines;

20 “(ii) more effective recruitment strate-
21 gies (including strategies for recruiting
22 candidates from underrepresented groups);

23 “(iii) more selective screening; and

24 “(iv) data systems for tracking at-
25 tendance, teacher and principal evaluation

1 results, tenure decisions, participation in
2 professional development, and the results
3 of that participation;

4 “(B) recruit, prepare, support, and evalu-
5 ate principals who serve in high-need or low-
6 performing schools; and

7 “(C) recruit and retain teachers and lead-
8 ers in rural and remote areas.

9 “(b) STATE GRANTEES.—A State educational agency
10 that is a grantee under this part shall use its grant funds
11 for activities to—

12 “(1) modify State policies and practices, as
13 needed, to enable local educational agencies to carry
14 out their activities under subsection (a);

15 “(2) develop and implement improvements to
16 the State’s certification or licensure requirements,
17 which shall include using teacher and principal eval-
18 uation results in certification or licensure decisions
19 (such as by making them a significant factor in the
20 granting of a full certification or license); and

21 “(3) implement a human capital system, includ-
22 ing pre-service programs providing teachers and
23 principals to schools within the State, that increases
24 the numbers of highly effective teachers and prin-
25 cipals, particularly in high-need schools by—

1 “(A) identifying, recruiting, training, hir-
2 ing, and placing individuals who are or are
3 most likely to be highly effective teachers and
4 principals;

5 “(B) distributing highly effective teachers
6 and principals strategically to high need
7 schools;

8 “(C) providing highly effective teachers
9 and principals with support and development
10 opportunities focused on increasing student
11 achievement; and

12 “(D) retaining highly effective teachers
13 and principals over time by creating school en-
14 vironments that enable excellent teaching in-
15 cluding through strategies such as distributed
16 leadership, time for collaboration and use of
17 student data for internal professional develop-
18 ment.

19 **“PART C—GENERAL PROVISIONS**

20 **“SEC. 2301. PROHIBITION AGAINST INTERFERENCE WITH**
21 **STATE AND LOCAL LAWS AND AGREEMENTS.**

22 “Nothing in this title shall be construed to alter or
23 otherwise affect the rights, remedies, and procedures af-
24 forded to school or local educational agency employees
25 under Federal, State, or local laws (including applicable

1 regulations or court orders as well as requirements that
2 local educational agencies negotiate and or meet and con-
3 fer in good faith) or under the terms of collective bar-
4 gaining agreements, memoranda of understanding, or
5 other agreements between such employers and their em-
6 ployees.

7 **“SEC. 2302. PROTECTING THE INTEGRITY OF EVALUATION**
8 **SYSTEMS.**

9 “No State or local educational agency receiving fund-
10 ing under this title shall publicly report personally identifi-
11 able information included in an individual teacher or prin-
12 cipal evaluation, including information that can be used
13 to distinguish an individual’s identity when combined with
14 other personal or identifying information.

15 **“SEC. 2303. PROHIBITION AGAINST MANDATING SYSTEMS**
16 **OF TEACHER OR PRINCIPAL EVALUATIONS.**

17 “Nothing in this title shall be construed to mandate
18 the development of State or local educational agency sys-
19 tems of teacher and principal evaluation.”.

20 **SEC. 202. HEA CONFORMING AMENDMENTS.**

21 (a) **QUALIFIED TEACHER.**—The Higher Education
22 Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

23 (1) in section 200 (20 U.S.C. 1021)—

24 (A) by amending paragraph (13) to read
25 as follows:

1 “(13) QUALIFIED.—The term ‘qualified’ has
2 the meaning given the term ‘qualified teacher’ in
3 section 2002(5), as amended by section 201 of the
4 Student Success Act.

5 “(B) in paragraph (17)(B)(ii), by striking
6 ‘highly qualified’ and inserting ‘qualified’; and

7 “(C) in paragraph (22)(D)(i), by striking
8 ‘highly qualified’ and inserting ‘qualified.’”;

9 (2) in section 201(3) (20 U.S.C. 1022(3)), by
10 striking “highly qualified teachers” and inserting
11 “qualified teachers”;

12 (3) in section 202 (20 U.S.C. 1022)—

13 (A) in subsection (b)(6)(H), by striking
14 “highly qualified teachers” and inserting
15 “qualified teachers”;

16 (B) in subsection (d)—

17 (i) in paragraph (1)—

18 (I) in subparagraph (A)(i)(I), by
19 striking “highly qualified” and insert-
20 ing “qualified”; and

21 (II) in subparagraph (B)(iii), by
22 striking “highly qualified” and insert-
23 ing “qualified”; and

1 (ii) in paragraph (5), by striking
2 “highly qualified teachers” and inserting
3 “qualified teachers”; and

4 (C) in subsection (e)(2)(C)(iii)(IV), by
5 striking “highly qualified teacher, as defined in
6 section 9101,” and inserting “qualified teacher,
7 as defined in section 2002(5), as amended by
8 section 201 of the Student Success Act”;

9 (4) in section 204(a)(4) (20 U.S.C. 1022c) by
10 striking “highly qualified teachers” each place it ap-
11 pears and inserting “qualified teachers”;

12 (5) in section 205(b)(1)(I) (20 U.S.C.
13 1022d(b)(1)(I)), by striking “highly qualified teach-
14 ers” and inserting “qualified teachers”;

15 (6) in section 207(a)(1) (20 U.S.C.
16 1022f(a)(1)), by striking “highly qualified teachers”
17 and inserting “qualified teachers”;

18 (7) in section 208(b) (20 U.S.C. 1022g(b)), by
19 striking “highly qualified” each place it appears and
20 inserting “qualified”;

21 (8) in section 242(b) (20 U.S.C. 1033a), by
22 striking “highly qualified” each place it appears and
23 inserting “qualified”;

1 (9) in section 251(b) (20 U.S.C. 1034(b)), by
2 striking “highly qualified” each place it appears and
3 inserting “qualified”; and

4 (10) in section 258(d)(1) (20 U.S.C.
5 1036(d)(1)), by striking “highly qualified” and in-
6 serting “qualified”.such partner institution.

7 (c) DEFINITIONS.—Section 200 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1021) is amended—

9 (1) by amending paragraph (6) to read as fol-
10 lows:

11 “(6) ELIGIBLE PARTNERSHIP.—Except as oth-
12 erwise provided in section 251, the term ‘eligible
13 partnership’ means an entity that—

14 “(A) shall include—

15 “(i) a high-need local educational
16 agency;

17 “(ii)(I) a high-need school or a con-
18 sortium of high-need schools served by the
19 high-need local educational agency; or

20 “(II) as applicable, a high-need early
21 childhood education program; or

22 “(iii)(I) the following entities—

23 “(aa) a partner institution.

24 “(bb) a school, department, or
25 program of education within such

1 partner institution, which may include
2 an existing teacher professional devel-
3 opment program with proven out-
4 comes within a 4-year institution of
5 higher education that provides inten-
6 sive and sustained collaboration be-
7 tween faculty and local educational
8 agencies consistent with the require-
9 ments of this title; and

10 “(cc) a school or department of
11 arts and sciences within such partner
12 institution; or

13 “(II) an entity operating a program
14 that provides alternative routes to State
15 certification of teachers that has a teacher
16 preparation program—

17 “(aa) whose graduates exhibit
18 strong performance on State-deter-
19 mined qualifying assessments for new
20 teachers through demonstrating that
21 80 percent or more of the graduates
22 of the program who intend to enter
23 the field of teaching have passed all of
24 the applicable State qualification as-
25 sessments for new teachers, which

1 shall include an assessment of each
2 prospective teacher's subject matter
3 knowledge in the content area in
4 which the teacher intends to teach;
5 and

6 “(bb) that requires each student
7 in the program to meet high academic
8 standards or demonstrate a record of
9 success, as determined by the institu-
10 tion (including prior to entering and
11 being accepted into a program), and
12 participate in intensive clinical experi-
13 ence, and each student in the program
14 is preparing to become a qualified
15 teacher; and

16 “(B) may include any of the following:

17 “(i) The Governor of the State.

18 “(ii) The State educational agency.

19 “(iii) The State board of education.

20 “(iv) The State agency for higher edu-
21 cation.

22 “(v) A business.

23 “(vi) A public or private nonprofit
24 educational organization.

25 “(vii) An educational service agency.

1 “(viii) A teacher organization.

2 “(ix) A high-performing local edu-
3 cational agency, or a consortium of such
4 local educational agencies, that can serve
5 as a resource to the partnership.

6 “(x) A charter school (as defined in
7 section 5210).

8 “(xi) A school or department within a
9 partner institution that focuses on psy-
10 chology and human development.

11 “(xii) A school or department within a
12 partner institution with comparable exper-
13 tise in the disciplines of teaching, learning,
14 and child and adolescent development.

15 “(xiii) An entity operating a program
16 that provides alternative routes to State
17 certification of teachers.

18 “(xiv) A school, department, or pro-
19 gram of education within a partner institu-
20 tion.

21 “(xv) A school or department of arts
22 and sciences within a partner institution.”;

23 (2) by amending paragraph (10) to read as fol-
24 lows:

1 “(10) HIGH-NEED LOCAL EDUCATIONAL AGEN-
2 CY.—The term “high-need local educational agency
3 has the meaning given such term in section 2002(4),
4 as amended by section 201 of the Student Success
5 Act.”;

6 (3) by amending paragraph (14) to read as fol-
7 lows:

8 “(14) INDUCTION PROGRAM.—The term ‘induc-
9 tion program’ has the meaning given the term ‘in-
10 duction’ in section 2002(6), as amended by section
11 201 of the Student Success Act.”; and

12 (4) by amending paragraph (21) to read as fol-
13 lows:

14 “(21) TEACHER MENTORING.—The term
15 ‘teacher mentoring’ has the meaning given the term
16 ‘mentoring’ in section 2002(7), as amended by sec-
17 tion 201 of the Student Success Act.”.

18 (d) PURPOSE.—Section 201 of the Higher Education
19 Act of 1965 (20 U.S.C. 1022) is amended—

20 (1) by striking “and” at the end of paragraph
21 (3);

22 (2) by striking the period and inserting “; and”
23 at the end of paragraph (4); and

24 (3) by inserting at the end the following:

25 “(5) improve teacher effectiveness.”.

1 (e) PARTNERSHIP GRANTS.—Section 202 of the
2 Higher Education Act of 1965 (20 U.S.C. 1022a) is
3 amended—

4 (1) in subsection (b)(6)—

5 (A) in subparagraph (E)(ii), by striking
6 “student academic” and inserting “college-and-
7 career ready student academic”;

8 (B) in subparagraph (H)—

9 (i) in the matter preceding clause (i),
10 by inserting “or alternative route entity”
11 after “partner institution”;

12 (ii) in clause (i), by striking “that in-
13 corporate” and all that follows through
14 “instruction” and inserting “consistent
15 with part A of title IV of the Elementary
16 and Secondary Education Act of 1965”;

17 (iii) in clause (i), insert “and other
18 educators, including mutli-tiered systems
19 of support and universal design for learn-
20 ing, as described in section 5429(b)(21)”
21 after “secondary school teachers”;

22 (iv) in clause (ii), insert “ and writing
23 instruction” after “reading”; and

24 (v) after clause (ii) insert the fol-
25 lowing:

1 “(iii) provide high-quality professional
2 development activities to strengthen the in-
3 structional and leadership skills of elemen-
4 tary school and secondary school principals
5 and district superintendents, if the partner
6 institution has a principal preparation pro-
7 gram;”;

8 (C) by redesignating subparagraphs (I)
9 through (K) as subparagraphs (J) through (L),
10 respectively; and

11 (D) by inserting after subparagraph (H),
12 the following:

13 “(I) how the partnership will prepare
14 teachers to use data to analyze student per-
15 formance and adjust teaching practices to im-
16 prove student achievement;”;

17 (2) in subsection (d)(6)(A), by striking “that
18 incorporate the essential components of literacy in-
19 struction” and inserting “aligned with part A of title
20 IV of the Elementary and Secondary Education Act
21 of 1965”.

22 (f) ADMINISTRATIVE PROVISIONS.—Section
23 203(b)(2)(A) of the Higher Education Act of 1965 (20
24 U.S.C. 1022b(b)(2)(A)) is amended by inserting “or alter-
25 native route entity” after “institution of higher education

1 (g) ACCOUNTABILITY AND EVALUATION.—Section
2 204(a) of the Higher Education Act of 1965 (20 U.S.C.
3 1022c) is amended—

4 (1) by redesignating paragraphs (3) and (4) as
5 paragraphs (4) and (5), respectively; and

6 (2) by inserting after paragraph (2), the fol-
7 lowing:

8 “(3) effective teachers as determined by the
9 State;”.

10 (h) INFORMATION ON PREPARATION PROGRAMS.—
11 Section 205(b)(1) of the Higher Education Act of 1965
12 (20 U.S.C. 1022d(b)) is amended—

13 (1) in the matter preceding subparagraph (A),
14 by striking “teacher preparation program” and in-
15 serting “teacher and school leader preparation pro-
16 gram”; and

17 (2) by adding at the end the following:

18 “(M) Within 3 years of the date of enact-
19 ment of the Student Success Act, information
20 on the impact of each program’s graduates on
21 the evidence of student learning, as defined in
22 section 2002(15), of the students that such
23 graduates teach, if that information is available.

24 “(N) The percentage of each program’s
25 graduates who teach in a high-need school.

1 “(O) The percentage of each program’s
2 graduates who are prepared to teach a high-
3 need subject.

4 “(P) The percentage of each program’s
5 graduates who become effective and highly ef-
6 fective teachers or principals as determined by
7 the State.

8 “(Q) The 3-year retention rate of each
9 program’s graduates who become effective and
10 highly effective teachers or principals according
11 to such graduates’ ratings by such system.”.

12 **TITLE III—LANGUAGE INSTRU-**
13 **CTION FOR LIMITED ENGLISH**
14 **PROFICIENT AND IMMIGRANT**
15 **STUDENTS**

16 **SEC. 301. LANGUAGE INSTRUCTION.**

17 Title III (20 U.S.C. 6801 et seq.) is amended—

18 (1) in section 3001—

19 (A) by striking “fiscal year 2002” and in-
20 serting “fiscal year 2016” each place it ap-
21 pears; and

22 (B) in subsection (a)(1), by striking
23 “\$750,000,000” and inserting
24 “1,000,000,000”;

1 (2) by striking “No Child Left Behind Act of
2 2001” and inserting “Student Success Act” each
3 place it appears;

4 (3) in section 3244, by striking “2002 through
5 2008” and inserting “2016 through 2022”;

6 (4) by striking “adequate yearly progress” and
7 inserting “progress” each place it appears;

8 (5) in sections 3102(8)(B), 3113(b)(5)(B), and
9 3116(b)(3)(B), by striking “, as described in section
10 1111(b)(2)(B)”;

11 (6) in section 3122(a)(3)(A)(iii), by striking “as
12 described in section 1111(b)(2)(B)”;

13 (7) by repealing section 3122;

14 (8) in section 3111(b)(2)(D), by striking “an-
15 nual measurable achievement objectives pursuant to
16 section 3122” and inserting “performance targets
17 described in section 1111(c)”;

18 (9) in sections 3113(b), 3116(b), 3121(d)(3),
19 and 3302(b), by striking “annual measurable
20 achievement objectives described in section 3122”
21 and inserting “performance targets described in sec-
22 tion 1111(c)” each place it appears;

23 (10) in section 3122, by striking “annual meas-
24 urable achievement objectives” and inserting “per-
25 formance targets” each place it appears;

1 (11) by striking “section 1111(b)(7)” and in-
2 serting “section 1111(b)(3)(F)” each place it ap-
3 pears; and

4 (12) by striking “section 1111(b)(1)” and in-
5 serting “section 1111(b)(4)” each place it appears.

6 **TITLE IV—21ST CENTURY**
7 **SCHOOLS**

8 **SEC. 401. 21ST CENTURY SCHOOLS.**

9 Title IV (20 U.S.C. 7101 et seq.) is amended to read
10 as follows:

11 “TITLE IV—21ST CENTURY SCHOOLS
12 “PART A—21ST CENTURY COMMUNITY LEARNING
13 CENTERS

14 **“SEC. 4001. PURPOSE.**

15 “The purpose of this part is to provide opportunities
16 for communities to establish or expand activities through
17 learning partnerships that—

18 “(1) provide opportunities for academic enrich-
19 ment, increased academic achievement, and student
20 success in schools by providing students with addi-
21 tional learning time for more expansive, relevant and
22 rigorous learning opportunities, including opportuni-
23 ties to catch students up in their coursework, and
24 help students accelerate their learning;

1 “(2) provide a broad array of additional serv-
2 ices, programs and activities for a well-rounded edu-
3 cation, including youth development activities, music
4 and the arts, outdoor and recreation programs, tech-
5 nology education programs, dual-language programs,
6 character education, and environmental literacy pro-
7 grams that are designed to reinforce and compliment
8 the regular academic program for participating stu-
9 dents;

10 “(3) complement, not replicate, the regular
11 school day, by offering a range of activities that cap-
12 ture student interest and strengthen student engage-
13 ment in learning, promote higher class attendance,
14 improve retention, and reduce the risk for dropout,
15 and actively address the specific learning needs and
16 interests of all types of students, especially those
17 who may benefit from approaches and experiences
18 not offered in the traditional classroom setting;

19 “(4) provide teachers and staff in learning part-
20 nerships with increased opportunities to work col-
21 laboratively, and to participate in professional plan-
22 ning and professional development, within and
23 across grades and subjects to improve teaching and
24 learning;

1 “(5) provide students with safe learning envi-
2 ronments and additional resources to increase stu-
3 dent engagement in school; and

4 “(6) offer families of students served by part-
5 nerships opportunities for literacy development and
6 related educational development.

7 **“SEC. 4002. ALLOTMENT TO STATES.**

8 “(a) RESERVATION.—From the funds appropriated
9 under section 4009 for any fiscal year, the Secretary shall
10 reserve not more than 1 percent for payments to the out-
11 lying areas and the Bureau of Indian Affairs, to be allot-
12 ted in accordance with their respective needs for assistance
13 under this part, as determined by the Secretary, to enable
14 the outlying areas and the Bureau to carry out the pur-
15 pose of this part.

16 “(b) STATE ALLOTMENTS.—

17 “(1) DETERMINATION.—From the funds appro-
18 priated under section 4009 for any fiscal year and
19 remaining after the Secretary makes reservations
20 under subsection (a), the Secretary shall allot to
21 each State for the fiscal year an amount that bears
22 the same relationship to the remainder as the
23 amount the State received under subpart 2 of part
24 A of title I for the preceding fiscal year bears to the
25 amount all States received under that subpart for

1 the preceding fiscal year, except that no State shall
2 receive less than an amount equal to one-half of 1
3 percent of the total amount made available to all
4 States under this subsection.

5 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
6 State does not receive an allotment under this part
7 for a fiscal year, the Secretary shall reallocate the
8 amount of the State’s allotment to the remaining
9 States in accordance with this subsection.

10 **“SEC. 4003. STATE ACTIVITIES.**

11 “(a) IN GENERAL.—A State educational agency may
12 use not more than 5 percent of the amount made available
13 to the State under section 4002(b) for—

14 “(1) the administrative costs of carrying out its
15 responsibilities under this part; and

16 “(2) providing technical assistance as described
17 in subsection (b) to learning partnerships;

18 “(b) TECHNICAL ASSISTANCE.—

19 “(1) IN GENERAL.—The technical assistance
20 described in this paragraph includes the following:

21 “(A) Assisting learning partnerships who
22 are prioritized in section 4005(g) including
23 rural and urban schools by—

24 “(i) informing those learning partner-
25 ships that are prioritized in section

1 4005(g) that they have a priority for com-
2 peting for grants under section 4005;

3 “(ii) providing technical assistance to
4 the learning partnership for the develop-
5 ment of the applications described in sec-
6 tion 4005(b), including assisting the learn-
7 ing partnership in identifying which ele-
8 mentary schools and secondary schools to
9 serve;

10 “(iii) providing technical assistance to
11 the learning partnership if they do not re-
12 ceive a grant under section 4005 so that
13 they may re-compete in following competi-
14 tions;

15 “(B) Assisting each learning partnership
16 that receives an award under section 4005 to
17 plan and implement additional learning time
18 with such funds, including assisting the learn-
19 ing partnership in—

20 “(i) determining how to implement
21 additional learning time in the schools the
22 learning partnership intends to serve based
23 on the results of the needs assessment de-
24 scribed in section 4005(b)(2)(C)(i);

1 “(ii) identifying additional community
2 partners, which may include multicounty
3 public entities, and resources that may be
4 utilized to implement the additional learn-
5 ing time;

6 “(iii) strengthening the existing part-
7 nerships of the learning partnership, iden-
8 tifying appropriate roles for each of the
9 partners in the implementation of addi-
10 tional learning time in schools served by
11 the learning partnership, and ensuring
12 that the partnership is effective in main-
13 taining strong communication, information
14 sharing, and joint planning and implemen-
15 tation;

16 “(C) Identifying best practices for profes-
17 sional development for teachers and staff in
18 learning partnerships receiving funding under
19 this part to implement the authorized activities
20 described in section 4006.

21 “(D) Identifying best practices for using
22 additional learning time to improve academic
23 enrichment, and student academic achievement
24 in schools, and providing technical assistance to
25 the learning partnership in using such best

1 practices to implement and improve additional
2 learning time initiatives.

3 “(E) Providing guidance on how to provide
4 programs that are age appropriate and address
5 the varying needs of students in elementary (in-
6 cluding preschool), middle, and diploma grant-
7 ing schools.

8 “(F) Supporting pay for success initiatives
9 at the State or local level to meet the purposes
10 of this part.

11 “(2) SUBGRANTS FOR TECHNICAL ASSIST-
12 ANCE.—A State educational agency may use a por-
13 tion of the funds described in paragraph (1) to
14 award subgrants to entities including intermediaries,
15 educational service agencies or other public entities
16 with demonstrated expertise in additional learning
17 time capacity building, or evaluation to carry out the
18 technical assistance described in subparagraph (A).

19 **“SEC. 4004. STATE APPLICATION.**

20 “(a) IN GENERAL.—In order to receive an allotment
21 under section 4002(b) for any fiscal year, a State edu-
22 cational agency shall submit to the Secretary, at such time
23 and in such manner as the Secretary may require, an ap-
24 plication that—

1 “(1) designates the State educational agency as
2 the agency responsible for the administration and
3 supervision of programs assisted under this part;

4 “(2) describes how the State educational agency
5 will use funds received under this part, including
6 funds reserved for State-level activities;

7 “(3) contains an assurance that the State edu-
8 cational agency, in making awards under section
9 4005, will give priority to learning partnerships that
10 propose to serve—

11 “(A) students attending schools in need of
12 support and high-priority schools;

13 “(B) schools with a high number or per-
14 centage of students that are eligible for free or
15 reduced price lunch under the Richard B. Rus-
16 sell School Lunch Act (42 U.S.C. 1751 et seq.);

17 “(4) describes the peer review process as de-
18 scribed in section 4005(e) and the selection criteria
19 the State educational agency will use to evaluate ap-
20 plications from, and select, learning partnerships to
21 receive awards under section 4005;

22 “(5) describes the steps the State educational
23 agency will take to ensure that activities and pro-
24 grams carried out by learning partnerships using
25 such awards—

1 “(A) implement evidence-based strategies;
2 and

3 “(B) ensure learning partnerships have the
4 capacity to implement high-quality additional
5 learning time activities that are different from
6 methods which have been proven ineffective
7 during the regular school day;

8 “(6) describes how the State educational agency
9 will use the indicators under section 4007(a)(3) to
10 measure the performance, on an annual basis, of
11 learning partnerships, and

12 “(A) use outcomes from multiple indicators
13 and not rely on one indicator in isolation; and

14 “(B) provide ongoing technical assistance
15 and training and dissemination of promising
16 practices;

17 “(7) provides an assurance that the State edu-
18 cational agency will set up a process to allow learn-
19 ing partnerships who receive an award under section
20 4005 and who operate a proven and effective pro-
21 gram based on the measures of performance de-
22 scribed in paragraph (6) to recompile in their last
23 year of funding for an additional 5-year implementa-
24 tion cycle;

1 “(8) describes how the State educational agency
2 will, to the extent practicable, distribute funds under
3 this part equitably among geographic areas within
4 the State, including urban and rural areas;

5 “(9) includes information identifying the per-
6 pupil funding amount range the State educational
7 agency will use to ensure that awards made under
8 section 4005 are of sufficient size and scope to carry
9 out the purposes of the award,

10 “(10) includes an assurance that in determining
11 award amounts in accordance with paragraph (9),
12 the State educational agency shall take into consid-
13 eration—

14 “(A) diverse geographical areas; and

15 “(B) the quality of activities and programs
16 proposed by learning partnerships applying for
17 such awards;

18 “(11) provides an assurance that the applica-
19 tion will be developed in consultation and coordina-
20 tion with appropriate State officials, including the
21 chief State school officer, and other State agencies
22 administering additional learning time, the heads of
23 the State health and mental health agencies or their
24 designees, teachers, parents, students, the business
25 community, and community-based organizations;

1 “(12) describes how activities and programs
2 carried out by the learning partnerships under this
3 part will be coordinated with programs under this
4 Act, and other programs as appropriate;

5 “(13) describes how the State educational agen-
6 cy will provide a fair and transparent competition
7 for learning partnerships that apply for grant funds
8 under section 4005(b);

9 “(14) provides an assurance that the State edu-
10 cational agency in determining grant awards to
11 learning partnerships will award grants based solely
12 on the quality of the application in relationship to
13 the needs identified by the learning partnership
14 through the needs assessment described in section
15 4005(b)(2)(C)(i); and

16 “(15) provides for timely public notice of intent
17 to file an application and an assurance that the ap-
18 plication will be available for public review after sub-
19 mission.

20 “(b) DEEMED APPROVAL.—An application submitted
21 by a State educational agency pursuant to subsection (a)
22 shall be deemed to be approved by the Secretary unless
23 the Secretary makes a written determination, prior to the
24 expiration of the 120-day period beginning on the date on

1 which the Secretary received the application, that the ap-
2 plication is not in compliance with this part.

3 “(c) DISAPPROVAL.—The Secretary shall not finally
4 disapprove the application, except after giving the State
5 educational agency notice and opportunity for a hearing.

6 “(d) NOTIFICATION.—If the Secretary finds that the
7 application is not in compliance, in whole or in part, with
8 this part, the Secretary shall—

9 “(1) give the State educational agency notice
10 and an opportunity for a hearing; and

11 “(2) notify the State educational agency of the
12 finding of noncompliance, and, in such notification,
13 shall—

14 “(A) cite the specific provisions in the ap-
15 plication that are not in compliance; and

16 “(B) request additional information, only
17 as to the noncompliant provisions, needed to
18 make the application compliant.

19 “(e) RESPONSE.—If the State educational agency re-
20 sponds to the Secretary’s notification described in sub-
21 section (d)(2) during the 45-day period beginning on the
22 date on which the agency received the notification, and
23 resubmits the application with the requested information
24 described in subsection (d)(2)(B), the Secretary shall ap-
25 prove or disapprove such application prior to the later of—

1 “(1) the expiration of the 45-day period begin-
2 ning on the date on which the application is resub-
3 mitted; or

4 “(2) the expiration of the 120-day period de-
5 scribed in subsection (b).

6 “(f) FAILURE TO RESPOND.—If the State edu-
7 cational agency does not respond to the Secretary’s notifi-
8 cation described in subsection (d)(2) during the 45-day pe-
9 riod beginning on the date on which the agency received
10 the notification, such application shall be deemed to be
11 disapproved.

12 **“SEC. 4005. LOCAL COMPETITIVE GRANT PROGRAM.**

13 “(a) IN GENERAL.—Each State that receives an al-
14 lotment under this part shall reserve not less than 95 per-
15 cent of the amount allotted to such State under section
16 4002(b), for each fiscal year for awards to learning part-
17 nerships under this section.

18 “(b) APPLICATION.—

19 “(1) IN GENERAL.—To be eligible to receive an
20 award under this part, a learning partnership shall
21 submit an application to the State educational agen-
22 cy at such time, in such manner, and including such
23 information as the State educational agency may
24 reasonably require.

1 “(2) CONTENTS.—Each application submitted
2 under paragraph (1) shall include the following:

3 “(A) IMPLEMENTATION PLAN.—A descrip-
4 tion of the planning activities that will be con-
5 ducted during the planning phase, if applicable,
6 that shall include a budget for the planning ac-
7 tivities;

8 “(B) ROLES AND RESPONSIBILITIES.—A
9 description of the learning partnership and the
10 roles and responsibilities of each of the partners
11 of the learning partnership.

12 “(C) ADDITIONAL LEARNING TIME ACTIVI-
13 TIES.—A description of—

14 “(i) the activities that will be carried
15 out by the learning partnership during the
16 additional learning time based solely on the
17 learning partnership’s determination of the
18 results of a needs assessment that con-
19 siders—

20 “(I) school-wide needs, including
21 planning time and instructional time
22 for teachers and staff in the learning
23 partnership;

24 “(II) individual student learning
25 needs;

1 “(III) school and student safety;
2 and

3 “(IV) the number of additional
4 hours (during the regular school day
5 or outside of the regular school day,
6 as applicable) needed for supervised
7 student enrichment, determined
8 through school, family, and commu-
9 nity input;

10 “(ii) a description of how the learning
11 partnership will align the activities de-
12 scribed in this subparagraph with—

13 “(I) school improvement plans
14 developed and implemented pursuant
15 to section 1116, if applicable;

16 “(II) academic instruction that
17 occurs during the regular school day
18 at the school proposed to be served by
19 the learning partnership; and

20 “(III) in the case of a learning
21 partnership implementing additional
22 learning time as described in section
23 4008(2)(B), school improvement ef-
24 forts supported by other programs

1 under this Act and other relevant
2 State and local programs;

3 “(iii) the anticipated number of hours
4 of additional learning time the average and
5 highest-need student will receive, based on
6 evidence-based attendance expectations,
7 and how the number of hours are appro-
8 priate based on the needs assessment de-
9 scribed in clause (i) and the requirements
10 of (ii);

11 “(iv) the grade or grade spans (in-
12 cluding preschool) to be served by the
13 learning partnerships using award funds;

14 “(v) how students participating in the
15 activities will travel safely to and from the
16 additional learning time center and home,
17 as applicable; and

18 “(vi) a description of how the learning
19 partnership will ensure that staff employed
20 by the learning partnership will coordinate
21 to develop and implement activities de-
22 scribed in this subparagraph using, in
23 part, the data described in subparagraph
24 (F).

1 “(D) SELECTION OF SCHOOLS.—A descrip-
2 tion of the process, considerations, and criteria
3 the learning partnership will use to select
4 schools to implement additional learning time
5 programs and activities that shall take into ac-
6 count the priorities described in section
7 4005(g);

8 “(E) FACILITY ASSURANCE.—An assur-
9 ance that the activities described in subpara-
10 graph (C) will take place in a safe and easily
11 accessible facility and a description of how the
12 learning partnership will disseminate informa-
13 tion about the facility to the parents and com-
14 munity in a manner that is understandable and
15 accessible;

16 “(F) DATA SHARING.—An assurance that
17 relevant student level data will be shared within
18 the learning partnership consistent with the re-
19 quirements of section 444 of the General Edu-
20 cation Provisions Act so that the activities de-
21 scribed in subparagraph (C)(i) are aligned ac-
22 cording to subparagraph (C)(ii).

23 “(G) PROFESSIONAL DEVELOPMENT AC-
24 TIVITIES.—A description of how the learning
25 partnership will provide professional develop-

1 ment to the staff employed by the learning
2 partnership.

3 “(H) PUBLIC RESOURCES.—An identifica-
4 tion of Federal, State, and local programs that
5 will be combined or coordinated with the addi-
6 tional learning time program to make the most
7 effective use of public resources.

8 “(I) SUPPLEMENT, NOT SUPPLANT.—An
9 assurance that funds under this section will be
10 used to increase the level of State, local, and
11 other non-Federal funds that would, in the ab-
12 sence of funds under this part, be made avail-
13 able for programs and activities authorized
14 under this part, and in no case supplant Fed-
15 eral, State, local, or non-Federal funds;

16 “(J) EXPERIENCE.—A description of past
17 performance and record of effectiveness of the
18 community based organization within the part-
19 nership in providing the activities described in
20 subparagraph (C).

21 “(K) CONTINUATION AFTER FEDERAL
22 FUNDING.—A description of a preliminary plan
23 for how the additional learning time will con-
24 tinue when funding under this part ends.

1 “(L) CAPACITY.—An assurance that the
2 learning partnership has the capacity to collect
3 the data relevant to the indicators described
4 under section 4007(a)(3).

5 “(M) NOTICE OF INTENT.—An assurance
6 that the community of the learning partnership
7 will be given notice of an intent to submit an
8 application and that the application and any
9 waiver request will be available for public review
10 after submission of the application.

11 “(N) OTHER INFORMATION AND ASSUR-
12 ANCES.—Such other information and assur-
13 ances as the State educational agency may rea-
14 sonably require.

15 “(c) APPROVAL OF CERTAIN APPLICATIONS.—The
16 State educational agency may approve an application
17 under this section for a program to be located in a facility
18 other than an elementary school or secondary school only
19 if the program will be at least as available and accessible
20 to the students to be served as if the program were located
21 in an elementary school or secondary school.

22 “(d) NON-FEDERAL MATCH.—

23 “(1) IN GENERAL.—A State educational agency
24 shall require a learning partnership to match funds
25 awarded under this part, except that such match

1 may not exceed the amount of the grant award and
2 may not be derived from other Federal funds.

3 “(2) SLIDING SCALE.—The amount of a match
4 under paragraph (1) shall be established based on a
5 sliding fee scale that takes into account—

6 “(A) the relative poverty of the population
7 to be targeted by the learning partnership; and

8 “(B) the ability of the learning partnership
9 to obtain such matching funds.

10 “(3) IN-KIND CONTRIBUTIONS.—Each State
11 educational agency shall permit the community-
12 learning partnership to provide all or any portion of
13 such match in the form of in-kind contributions.

14 “(e) PEER REVIEW.—In reviewing local applications
15 under this section, a State educational agency shall use
16 a peer review process or other methods of assuring the
17 quality of such applications.

18 “(f) DURATION OF AWARDS.—Grants under this sec-
19 tion may be awarded for a period of 5 years. Learning
20 partnerships that receive funding under this section and
21 who operate a proven and effective program based on the
22 measures of performance established in section 4004(a)(6)
23 shall be allowed to recompile in their last year of funding
24 for an additional 5 year grant.

1 “(g) PRIORITY.—In awarding grants under this part,
2 a State educational agency shall give priority to applica-
3 tions proposing to target services to—

4 “(1) students (including preschool students)
5 who attend schools in need of support and high-pri-
6 ority schools; and

7 “(2) learning partnerships that propose to serve
8 schools with a high percentage or number of stu-
9 dents that are eligible for free and reduced price
10 lunch under the Richard B. Russell National School
11 Lunch Act (42 U.S.C. 1751 et seq.);

12 **“SEC. 4006. LOCAL ACTIVITIES.**

13 “(a) AUTHORIZED ACTIVITIES.—

14 “(1) IN GENERAL.—Each learning partnership
15 that receives an award under section 4005 shall use
16 the award funds to implement additional learning
17 time activities that are consistent with section
18 4005(b)(2).

19 “(2) PLANNING PERIOD.—Each learning part-
20 nership may use funds under this section for a plan-
21 ning period of not longer than 6 months to develop
22 an implementation plan described in section
23 4005(b)(2)(A) to carry out the additional learning
24 time activities, or up to one school year to develop
25 an extended school day, week, or year.

1 **“SEC. 4007. REPORTING.**

2 “(a) REPORT BY LEARNING PARTNERSHIPS.—Each
3 learning partnership shall, not later than 1 year after the
4 first day of the first school year in which the additional
5 learning time is implemented, prepare and submit to the
6 State educational agency a report—

7 “(1) containing a detailed description of the ad-
8 ditional learning time activities that were carried out
9 under this part;

10 “(2) with respect to each school served by the
11 partnership—

12 “(A) on the actual expenses associated
13 with, carrying out the additional learning time
14 programs and activities in the first school year;
15 and

16 “(B) a description of how the additional
17 learning time programs and activities were im-
18 plemented and whether such programs and ac-
19 tivities were carried out during non-school
20 hours or periods when school is not in session
21 or added to expand the school day, school week,
22 or school year schedule; and

23 “(3) containing measures of performance, ag-
24 gregated and disaggregated, on the following indica-
25 tors—

1 “(A) student academic achievement as
2 measured by—

3 “(i) high-quality State academic as-
4 sessments; and

5 “(ii) student growth in accordance
6 with student growth standards;

7 “(B) for diploma granting schools served
8 by the learning partnerships, graduation rates;

9 “(C) student attendance, reported sepa-
10 rately for in-school attendance and attendance
11 at the nonschool time programs, if applicable;

12 “(D) performance on a set of comprehen-
13 sive school performance indicators that may in-
14 clude—

15 “(i) as appropriate, rate of earned on-
16 time promotion from grade-to-grade;

17 “(ii) for high schools served by the
18 learning partnerships, the percentage of
19 students taking a college preparatory cur-
20 rriculum, or student rates of enrollment,
21 persistence, and attainment of an associate
22 or baccalaureate degree;

23 “(iii) the percentage of student sus-
24 pensions and expulsions;

1 “(iv) indicators of school readiness for
2 entering kindergartners;

3 “(v) evidence of increased parent and
4 family engagement and support for chil-
5 dren’s learning;

6 “(vi) evidence of increased student en-
7 gagement in school, which may include
8 completing of assignments and coming to
9 class prepared;

10 “(vii) evidence of mastery of non-aca-
11 demic skills which may include problem
12 solving, learning to work in teams, and so-
13 cial and civic responsibility;

14 “(viii) improved personal attitude,
15 which may include initiative, self-con-
16 fidence, self-esteem and sense of self-effi-
17 cacy; and

18 “(ix) development of social skills,
19 which may include behavior, communica-
20 tion, relationships with peers and adults.

21 “(b) REPORT BY STATE EDUCATIONAL AGENCY.—
22 A State Educational Agency that receives funds under this
23 part shall annually prepare and submit to the Secretary
24 a report that contains all reports submitted by learning

1 partnerships under the jurisdiction of the agency, aggre-
2 gated and disaggregated, provided under subsection (a).

3 “(c) PUBLICATION AND AVAILABILITY OF THE RE-
4 PORT.—The Secretary shall publish and make widely
5 available to the public, including through a website or
6 other means, a summary of the reports received under
7 subsection (b).

8 **“SEC. 4008. DEFINITIONS.**

9 “In this part:

10 “(1) LEARNING PARTNERSHIP.—The term
11 ‘learning partnership’ means—

12 “(A) a local educational agency, a consor-
13 tium of local educational agencies, or an edu-
14 cational service agency and one or more local
15 educational agencies, in a partnership with 1 or
16 more community-based organizations or other
17 public or private entities; or

18 “(B) a community-based organization, or
19 other public or private entity, in a partnership
20 with a local educational agency, a consortium of
21 local educational agencies, or an educational
22 service agency and one or more local edu-
23 cational agencies.

24 “(2) ADDITIONAL LEARNING TIME.—The term
25 ‘additional learning time’ means—

1 “(A) time added during non-school hours
2 or periods when school is not in session, such
3 as before or after school or during summer re-
4 cess for activities that—

5 “(i) provide opportunities for student
6 academic enrichment, including hands-on,
7 experiential and project-based learning op-
8 portunities for subjects including English,
9 reading or language arts, mathematics,
10 science, foreign languages, civics and gov-
11 ernment, economics, arts, history, geog-
12 raphy, health education, physical edu-
13 cation, environmental literacy, and activi-
14 ties such as tutoring and service learning
15 that—

16 “(I) assist students in meeting
17 State and local academic achievement
18 standards in core academic subjects,

19 “(II) use evidence-based skill
20 training approaches and active forms
21 of learning to promote healthy devel-
22 opment, and engage students in learn-
23 ing;

1 “(III) align and coordinate with
2 the regular school day and school year
3 curriculum;

4 “(IV) align to school improve-
5 ment plans developed pursuant to sec-
6 tion 1116, as applicable; and

7 “(V) align to the learning needs
8 of individual students at the school
9 served by the learning partnership;

10 “(ii) provide students with opportuni-
11 ties for personal and social development;

12 “(iii) serve the learning needs and in-
13 terests of all students, including those who
14 already meet or exceed student academic
15 achievement standards as measured by
16 high-quality State academic assessments,
17 and especially those who may not be
18 achieving at grade level in the traditional
19 classroom setting;

20 “(iv) are developmentally and age ap-
21 propriate; and

22 “(v) involve a broad group of stake-
23 holders (including educators, parents, stu-
24 dents, and community partners) in car-
25 rying out additional learning time pro-

1 grams and activities described in this sub-
2 paragraph; or

3 “(B) time added to expand the school day,
4 school week, or school year schedule, that—

5 “(i) increases the total number of
6 school hours for the school year at a school
7 based on evidence supporting the amount
8 of additional learning time needed to
9 achieve the objectives described in clause
10 (ii);

11 “(ii) is used to redesign the school’s
12 program and schedule—

13 “(I) to support innovation in
14 teaching, in order to improve the aca-
15 demic achievement of students aligned
16 to the school improvement plan, if ap-
17 plicable, especially those students who
18 may not be achieving at grade level, in
19 reading or language arts, mathe-
20 matics, science, history and civics, and
21 other core academic subjects;

22 “(II) to improve the performance
23 of all students, including those stu-
24 dents who are struggling to meet col-
25 lege and career ready standards or

1 State early learning standards, as ap-
2 propriate, and those students who al-
3 ready meet or exceed college and ca-
4 reer ready standards as measured by
5 high-quality State academic assess-
6 ments;

7 “(III) for additional subjects and
8 enrichment activities that reflect stu-
9 dent interest, connect to effective
10 community partners, and contribute
11 to a well-rounded education, which
12 may include music and the arts,
13 health education, physical education,
14 service learning, and experiential and
15 work-based learning opportunities
16 (such as community service, learning
17 apprenticeships, internships, and job
18 shadowing);

19 “(IV) to advance student learn-
20 ing by providing a learning environ-
21 ment and supporting learning activi-
22 ties that engage students, develop so-
23 cial skills, and cultivate positive per-
24 sonal attitude; and

1 “(V) for teachers and staff in
2 learning partnerships to collaborate,
3 and plan, within and across grades
4 and subjects;

5 “(iii) provides school-wide services
6 that are—

7 “(I) aligned to school improve-
8 ment plans developed pursuant to sec-
9 tion 1116, as applicable; and

10 “(II) aligned to individual stu-
11 dent achievement needs as identified
12 by the school-site staff at the school
13 served by the community-learning
14 partnership; and

15 “(iv) involve a broad group of stake-
16 holders (including educators, parents, stu-
17 dents and community partners) in plan-
18 ning and carrying out additional learning
19 time programs and activities described in
20 this subparagraph.

21 “(3) ENVIRONMENTAL LITERACY.—The term
22 ‘environmental literacy’ means a fundamental under-
23 standing of ecological principles, the systems of the
24 natural world, and the relationships and interactions
25 between natural and man made environments.

1 **“SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part \$1,200,000,000 for fiscal year 2016 and such
4 sums as may be necessary for each succeeding fiscal year.

5 “PART B—GRANTS TO SUPPORT STUDENT SAFETY,
6 HEALTH, AND SUCCESS

7 **“SEC. 4201. PURPOSE.**

8 “The purposes of this part are—

9 “(1) to support local educational agencies and
10 schools in providing comprehensive systems of learn-
11 ing supports to students and their families so that
12 students receive their education in safe environments
13 and graduate from school college and career ready;

14 “(2) to enhance the ability of local educational
15 agencies and schools to leverage resources within
16 schools and within communities to improve instruc-
17 tion, strengthen programs, and identify gaps in ex-
18 isting programs for students;

19 “(3) to ensure the academic, behavioral, emo-
20 tional, health, mental health, and social needs of all
21 students, including students from low income fami-
22 lies, students with disabilities, English learners, and
23 youth who are involved in or who are identified by
24 evidence-based risk assessment methods as being at
25 high risk of becoming involved in juvenile delin-
26 quency or criminal street gangs;

1 “(4) to support programs and activities that
2 prevent and respond to violence in and around
3 schools (including bullying, harassment, and mass
4 casualty events), that prevent the illegal use of alco-
5 hol, tobacco, and drugs by students, and provide re-
6 sources and training to foster a safe and drug-free
7 learning environment to support student academic
8 achievement; and

9 “(5) to enhance partnerships between schools,
10 parents, and communities, and better support family
11 and community engagement in education.

12 **“SEC. 4202. RESERVATIONS AND ALLOTMENTS.**

13 “(a) IN GENERAL.—From the amount made avail-
14 able under section 4210 to carry out this part for each
15 fiscal year, the Secretary—

16 “(1) shall reserve 1 percent of such amount for
17 grants to the outlying areas to be allotted in accord-
18 ance with the Secretary’s determination of their re-
19 spective needs and to carry out programs described
20 in this part; and

21 “(2) shall reserve 1 percent of such amount for
22 the Secretary of the Interior to carry out programs
23 described in this part for Indian youth.

1 “(b) STATE ALLOTMENTS.—Except as provided in
2 subsection (a), the Secretary shall, for each fiscal year,
3 allot among the States—

4 “(1) one-half of the remainder not reserved
5 under subsection (a) according to the ratio between
6 the school-aged population of each State and the
7 school-aged population of all the States; and

8 “(2) one-half of such remainder according to
9 the ratio between the amount each State received
10 under section 1124A for the preceding year and the
11 sum of such amounts received by all the States.

12 “(c) MINIMUM.—For any fiscal year, no State shall
13 be allotted under this subsection an amount that is less
14 than one-half of 1 percent of the total amount allotted
15 to all the States under this subsection.

16 “(d) REALLOTMENT OF UNUSED FUNDS.—

17 “(1) REALLOTMENT FOR FAILURE TO APPLY.—
18 If any State does not apply for an allotment under
19 this part for a fiscal year, the Secretary shall reallocate
20 the amount of the State’s allotment to the remaining
21 States in accordance with this section.

22 “(2) REALLOTMENT OF UNUSED FUNDS.—The
23 Secretary may reallocate any amount of any allotment
24 to a State if the Secretary determines that the State
25 will be unable to use such amount within 2 years of

1 such allotment. Such reallocations shall be made on
2 the same basis as allotments are made under sub-
3 section (b).

4 **“SEC. 4203. STATE APPLICATIONS.**

5 “(a) APPLICATION.—To receive a grant under this
6 part, a State educational agency shall submit to the Sec-
7 retary an application at such time and in such manner
8 as the Secretary may require, and containing the informa-
9 tion described in subsection (b).

10 “(b) CONTENTS.—Each application submitted under
11 subsection (a) shall include the following:

12 “(1) An assurance that the State educational
13 agency will review existing resources and programs
14 across the State and coordinate any new plans and
15 resources under this part with such existing pro-
16 grams and resources.

17 “(2) A description of how the State educational
18 agency will identify and eliminate State barriers to
19 the coordination and integration of programs, initia-
20 tives, and funding streams so that local educational
21 agencies can provide comprehensive continuums of
22 learning supports.

23 “(3) A description of the State educational
24 agency’s comprehensive school safety plan, which
25 shall address bullying and harassment, provide for

1 evidence-based and promising practices related to ju-
2 venile delinquency and criminal street gang activity
3 prevention and intervention, address school-spon-
4 sored, off-premises, overnight field trips, disaster
5 preparedness, and crisis and emergency manage-
6 ment; and any other issues determined necessary by
7 the State educational agency (existing plans may be
8 used to satisfy the requirements of this section if
9 such existing plans include the information required
10 by this section, or can be modified to do so, and are
11 submitted to the Secretary with such modifications)
12 which—

13 “(A) shall be submitted to the Secretary
14 not later than 1 year after the enactment of the
15 Student Success Act;

16 “(B) shall be developed in consultation
17 with public safety and community partners, in-
18 cluding police, fire, emergency medical services,
19 emergency management agencies, parents, and
20 other such organizations;

21 “(C) shall be made available to the public
22 in a manner that is understandable and acces-
23 sible; and

24 “(D) the State educational agency shall re-
25 quire all local educational agencies to adopt the

1 plan within 1 year of approval (existing plans
2 may be used to satisfy the requirements of this
3 section if such existing plans are approved by
4 the State educational agency and include the in-
5 formation required by this section, or can be
6 modified to do so).

7 “(4) A description of how grant funds will be
8 used to identify best practices for professional devel-
9 opment for sustainable comprehensive program de-
10 velopment.

11 “(5) A description of how the State educational
12 agency will monitor the implementation of activities
13 under this part, and provide technical assistance to
14 local eligible entities.

15 “(6) A description of how the State educational
16 agency will ensure subgrants to eligible entities will
17 facilitate school-community planning and effective
18 service coordination, integration, and provision at
19 the local level to achieve high performance standards
20 based on the system developed in paragraph (7).

21 “(7) A description of how the State educational
22 agency will develop a system for reporting and meas-
23 uring eligible entity performance, and assist eligible
24 entities in developing and implementing systems for

1 measuring performance based on the indicators in
2 section 4208(a)(3).

3 “(8) An assurance that the State educational
4 agency will set up a process to allow local eligible en-
5 tities who receive an award under section 4206 and
6 who operate a proven and effective program based
7 on the measures of performance described in para-
8 graph (7) to recompete in their last year of funding
9 for an additional 5-year cycle.

10 “(9) A description of the steps the State edu-
11 cational agency will take to ensure that activities
12 and programs carried out by local eligible entities
13 will implement evidence based strategies.

14 “(10) A description of how the number of youth
15 involved in juvenile delinquency and criminal justice
16 systems will not increase as a results of activities
17 funded under this grant.

18 “(c) APPROVAL PROCESS.—

19 “(1) DEEMED APPROVAL.—An application sub-
20 mitted by a State pursuant to this section shall un-
21 dergo peer review by the Secretary and shall be
22 deemed to be approved by the Secretary unless the
23 Secretary makes a written determination, prior to
24 the expiration of the 120-day period beginning on
25 the date on which the Secretary received the applica-

1 tion, that the application is not in compliance with
2 this subpart.

3 “(2) DISAPPROVAL.—The Secretary shall not
4 finally disapprove the application, except after giving
5 the State educational agency and the chief executive
6 officer of the State notice and an opportunity for a
7 hearing.

8 “(3) NOTIFICATION.—If the Secretary finds
9 that the application is not in compliance, in whole or
10 in part, with this subpart, the Secretary shall—

11 “(A) give the State educational agency and
12 the chief executive officer of the State notice
13 and an opportunity for a hearing; and

14 “(B) notify the State educational agency
15 and the chief executive officer of the State of
16 the finding of noncompliance, and in such noti-
17 fication, shall—

18 “(i) cite the specific provisions in the
19 application that are not in compliance; and

20 “(ii) request additional information,
21 only as to the noncompliant provisions,
22 needed to make the application compliant.

23 “(4) RESPONSE.—If the State educational
24 agency and the chief executive officer of the State
25 respond to the Secretary’s notification described in

1 paragraph (3)(B) during the 45-day period begin-
2 ning on the date on which the agency received the
3 notification, and resubmit the application with the
4 requested information described in paragraph
5 (3)(B)(ii), the Secretary shall approve or disapprove
6 such application prior to the later of—

7 “(A) the expiration of the 45-day period
8 beginning on the date on which the application
9 is resubmitted; or

10 “(B) the expiration of the 120-day period
11 described in paragraph (1).

12 “(5) FAILURE TO RESPOND.—If the State edu-
13 cational agency and the chief executive officer of the
14 State do not respond to the Secretary’s notification
15 described in paragraph (3)(B) during the 45-day pe-
16 riod beginning on the date on which the agency re-
17 ceived the notification, such application shall be
18 deemed to be disapproved.

19 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to prohibit local educational agen-
21 cies or individual schools from incorporating additional
22 elements to the State-developed comprehensive school
23 safety plan to improve student and school safety reflective
24 of the individual agency or school community.

1 **“SEC. 4204. STATE USE OF FUNDS.**

2 “(a) 95 PERCENT OF FUNDS.—Each State edu-
3 cational agency that receives a grant under this part shall
4 reserve not less than 95 percent of the grant amount, for
5 each fiscal year to award subgrants to local eligible entities
6 in accordance with section 4206.

7 “(b) 5 PERCENT OF FUNDS.—A State educational
8 agency shall use not more than 5 percent, of which not
9 more than 1 percent may be used for administration of
10 a grant received under this subpart or may subgrant a
11 portion of such funds to educational service agencies, or
12 other public entities with demonstrated expertise to carry
13 out the following activities:

14 “(1) Identify and eliminate State barriers to
15 the coordination and integration of programs, initia-
16 tives, and funding streams so that local educational
17 agencies can provide comprehensive continuums of
18 learning supports.

19 “(2) Assist local eligible entities who are
20 prioritized in section 4205(b) including those eligible
21 entities that plan to serve rural and urban schools
22 by—

23 “(A) informing those local eligible entities
24 that they have a priority for competing for
25 grants;

1 “(B) providing technical assistance to the
2 local eligible entities for the development of the
3 applications described in section 4206;

4 “(C) providing technical assistance to the
5 local eligible entities if they do not receive a
6 grant under section 4206 so that they may re-
7 compete in following competitions;

8 “(3) Identify best practices for professional de-
9 velopment and capacity building for local educational
10 agencies for the delivery of a comprehensive system
11 of learning supports for teachers, administrators,
12 and specialized instructional support personnel in
13 schools that are served by the eligible entity receiv-
14 ing funding under this part to implement the au-
15 thorized activities described in section 4207.

16 “(4) Reporting and evaluation activities.

17 **“SEC. 4205. GENERAL SUBGRANT REQUIREMENTS.**

18 “(a) IN GENERAL.—A State educational agency shall
19 use grant funds received under this part to award sub-
20 grants to eligible entities.

21 “(b) ABSOLUTE PRIORITY.—In awarding subgrants
22 to local eligible entities, the State educational agency shall
23 give priority to—

24 “(1) local eligible entities that propose to serve
25 a high percentage or number of students that are el-

1 eligible for free or reduced price lunch under the Rich-
2 ard B. Russell National School Lunch Act (42
3 U.S.C. 1751 et seq.); and

4 “(2) local eligible entities proposing to serve
5 students who attend schools in need of support and
6 high-priority schools;

7 “(c) COMPETITIVE PRIORITY.—In awarding sub-
8 grants to local eligible entities, the State educational agen-
9 cy shall give competitive priority to—

10 “(1) in the case of local eligible entities that in-
11 tend to implement programs described in section
12 4207(2)(A), local eligible entities that serve schools
13 that implement, or have plans to implement discipli-
14 nary policies that are research based and focus on
15 multi-tiered systems of support; and

16 “(2) in the case of eligible entities that intend
17 to implement programs described in section
18 4207(2)((C), eligible entities proposing to serve geo-
19 graphic areas most in need of these services and
20 that commit to working with local Promise Coordi-
21 nating Councils.

22 “(d) DURATION OF SUBGRANT.—A State educational
23 agency shall award under this part subgrants to eligible
24 local entities for 5 years.

25 “(e) RENEWAL.—

1 “(1) IN GENERAL.—A State educational agency
2 may renew a subgrant awarded under this part for
3 a period of 5 years.

4 “(2) RENEWAL APPLICATION.—To renew a
5 subgrant, an eligible entity shall submit an applica-
6 tion to the Secretary every 5 years as long as the
7 eligible entity can demonstrate that they operate a
8 proven and effective program based on performance
9 on the indicators in section 4208(a)(3).

10 **“SEC. 4206. LOCAL ELIGIBLE ENTITY APPLICATION.**

11 “(a) IN GENERAL.—A local eligible entity that seeks
12 a grant under this part shall submit an application to the
13 State at such time, in such manner, and containing such
14 information as the State may require, including the infor-
15 mation described in subsection (b).

16 “(b) CONTENTS.—An application submitted under
17 subsection (a) shall include the following:

18 “(1) The results of a comprehensive needs as-
19 sessment (which shall include incident data, and
20 teacher, parent, or community surveys) and assets
21 assessment which shall include a comprehensive
22 analysis of the following—

23 “(A) the safety of the schools served by the
24 local eligible entity (which shall include a com-
25 prehensive analysis of incidents and prevalence

1 of bullying and harassment at schools served by
2 the local eligible entity);

3 “(B) the incidence and prevalence of drug,
4 alcohol and substance abuse at schools served
5 by the local eligible entity;

6 “(C) the needs of youth in the community
7 with respect to evidence-based and promising
8 practices related to juvenile delinquency and
9 criminal street gang activity prevention and
10 intervention, including an assessment of the
11 number of youth who are involved or at-risk of
12 involvement in juvenile delinquency and crimi-
13 nal street gang activity and the number of
14 chronically truant youth;

15 “(D) the number of specialized instruc-
16 tional support personnel employed by schools
17 served by the local eligible entity and the serv-
18 ices provided by those personnel;

19 “(E) the prevalence of student health (in-
20 cluding mental health, physical fitness, and nu-
21 trition) needs at schools served by the local eli-
22 gible entity;

23 “(F) existing programs and services in-
24 tended to provide a comprehensive system of
25 support within schools served by local eligible

1 entities, including the support of school govern-
2 ance and leadership for the programs and serv-
3 ices;

4 “(G) resources available in the community,
5 including public agencies and nonprofit organi-
6 zations, that could be leveraged by schools
7 served by the local eligible entity to create com-
8 prehensive systems of support within the
9 schools;

10 “(H) school discipline data including in-
11 school suspensions, out-of-school suspensions,
12 expulsion, school-based arrests, referrals to law
13 enforcement, and referrals to alternative
14 schools; and

15 “(I) additional needs identified by the local
16 eligible entity.

17 “(2) A description of the methodology used in
18 conducting the needs assessment described in (1);

19 “(3) A description of the plan to implement
20 grant funds (taking into account the cultural and
21 linguistic needs of the community) which shall in-
22 clude the following components:

23 “(A) A description of the services (taking
24 into account the cultural and linguistic needs of
25 the community) that will be provided by the

1 local eligible entity which shall include preven-
2 tion, intervention, and systematic efforts to ad-
3 dress student learning needs as identified and
4 prioritized by the needs assessment in para-
5 graph (1).

6 “(B) A description of how existing re-
7 sources, services, and programs will be coordi-
8 nated and integrated with new resources, serv-
9 ices, and programs to create a comprehensive
10 system of learning supports that is aligned with
11 school improvement plans required under sec-
12 tion 1116, as applicable.

13 “(C) A description of the partners within
14 the eligible entity and their roles as they relate
15 to the implementation of the comprehensive sys-
16 tem of learning supports that will be imple-
17 mented to address the needs outlined in the
18 needs and assets assessment described in sub-
19 section (b)(1).

20 “(D) A description of how the grant will be
21 used to enhance administrator’s, teacher’s, and
22 specialized instructional support personnel’s
23 identification and response to student learning
24 needs for providing learning supports through
25 professional development, and how school ca-

1 capacity will be enhanced to handle problems fac-
2 ing students such as those identified in the
3 needs assessment.

4 “(E) A description of how the eligible enti-
5 ty will identify the financial savings from de-
6 ferred or eliminated costs, or other benefits as
7 a result of the programs or activities imple-
8 mented by the eligible entities (in the case of an
9 eligible entity who implements programs de-
10 scribed in section 4207(2)(C), a comparative
11 analysis of potential savings from criminal jus-
12 tice costs, public assistance costs, and other
13 costs avoided by such programs).

14 “(F) A description of how the local eligible
15 entity will measure performance based on the
16 indicators described in section 4208(a)(3).

17 “(G) A description of the process for peri-
18 odically reviewing the needs of students and as-
19 sets within the school and community, and in-
20 volving more community partners as applicable,
21 and how data on performance on the indicators
22 described in section 4208(a)(3) will be used to
23 provide feedback on progress, and institu-
24 tionalize support mechanisms to maintain and

1 continually improve activities including when
2 grant funds end.

3 “(c) SPECIAL RULE.—A local eligible entity may
4 use—

5 “(1) an existing needs assessment to satisfy the
6 requirements of subsection (b)(1), if the assessment
7 includes the information required by such sub-
8 section, or can be modified to do so; and

9 “(2) an existing plan to satisfy the require-
10 ments of subsection (b)(3), if the plan meets the re-
11 quirements of such subsection and is approved by
12 the State educational agency.

13 **“SEC. 4207. LOCAL ELIGIBLE ENTITY USE OF FUNDS.**

14 “A local eligible entity that receives a subgrant under
15 this part shall use such funds to carry out the following
16 activities:

17 “(1) Implement a comprehensive plan as de-
18 scribed in section 4206(b)(3).

19 “(2) Programs and activities that address the
20 needs of the schools served by the eligible entity as
21 identified by the needs and assets assessment in sec-
22 tion 4206(b)(1), which may include—

23 “(A) violence prevention programs, includ-
24 ing—

1 “(i) programs to provide safe passage
2 to and from school;

3 “(ii) programs to prevent and appro-
4 priately respond to incidents of bullying
5 and harassment (including professional de-
6 velopment for teachers and other school
7 personnel);

8 “(iii) programs that promote positive
9 school environments for learning and re-
10 duce the need for suspensions, expulsions,
11 referral to law enforcement, and other
12 practices that remove students from in-
13 struction;

14 “(iv) conflict resolution and restora-
15 tive practice and mediation programs;

16 “(v) activities that involve families,
17 community sectors (which may include ap-
18 propriately trained seniors) and a variety
19 of providers in setting clear expectations
20 against violence and appropriate con-
21 sequences of violence;

22 “(vi) professional development and
23 training for, and involvement of, school
24 personnel, specialized instructional per-
25 sonnel, parents, and interested community

1 members in prevention, education, early
2 identification and intervention, mentoring,
3 or rehabilitation referral, as related to vio-
4 lence prevention;

5 “(vii) reporting criminal offenses com-
6 mitted on school property;

7 “(viii) emergency intervention services
8 following traumatic crisis events, such as a
9 shooting, a mass casualty event, or a major
10 accident that has disrupted the learning
11 environment;

12 “(ix) establishing and maintaining a
13 school safety hotline;

14 “(x) programs to train school per-
15 sonnel to identify warning signs of youth
16 suicide and to create an action plan to help
17 youth at risk of suicide; or

18 “(xi) programs that respond to the
19 needs of students who are faced with do-
20 mestic violence or child abuse;

21 “(B) drug and alcohol abuse prevention
22 programs, including—

23 “(i) age appropriate and develop-
24 mentally based activities that—

1 “(I) address the consequences of
2 violence and illegal use of drugs, as
3 appropriate;

4 “(II) promote a sense of indi-
5 vidual responsibility and teach stu-
6 dents that most people do not illegally
7 use drugs;

8 “(III) teach students to recognize
9 social and peer pressure to use drugs
10 illegally and the skills for resisting il-
11 legal drug use; and

12 “(IV) teach students about the
13 dangers of emerging drugs;

14 “(ii) activities that involve families,
15 community sectors (which may include ap-
16 propriately trained seniors) and a variety
17 of providers in setting clear expectations
18 against illegal use of drugs and appro-
19 priate consequences for illegal use of
20 drugs;

21 “(iii) dissemination of drug prevention
22 information to schools and communities;

23 “(iv) professional development and
24 training for, and involvement of, school
25 personnel, specialized instructional support

1 personnel, parents, and interested commu-
2 nity members in prevention, education,
3 early identification and intervention, men-
4 toring, or rehabilitation referral, as related
5 to drug prevention; or

6 “(v) community wide planning and or-
7 ganizing to reduce illegal drug use;

8 “(C) evidence-based and promising prac-
9 tices related to juvenile delinquency and crimi-
10 nal street gang activity prevention and interven-
11 tion for youth who are involved in, or at risk of
12 involvement in, juvenile delinquency or street
13 gang activity (that shall involve multiple com-
14 munity partners within the local eligible entity
15 through coordination with a local Promise Co-
16 ordinating Council);

17 “(D) recruiting, hiring, and maintaining
18 specialized instructional support personnel or
19 providing additional specialized instructional
20 support services, including comprehensive ca-
21 reer counseling, with priority given to the high-
22 est need schools to be served by the eligible en-
23 tity;

24 “(E) implementing multi-tiered systems of
25 support including positive behavior supports;

- 1 “(F) support services to address the behav-
2 ioral, emotional, physical health, mental health
3 and social needs of students, including—
- 4 “(i) social and emotional learning pro-
5 grams;
- 6 “(ii) mentoring programs;
- 7 “(iii) physical fitness, health edu-
8 cation, and nutrition education programs;
- 9 “(iv) trauma-informed practices;
- 10 “(v) programs to meet the unique
11 needs of students with active-duty military
12 and recently discharged veteran parents;
13 and
- 14 “(vi) programs to purchase and train
15 personnel to use automated external
16 defibrillators and hemorrhage control kits;
- 17 “(G) services and programs to support
18 education of pregnant and parenting teens;
- 19 “(H) programs that enable schools to pre-
20 pare for, respond to, and recover from disas-
21 ters, crises and emergencies that threaten safe-
22 ty or disrupt teaching and learning, including
23 programs to purchase and train personnel to
24 use automated external defibrillators and hem-
25 orrhage control kits; or

1 “(I) other services consistent with this sec-
2 tion.

3 **“SEC. 4208. ACCOUNTABILITY AND TRANSPARENCY.**

4 “(a) LOCAL ACCOUNTABILITY AND TRANS-
5 PARENCY.—On an annual basis, each local eligible entity
6 shall report to the public and the State such information
7 as the State may reasonably require, including—

8 “(1) the number of students, aggregated and
9 disaggregated by subgroup as described in section
10 1111(e)(3)(A) who were served by the programs and
11 activities in this part;

12 “(2) the programs and services provided under
13 this Act;

14 “(3) outcomes resulting from activities and
15 services funded under this part, aggregated and
16 disaggregated by subgroup as described in section
17 1111(e)(3)(A) on the following indicators—

18 “(A) student academic achievement as
19 measured by State academic assessments and
20 student growth over time;

21 “(B) for diploma granting schools, gradua-
22 tion rates;

23 “(C) student attendance;

24 “(D) suspensions and expulsions;

1 “(E) performance on a set of other indica-
2 tors that shall be based on the activities and
3 services implemented based on the results of the
4 needs assessment described in section
5 4206(b)(1) and may include—

6 “(i) the frequency, seriousness, and
7 incidence of violence, including bullying
8 and harassment, and drug related offenses
9 resulting in suspensions and expulsions;

10 “(ii) the incidence and prevalence, age
11 of onset, perception of health risk, and per-
12 ception of social disapproval of drug use
13 and violence by youth in schools and com-
14 munities;

15 “(iii) the safety of passage to and
16 from school;

17 “(iv) as appropriate, rate of earned
18 on-time promotion from grade to grade;

19 “(v) for diploma granting schools, the
20 percentage of students taking a college
21 preparatory curriculum, or student rates of
22 enrollment, persistence, and attainment of
23 an associate or baccalaureate degree;

24 “(vi) academic and developmental
25 transitions, including from elementary to

1 middle school and middle school to high
2 school;

3 “(vii) referrals to school resource per-
4 sonnel;

5 “(viii) evidence of increased parent
6 and family engagement and support for
7 children’s learning;

8 “(ix) evidence of increased student en-
9 gagement in school, which may include
10 completing of assignments and coming to
11 class prepared and on-time;

12 “(x) student health, including mental
13 health and the amelioration of risk factors;
14 and

15 “(F) other outcome areas as determined by
16 the State educational agency.

17 “(b) STATE ACCOUNTABILITY AND TRANS-
18 PARENCY.—On an annual basis, each State educational
19 agency that receives funds under this part shall annually
20 prepare and submit to the Secretary a report that contains
21 all reports submitted by local eligible entities under the
22 jurisdiction of the agency provided under (a).

23 “(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds
24 provided under this part shall be used to supplement, and
25 not supplant, other Federal, State, or local funds that

1 would, in the absence of such grant funds, be made avail-
2 able for comprehensive systems of learning supports and
3 students participating in programs under this part.

4 “(d) PUBLICATION AND AVAILABILITY OF RE-
5 PORT.—The Secretary shall publish and make widely
6 available to the public, including through a website or
7 other means, a summary of the reports received under (b).

8 **“SEC. 4209. DEFINITIONS.**

9 “(a) For purposes of this part—

10 “(1) INCIDENT DATA.—The term ‘incident
11 data’ means data from incident reports by school of-
12 ficials including, but not limited to, truancy rates;
13 the frequency, seriousness, and incidence of violence
14 and drug-related offenses resulting in suspensions
15 and expulsions; the incidence of bullying and harass-
16 ment, and the incidence and prevalence of drug use
17 and violence by students in schools.

18 “(2) COMPREHENSIVE SYSTEM OF LEARNING
19 SUPPORTS.—The term ‘comprehensive system of
20 learning supports’ means the multifaceted, and cohe-
21 sive resources, strategies, and practices that provide
22 class-room based or school-wide interventions to ad-
23 dress the academic, behavioral, emotional, physical
24 health, mental health, and social needs of students

1 and families to improve student learning, teacher in-
2 struction and school management.

3 “(3) LOCAL ELIGIBLE ENTITY.—The term
4 ‘local eligible entity’ means a consortium consisting
5 of community representatives that—

6 “(A) shall include—

7 “(i) a local educational agency;

8 “(ii) not less than 1 other community
9 partner organization; and

10 “(B) may include a broad array of commu-
11 nity partners, including a community based or-
12 ganization, a child and youth serving organiza-
13 tion, an institution of higher education, a foun-
14 dation, a business, a local government, includ-
15 ing a local governmental agency serving chil-
16 dren and youth such as a child welfare and ju-
17 venile justice agency; students, and parents;
18 and may include representatives from multiple
19 jurisdictions.

20 “(4) MULTI-TIERED SYSTEM OF SUPPORT.—

21 The term ‘multi-tiered system of support’ means a
22 comprehensive system of differentiated supports that
23 includes evidence-based instruction, universal screen-
24 ing, progress monitoring, formative assessments, re-
25 search-based interventions matched to student needs

1 and educational decisionmaking using student out-
2 come data.

3 “(5) BULLYING.—The term ‘bullying’—

4 “(A) means conduct, including electronic
5 communication, that adversely affects the abil-
6 ity of 1 or more students to participate in and
7 benefit from the school’s educational programs
8 or activities by placing the student (or stu-
9 dents) in reasonable fear of physical harm; and

10 “(B) includes conduct that is based on—

11 “(i) a student’s actual or perceived—

12 “(I) race;

13 “(II) color;

14 “(III) national origin;

15 “(IV) sex;

16 “(V) disability

17 “(VI) sexual orientation;

18 “(VII) gender identity;

19 “(VIII) religion;

20 “(IX) immigration or migrant
21 status;

22 “(X) proficiency in the English
23 language; or

24 “(XI) state of homelessness;

1 “(ii) any other distinguishing charac-
2 teristics that may be defined by a State or
3 local educational agency; or

4 “(iii) association with a person or
5 group with 1 or more of the actual or per-
6 ceived characteristics listed in clause (i) or
7 (ii).

8 “(6) HARASSMENT.—The term ‘harassment’—

9 “(A) means conduct, including electronic
10 communication, that adversely affects the abil-
11 ity of 1 or more students to participate in and
12 benefit from the school’s educational programs
13 or activities because the conduct, as reasonably
14 perceived, is so severe, persistent, or persuasive;
15 and

16 “(B) includes conduct that is based on—

17 “(i) a student’s actual or perceived—

18 “(I) race;

19 “(II) color;

20 “(III) national origin;

21 “(IV) sex;

22 “(V) disability

23 “(VI) sexual orientation;

24 “(VII) gender identity; or

25 “(VIII) religion;

1 “(ii) any other distinguishing charac-
2 teristics that may be defined by a State or
3 local educational agency; or

4 “(iii) association with a person or
5 group with 1 or more of the actual or per-
6 ceived characteristics listed in clause (i) or
7 (ii).

8 “(7) JUVENILE DELINQUENCY AND CRIMINAL
9 STREET GANG ACTIVITY PREVENTION AND INTER-
10 VENTION.—The term ‘juvenile delinquency and
11 criminal street gang activity prevention and inter-
12 vention’ means the provision of programs and re-
13 sources to children and families who have not yet
14 had substantial contact with criminal justice or juve-
15 nile justice systems or to youth who are involved in,
16 or who are identified by evidence-based risk assess-
17 ment methods as being at high risk of continued in-
18 volvement in, juvenile delinquency or criminal street
19 gangs, that—

20 “(A) are designed to reduce potential juve-
21 nile delinquency and criminal street gang activ-
22 ity risks; and

23 “(B) are evidence-based or promising edu-
24 cational, health, mental health, school-based,
25 community-based, faith-based, parenting, job

1 training, social opportunities and experiences,
2 or other programs, for youth and their families,
3 that have been demonstrated to be effective in
4 reducing juvenile delinquency and criminal
5 street gang activity risks.

6 “(8) PROMISE COORDINATING COUNCILS.—
7 The members of a PROMISE Coordinating Council
8 shall be representatives of public and private sector
9 entities and individuals that—

10 “(A) shall include, to the extent possible,
11 at least one representative from each of the fol-
12 lowing:

13 “(i) the local chief executive’s office;

14 “(ii) a local educational agency;

15 “(iii) a local health agency or pro-
16 vider;

17 “(iv) a local mental health agency or
18 provider, unless the representative under
19 clause (iii)) also meets the requirements of
20 this subparagraph;

21 “(v) a local public housing agency;

22 “(vi) a local law enforcement agency;

23 “(vii) a local child welfare agency;

24 “(viii) a local juvenile court;

1 “(ix) a local juvenile prosecutor’s of-
2 fice;

3 “(x) a private juvenile residential care
4 entity;

5 “(xi) a local juvenile public defender’s
6 office;

7 “(xii) a State juvenile correctional en-
8 tity;

9 “(xiii) a local business community
10 representative; and

11 “(xiv) a local faith-based community
12 representative;

13 “(B) shall include two representatives from
14 each of the following:

15 “(i) parents who have minor children,
16 and who have an interest in the local juve-
17 nile or criminal justice systems;

18 “(ii) youth between the ages of 15
19 and 24 who reside in the jurisdiction of the
20 unit or Tribe; and

21 “(iii) members from nonprofit commu-
22 nity-based organizations that provide effec-
23 tive delinquency prevention and interven-
24 tion to youth in the jurisdiction of the eli-
25 gible entity; and

1 “(C) may include other members, as ap-
2 propriate.

3 “(9) SPECIALIZED INSTRUCTIONAL SUPPORT
4 PERSONNEL.—The term ‘specialized instructional
5 support personnel’ means school counselors, school
6 social workers, school psychologists, school nurses,
7 and other qualified professionals involved in pro-
8 viding assessment, diagnosis, counseling, edu-
9 cational, therapeutic, medical, and other necessary
10 services (including related services, as such term is
11 defined in section 602 of the Individuals with Dis-
12 abilities in Education Act (20 U.S.C. 1401)) as
13 part of a comprehensive program to meet student
14 needs.

15 **“SEC. 4210. AUTHORIZATION OF APPROPRIATIONS.**

16 “‘There are authorized to be appropriated to carry out
17 this part \$350,000,000 for fiscal year 2016 and such sums
18 as may be necessary for each succeeding fiscal year.

19 “PART C—FULL-SERVICE COMMUNITY SCHOOLS

20 **“SEC. 4301. SHORT TITLE.**

21 “‘This part may be cited as the ‘Full-Service Commu-
22 nity Schools Act of 2015’.

23 **“SEC. 4302. PURPOSES.**

24 “‘The purposes of this part are the following:

1 “(1) Improving student learning and develop-
2 ment by providing supports for students that enable
3 them to graduate college- and career-ready.

4 “(2) Providing support for the planning, imple-
5 mentation, and operation of full-service community
6 schools.

7 “(3) Improving the coordination and integra-
8 tion, accessibility, and effectiveness of services for
9 children and families, particularly for students at-
10 tending high-poverty schools, including high-poverty
11 rural schools.

12 “(4) Enabling educators and school personnel
13 to complement and enrich efforts to improve aca-
14 demic achievement and other results.

15 “(5) Ensuring that children have the physical,
16 social, and emotional well-being to come to school
17 ready to engage in the learning process every day.

18 “(6) Promoting and enabling family and com-
19 munity engagement in the education of children.

20 “(7) Enabling more efficient use of Federal,
21 State, local, and private sector resources that serve
22 children and families.

23 “(8) Facilitating the coordination and integra-
24 tion of programs and services operated by commu-

1 nity-based organizations, nonprofit organizations,
2 and State, local, and tribal governments.

3 “(9) Engaging students as resources to their
4 communities.

5 “(10) Engaging the business community and
6 other community organizations as partners in the
7 development and operation of full-service community
8 schools.

9 **“SEC. 4303. DEFINITION.**

10 “In this part, the term ‘full-service community school’
11 means a public elementary or secondary school that—

12 “(1) participates in a community-based effort to
13 coordinate and integrate educational, developmental,
14 family, health, and other comprehensive services
15 through community-based organizations and public
16 and private partnerships; and

17 “(2) provides access to such services to stu-
18 dents, families, and the community, such as access
19 during the school year (including before- and after-
20 school hours and weekends), as well as during the
21 summer.

22 **“SEC. 4304. LOCAL PROGRAMS.**

23 “(a) GRANTS.—The Secretary may award grants to
24 eligible entities to assist public elementary or secondary
25 schools to function as full-service community schools.

1 “(b) USE OF FUNDS.—Grants awarded under this
2 section shall be used to—

3 “(1) coordinate not less than 3 existing quali-
4 fied services and provide not less than 2 additional
5 qualified services at 2 or more public elementary or
6 secondary schools;

7 “(2) integrate multiple services into a com-
8 prehensive, coordinated continuum supported by re-
9 search-based activities which achieve the perform-
10 ance goals established under subsection (c)(4)(E) to
11 meet the holistic needs of young people; and

12 “(3) if applicable, coordinate and integrate
13 services provided by community-based organizations
14 and government agencies with services provided by
15 specialized instructional support personnel.

16 “(c) APPLICATION.—To seek a grant under this sec-
17 tion, an eligible entity shall submit an application to the
18 Secretary at such time and in such manner as the Sec-
19 retary may require. The Secretary shall require that each
20 such application include the following:

21 “(1) A description of the eligible entity.

22 “(2) A memorandum of understanding among
23 all partner entities that will assist the eligible entity
24 to coordinate and provide qualified services and that
25 describes the roles the partner entities will assume.

1 “(3) A description of the capacity of the eligible
2 entity to coordinate and provide qualified services at
3 2 or more full-service community schools.

4 “(4) A comprehensive plan that includes de-
5 scriptions of the following:

6 “(A) The student, family, and school com-
7 munity to be served, including information
8 about demographic characteristics that include
9 major racial and ethnic groups, median family
10 income, percent of students eligible for free-
11 and reduced-price lunch, and other information.

12 “(B) A needs assessment that identifies
13 the academic, physical, social, emotional, health,
14 mental health, and other needs of students,
15 families, and community residents.

16 “(C) A community assets assessment
17 which identifies existing resources which could
18 be aligned.

19 “(D) The most appropriate metric to de-
20 scribe the plan’s reach within a community
21 using either—

22 “(i) the number of families and stu-
23 dents to be served, and the frequency of
24 services; or

1 “(ii) the proportion of families and
2 students to be served, and the frequency of
3 services.

4 “(E) Yearly measurable performance goals,
5 including an increase in the percentage of fami-
6 lies and students targeted for services each year
7 of the program, which are consistent with the
8 following objectives:

9 “(i) Children are ready for school.

10 “(ii) Students are engaged and
11 achieving academically.

12 “(iii) Students are physically, men-
13 tally, socially, and emotionally healthy.

14 “(iv) Schools and neighborhoods are
15 safe and provide a positive climate for
16 learning that is free from bullying or har-
17 assment.

18 “(v) Families are supportive and en-
19 gaged in their children’s education.

20 “(vi) Students and families are pre-
21 pared for postsecondary education and
22 21st century careers.

23 “(vii) Students are contributing to
24 their communities.

1 “(F) Performance measures to monitor
2 progress toward attainment of the goals estab-
3 lished under subparagraph (E), including a
4 combination of the following, to the extent ap-
5 plicable:

6 “(i) Multiple objective measures of
7 student achievement, including assess-
8 ments, classroom grades, and other means
9 of assessing student performance.

10 “(ii) Attendance (including absences
11 related to illness and truancy) and chronic
12 absenteeism rates.

13 “(iii) Disciplinary actions against stu-
14 dents, including suspensions and expul-
15 sions.

16 “(iv) Access to health care and treat-
17 ment of illnesses demonstrated to impact
18 academic achievement.

19 “(v) Performance in making progress
20 toward intervention services goals as estab-
21 lished by specialized instructional support
22 personnel.

23 “(vi) Participation rates by parents
24 and family members in school-sanctioned
25 activities and activities that occur as a re-

1 sult of community and school collaboration,
2 as well as activities intended to support
3 adult education and workforce develop-
4 ment.

5 “(vii) Number and percentage of stu-
6 dents and family members provided serv-
7 ices under this part.

8 “(viii) Valid measures of postsec-
9 ondary education and career readiness.

10 “(ix) Service-learning and community
11 service participation rates.

12 “(x) student satisfaction surveys.

13 “(G) Qualified services, including existing
14 and additional qualified services, to be coordi-
15 nated and provided by the eligible entity and its
16 partner entities, including an explanation of—

17 “(i) why such services have been se-
18 lected;

19 “(ii) how such services will improve
20 student academic achievement; and

21 “(iii) how such services will address
22 performance goals established under sub-
23 paragraph (E).

24 “(H) Plans to ensure that each site has
25 full-time coordination of qualified services at

1 each full-service community school, including
2 coordination with existing specialized instruc-
3 tional support personnel.

4 “(I) Planning, coordination, management,
5 and oversight of qualified services at each
6 school to be served, including the role of the
7 school principal, partner entities, parents, and
8 members of the community.

9 “(J) Funding sources for qualified services
10 to be coordinated and provided at each school
11 to be served, whether such funding is derived
12 from a grant under this section or from other
13 Federal, State, local, or private sources.

14 “(K) Plans for professional development
15 for personnel managing, coordinating, or deliv-
16 ering qualified services at the schools to be
17 served.

18 “(L) Plans for joint utilization and mainte-
19 nance of school facilities by the eligible entity
20 and its partner entities.

21 “(M) How the eligible entity and its part-
22 ner entities will focus services on schools eligible
23 for a schoolwide program under section 1114.

1 “(N) Plans for periodic evaluation based
2 upon attainment of the performance measures
3 described in subparagraph (F).

4 “(O) How the qualified services will meet
5 the principles of effectiveness described in sub-
6 section (d).

7 “(5) A plan for sustaining the programs and
8 services outlined in this part.

9 “(d) PRINCIPLES OF EFFECTIVENESS.—For a pro-
10 gram developed pursuant to this section to meet principles
11 of effectiveness, such program shall be based upon—

12 “(1) an assessment of objective data regarding
13 the need for the establishment of a full-service com-
14 munity school and qualified services at each school
15 to be served and in the community involved;

16 “(2) an established set of performance meas-
17 ures aimed at ensuring the availability and effective-
18 ness of high-quality services; and

19 “(3) if appropriate, scientifically based research
20 that provides evidence that the qualified services in-
21 volved will help students meet State and local stu-
22 dent academic achievement standards.

23 “(e) PRIORITY.—In awarding grants under this sec-
24 tion, the Secretary shall give priority to eligible entities
25 that—

1 “(1)(A) will serve a minimum of 2 or more full-
2 service community schools eligible for a schoolwide
3 program under section 1114, as part of a
4 community- or district-wide strategy; or

5 “(B) include a local educational agency that
6 satisfies the requirements of—

7 “(i) subparagraph (A) or (B) of section
8 6211(b)(1); or

9 “(ii) subparagraphs (A) and (B) of section
10 6221(b)(1); and

11 “(2) will be connected to a consortium com-
12 prised of a broad representation of stakeholders, or
13 a consortium demonstrating a history of effective-
14 ness.

15 “(f) GRANT PERIOD.—Each grant awarded under
16 this section shall be for a period of 5 years and may be
17 renewed at the discretion of the Secretary based on the
18 eligible entity’s demonstrated effectiveness in meeting the
19 performance goals and measures established under sub-
20 paragraphs (E) and (F) of subsection (c)(4).

21 “(g) PLANNING.—The Secretary may authorize an el-
22 igible entity to use grant funds under this section for plan-
23 ning purposes in an amount not greater than 10 percent
24 of the total grant amount.

1 “(h) MINIMUM AMOUNT.—The Secretary may not
2 award a grant to an eligible entity under this section in
3 an amount that is less than \$75,000 for each year of the
4 5-year grant period.

5 “(i) DEFINITIONS.—In this section—

6 “(1) the term ‘additional qualified services’
7 means qualified services directly funded under this
8 part;

9 “(2) the term ‘eligible entity’ means a consor-
10 tium of 1 or more local educational agencies and 1
11 or more community-based organizations, nonprofit
12 organizations, or other public or private entities;

13 “(3) the term ‘existing qualified services’ means
14 qualified services already being financed, as of the
15 time of the application, by Federal, State, local or
16 private sources, or volunteer activities being sup-
17 ported as of such time by civic, business, faith-
18 based, social, and other similar organizations; and

19 “(4) the term ‘qualified services’ means any of
20 the following:

21 “(A) Early childhood education.

22 “(B) Remedial education activities and en-
23 richment activities, including expanded learning
24 time.

1 “(C) Summer or after-school enrichment
2 and learning experiences.

3 “(D) Programs under the Head Start Act,
4 including Early Head Start programs.

5 “(E) Nurse home visitation services.

6 “(F) Teacher home visiting.

7 “(G) Programs that promote parental in-
8 volvement and family literacy, including the
9 Reading First and Early Reading First pro-
10 grams authorized under part B of title I.

11 “(H) Mentoring and other youth develop-
12 ment programs, including peer mentoring and
13 conflict mediation.

14 “(I) Parent leadership development activi-
15 ties.

16 “(J) Parenting education activities.

17 “(K) Child care services.

18 “(L) Community service and service-learn-
19 ing opportunities.

20 “(M) Developmentally appropriate physical
21 education.

22 “(N) Programs that provide assistance to
23 students who have been truant, suspended, or
24 expelled.

1 “(O) Job training, internship opportuni-
2 ties, and career counseling services.

3 “(P) Nutrition services.

4 “(Q) Primary health and dental care.

5 “(R) Mental health counseling services.

6 “(S) Adult education, including instruction
7 in English as a second language.

8 “(T) Juvenile crime prevention and reha-
9 bilitation programs.

10 “(U) Specialized instructional support
11 services.

12 “(V) Homeless prevention services.

13 “(W) Other services consistent with this
14 part.

15 **“SEC. 4305. STATE PROGRAMS.**

16 “(a) GRANTS.—The Secretary may award grants to
17 State collaboratives to support the development of full-
18 service community school programs in accordance with
19 this section.

20 “(b) USE OF FUNDS.—Grants awarded under this
21 section shall be used only for the following:

22 “(1) Developing a State comprehensive results
23 and indicators framework to implement full-service
24 community schools, consistent with performance
25 goals described in section 4304(c)(4)(E).

1 “(2) Planning, coordinating, and expanding the
2 development of full-service community schools in the
3 State, particularly schools in high-poverty local edu-
4 cational agencies, including high-poverty rural local
5 educational agencies.

6 “(3) Providing technical assistance and training
7 for full-service community schools, including profes-
8 sional development for personnel and creation of
9 data collection and evaluation systems.

10 “(4) Collecting, evaluating, and reporting data
11 about the progress of full-service community schools.

12 “(5) Evaluating the impact of State and Fed-
13 eral policies and guidelines on the ability of eligible
14 entities (as defined in section 4304(i)) to integrate
15 Federal and State programs at full-service commu-
16 nity schools, and taking action to make necessary
17 changes.

18 “(c) APPLICATION.—To seek a grant under this sec-
19 tion, a State collaborative shall submit an application to
20 the Secretary at such time and in such manner as the
21 Secretary may require. The Secretary shall require that
22 each such application include the following:

23 “(1) A memorandum of understanding among
24 all governmental agencies and nonprofit organiza-

1 tions that will participate as members of the State
2 collaborative.

3 “(2) A description of the expertise of each
4 member of the State collaborative—

5 “(A) in coordinating Federal and State
6 programs across multiple agencies;

7 “(B) in working with and developing the
8 capacity of full-service community schools; and

9 “(C) in working with high-poverty schools
10 or rural schools and local educational agencies.

11 “(3) A comprehensive plan describing how the
12 grant will be used to plan, coordinate, and expand
13 the delivery of services at full-service community
14 schools.

15 “(4) A comprehensive accountability plan that
16 will be used to demonstrate effectiveness, including
17 the measurable performance goals of the program
18 and performance measures to monitor progress and
19 assess services’ impact on students and families and
20 academic achievement.

21 “(5) An explanation of how the State collabo-
22 rative will work to ensure State policies and guide-
23 lines can support the development of full-service
24 community schools, as well as provide technical as-

1 sistance and training, including professional develop-
2 ment, for full-service community schools.

3 “(6) An explanation of how the State will col-
4 lect and evaluate information on full-service commu-
5 nity schools.

6 “(d) GRANT PERIOD.—Each grant awarded under
7 this section shall be for a period of 5 years.

8 “(e) MINIMUM AMOUNT.—The Secretary may not
9 award a grant to a State collaborative under this section
10 in an amount that is less than \$500,000 for each year
11 of the 5-year grant period.

12 “(f) DEFINITIONS.—For purposes of this section—

13 “(1) the term ‘State’ includes the several
14 States, the District of Columbia, the Commonwealth
15 of Puerto Rico, the Commonwealth of the Northern
16 Mariana Islands, American Samoa, Guam, the
17 United States Virgin Islands, and any other terri-
18 tory or possession of the United States; and

19 “(2) the term ‘State collaborative’ means a col-
20 laborative of a State educational agency and not less
21 than 2 other governmental agencies or nonprofit or-
22 ganizations that provide services to children and
23 families.

1 **“SEC. 4306. ADVISORY COMMITTEE.**

2 “(a) ESTABLISHMENT.—There is hereby established
3 an advisory committee to be known as the ‘Full-Service
4 Community Schools Advisory Committee’ (in this section
5 referred to as the ‘Advisory Committee’).

6 “(b) DUTIES.—Subject to subsection (c), the Advi-
7 sory Committee shall—

8 “(1) consult with the Secretary on the develop-
9 ment and implementation of programs under this
10 part;

11 “(2) identify strategies to improve the coordina-
12 tion of Federal programs in support of full-service
13 community schools; and

14 “(3) issue an annual report to the Congress on
15 efforts under this part, including a description of—

16 “(A) the results of local and national eval-
17 uations of such efforts; and

18 “(B) the scope of services being coordi-
19 nated under this part.

20 “(c) CONSULTATION.—In carrying out its duties
21 under this section, the Advisory Committee shall consult
22 annually with eligible entities awarded grants under sec-
23 tion 4304, State collaboratives awarded grants under sec-
24 tion 4305, and other entities with expertise in operating
25 full-service community schools.

1 “(d) MEMBERS.—The Advisory Committee shall con-
2 sist of 5 members as follows:

3 “(1) The Secretary of Education (or the Sec-
4 retary’s delegate).

5 “(2) The Attorney General of the United States
6 (or the Attorney General’s delegate).

7 “(3) The Secretary of Agriculture (or the Sec-
8 retary’s delegate).

9 “(4) The Secretary of Health and Human Serv-
10 ices (or the Secretary’s delegate).

11 “(5) The Secretary of Labor (or the Secretary’s
12 delegate).

13 **“SEC. 4307. GENERAL PROVISIONS.**

14 “(a) TECHNICAL ASSISTANCE.—The Secretary, di-
15 rectly or through grants, shall provide such technical as-
16 sistance as may be appropriate to accomplish the purposes
17 of this part.

18 “(b) EVALUATIONS BY SECRETARY.—The Secretary
19 shall conduct evaluations on the effectiveness of grants
20 under sections 4304 and 4305 in achieving the purposes
21 of this part.

22 “(c) EVALUATIONS BY GRANTEES.—The Secretary
23 shall require each recipient of a grant under this part—

1 “(1) to conduct periodic evaluations of the
2 progress achieved with the grant toward achieving
3 the purposes of this part;

4 “(2) to use such evaluations to refine and im-
5 prove activities conducted with the grant and the
6 performance measures for such activities; and

7 “(3) to make the results of such evaluations
8 publicly available, including by providing public no-
9 tice of such availability.

10 “(d) CONSTRUCTION CLAUSE.—Nothing in this part
11 shall be construed to alter or otherwise affect the rights,
12 remedies, and procedures afforded school or school district
13 employees under Federal, State, or local laws (including
14 applicable regulations or court orders) or under the terms
15 of collective bargaining agreements, memoranda of under-
16 standing, or other agreements between such employees
17 and their employers.

18 “(e) SUPPLEMENT, NOT SUPPLANT.—Funds made
19 available to a grantee under this part may be used only
20 to supplement, and not supplant, any other Federal, State,
21 or local funds that would otherwise be available to carry
22 out the activities assisted under this part.

23 “(f) MATCHING FUNDS.—

24 “(1) IN GENERAL.—The Secretary shall require
25 each recipient of a grant under this part to provide

1 matching funds from non-Federal sources in an
2 amount determined under paragraph (2).

3 “(2) DETERMINATION OF AMOUNT OF
4 MATCH.—

5 “(A) SLIDING SCALE.—Subject to subpara-
6 graph (B), the Secretary shall determine the
7 amount of matching funds to be required of a
8 grantee under this subsection based on a sliding
9 fee scale that takes into account—

10 “(i) the relative poverty of the popu-
11 lation to be targeted by the grantee; and

12 “(ii) the ability of the grantee to ob-
13 tain such matching funds.

14 “(B) MAXIMUM AMOUNT.—The Secretary
15 may not require any grantee under this section
16 to provide matching funds in an amount that
17 exceeds the amount of the grant award.

18 “(3) IN-KIND CONTRIBUTIONS.—The Secretary
19 shall permit grantees under this section to match
20 funds in whole or in part with in-kind contributions.

21 “(4) CONSIDERATION.—Notwithstanding this
22 subsection, the Secretary shall not consider an appli-
23 cant’s ability to match funds when determining
24 which applicants will receive grants under this part.

1 “(g) SPECIAL RULE.—Entities receiving funds under
2 this part shall comply with all existing Federal statutes
3 that prohibit discrimination.

4 **“SEC. 4308. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) IN GENERAL.—There are authorized to be ap-
6 propriated to carry out this part such sums as may be
7 necessary for each of fiscal years 2016 through 2020.

8 “(b) ALLOCATION.—Of the amounts appropriated to
9 carry out this part for each fiscal year—

10 “(1) 85 percent shall be for section 4304, and
11 of the funds allocated for new grants under such
12 section, at least 10 percent shall be made available
13 for local educational agencies that satisfy the re-
14 quirements of—

15 “(A) subparagraph (A) or (B) of section
16 6211(b)(1); or

17 “(B) subparagraphs (A) and (B) of section
18 6221(b)(1);

19 “(2) 10 percent shall be for section 4305; and

20 “(3) 5 percent shall be for subsections (a) and
21 (b) of section 4307, of which not less than \$500,000
22 shall be for technical assistance under section
23 4307(a).

1 “PART D—GENERAL PROVISIONS

2 **“SEC. 4401. PROHIBITED USE OF FUNDS.**

3 “No funds under this title may be used for—

4 “(1) the development, establishment, implemen-
5 tation, or enforcement of zero-tolerance school dis-
6 cipline policies unless otherwise required by Federal
7 law; and8 “(2) law enforcement agencies or local police
9 departments serving a school or local educational
10 agency—11 “(A) with substantial documented excesses
12 or racial disparities in the use of exclusionary
13 discipline;14 “(B) operating under an open school de-
15 segregation order, whether court ordered or vol-
16 untary;17 “(C) operating under a pattern or practice
18 consent decree for civil rights violations; or19 “(D) already receiving substantial Federal
20 funds for the placement of law enforcement in
21 schools.”.

1 **TITLE V—WELL-ROUNDED STU-**
2 **DENTS AND ENGAGED FAMI-**
3 **LIES**

4 **Subtitle A—Public Charter Schools**

5 **SEC. 501. SUBPART HEADING; PURPOSE.**

6 (a) SUBPART HEADING.—The heading for subpart 1
7 of part B of title V (20 U.S.C. 7221 et seq.) is amended
8 to read as follows: “**Charter School Program**”.

9 (b) PURPOSE.—Section 5201 (20 U.S.C. 7221) is
10 amended to read as follows:

11 **“SEC. 5201. PURPOSE.**

12 “It is the purpose of this subpart to—

13 “(1) improve the United States education sys-
14 tem and education opportunities for all Americans
15 by supporting innovation in public education in pub-
16 lic school settings that prepare students to compete
17 and contribute to the global economy;

18 “(2) provide financial assistance for the plan-
19 ning, program design, and initial implementation of
20 charter schools;

21 “(3) expand the number of high-quality charter
22 schools available to students across the Nation;

23 “(4) evaluate the impact of such schools on stu-
24 dent achievement, families, and communities, and

1 share best practices between charter schools and
2 other public schools;

3 “(5) encourage States to provide support to
4 charter schools for facilities financing in an amount
5 more nearly commensurate to the amount the States
6 have typically provided for traditional public schools;

7 “(6) improve student services to increase oppor-
8 tunities for students with disabilities, English learn-
9 ers, and other traditionally underserved students to
10 attend charter schools and meet challenging State
11 academic achievement standards;

12 “(7) support efforts to strengthen the charter
13 school authorizing process to improve performance
14 management, including transparency, oversight,
15 monitoring, and evaluation of such schools; and

16 “(8) support quality accountability and trans-
17 parency in the operational performance of all au-
18 thorized public chartering agencies, which include
19 State educational agencies, local educational agen-
20 cies, and other authorizing entities.”.

21 **SEC. 502. PROGRAM AUTHORIZED.**

22 Section 5202 (20 U.S.C. 7221a) is amended to read
23 as follows:

1 **“SEC. 5202. PROGRAM AUTHORIZED.**

2 “(a) IN GENERAL.—This subpart authorizes the Sec-
3 retary to carry out a charter school program that supports
4 charter schools that serve elementary school and sec-
5 ondary school students by—

6 “(1) supporting the startup of charter schools,
7 and the replication and expansion of high-quality
8 charter schools;

9 “(2) assisting charter schools in accessing cred-
10 it to acquire and renovate facilities for school use;
11 and

12 “(3) carrying out national activities to sup-
13 port—

14 “(A) charter school development;

15 “(B) the dissemination of best practices of
16 charter schools for all schools;

17 “(C) the evaluation of the impact of the
18 program on schools participating in the pro-
19 gram; and

20 “(D) stronger charter school authorizing.

21 “(b) FUNDING ALLOTMENT.—From the amount
22 made available under section 5211 for a fiscal year, the
23 Secretary shall—

24 “(1) reserve 12.5 percent to support charter
25 school facilities assistance under section 5204;

1 “(2) reserve not more than 10 percent to carry
2 out national activities under section 5205; and

3 “(3) use the remaining amount after the Sec-
4 retary reserves funds under paragraphs (1) and (2)
5 to carry out section 5203.

6 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
7 ent of a grant or subgrant under this subpart or subpart
8 2, as such subpart was in effect on the day before the
9 date of enactment of the Student Success Act, shall con-
10 tinue to receive funds in accordance with the terms and
11 conditions of such grant or subgrant.

12 “(d) GAO REPORT.—Not later than 3 years after the
13 date of enactment of the Student Success Act, the Comp-
14 troller General of the United States shall submit a report
15 to the Secretary and Congress that—

16 “(1) examines whether the funds authorized to
17 be reserved by State entities for administrative costs
18 under section 5203(b)(1)(C) is appropriate; and

19 “(2) if determined not to be appropriate, makes
20 recommendations on the appropriate reservation of
21 funding for such administrative costs.”.

22 **SEC. 503. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
23 **SCHOOLS.**

24 Section 5203 (20 U.S.C. 7221b) is amended to read
25 as follows:

1 **“SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
2 **SCHOOLS.**

3 “(a) IN GENERAL.—From the amount reserved
4 under section 5202(b)(3), the Secretary shall award
5 grants to State entities having applications approved pur-
6 suant to subsection (f) to enable such entities to—

7 “(1) award subgrants to eligible applicants for
8 opening and preparing to operate—

9 “(A) new charter schools;

10 “(B) replicated, high-quality charter school
11 models; or

12 “(C) expanded, high-quality charter
13 schools; and

14 “(2) provide technical assistance to eligible ap-
15 plicants and authorized public chartering agencies in
16 carrying out the activities described in paragraph (1)
17 and work with authorized public chartering agencies
18 in the State to improve authorizing quality.

19 “(b) STATE USES OF FUNDS.—

20 “(1) IN GENERAL.—A State entity receiving a
21 grant under this section shall—

22 “(A) use not less than 90 percent of the
23 grant funds to award subgrants to eligible ap-
24 plicants, in accordance with the quality charter
25 school program described in the State entity’s
26 application approved pursuant to subsection (f),

1 for the purposes described in subparagraphs
2 (A) through (C) of subsection (a)(1);

3 “(B) reserve not less than 7 percent of
4 such funds to carry out the activities described
5 in subsection (a)(2); and

6 “(C) reserve not more than 3 percent of
7 such funds for administrative costs which may
8 include technical assistance.

9 “(2) CONTRACTS AND GRANTS.—A State entity
10 may use a grant received under this section to carry
11 out the activities described in subparagraphs (A)
12 and (B) of paragraph (1) directly or through grants,
13 contracts, or cooperative agreements.

14 “(3) RULE OF CONSTRUCTION.—Nothing in
15 this Act shall prohibit the Secretary from awarding
16 grants to States that use a weighted lottery to give
17 slightly better chances for admission to all, or a sub-
18 set of, educationally disadvantaged students if—

19 “(A) the use of weighted lotteries in favor
20 of such students is not prohibited by State law,
21 and such State law is consistent with laws de-
22 scribed in section 5210(1)(G); and

23 “(B) such weighted lotteries are not used
24 for the purpose of creating schools exclusively
25 to serve a particular subset of students.

1 “(c) PROGRAM PERIODS; PEER REVIEW; GRANT
2 NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIV-
3 ERS.—

4 “(1) PROGRAM PERIODS.—

5 “(A) GRANTS.—A grant awarded by the
6 Secretary to a State entity under this section
7 shall be for a period of not more than 5 years.

8 “(B) SUBGRANTS.—A subgrant awarded
9 by a State entity under this section shall be for
10 a period of not more than 5 years, of which an
11 eligible applicant may use not more than 18
12 months for planning and program design.

13 “(2) PEER REVIEW.—The Secretary, and each
14 State entity receiving a grant under this section,
15 shall use a peer review process to review applications
16 for assistance under this section.

17 “(3) GRANT AWARDS.—The Secretary shall—

18 “(A) for each fiscal year for which funds
19 are appropriated under section 5211—

20 “(i) award not less than 3 grants
21 under this section;

22 “(ii) wholly fund each grant awarded
23 under this section, without making con-
24 tinuation awards; and

1 “(iii) fully obligate the funds appro-
2 priated for the purpose of awarding grants
3 under this section in the fiscal year for
4 which such grants are awarded; and

5 “(B) prior to the start of the final year of
6 the grant period of each grant awarded under
7 this section to a State entity, review whether
8 the State entity is using the grant funds for the
9 agreed upon uses of funds and whether the full
10 amount of the grant will be needed for the re-
11 mainder of the grant period and may, as deter-
12 mined necessary based on that review, termi-
13 nate or reduce the amount of the grant and re-
14 allocate the remaining grant funds to other
15 State entities during the succeeding grant com-
16 petition under this section.

17 “(4) DIVERSITY OF PROJECTS.—Each State en-
18 tity receiving a grant under this section shall award
19 subgrants under this section in a manner that, to
20 the extent possible, ensures that such subgrants—

21 “(A) are distributed throughout different
22 areas, including urban, suburban, and rural
23 areas; and

24 “(B) will assist charter schools rep-
25 resenting a variety of educational approaches.

1 “(5) WAIVERS.—The Secretary may waive any
2 statutory or regulatory requirement over which the
3 Secretary exercises administrative authority except
4 any such requirement relating to the elements of a
5 charter school described in section 5210(1), if—

6 “(A) the waiver is requested in an ap-
7 proved application under this section; and

8 “(B) the Secretary determines that grant-
9 ing such a waiver will promote the purpose of
10 this subpart.

11 “(d) LIMITATIONS.—

12 “(1) GRANTS.—The Secretary shall not award
13 a grant to a State entity under this section in a case
14 in which such award would result in more than 1
15 grant awarded under this section being carried out
16 in a State at the same time.

17 “(2) SUBGRANTS.—An eligible applicant may
18 not receive more than 1 subgrant under this section
19 per individual charter school for a 5-year period, un-
20 less the eligible applicant demonstrates to the State
21 entity not less than 3 years of improved educational
22 results in the areas described in subparagraphs (A)
23 and (D) of section 5210(8) for students enrolled in
24 such charter school.

1 “(e) APPLICATIONS.—A State entity desiring to re-
2 ceive a grant under this section shall submit an application
3 to the Secretary at such time and in such manner as the
4 Secretary may require. The application shall include the
5 following:

6 “(1) DESCRIPTION OF PROGRAM.—A descrip-
7 tion of the State entity’s objectives under this sec-
8 tion and how the objectives of the program will be
9 carried out, including a description—

10 “(A) of how the State entity—

11 “(i) will support the opening of new
12 charter schools, replicated, high-quality
13 charter school models, or expanded, high-
14 quality charter schools, and a description
15 of the proposed number of each type of
16 charter school or model, if applicable, to be
17 opened under the State entity’s program;

18 “(ii) will inform eligible charter
19 schools, developers, and authorized public
20 chartering agencies of the availability of
21 funds under the program;

22 “(iii) will work with eligible applicants
23 to ensure that the eligible applicants access
24 all Federal funds that they are eligible to
25 receive, and help the charter schools sup-

1 ported by the applicants and the students
2 attending the charter schools—

3 “(I) participate in the Federal
4 programs in which the schools and
5 students are eligible to participate;

6 “(II) receive the commensurate
7 share of Federal funds the schools
8 and students are eligible to receive
9 under such programs; and

10 “(III) meet the needs of students
11 served under such programs, including
12 student with disabilities and English
13 learners;

14 “(iv) will have clear plans and proce-
15 dures to assist students enrolled in a char-
16 ter school that closes or loses its charter to
17 attend other high-quality schools;

18 “(v) in the case in which the State en-
19 tity is not a State educational agency—

20 “(I) will work with the State edu-
21 cational agency and the charter
22 schools in the State to maximize char-
23 ter school participation in Federal and
24 State programs for charter schools;
25 and

1 “(II) will work with the State
2 educational agency to adequately op-
3 erate the State entity’s program
4 under this section, where applicable;

5 “(vi) will ensure each eligible appli-
6 cant that receives a subgrant under the
7 State entity’s program to open and prepare
8 to operate a new charter school, a rep-
9 licated, high-quality charter school model,
10 or an expanded, high-quality charter
11 school—

12 “(I) will ensure such school or
13 model meets the requirements under
14 section 5210(1); and

15 “(II) is prepared to continue to
16 operate such school or model, in a
17 manner consistent with the eligible
18 applicant’s application, after the
19 subgrant funds have expired;

20 “(vii) will support charter schools in
21 local educational agencies with large num-
22 bers of schools identified by the State for
23 improvement, including supporting the use
24 of charter schools to improve, or in turning
25 around, struggling schools;

1 “(viii) will work with charter schools
2 to promote inclusion of all students, in-
3 cluding eliminating any barriers to enroll-
4 ment for foster youth or unaccompanied
5 homeless youth, and support all students
6 once they are enrolled to promote retention
7 including through the use of fair discipli-
8 nary practice;

9 “(ix) will work with charter schools on
10 recruitment practices, including efforts to
11 engage groups that may otherwise have
12 limited opportunities to participate in char-
13 ter schools, and to ensure such schools do
14 not have in effect policies or procedures
15 that may create barriers to enrollment of
16 students, including educationally disadvan-
17 taged students, and are in compliance with
18 all Federal and State laws on enrollment
19 practices;

20 “(x) will share best and promising
21 practices between charter schools and
22 other public schools, including, where ap-
23 propriate, instruction and professional de-
24 velopment in core academic subjects, and

1 science, technology, engineering, and math
2 education, including computer science;

3 “(xi) will ensure the charter schools
4 receiving funds under the State entity’s
5 program meet the educational needs of
6 their students, including students with dis-
7 abilities and English learners;

8 “(xii) will support efforts to increase
9 quality initiatives, including meeting the
10 quality authorizing elements described in
11 paragraph (2)(E);

12 “(xiii) in the case of a State entity
13 not described in clause (xiv), will provide
14 oversight of authorizing activity;

15 “(xiv) in the case of a State entity de-
16 fined in subsection (i)(4), will work with
17 the State to provide assistance to and over-
18 sight of authorized public chartering agen-
19 cies for authorizing activity described in
20 clause (xiii); and

21 “(xv) will work with eligible applicants
22 receiving a subgrant under the State enti-
23 ty’s program to support the opening of
24 charter schools or charter school models

1 described in clause (i) that are secondary
2 schools;

3 “(B) of the extent to which the State enti-
4 ty—

5 “(i) is able to meet and carry out the
6 priorities listed in subsection (f)(2); and

7 “(ii) is working to develop or
8 strengthen a cohesive statewide system to
9 support the opening of new charter
10 schools, replicated, high-quality charter
11 school models, or expanded, high-quality
12 charter schools;

13 “(C) of how the State entity will carry out
14 the subgrant competition, including—

15 “(i) a description of the application
16 each eligible applicant desiring to receive a
17 subgrant will submit, including—

18 “(I) a description of the roles
19 and responsibilities of eligible appli-
20 cants, partner organizations, and
21 management organizations, including
22 the administrative and contractual
23 roles and responsibilities;

24 “(II) a description of the quality
25 controls agreed to between the eligible

1 applicant and the authorized public
2 chartering agency involved, as de-
3 scribed in section 1111(d)(1)(I);

4 “(III) a description of how the el-
5 igible applicant will solicit and con-
6 sider input from parents and other
7 members of the community on the im-
8 plementation and operation of each
9 charter school receiving funds under
10 the State entity’s program; and

11 “(IV) a description of the
12 planned activities and expenditures
13 for the subgrant funds for purposes of
14 opening and preparing to operate a
15 new charter school, a replicated, high-
16 quality charter school model, or an ex-
17 panded, high-quality charter school,
18 and how the school or model will
19 maintain financial sustainability after
20 the end of the subgrant period; and

21 “(ii) a description of how the State
22 entity will review applications;

23 “(D) in the case of an entity that partners
24 with an outside organization to carry out the
25 State entity’s quality charter school program, in

1 whole or in part, of the roles and responsibil-
2 ities of this partner;

3 “(E) of how the State entity will help the
4 charter schools receiving funds under the State
5 entity’s program consider the transportation
6 needs of the schools’ students; and

7 “(F) of how the State entity will support
8 diverse charter school models, including models
9 that serve rural communities.

10 “(2) ASSURANCES.—Assurances, including a
11 description of how the assurances will be met,
12 that—

13 “(A) each charter school receiving funds
14 under the State entity’s program will have a
15 high degree of autonomy over budget and oper-
16 ations;

17 “(B) the State entity will support charter
18 schools in meeting the educational needs of
19 their students as described in paragraph
20 (1)(A)(xi);

21 “(C) the State entity will ensure that the
22 authorized public chartering agency of any
23 charter school that receives funds under the
24 State entity’s program—

1 “(i) adequately monitors each charter
2 school in recruiting, enrolling, and meeting
3 the needs of all students, including stu-
4 dents with disabilities and English learn-
5 ers; and

6 “(ii) ensures that each charter school
7 solicits and considers input from parents
8 and other members of the community on
9 the implementation and operation of the
10 school;

11 “(D) the State entity will provide adequate
12 technical assistance to eligible applicants to—

13 “(i) meet the objectives described in
14 clauses (viii) and (ix) of paragraph (1)(A)
15 and paragraph (2)(B); and

16 “(ii) recruit, enroll, and retain tradi-
17 tionally underserved students, including
18 students with disabilities and English
19 learners, at rates similar to traditional
20 public schools;

21 “(E) the State entity will promote quality
22 authorizing, such as through providing technical
23 assistance and supporting all authorized public
24 chartering agencies in the State to improve the

1 oversight of their charter schools, including
2 by—

3 “(i) assessing annual performance
4 data of the schools, including, as appro-
5 priate, graduation rates, student academic
6 growth, and rates of student attrition;

7 “(ii) reviewing the schools’ inde-
8 pendent, annual audits of financial state-
9 ments conducted in accordance with gen-
10 erally accepted accounting principles, and
11 ensuring any such audits are publically re-
12 ported; and

13 “(iii) holding charter schools account-
14 able to the academic, financial, and oper-
15 ational quality controls agreed to between
16 the charter school and the authorized pub-
17 lic chartering agency involved, such as
18 through renewal, non-renewal, or revoca-
19 tion of the school’s charter;

20 “(F) the State entity will work to ensure
21 that charter schools are included with the tradi-
22 tional public schools in decision-making about
23 the public school system in the State; and

24 “(G) The State entity will ensure that each
25 charter school in the State makes publicly avail-

1 able, consistent with the dissemination require-
2 ments of the annual State report card, informa-
3 tion to help parents make informed decisions
4 about the education options available to their
5 children, including information for each school
6 on—

7 “(i) the educational program;

8 “(ii) student support services;

9 “(iii) annual performance and enroll-
10 ment data, disaggregated by the groups of
11 students described in section
12 1111(c)(3)(A); and

13 “(iv) any other information the State
14 requires all other public schools to report
15 for purposes of section 1111(i)(1).

16 “(3) REQUESTS FOR WAIVERS.—A request and
17 justification for waivers of any Federal statutory or
18 regulatory provisions that the State entity believes
19 are necessary for the successful operation of the
20 charter schools that will receive funds under the
21 State entity’s program under this section, and a de-
22 scription of any State or local rules, generally appli-
23 cable to public schools, that will be waived, or other-
24 wise not apply to such schools or, in the case of a
25 State entity defined in subsection (i)(4), a descrip-

1 tion of how the State entity will work with the State
2 to request necessary waivers where applicable.

3 “(f) SELECTION CRITERIA; PRIORITY.—

4 “(1) SELECTION CRITERIA.—The Secretary
5 shall award grants to State entities under this sec-
6 tion on the basis of the quality of the applications
7 submitted under subsection (e), after taking into
8 consideration—

9 “(A) the degree of flexibility afforded by
10 the State’s public charter school law and how
11 the State entity will work to maximize the flexi-
12 bility provided to charter schools under the law;

13 “(B) the ambitiousness of the State enti-
14 ty’s objectives for the quality charter school
15 program carried out under this section;

16 “(C) the quality of the strategy for assess-
17 ing achievement of those objectives;

18 “(D) the likelihood that the eligible appli-
19 cants receiving subgrants under the program
20 will meet those objectives and improve edu-
21 cational results for students;

22 “(E) the State entity’s plan to—

23 “(i) adequately monitor the eligible
24 applicants receiving subgrants under the
25 State entity’s program;

1 “(ii) work with the authorized public
2 chartering agencies involved to avoid dupli-
3 cation of work for the charter schools and
4 authorized public chartering agencies; and
5 “(iii) provide adequate technical as-
6 sistance and support for—

7 “(I) the charter schools receiving
8 funds under the State entity’s pro-
9 gram; and

10 “(II) quality authorizing efforts
11 in the State; and

12 “(F) the State entity’s plan to solicit and
13 consider input from parents and other members
14 of the community on the implementation and
15 operation of the charter schools in the State.

16 “(2) PRIORITY.—In awarding grants under this
17 section, the Secretary shall give priority to State en-
18 tities to the extent that they meet the following cri-
19 teria:

20 “(A) In the case of a State entity located
21 in a State that allows an entity other than a
22 local educational agency to be an authorized
23 public chartering agency, the State has a qual-
24 ity authorized public chartering agency that is
25 an entity other than a local educational agency.

1 “(B) The State entity is located in a State
2 that ensures equitable financing, as compared
3 to traditional public schools, for charter schools
4 and students in a prompt manner.

5 “(C) The State entity is located in a State
6 that uses charter schools and best practices
7 from charter schools to help improve struggling
8 schools and local educational agencies.

9 “(D) The State entity partners with an or-
10 ganization that has a demonstrated record of
11 success in developing management organiza-
12 tions to support the development of charter
13 schools in the State.

14 “(E) The State entity supports charter
15 schools that support at-risk students through
16 activities such as dropout prevention, dropout
17 recovery, or comprehensive career counseling
18 practices.

19 “(F) The State entity authorizes all char-
20 ter schools in the State to serve as school food
21 authorities.

22 “(G) The State entity has taken steps to
23 ensure that all authorizing public chartering
24 agencies implement quality standards as de-
25 scribed in section 1111(d)(1)(I).

1 “(g) LOCAL USES OF FUNDS.—An eligible applicant
2 receiving a subgrant under this section shall use such
3 funds to carry out activities related to opening and pre-
4 paring to operate a new charter school, a replicated, high-
5 quality charter school model, or an expanded, high-quality
6 charter school, such as—

7 “(1) preparing teachers and school leaders, in-
8 cluding through professional development;

9 “(2) acquiring equipment, educational mate-
10 rials, and supplies; and

11 “(3) necessary renovations and minor facilities
12 repairs (excluding construction).

13 “(h) REPORTING REQUIREMENTS.—Each State enti-
14 ty receiving a grant under this section shall submit to the
15 Secretary, at the end of the third year of the 5-year grant
16 period and at the end of such grant period, a report on—

17 “(1) the number of students served by each
18 subgrant awarded under this section and, if applica-
19 ble, how many new students were served during each
20 year of the subgrant period;

21 “(2) the progress the State entity made toward
22 meeting the priorities described in subsection (f)(2),
23 as applicable;

24 “(3) how the State entity met the objectives of
25 the quality charter school program described in the

1 State entity’s application under subsection (e), in-
2 cluding how the State entity met the objective of
3 sharing best and promising practices described in
4 subsection (e)(1)(A)(x) in areas such as instruction,
5 professional development, curricula development, and
6 operations between charter schools and other public
7 schools, and the extent to which, if known, such
8 practices were adopted and implemented by such
9 other public schools;

10 “(4) how the State entity complied with, and
11 ensured that eligible applicants complied with, the
12 assurances described in the State entity’s applica-
13 tion;

14 “(5) how the State entity worked with author-
15 ized public chartering agencies, including how the
16 agencies worked with the management company or
17 leadership of the schools that received subgrants
18 under this section;

19 “(6) the number of subgrants awarded under
20 this section to carry out each of the following:

21 “(A) The opening of new charter schools.

22 “(B) The opening of replicated, high-qual-
23 ity charter school models.

24 “(C) The opening of expanded, high-qual-
25 ity charter schools; and

1 “(7) how the State entity has worked with char-
2 ter schools receiving funds under the State entity’s
3 program to foster community involvement in the
4 planning for and opening of such schools.

5 “(i) STATE ENTITY DEFINED.—For purposes of this
6 section, the term ‘State entity’ means—

7 “(1) a State educational agency;

8 “(2) a State charter school board;

9 “(3) a Governor of a State; or

10 “(4) a charter school support organization.”.

11 **SEC. 504. FACILITIES FINANCING ASSISTANCE.**

12 Section 5204 (20 U.S.C. 7221e) is amended to read
13 as follows:

14 **“SEC. 5204. FACILITIES FINANCING ASSISTANCE.**

15 “(a) GRANTS TO ELIGIBLE ENTITIES.—

16 “(1) IN GENERAL.—From the amount reserved
17 under section 5202(b)(1), the Secretary shall not
18 use less than 50 percent to award grants to eligible
19 entities that have the highest-quality applications
20 approved under subsection (d), after considering the
21 diversity of such applications, to demonstrate inno-
22 vative methods of assisting charter schools to ad-
23 dress the cost of acquiring, constructing, and ren-
24 ovating facilities by enhancing the availability of
25 loans or bond financing.

1 “(2) ELIGIBLE ENTITY DEFINED.—For pur-
2 poses of this section, the term ‘eligible entity’
3 means—

4 “(A) a public entity, such as a State or
5 local governmental entity;

6 “(B) a private nonprofit entity; or

7 “(C) a consortium of entities described in
8 subparagraphs (A) and (B).

9 “(b) GRANTEE SELECTION.—The Secretary shall
10 evaluate each application submitted under subsection (d),
11 and shall determine whether the application is sufficient
12 to merit approval.

13 “(c) GRANT CHARACTERISTICS.—Grants under sub-
14 section (a) shall be of a sufficient size, scope, and quality
15 so as to ensure an effective demonstration of an innovative
16 means of enhancing credit for the financing of charter
17 school acquisition, construction, or renovation.

18 “(d) APPLICATIONS.—

19 “(1) IN GENERAL.—To receive a grant under
20 subsection (a), an eligible entity shall submit to the
21 Secretary an application in such form as the Sec-
22 retary may reasonably require.

23 “(2) CONTENTS.—An application submitted
24 under paragraph (1) shall contain—

1 “(A) a statement identifying the activities
2 proposed to be undertaken with funds received
3 under subsection (a), including how the eligible
4 entity will determine which charter schools will
5 receive assistance, and how much and what
6 types of assistance charter schools will receive;

7 “(B) a description of the involvement of
8 charter schools in the application’s development
9 and the design of the proposed activities;

10 “(C) a description of the eligible entity’s
11 expertise in capital market financing;

12 “(D) a description of how the proposed ac-
13 tivities will leverage the maximum amount of
14 private-sector financing capital relative to the
15 amount of public funding used and otherwise
16 enhance credit available to charter schools, in-
17 cluding how the eligible entity will offer a com-
18 bination of rates and terms more favorable than
19 the rates and terms that a charter school could
20 receive without assistance from the eligible enti-
21 ty under this section;

22 “(E) a description of how the eligible enti-
23 ty possesses sufficient expertise in education to
24 evaluate the likelihood of success of a charter

1 school program for which facilities financing is
2 sought; and

3 “(F) in the case of an application sub-
4 mitted by a State governmental entity, a de-
5 scription of the actions that the entity has
6 taken, or will take, to ensure that charter
7 schools within the State receive the funding the
8 charter schools need to have adequate facilities.

9 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
10 entity receiving a grant under this section shall use the
11 funds deposited in the reserve account established under
12 subsection (f) to assist one or more charter schools to ac-
13 cess private sector capital to accomplish one or more of
14 the following objectives:

15 “(1) The acquisition (by purchase, lease, dona-
16 tion, or otherwise) of an interest (including an inter-
17 est held by a third party for the benefit of a charter
18 school) in improved or unimproved real property
19 that is necessary to commence or continue the oper-
20 ation of a charter school.

21 “(2) The construction of new facilities, or the
22 renovation, repair, or alteration of existing facilities,
23 necessary to commence or continue the operation of
24 a charter school.

1 “(3) The predevelopment costs required to as-
2 sess sites for purposes of paragraph (1) or (2) and
3 which are necessary to commence or continue the
4 operation of a charter school.

5 “(f) RESERVE ACCOUNT.—

6 “(1) USE OF FUNDS.—To assist charter schools
7 to accomplish the objectives described in subsection
8 (e), an eligible entity receiving a grant under sub-
9 section (a) shall, in accordance with State and local
10 law, directly or indirectly, alone or in collaboration
11 with others, deposit the funds received under sub-
12 section (a) (other than funds used for administrative
13 costs in accordance with subsection (g)) in a reserve
14 account established and maintained by the eligible
15 entity for this purpose. Amounts deposited in such
16 account shall be used by the eligible entity for one
17 or more of the following purposes:

18 “(A) Guaranteeing, insuring, and rein-
19 suring bonds, notes, evidences of debt, loans,
20 and interests therein, the proceeds of which are
21 used for an objective described in subsection
22 (e).

23 “(B) Guaranteeing and insuring leases of
24 personal and real property for an objective de-
25 scribed in subsection (e).

1 “(C) Facilitating financing by identifying
2 potential lending sources, encouraging private
3 lending, and other similar activities that di-
4 rectly promote lending to, or for the benefit of,
5 charter schools.

6 “(D) Facilitating the issuance of bonds by
7 charter schools, or by other public entities for
8 the benefit of charter schools, by providing
9 technical, administrative, and other appropriate
10 assistance (including the recruitment of bond
11 counsel, underwriters, and potential investors
12 and the consolidation of multiple charter school
13 projects within a single bond issue).

14 “(2) INVESTMENT.—Funds received under this
15 section and deposited in the reserve account estab-
16 lished under paragraph (1) shall be invested in obli-
17 gations issued or guaranteed by the United States or
18 a State, or in other similarly low-risk securities.

19 “(3) REINVESTMENT OF EARNINGS.—Any earn-
20 ings on funds received under subsection (a) shall be
21 deposited in the reserve account established under
22 paragraph (1) and used in accordance with such
23 paragraph.

24 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
25 eligible entity may use not more than 2.5 percent of the

1 funds received under subsection (a) for the administrative
2 costs of carrying out its responsibilities under this section
3 (excluding subsection (k)).

4 “(h) AUDITS AND REPORTS.—

5 “(1) FINANCIAL RECORD MAINTENANCE AND
6 AUDIT.—The financial records of each eligible entity
7 receiving a grant under subsection (a) shall be main-
8 tained in accordance with generally accepted ac-
9 counting principles and shall be subject to an annual
10 audit by an independent public accountant.

11 “(2) REPORTS.—

12 “(A) GRANTEE ANNUAL REPORTS.—Each
13 eligible entity receiving a grant under sub-
14 section (a) annually shall submit to the Sec-
15 retary a report of its operations and activities
16 under this section.

17 “(B) CONTENTS.—Each annual report
18 submitted under subparagraph (A) shall in-
19 clude—

20 “(i) a copy of the most recent finan-
21 cial statements, and any accompanying
22 opinion on such statements, prepared by
23 the independent public accountant review-
24 ing the financial records of the eligible en-
25 tity;

1 “(ii) a copy of any report made on an
2 audit of the financial records of the eligible
3 entity that was conducted under paragraph
4 (1) during the reporting period;

5 “(iii) an evaluation by the eligible en-
6 tity of the effectiveness of its use of the
7 Federal funds provided under subsection
8 (a) in leveraging private funds;

9 “(iv) a listing and description of the
10 charter schools served during the reporting
11 period, including the amount of funds used
12 by each school, the type of project facili-
13 tated by the grant, and the type of assist-
14 ance provided to the charter schools;

15 “(v) a description of the activities car-
16 ried out by the eligible entity to assist
17 charter schools in meeting the objectives
18 set forth in subsection (e); and

19 “(vi) a description of the characteris-
20 tics of lenders and other financial institu-
21 tions participating in the activities under-
22 taken by the eligible entity under this sec-
23 tion (excluding subsection (k)) during the
24 reporting period.

1 “(C) SECRETARIAL REPORT.—The Sec-
2 retary shall review the reports submitted under
3 subparagraph (A) and shall provide a com-
4 prehensive annual report to Congress on the ac-
5 tivities conducted under this section (excluding
6 subsection (k)).

7 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
8 OBLIGATION.—No financial obligation of an eligible entity
9 entered into pursuant to this section (such as an obliga-
10 tion under a guarantee, bond, note, evidence of debt, or
11 loan) shall be an obligation of, or guaranteed in any re-
12 spect by, the United States. The full faith and credit of
13 the United States is not pledged to the payment of funds
14 which may be required to be paid under any obligation
15 made by an eligible entity pursuant to any provision of
16 this section.

17 “(j) RECOVERY OF FUNDS.—

18 “(1) IN GENERAL.—The Secretary, in accord-
19 ance with chapter 37 of title 31, United States
20 Code, shall collect—

21 “(A) all of the funds in a reserve account
22 established by an eligible entity under sub-
23 section (f)(1) if the Secretary determines, not
24 earlier than 2 years after the date on which the
25 eligible entity first received funds under this

1 section (excluding subsection (k)), that the eli-
2 gible entity has failed to make substantial
3 progress in carrying out the purposes described
4 in subsection (f)(1); or

5 “(B) all or a portion of the funds in a re-
6 serve account established by an eligible entity
7 under subsection (f)(1) if the Secretary deter-
8 mines that the eligible entity has permanently
9 ceased to use all or a portion of the funds in
10 such account to accomplish any purpose de-
11 scribed in subsection (f)(1).

12 “(2) EXERCISE OF AUTHORITY.—The Secretary
13 shall not exercise the authority provided in para-
14 graph (1) to collect from any eligible entity any
15 funds that are being properly used to achieve one or
16 more of the purposes described in subsection (f)(1).

17 “(3) PROCEDURES.—The provisions of sections
18 451, 452, and 458 of the General Education Provi-
19 sions Act (20 U.S.C. 124, 1234a, 1234g) shall apply
20 to the recovery of funds under paragraph (1).

21 “(4) CONSTRUCTION.—This subsection shall
22 not be construed to impair or affect the authority of
23 the Secretary to recover funds under part D of the
24 General Education Provisions Act (20 U.S.C. 1234
25 et seq.).

1 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

2 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
3 PROGRAM.—In this subsection, the term ‘per-pupil
4 facilities aid program’ means a program in which a
5 State makes payments, on a per-pupil basis, to char-
6 ter schools to provide the schools with financing—

7 “(A) that is dedicated solely for funding
8 charter school facilities; or

9 “(B) a portion of which is dedicated for
10 funding charter school facilities.

11 “(2) GRANTS.—

12 “(A) IN GENERAL.—From the amount
13 under section 5202(b)(1) remaining after the
14 Secretary makes grants under subsection (a),
15 the Secretary shall make grants, on a competi-
16 tive basis, to States to pay for the Federal
17 share of the cost of establishing or enhancing,
18 and administering per-pupil facilities aid pro-
19 grams.

20 “(B) PERIOD.—The Secretary shall award
21 grants under this subsection for periods of not
22 more than 5 years.

23 “(C) FEDERAL SHARE.—The Federal
24 share of the cost described in subparagraph (A)

1 for a per-pupil facilities aid program shall be
2 not more than—

3 “(i) 90 percent of the cost, for the
4 first fiscal year for which the program re-
5 ceives assistance under this subsection;

6 “(ii) 80 percent in the second such
7 year;

8 “(iii) 60 percent in the third such
9 year;

10 “(iv) 40 percent in the fourth such
11 year; and

12 “(v) 20 percent in the fifth such year.

13 “(D) STATE SHARE.—A State receiving a
14 grant under this subsection may partner with 1
15 or more organizations to provide up to 50 per-
16 cent of the State share of the cost of estab-
17 lishing or enhancing, and administering the per-
18 pupil facilities aid program.

19 “(E) MULTIPLE GRANTS.—A State may
20 receive more than 1 grant under this sub-
21 section, so long as the amount of such funds
22 provided to charter schools increases with each
23 successive grant.

24 “(3) USE OF FUNDS.—

1 “(A) IN GENERAL.—A State that receives
2 a grant under this subsection shall use the
3 funds made available through the grant to es-
4 tablish or enhance, and administer, a per-pupil
5 facilities aid program for charter schools in the
6 State of the applicant.

7 “(B) EVALUATIONS; TECHNICAL ASSIST-
8 ANCE; DISSEMINATION.—From the amount
9 made available to a State through a grant
10 under this subsection for a fiscal year, the State
11 may reserve not more than 5 percent to carry
12 out evaluations, to provide technical assistance,
13 and to disseminate information.

14 “(C) SUPPLEMENT, NOT SUPPLANT.—
15 Funds made available under this subsection
16 shall be used to supplement, and not supplant,
17 State and local public funds expended to pro-
18 vide per pupil facilities aid programs, oper-
19 ations financing programs, or other programs,
20 for charter schools.

21 “(4) REQUIREMENTS.—

22 “(A) VOLUNTARY PARTICIPATION.—No
23 State may be required to participate in a pro-
24 gram carried out under this subsection.

25 “(B) STATE LAW.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), to be eligible to receive
3 a grant under this subsection, a State shall
4 establish or enhance, and administer, a
5 per-pupil facilities aid program for charter
6 schools in the State, that—

7 “(I) is specified in State law; and
8 “(II) provides annual financing,
9 on a per-pupil basis, for charter
10 school facilities.

11 “(ii) SPECIAL RULE.—Notwith-
12 standing clause (i), a State that is required
13 under State law to provide its charter
14 schools with access to adequate facility
15 space, but which does not have a per-pupil
16 facilities aid program for charter schools
17 specified in State law, may be eligible to
18 receive a grant under this subsection if the
19 State agrees to use the funds to develop a
20 per-pupil facilities aid program consistent
21 with the requirements of this subsection.

22 “(5) APPLICATIONS.—To be eligible to receive a
23 grant under this subsection, a State shall submit an
24 application to the Secretary at such time, in such

1 manner, and containing such information as the Sec-
2 retary may require.”.

3 **SEC. 505. NATIONAL ACTIVITIES.**

4 Section 5205 (20 U.S.C. 7221d) is amended to read
5 as follows:

6 **“SEC. 5205. NATIONAL ACTIVITIES.**

7 “(a) IN GENERAL.—From the amount reserved
8 under section 5202(b)(2), the Secretary shall—

9 “(1) use not less than 75 percent of such funds
10 to award grants in accordance with subsection (b);
11 and

12 “(2) use not more than 25 percent of such
13 funds to—

14 “(A) provide technical assistance to State
15 entities in awarding subgrants under section
16 5203, and eligible entities and States receiving
17 grants under section 5204;

18 “(B) disseminate best practices; and

19 “(C) evaluate the impact of the charter
20 school program, including the impact on stu-
21 dent achievement, carried out under this sub-
22 part.

23 “(b) GRANTS.—

24 “(1) IN GENERAL.—The Secretary shall make
25 grants, on a competitive basis, to eligible applicants

1 for the purpose of carrying out the activities de-
2 scribed in section 5202(a)(1), subparagraphs (A)
3 through (C) of section 5203(a)(1), and section
4 5203(g).

5 “(2) TERMS AND CONDITIONS.—Except as oth-
6 erwise provided in this subsection, grants awarded
7 under this subsection shall have the same terms and
8 conditions as grants awarded to State entities under
9 section 5203.

10 “(3) CHARTER MANAGEMENT ORGANIZA-
11 TIONS.—The Secretary shall—

12 “(A) use not less than 75 percent of the
13 funds described in subsection (a)(1) to make
14 grants, on a competitive basis, to eligible appli-
15 cants described in paragraph (4)(B); and

16 “(B) notwithstanding paragraphs (1)(A)
17 and (2) of section 5203(f)—

18 “(i) award grants to eligible appli-
19 cants on the basis of the quality of the ap-
20 plications submitted under this subsection;
21 and

22 “(ii) in awarding grants to eligible ap-
23 plicants described in paragraph (4)(B),
24 take into consideration whether such an el-
25 ible applicant—

1 “(I) demonstrates a high propor-
2 tion of high-quality charter schools
3 within the network of the eligible ap-
4 plicant;

5 “(II) demonstrates success in
6 serving students who are educationally
7 disadvantaged;

8 “(III) does not have a significant
9 proportion of charter schools that
10 have been closed, had their charter re-
11 voked for compliance issues, or had
12 their affiliation with such eligible ap-
13 plicant revoked;

14 “(IV) has sufficient procedures in
15 effect to ensure timely closure of low-
16 performing or financially-mismanaged
17 charter schools and clear plans and
18 procedures in effect for the students
19 in such schools to attend other high-
20 quality schools; and

21 “(V) demonstrates success in
22 working with schools identified for im-
23 provement by the State.

24 “(4) ELIGIBLE APPLICANT DEFINED.—For pur-
25 poses of this subsection, the term ‘eligible applicant’

1 means an eligible applicant (as defined in section
2 5210) that—

3 “(A) desires to open a charter school in—

4 “(i) a State that did not apply for a
5 grant under section 5203; or

6 “(ii) a State that did not receive a
7 grant under section 5203; or

8 “(B) is a charter management organiza-
9 tion.

10 “(c) CONTRACTS AND GRANTS.—The Secretary may
11 carry out any of the activities described in this section di-
12 rectly or through grants, contracts, or cooperative agreee-
13 ments.”.

14 **SEC. 506. RECORDS TRANSFER.**

15 Section 5208 (20 U.S.C. 7221g) is amended—

16 (1) by inserting “as quickly as possible and”
17 before “to the extent practicable”; and

18 (2) by striking “section 602” and inserting
19 “section 602(14)”.

20 **SEC. 507. DEFINITIONS.**

21 Section 5210 (20 U.S.C. 7221i) is amended—

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

24 “(1) CHARTER SCHOOL.—The term ‘charter
25 school’ means a public school that—

1 “(A) in accordance with a specific State
2 statute authorizing the granting of charters to
3 schools, is exempt from significant State or
4 local rules that inhibit the flexible operation
5 and management of public schools, but not
6 from any rules relating to the other require-
7 ments of this paragraph;

8 “(B) is created by a developer as a public
9 school, or is adapted by a developer from an ex-
10 isting public school, and is operated under pub-
11 lic supervision and direction;

12 “(C) operates in pursuit of a specific set of
13 educational objectives determined by the
14 school’s developer and agreed to by the author-
15 ized public chartering agency;

16 “(D) provides a program of elementary or
17 secondary education, or both;

18 “(E) is nonsectarian in its programs, ad-
19 missions policies, employment practices, and all
20 other operations, and is not affiliated with a
21 sectarian school or religious institution;

22 “(F) does not charge tuition;

23 “(G) complies with the Age Discrimination
24 Act of 1975, title VI of the Civil Rights Act of
25 1964, title IX of the Education Amendments of

1 1972, section 504 of the Rehabilitation Act of
2 1973, part B of the Individuals with Disabil-
3 ities Education Act, the Americans with Dis-
4 abilities Act of 1990 (42 U.S.C. 12101 et seq.),
5 and section 444 of the General Education Pro-
6 visions Act (20 U.S.C. 1232(g)) (commonly
7 known as the ‘Family Education Rights and
8 Privacy Act of 1974’);

9 “(H) is a school to which parents choose to
10 send their children, and admits students on the
11 basis of a lottery if more students apply for ad-
12 mission than can be accommodated, except that
13 in cases in which students who are enrolled in
14 a charter school affiliated (such as by sharing
15 a network) with another charter school, those
16 students may be automatically enrolled in the
17 next grade level at such other charter school, so
18 long as a lottery is used to fill seats created
19 through regular attrition in student enrollment;

20 “(I) agrees to comply with the same Fed-
21 eral and State audit requirements as do other
22 elementary schools and secondary schools in the
23 State, unless such State audit requirements are
24 waived by the State;

1 “(J) meets all applicable Federal, State,
2 and local health and safety requirements;

3 “(K) operates in accordance with State
4 law;

5 “(L) has a written performance contract
6 with the authorized public chartering agency in
7 the State that includes a description of how
8 student performance will be measured in char-
9 ter schools pursuant to State assessments that
10 are required of other schools and pursuant to
11 any other assessments mutually agreeable to
12 the authorized public chartering agency and the
13 charter school; and

14 “(M) may serve prekindergarten or post-
15 secondary students.”;

16 (2) by redesignating paragraphs (2) through
17 (4) as paragraphs (4) through (6), respectively;

18 (3) by inserting after paragraph (1), the fol-
19 lowing:

20 “(2) CHARTER MANAGEMENT ORGANIZATION.—
21 The term ‘charter management organization’ means
22 a not-for-profit organization that manages a network
23 of charter schools linked by centralized support, op-
24 erations, and oversight.

1 “(3) CHARTER SCHOOL SUPPORT ORGANIZA-
2 TION.—The term ‘charter school support organiza-
3 tion’ means a nonprofit, nongovernmental entity that
4 is not an authorized public chartering agency, which
5 provides on a statewide basis—

6 “(A) assistance to developers during the
7 planning, program design, and initial implemen-
8 tation of a charter school; and

9 “(B) technical assistance to charter schools
10 to operate such schools.”;

11 (4) in paragraph (5)(B), as so redesignated, by
12 striking “under section 5203(d)(3)”; and

13 (5) by adding at the end the following:

14 “(7) EXPANDED, HIGH-QUALITY CHARTER
15 SCHOOL.—The term ‘expanded, high-quality charter
16 school’ means a high-quality charter school that has
17 either significantly increased its enrollment or added
18 one or more grades to its school.

19 “(8) HIGH-QUALITY CHARTER SCHOOL.—The
20 term ‘high-quality charter school’ means a charter
21 school that—

22 “(A) shows evidence of strong academic re-
23 sults, which may include strong academic
24 growth as determined by a State;

1 “(B) has no significant issues in the areas
2 of student safety, operational and financial
3 management, or statutory or regulatory compli-
4 ance;

5 “(C) has demonstrated success in signifi-
6 cantly increasing student academic achieve-
7 ment, including graduation rates where applica-
8 ble, consistent with the requirements under title
9 I, for all students served by the charter school;
10 and

11 “(D) has demonstrated success in increas-
12 ing student academic achievement, including
13 graduation rates where applicable, for the
14 groups of students described in section
15 1111(b)(2)(C)(v)(II), except that such dem-
16 onstration is not required in a case in which the
17 number of students in a group is insufficient to
18 yield statistically reliable information or the re-
19 sults would reveal personally identifiable infor-
20 mation about an individual student.

21 “(9) REPLICATED, HIGH-QUALITY CHARTER
22 SCHOOL MODEL.—The term ‘replicated, high-quality
23 charter school model’ means a high-quality charter
24 school that has opened a new campus under an ex-

1 **Subtitle B—Magnet Schools**

2 **SEC. 510. DURATION OF AWARD; ACCOUNTABILITY.**

3 Section 5309 (20 U.S.C. 7231h) is amended—

4 (1) in the heading by inserting “; **ACCOUNT-**
5 **ABILITY**”;

6 (2) in subsection (a), by striking “3” and in-
7 serting “5”; and

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

9 “(e) **ACCOUNTABILITY.**—The Secretary may reduce
10 or terminate grant funding awarded to a local educational
11 agency, or a consortium of such agencies, under this part
12 if the agency or consortium does not show progress in the
13 elimination, reduction, or prevention of minority group
14 isolation in its magnet school program over the first 3-
15 year period during which the agency or consortium was
16 awarded such grant.”.

17 **Subtitle C—Fund for the** 18 **Improvement of Education**

19 **SEC. 511. FUND FOR THE IMPROVEMENT OF EDUCATION.**

20 (a) **IN GENERAL.**—Part D of title V (20 U.S.C. 7241
21 et seq.) is amended to read as follows:

1 “PART D—A WELL-ROUNDED EDUCATION

2 “SUBPART 1—GRANTS TO SUPPORT STEM EDUCATION

3 **“SEC. 5401. PURPOSE.**

4 “The purpose of this subpart is to improve student
5 academic achievement in STEM subjects by—

6 “(1) improving instruction in such subjects
7 from preschool through grade 12;

8 “(2) improving student engagement in, and in-
9 creasing student access to, courses in such subjects;

10 “(3) improving the quality and effectiveness of
11 classroom instruction by recruiting, training, and
12 supporting effective teachers and providing robust
13 tools and supports for students and teachers in such
14 subjects;

15 “(4) implementing and integrating college and
16 career ready standards, described in section
17 1111(b)(2), in STEM subjects and assessments
18 aligned with those standards;

19 “(5) closing student achievement gaps, and pre-
20 paring more students for postsecondary education
21 and careers, in such subjects, particularly students
22 who are traditionally underrepresented in STEM
23 subject fields; and

24 “(6) Recognizing that STEM subjects are di-
25 verse and that STEM education programs must ex-

1 pose students to content and skills in a host of con-
2 stantly changing and evolving content areas.

3 **“SEC. 5402. GRANTS; ALLOTMENTS.**

4 “(a) RESERVATIONS.—

5 “(1) IN GENERAL.—From the amounts appro-
6 priated under section 5410 for a fiscal year, the Sec-
7 retary shall reserve—

8 “(A) \$35,000,000 for a STEM Master
9 Teachers Corps program under section 5405;

10 “(B) 3 percent to carry out activities de-
11 scribed in section 5405 and technical assistance
12 to States, including technical assistance with
13 implementation of programs consistent with the
14 purpose of this subpart; and

15 “(C) if funds are not awarded by formula,
16 as described in subsection (c)(1), 5 percent for
17 State capacity-building grants in accordance
18 with paragraph (2).

19 “(2) CAPACITY-BUILDING GRANTS.—

20 “(A) IN GENERAL.—In any year for which
21 funding is distributed competitively, as de-
22 scribed in subsection (b)(1), the Secretary may
23 award 1 capacity-building grant to each eligible
24 entity that does not receive a grant under sub-
25 section (b), on a competitive basis, to enable

1 such States to become more competitive in fu-
2 ture years.

3 “(B) DURATION.—Grants awarded under
4 subparagraph (A) shall be for a period of 1
5 year.

6 “(b) COMPETITIVE GRANTS.—

7 “(1) IN GENERAL.—For each fiscal year for
8 which the amount appropriated to carry out this
9 subpart is less than \$250,000,000, the Secretary
10 shall award grants, on a competitive basis, to eligible
11 entities to enable such eligible entities to carry out
12 the activities described in this subpart.

13 “(2) DURATION.—Grants awarded under this
14 subsection shall be for a period of not more than 3
15 years.

16 “(3) RENEWAL.—

17 “(A) IN GENERAL.—If an eligible entity
18 demonstrates progress, as measured by the
19 metrics reported in section 5406(a)(5), the Sec-
20 retary may renew a grant for an additional 2-
21 year period.

22 “(B) REDUCED FUNDING.—Grant funds
23 awarded under subparagraph (A) shall be
24 awarded at a reduced amount.

25 “(c) FORMULA GRANTS.—

1 “(1) IN GENERAL.—For each fiscal year for
2 which the amount appropriated to carry out this
3 subpart is equal to or more than \$250,000,000, the
4 Secretary shall award grants to States, based on the
5 formula described in paragraph (2).

6 “(2) DISTRIBUTION OF FUNDS.—The Secretary
7 shall allot to each State—

8 “(A) an amount that bears the same rela-
9 tionship to 35 percent of the excess amount as
10 the number of individuals ages 5 through 17 in
11 the State, as determined by the Secretary on
12 the basis of the most recent satisfactory data,
13 bears to the number of those individuals in all
14 such States, as so determined; and

15 “(B) an amount that bears the same rela-
16 tionship to 65 percent of the excess amount as
17 the number of individuals ages 5 through 17
18 from families with incomes below the poverty
19 line, in the State, as determined by the Sec-
20 retary on the basis of the most recent satisfac-
21 tory data, bears to the number of those individ-
22 uals in all such States, as so determined.

23 “(3) FUNDING MINIMUM.—No State receiving
24 an allotment under this subsection may receive less

1 than one-half of 1 percent of the total amount allot-
2 ted under paragraph (1) for a fiscal year.

3 “(4) REALLOTMENT OF UNUSED FUNDS.—If a
4 State does not successfully apply for or receive an
5 allotment under this subsection for a fiscal year, the
6 Secretary shall reallocate the amount of the State’s al-
7 lotment to the remaining States in accordance with
8 this subsection.

9 **“SEC. 5403. APPLICATIONS.**

10 “(a) IN GENERAL.—Each eligible entity desiring a
11 grant under this subpart, whether through a competitive
12 grant under section 5402(b) or through an allotment
13 under section 5402(c), shall submit an application to the
14 Secretary at such time, in such manner, and accompanied
15 by such information as the Secretary may require.

16 “(b) CONTENTS.—At a minimum, an application sub-
17 mitted under subsection (a) shall include the following:

18 “(1) A description of how grant funds will be
19 used by the eligible entity.

20 “(2) A description of how the eligible entity has
21 involved a variety of stakeholders in the development
22 of the application and a description of how the State
23 or eligible entity will continue to involve stakeholders
24 in any education reform efforts related to STEM
25 subject instruction.

1 “(3) A description of the steps the eligible enti-
2 ty will take to ensure that programs implemented by
3 the subgrantees use evidence-based strategies, en-
4 sure high-quality curricula, and provide high-quality
5 professional development.

6 “(4) An assurance that the eligible entity, in
7 making awards under section 5404(c), will give pri-
8 ority to subgrantees that—

9 “(A) propose to serve students in schools
10 in need of support and persistently low achiev-
11 ing schools; or

12 “(B) propose to serve schools with a high
13 percentage or number of students that are eligi-
14 ble for free or reduced price lunch under the
15 Richard B. Russell National School Lunch Act
16 (42 U.S.C. 1751 et seq.).

17 “(5) A description of how the eligible entity’s
18 activities and subgrants will be coordinated with
19 other Federal, State, and local programs and activi-
20 ties, including career and technical education pro-
21 grams authorized under the Carl D. Perkins Career
22 and Technical Education Act of 2006 (20 U.S.C.
23 2301 et seq.).

24 “(6) A review of the industry and business
25 workforce needs in the State in jobs that require

1 knowledge or training in STEM subject areas and a
2 description of how that review will inform efforts to
3 improve education in STEM subjects.

4 “(7) A description of how the eligible entity will
5 allocate funds in a manner that will provide services
6 to both elementary schools and secondary schools.

7 “(8) A description of the technical assistance
8 that the eligible entity will provide to subgrantees to
9 support the activities undertaken by the sub-
10 grantees, including—

11 “(A) activities to employ multi-tiered sys-
12 tems of support to provide early intervening
13 services and to increase student achievement in
14 STEM subjects;

15 “(B) activities to ensure increased access
16 for students who are traditionally underrep-
17 resented in STEM subject fields (including fe-
18 male students, minority students, students who
19 are limited English proficient, students who are
20 children with disabilities, and students from
21 low-income families) to high-quality courses and
22 other learning experiences;

23 “(C) implementing evidence-based pro-
24 grams of instruction based on college and ca-

1 reer ready standards and high-quality assess-
2 ments in the identified subjects; and

3 “(D) developing curricula consistent with
4 the principles of universal design for learning as
5 defined in section 103 of the Higher Education
6 Act of 1965.

7 “(9) A description of the key data metrics that
8 will be used and reported annually under section
9 5406(a)(5), that shall include—

10 “(A) student academic achievement on
11 mathematics and science State academic assess-
12 ments and student growth; and

13 “(B) for diploma granting schools, gradua-
14 tion rates.

15 “(10) Assurances that the eligible entity will
16 monitor implementation of approved subgrantee
17 plans.

18 **“SEC. 5404. AUTHORIZED ACTIVITIES.**

19 “(a) **REQUIRED ACTIVITIES.**—Each eligible entity
20 that receives a grant under this subpart shall use not more
21 than 5 percent of the grant funds to carry out each of
22 the following activities:

23 “(1) Providing technical assistance to sub-
24 grantees as described in section 5403(b)(7) and
25 technical assistance to subgrantees that are

1 prioritized in section 5404(d), including subgrantees
2 that serve low-capacity rural and urban areas by—

3 “(A) informing those subgrantees that they
4 have a priority for competing for grants under
5 section 5404(b); and

6 “(B) providing subgrantees who do not re-
7 ceive a grant under section 5404(c) technical
8 assistance so that they may re-compete in fol-
9 lowing competitions.

10 “(2) Identifying and supporting high-quality
11 professional development and other comprehensive
12 systems of support for teachers and school leaders to
13 promote high-quality instruction and instructional
14 leadership in the identified subjects, aligned to col-
15 lege and career ready standards where applicable.

16 “(3) Disseminating information, including mak-
17 ing publicly available on the websites of the State
18 educational agency, on promising practices to im-
19 prove student achievement in STEM subject areas.

20 “(b) PERMISSIBLE ACTIVITIES.—Each eligible entity
21 that receives a grant under this subpart may use the grant
22 funds to carry out 1 or more of the following activities:

23 “(1) Recruiting qualified teachers and instruc-
24 tional leaders who are trained in identified subjects,

1 including teachers who have transitioned into the
2 teaching profession from a career in a STEM field.

3 “(2) Providing induction and mentoring serv-
4 ices to new teachers in identified subjects.

5 “(3) Developing instructional supports, such as
6 curricula and assessments, which shall be evidence-
7 based and aligned with State academic standards
8 and may include online education.

9 “(4) Training personnel of subgrantees to use
10 data systems to continuously improve student
11 achievement in STEM subjects and use the data to
12 better target curriculum and instruction to meet the
13 needs of each student.

14 “(c) SUBGRANTS.—

15 “(1) IN GENERAL.—Each eligible entity that re-
16 ceives a grant under this subpart shall award sub-
17 grants, on a competitive basis, to eligible sub-
18 grantees.

19 “(2) MINIMUM SUBGRANT.—An eligible entity
20 shall award subgrants under this subsection that are
21 of sufficient size and scope to support high-quality,
22 evidence-based, effective programs that are con-
23 sistent with the purpose of this subpart.

24 “(3) SUBGRANTEE APPLICATION.—Each sub-
25 grantee desiring a subgrant under this subsection

1 shall submit an application to the eligible entity at
2 such time, in such manner, and accompanied by
3 such information as the eligible entity may require,
4 including, at a minimum:

5 “(A) A description of the needs identified
6 by the subgrantee, based on a needs assessment
7 which shall include—

8 “(i) data for elementary school and
9 secondary school grades, as applicable and
10 to the extent that such data are available,
11 on—

12 “(I) student achievement in
13 science and mathematics, including
14 such data collected in accordance with
15 the State academic assessments;

16 “(II) science and mathematics
17 teacher evaluation results or ratings;

18 “(III) student access to mathe-
19 matics and science courses needed to
20 enroll in credit-bearing coursework at
21 institutions of higher education in the
22 State;

23 “(IV) access to science and
24 mathematics courses for student pre-
25 kindergarten through grade 12 at-

1 tending schools prioritized under sec-
2 tion 5404(d);

3 “ (V) the percentage of students
4 successfully—

5 “ (aa) completing Advanced
6 Placement (AP) or International
7 Baccalaureate (IB) courses in
8 science and mathematics sub-
9 jects; or

10 “ (bb) completing rigorous
11 postsecondary education courses
12 in science and mathematics sub-
13 jects;

14 “ (VI) rates of college remediation
15 in mathematics; and

16 “ (VII) teacher shortages and
17 teacher distribution among the local
18 educational agencies and schools
19 served by the subgrantee in science
20 and mathematics subjects; and

21 “ (ii) an analysis of the implementa-
22 tion of any multi-tiered systems of support
23 that have been employed by the local edu-
24 cational agency served by the subgrantee

1 to address the learning needs of students
2 in any STEM subjects.

3 “(B) A description of the activities that
4 the subgrantee will carry out based on the find-
5 ings of the needs assessment described in sub-
6 paragraph (A), and how such activities will im-
7 prove teaching and student academic achieve-
8 ment in the identified subjects, in a manner
9 consistent with evidence-based research.

10 “(C) A description of how the subgrantee
11 will use funds provided under this subsection to
12 serve students and teachers in schools
13 prioritized under section 5404(d).

14 “(D) A description of how funds provided
15 under this subsection will be coordinated with
16 other Federal, State, and local programs and
17 activities, including career and technical edu-
18 cation programs authorized under the Carl D.
19 Perkins Career and Technical Education Act of
20 2006 (20 U.S.C. 2301 et seq.).

21 “(E) If the subgrantee is working with
22 outside partners, a description of how such out-
23 side partners will be involved in improving in-
24 struction and increasing access to high-quality
25 learning experiences in the identified subjects.

1 “(4) SUBGRANTEE USE OF FUNDS.—

2 “(A) REQUIRED USE OF FUNDS.—Each
3 subgrantee that receives a subgrant under this
4 subsection shall use the subgrant funds to carry
5 out activities for students from preschool
6 through grade 12, consistent with the analysis
7 and the activities described in the subgrantee’s
8 application, which shall include—

9 “(i) high-quality teacher and instruc-
10 tional leader recruitment, support, evalua-
11 tion, and professional development in the
12 identified subjects;

13 “(ii) professional development, which
14 may include development and support for
15 instructional coaches, to enable teachers
16 and instructional leaders to increase stu-
17 dent achievement in identified subjects,
18 through—

19 “(I) implementation of classroom
20 assessments; and

21 “(II) differentiation of instruc-
22 tion in identified subjects for all stu-
23 dents, including for students with dis-
24 abilities and students who are English
25 learners;

- 1 “(iii) activities to—
- 2 “(I) improve the content knowl-
- 3 edge of teachers; and
- 4 “(II) facilitate professional col-
- 5 laboration, which may include pro-
- 6 viding time for such collaborations;
- 7 “(iv) training to principals and teach-
- 8 ers in implementing STEM subject initia-
- 9 tives, particularly in the areas of—
- 10 “(I) utilizing data;
- 11 “(II) assessing the quality of
- 12 STEM subject instruction; and
- 13 “(III) providing time and support
- 14 for teachers to plan STEM subject in-
- 15 struction;
- 16 “(v) the development, adoption, and
- 17 improvement of high-quality curricula, as-
- 18 sessments, materials, and instructional
- 19 supports that—
- 20 “(I) are aligned with State aca-
- 21 demic standards; and
- 22 “(II) the subgrantee will use to
- 23 improve student academic achieve-
- 24 ment in identified subjects; and

1 “(vi) the development or improvement,
2 and implementation, of multi-tiered sys-
3 tems of support to provide early inter-
4 vening services and to increase student
5 achievement in 1 or more of the identified
6 subjects.

7 “(B) PERMISSIBLE USE OF FUNDS.—In
8 addition to the required activities described in
9 subparagraph (A), each subgrantee that re-
10 ceives a subgrant under this subsection, may
11 also use the subgrant funds to—

12 “(i) support the participation of low-
13 income students in nonprofit competitions
14 and out-of-school activities related to
15 STEM (such as robotics, science research,
16 invention, mathematics, and technology
17 competitions), including—

18 “(I) the purchase of parts and
19 supplies needed to participate in such
20 competitions;

21 “(II) incentives and stipends for
22 teachers and instructional leaders who
23 are involved in assisting students and
24 preparing students for such competi-
25 tions, if such activities fall outside the

1 regular duties and responsibilities of
2 such teachers and instructional lead-
3 ers; and

4 “(III) paying expenses associated
5 with the participation of low-income
6 students in such local, regional, or na-
7 tional competitions;

8 “(ii) improve the laboratories of
9 schools served by the subgrantee and pro-
10 vide instrumentation as part of a com-
11 prehensive program to enhance the quality
12 of STEM instruction, including—

13 “(I) purchase, rental, or leasing
14 of equipment, instrumentation, and
15 other scientific educational materials;

16 “(II) maintenance, renovation,
17 and improvement of laboratory facili-
18 ties;

19 “(III) professional development
20 and training for teachers;

21 “(IV) development of instruc-
22 tional programs designed to integrate
23 the laboratory experience with class-
24 room instruction and to be consistent

1 with college and career ready content
2 standards in STEM subjects;

3 “(V) training in laboratory safety
4 for school personnel;

5 “(VI) design and implementation
6 of hands-on laboratory experiences to
7 encourage the interest of students, es-
8 pecially students who are traditionally
9 underrepresented in STEM subject
10 fields (including female students, mi-
11 nority students, students who are lim-
12 ited English proficient, students who
13 are children with disabilities, and stu-
14 dents from low-income families) in
15 STEM subjects and help prepare such
16 students to pursue postsecondary
17 studies in these fields; and

18 “(VII) assessment of the activi-
19 ties funded under this subparagraph;

20 “(iii) broaden secondary school stu-
21 dents’ access to, and interest in, careers
22 that require academic preparation in 1 or
23 more identified subjects;

24 “(iv) integrate instruction in the iden-
25 tified subjects with instruction in reading,

1 English language arts, or other core and
2 noncore academic subjects;

3 “(v) develop and implement a STEAM
4 curriculum, which means the integration of
5 instruction in the identified subjects with
6 instruction in the arts and design; or

7 “(vi) establish or access online or dis-
8 tance learning programs for STEM subject
9 teachers using evidence-based curricula.

10 “(C) LIMITATION.—Each subgrantee that
11 receives a subgrant under this subsection shall
12 not expend more than 15 percent of the
13 subgrant funds on the activities described in
14 subparagraph (B).

15 “(D) MATCHING FUNDS.—

16 “(i) IN GENERAL.—A State or eligible
17 entity may require an eligible subgrantee
18 receiving a subgrant under this subsection
19 to demonstrate that such subgrantee has
20 obtained a commitment from 1 or more
21 outside partners to match, using non-Fed-
22 eral funds, a portion of the amount of
23 subgrant funds, in an amount determined
24 by the State or eligible entity.

1 “(ii) REQUIRED MINIMUM.—Notwith-
2 standing clause (i), if an eligible sub-
3 grantee partners with an outside partner
4 that is a for-profit entity, such subgrantee
5 shall obtain matching funds from the out-
6 side partner in an amount equal to not less
7 than 15 percent of the amount of the
8 subgrant.

9 “(d) PRIORITY.—In awarding grants under this sub-
10 part, an eligible entity shall give priority to subgrantees
11 proposing to target services to—

12 “(1) students in schools in need of support and
13 high-priority schools; or

14 “(2) schools with a high percentage of students
15 that are eligible for free or reduced price lunch
16 under the Richard B. Russell National School Lunch
17 Act (42 U.S.C. 1751 et seq.).

18 **“SEC. 5405. NATIONAL COORDINATION.**

19 “From the amount reserved under section
20 5402(a)(1)(B), the Secretary shall consult with the Direc-
21 tor of the National Science Foundation and other Federal
22 agencies conducting STEM education programs to en-
23 hance such programs and to improve coordination across
24 agencies, such as—

1 “(1) clarifying the appropriate roles for the De-
2 partment of Education and the National Science
3 Foundation in the execution of summer workshops,
4 institutes, or partnerships to improve STEM edu-
5 cation in elementary and secondary schools; or

6 “(2) integrating afterschool, out-of-school, and
7 informal education efforts conducted across Federal
8 agencies into strategies for enhancing and improving
9 STEM education.

10 **“SEC. 5406. STEM MASTER TEACHER CORPS PROGRAM.**

11 “(a) GRANTS AUTHORIZED.—From the funds re-
12 served under section 5402(a)(1)(A), the Secretary shall
13 award 1 or more grants, on a competitive basis, to entities
14 described in subsection (b)(1) to enable such entities to
15 establish and operate a one-time STEM master teacher
16 corps program.

17 “(b) STEM MASTER TEACHER CORPS.—The term
18 ‘STEM master teacher corps’ (referred to in this section
19 as the ‘corps’) means a one-time program—

20 “(1) that establishes the viability of creating a
21 long-term national-level master teacher corps as a
22 means to recognize and reward accomplished STEM
23 educators;

24 “(2) operated by 1 or more State educational
25 agencies, or a consortium of local educational agen-

1 cies, acting in partnership with 1 or more outside
2 partners that have a demonstrated record of success
3 in improving the effectiveness of STEM teachers or
4 increasing the retention of such teachers;

5 “(3) that selects a group of highly rated teach-
6 ers (through a process, and for a duration, deter-
7 mined by the entity described in paragraph (1)), as
8 members of the corps, that constitutes not less than
9 5 percent and not more than 10 percent of elemen-
10 tary school, middle school, and high school teachers
11 who teach STEM subjects and who—

12 “(A) teach in a participating high-need
13 school in the region served by the entity de-
14 scribed in paragraph (1); or

15 “(B) agree to teach in a participating
16 high-need school in the region served by the en-
17 tity described in paragraph (1) if accepted as a
18 member of the corps; and

19 “(4) that aims to attract, improve, and retain
20 teachers who teach STEM subjects and to increase
21 student achievement in such subjects, including by—

22 “(A) providing instructional leadership re-
23 sponsibilities for corps members in their
24 schools, local educational agencies, or States,
25 such as mentoring beginning STEM teachers

1 and leading professional development activities
2 for teachers not participating in the corps;

3 “(B) providing corps members with re-
4 search-based professional development on in-
5 structional leadership and effective teaching
6 methods for STEM subjects, including coordi-
7 nating with out-of-school-time and afterschool
8 programs to provide engaging STEM programs;

9 “(C) providing each teacher who is a corps
10 member with a salary supplement of not less
11 than \$10,000 per year, in recognition of such
12 teacher’s teaching accomplishments, leadership,
13 and increased responsibilities, for each year
14 such teacher serves as a member of the corps;
15 and

16 “(D) building a community of practice
17 among corps members to enable such members
18 to network, collaborate, and to share best prac-
19 tices and resources with each other.

20 “(c) DURATION.—Grants awarded under this section
21 shall be for a period of not more than 3 years, after which
22 the program under this subsection shall end.

23 “(d) APPLICATION.—Each entity described in sub-
24 section (b)(1) desiring a grant under this section shall
25 submit an application to the Secretary at such time, in

1 such manner, and accompanied by such information as the
2 Secretary may require.

3 “(e) **MATCHING FUNDS.**—The Secretary may require
4 a grantee under this section to provide non-Federal
5 matching funds in an amount equal to the amount of
6 grant funds awarded under this section.

7 **“SEC. 5407. REPORTING REQUIREMENTS.**

8 “(a) **ELIGIBLE ENTITY REPORTS.**—Each State edu-
9 cational agency receiving an award under section 5403
10 shall report annually to the Secretary regarding the State
11 educational agency’s progress in addressing the purposes
12 of this subpart. Such report shall include, at a minimum,
13 a description of—

14 “(1) the professional development activities pro-
15 vided under the award, including types of activities
16 and entities involved in providing professional devel-
17 opment to classroom teachers and other program
18 staff;

19 “(2) the types of programs and, for children
20 from preschool to kindergarten entry, program set-
21 tings, funded under the award;

22 “(3) the ages and demographic information that
23 is not individually identifiable of children served by
24 the programs funded under the award;

1 “(4) student performance on data metrics iden-
2 tified under section 5403(b)(8) used for STEM ini-
3 tiatives; and

4 “(5) the outcomes of programs and activities
5 provided under the award.

6 “(b) ELIGIBLE SUBGRANTEE REPORTS.—Each eligi-
7 ble entity receiving a subgrant under section 5404(c) shall
8 report annually to the State educational agency regarding
9 the eligible entity’s progress in addressing the purposes
10 of this subpart. Such report shall include, at a minimum,
11 a description of—

12 “(1) how the subgrant funds were used; and

13 “(2) student performance on relevant program
14 metrics, as identified in the State education agency’s
15 implementation plan under section 5403(b)(8).

16 **“SEC. 5408. SUPPLEMENT NOT SUPPLANT.**

17 “Funds received under this subpart shall be used to
18 supplement, and not supplant, funds that would otherwise
19 be used for activities authorized under this subpart.

20 **“SEC. 5409. MAINTENANCE OF EFFORT.**

21 “A State that receives funds under this subpart for
22 a fiscal year shall maintain the fiscal effort provided by
23 the State for the subjects supported by the funds under
24 this subpart at a level equal to or greater than the level
25 of such fiscal effort for the preceding fiscal year.

1 **“SEC. 5410. DEFINITIONS.**

2 “In this subpart:

3 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
4 tity’ means a State educational agency in partner-
5 ship with—

6 “(A) another State educational agency;

7 “(B) a consortium of State educational
8 agencies; or

9 “(C) the State agencies that oversee
10 childcare programs, state-funded prekind-
11 garten, and part C of Individuals with Disabil-
12 ities Education Act.

13 “(2) ELIGIBLE SUBGRANTEE.—The term ‘eligi-
14 ble subgrantee’ means—

15 “(A) a local educational agency;

16 “(B) 1 or more local educational agencies
17 providing early learning programs, or 1 or more
18 public or private early learning programs, serv-
19 ing children from preschool through kinder-
20 garten entry, such as a Head Start agency, a
21 child care program, or a State-funded pre-kin-
22 dergarten program, as appropriate;

23 “(C) an educational service agency serving
24 more than 1 local educational agency;

25 “(D) an intermediary with demonstrated
26 expertise in STEM;

1 “(E) a consortium of local educational
2 agencies; or

3 “(F) any of the entities described in sub-
4 paragraphs (A) through (D) working in part-
5 nership with an outside partner.

6 “(3) MULTI-TIERED SYSTEM OF SUPPORT.—

7 The term ‘multi-tiered system of support’ means a
8 comprehensive system of differentiated supports that
9 includes evidence-based instruction, universal screen-
10 ing, progress monitoring, formative assessments, re-
11 search-based interventions matched to student needs
12 and educational decisionmaking using student out-
13 come data.

14 “(4) OUTSIDE PARTNER.—The term ‘outside
15 partner’ means an entity that has expertise and a
16 demonstrated record of success in improving student
17 learning and engagement in the STEM subjects, in-
18 cluding any of the following:

19 “(A) A nonprofit or community-based or-
20 ganization, such as an Indian tribe.

21 “(B) A business.

22 “(C) A nonprofit cultural organization,
23 such as a museum or learning center.

24 “(D) An institution of higher education.

25 “(E) An educational service agency.

1 instruction in alignment with State early learning
2 and college- and career-ready standards from pre-
3 school through grade 12;

4 “(3) to identify and support students reading
5 and writing significantly below grade level by pro-
6 viding evidence-based, intensive interventions to help
7 the students acquire the language and literacy skills
8 the students need to stay on track for graduation;

9 “(4) to support State educational agencies and
10 local educational agencies in improving reading,
11 writing, and literacy-based academic achievement for
12 children and students, especially children and stu-
13 dents who are low-income, are English learners, are
14 migratory, are children with disabilities, are Indian
15 or Alaskan Native, are neglected or delinquent, are
16 homeless, are in the custody of the child welfare sys-
17 tem, or have dropped out of school;

18 “(5) to provide assistance to local educational
19 agencies in order to provide educators with ongoing,
20 job-embedded professional development and other
21 support focusing on imparting and employing—

22 “(A) the characteristics of effective lan-
23 guage and literacy instruction;

24 “(B) the special knowledge and skills nec-
25 essary to teach and support literacy develop-

1 ment effectively across the developmental span
2 and age span;

3 “(C) the essential components of reading
4 instruction; and

5 “(D) the essential components of writing
6 instruction;

7 “(6) to evaluate whether the professional devel-
8 opment activities and approaches are effective in
9 building knowledge and skills of educators and their
10 use of appropriate and effective practices.

11 “(7) to support State educational agencies and
12 local educational agencies in using age appropriate
13 and developmentally appropriate instructional mate-
14 rials and strategies that assist teachers as the teach-
15 ers work with students to develop reading and writ-
16 ing competencies appropriate to the students’ grade
17 and skill levels;

18 “(8) to support efforts to link and align college
19 and career-ready standards and evidence-based
20 teaching practices and instruction in early childhood
21 education programs serving children from preschool
22 through kindergarten entry;

23 “(9) strengthening coordination among schools,
24 early literacy programs, family literacy programs, ju-
25 venile justice programs, public libraries, and outside-

1 of-school programs that provide children and youth
2 with strategies, curricula, interventions, and assess-
3 ments designed to advance early and continuing lan-
4 guage and literacy development in ways appropriate
5 for each context; and

6 “(10) to engage the participation of parents in
7 supporting their child’s communication and literacy
8 development.

9 **“SEC. 5422. PROGRAM AUTHORIZED.**

10 “(a) IN GENERAL.—The Secretary is authorized—

11 “(1) to award State planning grants in accord-
12 ance with section 5423; and

13 “(2) to award State implementation grants in
14 accordance with section 5424 to enable the State
15 educational agency to—

16 “(A) carry out the State activities de-
17 scribed in section 5425;

18 “(B) award subgrants to eligible entities in
19 accordance with section 5426; and

20 “(C) award subgrants to eligible entities in
21 accordance with section 5427.

22 “(b) AWARDS TO STATE EDUCATIONAL AGENCIES.—

23 “(1) AMOUNTS LESS THAN \$250,000,000.—If the
24 amount appropriated under section 5430 for a fiscal

1 year is less than \$250,000,000, then the Secretary
2 shall—

3 “(A) reserve not more than 5 percent to
4 award planning grants, on a competitive basis,
5 to State educational agencies, in accordance
6 with section 5423; and

7 “(B) use the amount not reserved under
8 subparagraphs (A) to make awards, on a com-
9 petitive basis, to State educational agencies
10 serving States that have applications approved
11 under section 5424(b) to enable the State edu-
12 cational agencies to carry out sections 5424 and
13 5425.

14 “(2) AMOUNTS EQUAL TO OR EXCEEDING
15 \$250,000,000.—

16 “(A) IN GENERAL.—If the amount appro-
17 priated under section 5430 for a fiscal year
18 equals or exceeds \$250,000,000, then the Sec-
19 retary shall—

20 “(i) reserve a total of 1 percent of
21 such amount for—

22 “(I) allotments for the United
23 States Virgin Islands, Guam, Amer-
24 ican Samoa, and the Commonwealth
25 of the Northern Mariana Islands, to

1 be distributed among such outlying
2 areas on the basis of their relative
3 need, as determined by the Secretary
4 in accordance with the purposes of
5 this subpart; and

6 “(II) the Secretary of the Inte-
7 rior for programs under sections
8 5423, 5424, 5425, 5426, and 5427 in
9 schools operated or funded by the Bu-
10 reau of Indian Education;

11 “(ii) reserve not more than 5 percent
12 to award planning grants, to State edu-
13 cational agencies serving States, in accord-
14 ance with section 5423;

15 “(iii) reserve not more than 3 percent
16 for national activities, such as evaluations,
17 training, and technical assistance, to the
18 Department of Education to support com-
19 prehensive literacy reform at the State
20 level; and

21 “(iv) use the amount not reserved
22 under clauses (i), and (ii) to make awards,
23 from allotments under subparagraph (C),
24 to State educational agencies serving
25 States that have applications approved

1 under section 5424 and that are not re-
2 ceiving an allotment under clause (i)(I), to
3 enable the State educational agencies to
4 carry out sections 5424 and 5425.

5 “(B) SPECIAL RULES.—

6 “(i) PROPORTIONAL DIVISION.—In
7 each fiscal year, the amount reserved
8 under subparagraph (A)(i) shall be divided
9 between the uses described in subclauses
10 (I) and (II) of subparagraph (A)(i) in the
11 same proportion as the amount reserved
12 under section 1121(a) is divided between
13 the uses described in paragraphs (1) and
14 (2) of such section for such fiscal year.

15 “(ii) CONSULTATION.—A State edu-
16 cational agency that receives an allotment
17 under this paragraph shall engage in time-
18 ly and meaningful consultation with rep-
19 resentatives of Indian tribes located in the
20 State in order to improve the coordination
21 and quality of activities designed to de-
22 velop effective approaches to achieve the
23 purposes of this subpart consistent with
24 the cultural, language, and educational
25 needs of Indian students.

1 “(C) STATE ALLOTMENT FORMULA.—The
2 Secretary shall allot the amount made available
3 under subparagraph (A)(iv) for a fiscal year
4 among the States not receiving an allotment
5 from the reservation under subparagraph
6 (A)(i)(I) in proportion to the number of chil-
7 dren, from preschool through age 17, who re-
8 side within the State and are from families with
9 incomes below the poverty line for the most re-
10 cent fiscal year for which satisfactory data are
11 available, compared to the number of such chil-
12 dren who reside in all such States for that fiscal
13 year.

14 “(3) MINIMUM AWARD AMOUNT.—Notwith-
15 standing paragraphs (1) and (2), no State edu-
16 cational agency receiving an award under this sec-
17 tion for a fiscal year may receive less than one-
18 fourth of 1 percent of the total amount appropriated
19 under section 5430 for the fiscal year, except as pro-
20 vided under paragraph (2)(A)(i).

21 “(c) PEER REVIEW.—The Secretary shall convene a
22 peer review panel to evaluate the application for each
23 grant awarded to a State educational agency under sec-
24 tions 5423 and 5424 and shall make a copy of the peer
25 review comments available to the public.

1 “(d) SUPPLEMENT NOT SUPPLANT.—Award funds
2 provided under this subpart shall supplement, and not
3 supplant, other Federal, State, or local funds that would,
4 in the absence of such award funds, be made available for
5 literacy instruction and support of children and students
6 participating in programs assisted under this subpart.

7 “(e) MAINTENANCE OF EFFORT.—Each State edu-
8 cational agency that receives an award under sections
9 5423 and 5424, and each eligible entity that receives a
10 subgrant under section 5426 or 5427, shall maintain for
11 the fiscal year for which the grant or subgrant is received
12 and for each subsequent fiscal year the expenditures of
13 the State educational agency or eligible entity, respec-
14 tively, for literacy instruction at a level not less than the
15 level of such expenditures maintained by the State edu-
16 cational agency or eligible entity, respectively, for the fis-
17 cal year preceding such fiscal year for which the grant
18 or subgrant is received.

19 **“SEC. 5423. STATE PLANNING GRANTS.**

20 “(a) PLANNING GRANTS AUTHORIZED.—

21 “(1) IN GENERAL.—From any amounts made
22 available under paragraph (1)(A) or (2)(A)(ii) of
23 section 5422(b), the Secretary may award planning
24 grants to State educational agencies to enable the
25 State educational agencies to develop or improve a

1 comprehensive planning to carry out activities that
2 improve literacy for children and students from pre-
3 school through grade 12.

4 “(2) GRANT PERIOD.—A planning grant award-
5 ed under this section shall be for a period of not
6 more than 1 year.

7 “(3) NONRENEWABILITY.—The Secretary shall
8 not award a State educational agency more than 1
9 planning grant under this section.

10 “(4) LIMITATION.—A State educational agency
11 may not receive a planning grant under this section
12 at the same time it is receiving an implementation
13 grant under section 5424.

14 “(b) APPLICATION.—

15 “(1) IN GENERAL.—Each State educational
16 agency desiring a planning grant under this section
17 shall submit an application to the Secretary at such
18 time, in such manner, and accompanied by such in-
19 formation as the Secretary may require.

20 “(2) EXISTING PLAN.—An existing federally
21 funded State literacy plan can be used to meet the
22 requirements of this subsection.

23 “(c) REQUIRED ACTIVITIES.—A State educational
24 agency receiving planning grant funds under this section
25 shall carry out each of the following activities:

1 “(1) Reviewing reading, writing, or other lit-
2 eracy resources and programs, such as school library
3 programs, high-quality distance learning programs,
4 and data across the State to identify any literacy
5 needs and gaps in the State.

6 “(2) Forming or designating a State literacy
7 leadership team which shall execute the following
8 functions:

9 “(A) Creating a comprehensive State lit-
10 eracy plan that—

11 “(i) is designed to improve language,
12 reading, writing, and academic achieve-
13 ment for children and students, especially
14 those reading below grade level;

15 “(ii) includes a needs assessment and
16 an implementation plan, including an anal-
17 ysis of child and student literacy data to
18 identify baseline and benchmark levels of
19 literacy and early literacy skills in order to
20 monitor progress and improvement, and a
21 plan to improve literacy levels among all
22 children and students;

23 “(iii) ensures high quality strategies
24 and instruction in early literacy develop-
25 ment (which includes communication, read-

1 ing, and writing) in early childhood edu-
2 cation programs serving children from pre-
3 school through kindergarten entry and in
4 kindergarten through grade 12 programs;

5 “(iv) provides for activities designed
6 to improve literacy achievement for stu-
7 dents who—

8 “(I) read or write below grade
9 level;

10 “(II) attend schools in need of
11 support and high-priority schools; and

12 “(III) attend schools with a high
13 percentage or number of students that
14 are eligible for free or reduced price
15 lunch under the Richard B. Russell
16 National School Lunch Act (42
17 U.S.C. 1751 et seq.); and

18 “(v) is submitted to the Secretary.

19 “(B) Providing recommendations to guide
20 the State educational agency in the State edu-
21 cational agency’s process of strengthening State
22 literacy standards and embedding State literacy
23 standards with the State’s college and career
24 ready standards, academic achievement stand-
25 ards, and early learning standards.

1 “(C) Providing recommendations to guide
2 the State educational agency in the State edu-
3 cational agency’s process of measuring, assess-
4 ing, and monitoring progress in literacy at the
5 school, local educational agency, and State lev-
6 els.

7 “(D) Identifying criteria for high quality
8 professional development providers, which pro-
9 viders may include qualified teachers within the
10 State, for the State educational agency and
11 local educational agencies.

12 “(E) Advising the State educational agen-
13 cy on how to help ensure that local educational
14 agencies and schools provide timely and appro-
15 priate data to teachers to inform and improve
16 instruction.

17 “(F) Providing recommendations to guide
18 the State educational agency in the State edu-
19 cational agency’s planning process of building
20 educators’ capacity to provide high-quality lit-
21 eracy instruction.

22 “(3) REPORTING REQUIREMENT.—Not later
23 than 1 year after a State educational agency receives
24 a planning grant under this section, the State edu-
25 cational agency shall submit a report to the Sec-

1 retary on the State educational agency's perform-
2 ance of the activities described in this subsection.

3 **“SEC. 5424. STATE IMPLEMENTATION GRANTS.**

4 “(a) IMPLEMENTATION GRANTS AUTHORIZED.—

5 “(1) IN GENERAL.—From awards made avail-
6 able under paragraph (1)(B) or (2)(A)(iv) of section
7 5422(b), the Secretary shall, on a competitive basis
8 or through allotments, respectively, award implemen-
9 tation grants to State educational agencies to enable
10 the State educational agencies—

11 “(A) to implement a comprehensive lit-
12 eracy plan that meets the criteria in section
13 5423(c)(2)(A) for programs serving children
14 from preschool through kindergarten entry
15 through grade 12 programs;

16 “(B) to carry out State activities under
17 section 5425; and

18 “(C) to award subgrants under sections
19 5426 and 5427.

20 “(2) LIMITATION.—The Secretary shall not
21 award a implementation grant under this section to
22 a State for any year for which the State has received
23 a planning grant under section 5423.

1 “(3) DURATION OF GRANTS.—An implementa-
2 tion grant under this section shall be awarded for a
3 period of not more than 5 years.

4 “(4) RENEWALS.—

5 “(A) IN GENERAL.—Implementation
6 grants under this section may be renewed.

7 “(B) CONDITIONS.—In order to be eligible
8 to have an implementation grant renewed under
9 this paragraph, the State educational agency
10 shall demonstrate to the satisfaction of the Sec-
11 retary that—

12 “(i) the State educational agency has
13 complied with the terms of the grant, in-
14 cluding using the funds to—

15 “(I) increase access to high-qual-
16 ity professional development;

17 “(II) use developmentally appro-
18 priate curricula and teaching mate-
19 rials; and

20 “(III) use developmentally appro-
21 priate classroom-based instructional
22 assessments and developmentally ap-
23 propriate screening and diagnostic as-
24 sessments; and

1 “(ii) with respect to students in kin-
2 dergarten through grade 12, during the pe-
3 riod of the grant there has been significant
4 progress in student achievement, as meas-
5 ured by the metrics described in section
6 5424(b)(2)(C).

7 “(b) STATE APPLICATIONS.—

8 “(1) IN GENERAL.—A State educational agency
9 that desires to receive an implementation grant
10 under this section shall submit an application to the
11 Secretary at such time, in such manner, and con-
12 taining such information as the Secretary may re-
13 quire. The State educational agency shall collaborate
14 with all State agencies responsible for administering
15 early childhood education programs, and the State
16 agency responsible for administering child care pro-
17 grams, in the State in writing and implementing the
18 early learning portion of the grant application under
19 this subsection.

20 “(2) CONTENTS.—An application described in
21 paragraph (1) shall include the following:

22 “(A) A description of the members of the
23 State literacy leadership team and a description
24 of how the State educational agency has devel-

1 oped a comprehensive State literacy plan, as de-
2 scribed in section 5423(c)(2)(A).

3 “(B) An implementation plan that includes
4 a description of how the State educational agen-
5 cy will—

6 “(i) carry out the State activities de-
7 scribed in section 5425;

8 “(ii) assist eligible entities with—

9 “(I) providing strategic and in-
10 tensive literacy instruction based on
11 scientifically valid research for stu-
12 dents who are reading and writing
13 below grade level, including through
14 the use of multi-tiered systems of sup-
15 port, including addressing the literacy
16 needs of children and youth with dis-
17 abilities or developmental delays and
18 English learners in early childhood
19 education programs serving children
20 from preschool through kindergarten
21 entry and programs serving students
22 from preschool through grade 12;

23 “(II) providing training to par-
24 ents, as appropriate, so that the par-
25 ents can participate in the literacy re-

1 lated activities described in sections
2 5426 and 5427 to assist in the lan-
3 guage and literacy development of
4 their children;

5 “ (III) selecting and using read-
6 ing and writing assessments;

7 “ (IV) providing classroom-based
8 instruction that is supported by one-
9 to-one and small group work;

10 “ (V) using curricular materials
11 and instructional tools, which may in-
12 clude technology, to improve instruc-
13 tion and literacy achievement;

14 “ (VI) providing for high-quality
15 professional development; and

16 “ (VII) using the principles of
17 universal design for learning, as de-
18 scribed in section 5429(b)(21);

19 “ (iii) ensure that local educational
20 agencies in the State have leveraged and
21 are effectively leveraging the resources
22 needed to implement effective literacy in-
23 struction, and have the capacity to imple-
24 ment literacy initiatives effectively;

1 “(iv) continually coordinate and align
2 the activities assisted under this section
3 and sections 5426 and 5427 with reading,
4 writing, and other literacy resources and
5 programs across the State and locally that
6 serve children and students and their fami-
7 lies and promote literacy instruction and
8 learning, including strengthening partner-
9 ships among schools, libraries, local youth-
10 serving agencies, and programs, in order to
11 improve literacy for all children and youth;
12 and

13 “(v) ensure that funds provided under
14 this section are awarded in a manner that
15 will provide services to all grade levels, in-
16 cluding proportionally to middle schools
17 and high schools.

18 “(C) A description of the key data metrics
19 that will be used and reported annually under
20 section 5427(b)(1)(E), that shall include—

21 “(i) student academic achievement on
22 the English language arts State academic
23 assessments and student growth over time;

24 “(ii) for diploma granting schools,
25 graduation rates;

1 “(D) An assurance that the State edu-
2 cational agency will use implementation grant
3 funds under this section for literacy programs
4 as follows:

5 “(i) Not less than 10 percent of such
6 grant funds shall be used for State and
7 local programs and activities pertaining to
8 learners from preschool through kinder-
9 garten entry.

10 “(ii) Not less than 40 percent of such
11 implementation grant funds shall be used
12 for State and local programs and activities
13 allocated equitably among the grades of
14 kindergarten through grade 5.

15 “(iii) Not less than 40 percent of such
16 implementation grant funds shall be used
17 for State and local programs and activities,
18 allocated equitably among grades 6
19 through 12.

20 “(iv) Not more than 10 percent of
21 such implementation grant funds shall be
22 used for the State activities described in
23 section 5425.

1 “(E) An assurance that the State edu-
2 cational agency shall give priority to awarding
3 a subgrant to an eligible entity—

4 “(i) under section 5426 based on the
5 number or percentage of children younger
6 than the age of kindergarten entry and the
7 number of students from kindergarten
8 through 17 who are—

9 “(I) served by the eligible entity;
10 and

11 “(II) from families with income
12 below the poverty line, based on the
13 most recent satisfactory data provided
14 to the Secretary by the Bureau of the
15 Census for determining eligibility
16 under section 1124(c)(1)(A); and

17 “(ii) under section 5427, that pro-
18 poses to serve—

19 “(I) a high number or percentage
20 of students served by the eligible enti-
21 ty that are reading and writing below
22 grade level according to State assess-
23 ments;

1 “(II) students that attend schools
2 in need of support and high-priority
3 schools; and

4 “(III) students that attend
5 schools with a high percentage or
6 number of students that are eligible
7 for free or reduced price lunch under
8 the Richard B. Russell National
9 School Lunch Act (42 U.S.C. 1751 et
10 seq.).

11 “(c) APPROVAL OF APPLICATIONS.—

12 “(1) IN GENERAL.—The Secretary, in consulta-
13 tion with the peer review panel established under
14 paragraph (2), shall evaluate State educational
15 agency applications under subsection (b) based on
16 the responsiveness of the applications to the applica-
17 tion requirements under such subsection.

18 “(2) PEER REVIEW.—The Secretary shall con-
19 vene a peer review panel in accordance with section
20 5422(e) to evaluate applications for each implemen-
21 tation grant awarded to a State educational agency
22 under this section.

23 “(3) EARLY LEARNING.—In order for a State
24 educational agency’s application under this section
25 to be approved by the Secretary, the application

1 shall contain an assurance that the State agencies
2 responsible for administering early childhood edu-
3 cation programs and services, including the State
4 agency responsible for administering child care pro-
5 grams and the State Advisory Council on Early
6 Childhood Education and Care established under
7 section 642B(b) of the Head Start Act (42 U.S.C.
8 9837b(b)), approves of, and will be extensively con-
9 sulted in the implementation of related activities and
10 services consistent with section 5426 with respect to,
11 the early learning portion of the application.

12 **“SEC. 5425. STATE ACTIVITIES.**

13 “(a) REQUIRED ACTIVITIES.—A State educational
14 agency shall use funds made available under section
15 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv)
16 to carry out the activities proposed in a State’s plan con-
17 sistent with section 5424(b)(2), including the following ac-
18 tivities:

19 “(1) Carrying out the assurances and activities
20 provided in the State application under section
21 5424(b)(2).

22 “(2) In consultation with the State literacy
23 leadership team, providing technical assistance or
24 engaging qualified providers to provide technical as-
25 sistance to eligible entities to enable the eligible enti-

1 ties to design and implement a literacy program
2 under sections 5426 and 5427.

3 “(3) Providing technical assistance to eligible
4 entities that are prioritized in section 5424(b)(2)(E),
5 including eligible entities that serve low-capacity
6 rural and urban areas by—

7 “(A) informing those eligible entities that
8 they have a priority for competing for grants
9 under section 5426 and 5427; and

10 “(B) providing eligible entities who do not
11 receive a grant under section 5426 and 5427
12 technical assistance so that they may re-com-
13 pete in following competitions.

14 “(4) Continuing to consult with the State lit-
15 eracy leadership team and continuing to coordinate
16 with institutions of higher education in the State—

17 “(A) in order to provide recommendations
18 to strengthen and enhance preservice courses
19 for students preparing, at institutions of higher
20 education in the State, to teach children from
21 preschool through grade 12 in explicit, system-
22 atic, and intensive instruction in evidence-based
23 literacy methods; and

24 “(B) by following up reviews completed by
25 the State literacy leadership team with rec-

1 ommendations to ensure that such institutions
2 offer courses that meet the highest standards.

3 “(5) Reviewing and updating, in collaboration
4 with teachers, statewide educational and professional
5 organizations representing teachers, and statewide
6 educational and professional organizations rep-
7 resenting institutions of higher education, State li-
8 censure and certification standards in the area of lit-
9 eracy instruction in early childhood education
10 through grade 12.

11 “(6) Making publicly available, including on the
12 State educational agency’s website, information on
13 promising instructional practices to improve student
14 literacy achievement.

15 “(b) PERMISSIVE ACTIVITIES.—After carrying out
16 activities described in subsection (a), a State educational
17 agency may use remaining funds made available under
18 section 5422(a)(2)(A) and described in section
19 5424(b)(2)(D)(iv) to carry out 1 or more of the following
20 activities:

21 “(1) Training the personnel of eligible entities
22 to use data systems that track student literacy
23 achievement.

24 “(2) Developing literacy coach training pro-
25 grams and training literacy coaches.

1 “(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant
2 awarded under this section shall be of sufficient size and
3 scope to allow the eligible entity to carry out high-quality
4 early literacy initiatives for children from preschool
5 through kindergarten entry.

6 “(c) LOCAL APPLICATIONS.—An eligible entity desir-
7 ing to receive a subgrant under this section shall submit
8 an application to the State educational agency, at such
9 time, in such manner, and containing such information as
10 the State educational agency may require. Such applica-
11 tion shall include a description of—

12 “(1) how the subgrant funds will be used to en-
13 hance the language and literacy aspects of school
14 readiness of children, from preschool through kin-
15 dergarten entry, in early childhood education pro-
16 grams, including an analysis of the data used to
17 identify how funds will be used to improve language
18 and literacy;

19 “(2) the programs assisted under the subgrant,
20 including demographic and socioeconomic informa-
21 tion on the children enrolled in the programs;

22 “(3) a budget for the eligible entity that
23 projects the cost of developing and implementing lit-
24 eracy initiatives to carry out the activities described
25 in subsection (e);

1 “(4) how, if the eligible entity is requesting a
2 planning period, the eligible entity will use that plan-
3 ning period to prepare for successful implementation
4 of a plan to support the development of learning and
5 literacy consistent with the purposes of this subpart;

6 “(5) the literacy initiatives, if any, in place and
7 how these initiatives will be coordinated and inte-
8 grated with activities supported under this section;

9 “(6) how the subgrant funds will be used to
10 prepare and provide ongoing assistance to staff in
11 the programs, through high-quality professional de-
12 velopment;

13 “(7) how the subgrant funds will be used to
14 provide services, incorporate activities, and select
15 and use literacy instructional materials that meet
16 the diverse developmental and linguistic needs of
17 children, including English learners and children
18 with disabilities and developmental delays, and that
19 are based on scientifically valid research on child de-
20 velopment and learning for children from preschool
21 through kindergarten entry;

22 “(8) how the subgrant funds will be used to
23 provide screening assessments, diagnostic assess-
24 ments, classroom-based instructional assessments,
25 and assessments of developmental progress;

1 “(9) how families and caregivers will be in-
2 volved, as appropriate, in supporting their children’s
3 literacy development, instruction, and assessment;

4 “(10) how the subgrant funds will be used to
5 help children, particularly children experiencing dif-
6 ficulty with oral and written language, to make the
7 transition from early childhood education to formal
8 classroom instruction;

9 “(11) how the activities assisted under the
10 subgrant will be coordinated with literacy instruction
11 at the kindergarten through grade 5 level;

12 “(12) how the subgrant funds will be used—

13 “(A) to evaluate the success of the activi-
14 ties assisted under the subgrant in enhancing
15 the early language and literacy development of
16 children from preschool through kindergarten
17 entry; and

18 “(B) to evaluate data for program im-
19 provement; and

20 “(13) such other information as the State edu-
21 cational agency may require.

22 “(d) APPROVAL OF LOCAL APPLICATIONS.—The
23 State educational agency, in consultation with the State
24 agencies responsible for administering early childhood
25 education programs, including the State agency respon-

1 sible for administering child care programs and the State
2 Advisory Council on Early Childhood Education and Care
3 established under section 642B(b) of the Head Start Act
4 (42 U.S.C. 9837b(b)), shall—

5 “(1) select applications for funding under this
6 section based on the quality of the applications sub-
7 mitted, including the relationship between literacy
8 activities proposed and the research base or data
9 supporting such activities, as appropriate, and the
10 recommendations of—

11 “(A) the State literacy leadership team;
12 and

13 “(B) other experts in the area of early lit-
14 eracy; and

15 “(2) place priority for funding programs based
16 on the criteria in section 5424(b)(2)(E)(i).

17 “(e) LOCAL USES OF FUNDS.—

18 “(1) IN GENERAL.—An eligible entity that re-
19 ceives a subgrant under this section shall use the
20 subgrant funds consistent with the application pro-
21 posed in subsection (c) to carry out the following ac-
22 tivities:

23 “(A) Enhancing and improving early child-
24 hood education programs to ensure that chil-
25 dren in such programs are provided with high-

1 quality oral language and literature- and print-
2 rich environments in which to develop early lit-
3 eracy skills.

4 “(B) Providing high-quality professional
5 development.

6 “(C) Acquiring, providing training for, and
7 implementing screening assessments, diagnostic
8 assessments, and classroom-based instructional
9 assessments.

10 “(D) Selecting, developing, and imple-
11 menting a multi-tiered system of support.

12 “(E) Integrating evidence-based instruc-
13 tional materials, activities, tools, and measures
14 into the programs offered by the eligible entity
15 to improve development of early learning lan-
16 guage and literacy skills.

17 “(F) Training providers and personnel to
18 support, develop, and administer high-quality
19 early learning literacy initiatives that—

20 “(i) utilize data—

21 “(I) to inform instructional de-
22 sign; and

23 “(II) to assess literacy needs;
24 and

1 “(ii) provide time and support for per-
2 sonnel to meet to plan literacy instruction.

3 “(G) Providing for family literacy services,
4 as appropriate, and partnering with families to
5 support their child’s learning.

6 “(H) Annually collecting, summarizing,
7 and reporting to the State educational agency
8 data—

9 “(i) to document and monitor, for the
10 purpose of improving or increasing early
11 literacy and language skills development
12 pursuant to activities carried out under
13 this section;

14 “(ii) to stimulate and accelerate im-
15 provement by identifying the programs
16 served by the eligible entity that produce
17 significant gains in skills development; and

18 “(iii) for all subgroups of students
19 and categories of students that—

20 “(I) utilizes a variety of data;
21 and

22 “(II) is consistent across the
23 State.

24 “(2) LIMITATION.—An eligible entity that re-
25 ceives a subgrant under this section shall not use

1 more than 10 percent of the subgrant funds to pur-
2 chase curricula and assessment materials.

3 “(f) PROHIBITION.—The use of assessment items
4 and data on any assessment authorized under this section
5 to provide rewards or sanctions for individual children,
6 early childhood educators, teachers, program directors, or
7 principals is prohibited.

8 **“SEC. 5427. CONSEQUENCES OF INSUFFICIENT PROGRESS,**
9 **REPORTING REQUIREMENTS, AND CON-**
10 **FLICTS OF INTEREST.**

11 “(a) CONSEQUENCES OF INSUFFICIENT
12 PROGRESS.—

13 “(1) CONSEQUENCES FOR GRANT RECIPI-
14 ENTS.—If the Secretary determines that a State
15 educational agency receiving an award under section
16 5422(b) or an eligible entity receiving a subgrant
17 under section 5426 or 5427 is not making signifi-
18 cant progress in meeting the purposes of this sub-
19 part and the key metrics identified by the State edu-
20 cational agency under section 5424(b)(2)(C) after
21 the submission of a report described in subsection
22 (b), then the Secretary may withhold, in whole or in
23 part, further payments under this subpart in accord-
24 ance with section 455 of the General Education Pro-
25 visions Act (20 U.S.C. 1234d) or take such other ac-

1 tion authorized by law as the Secretary determines
2 necessary, including providing technical assistance
3 upon request of the State educational agency or eli-
4 gible entity, respectively.

5 “(2) CONSEQUENCES FOR SUBGRANT RECIPI-
6 ENTS.—

7 “(A) IN GENERAL.—A State educational
8 agency receiving an award under section
9 5422(b) may refuse to award subgrant funds to
10 an eligible entity under section 5426 or 5427 if
11 the State educational agency finds that the eli-
12 gible entity is not making significant progress
13 in meeting the purposes of this subpart, after—

14 “(i) affording the eligible entity no-
15 tice, a period for correction, and an oppor-
16 tunity for a hearing; and

17 “(ii) providing technical assistance to
18 the eligible entity.

19 “(B) FUNDS AVAILABLE.—Subgrant funds
20 not awarded under subparagraph (A) shall be
21 redirected to an eligible entity serving similar
22 children and students in the same area or re-
23 gion as the eligible entity not awarded the
24 subgrant funds, to the greatest extent prac-
25 ticable.

1 “(b) REPORTING REQUIREMENTS.—

2 “(1) STATE EDUCATIONAL AGENCY REPORTS.—

3 Each State educational agency receiving an award
4 under section 5422(b) shall report annually to the
5 Secretary regarding the State educational agency’s
6 progress in addressing the purposes of this subpart.

7 Such report shall include, at a minimum, a descrip-
8 tion of—

9 “(A) the professional development activi-
10 ties provided under the award, including types
11 of activities and entities involved in providing
12 professional development to classroom teachers
13 and other program staff, such as school librari-
14 ans;

15 “(B) the instruction, strategies, activities,
16 curricula, materials, and assessments used in
17 the programs funded under the award;

18 “(C)(i) the types of programs and, for chil-
19 dren from preschool to kindergarten entry, pro-
20 gram settings, funded under the award; and

21 “(ii) the ages and demographic information
22 that is not individually identifiable of children
23 served by the programs funded under the
24 award;

1 “(D) the experience and qualifications of
2 the program staff who provide literacy instruc-
3 tion under the programs funded under the
4 award, including the experience and qualifica-
5 tions of those staff working with children with
6 disabilities or developmental delays and with
7 English learners and children from preschool to
8 kindergarten entry;

9 “(E) key data metrics identified under sec-
10 tion 5424(b)(2)(C) used for literacy initiatives;

11 “(F) student performance on relevant pro-
12 gram metrics, as identified in the State edu-
13 cation agency’s implementation plan under sec-
14 tion 5424(b)(2)(C); and

15 “(G) the outcomes of programs and activi-
16 ties provided under the award.

17 “(2) ELIGIBLE ENTITY REPORTS.—Each eligi-
18 ble entity receiving a subgrant under section 5426 or
19 5427 shall report annually to the State educational
20 agency regarding the eligible entity’s progress in ad-
21 dressing the purposes of this subpart. Such report
22 shall include, at a minimum, a description of—

23 “(A) how the subgrant funds were used;
24 and

1 “(B) student performance on relevant pro-
2 gram metrics, as identified in the State edu-
3 cation agency’s implementation plan under sec-
4 tion 5424(b)(2)(C).

5 “(c) CONFLICTS OF INTEREST.—The Secretary shall
6 ensure that each member of the peer review panel de-
7 scribed in section 5422(c) and each member of a State
8 literacy leadership team participating in a program or ac-
9 tivity assisted under this subpart does not stand to benefit
10 financially from a grant or subgrant awarded under this
11 subpart.

12 **“SEC. 5428. DEFINITIONS.**

13 “In this subpart:

14 “(1) CHARACTERISTICS OF EFFECTIVE LIT-
15 ERACY STRATEGIES AND INSTRUCTION.—The term
16 ‘characteristics of effective literacy strategies and in-
17 struction’ means—

18 “(A) for children from preschool through
19 kindergarten entry—

20 “(i) providing high quality profes-
21 sional development opportunities for early
22 childhood educators, teachers, and school
23 leaders in—

24 “(I) literacy development;

25 “(II) language development;

1 “(III) English language acquisi-
2 tion (as appropriate); and

3 “(IV) effective language and lit-
4 eracy instruction and teaching strate-
5 gies aligned to State standards;

6 “(ii) reading aloud to children, engag-
7 ing children in shared reading experiences,
8 discussing reading with children, and mod-
9 eling age and developmentally appropriate
10 reading strategies;

11 “(iii) encouraging children’s early at-
12 tempts at communication, reading, writing,
13 and drawing, and talking about the mean-
14 ing of the reading, writing, and drawing
15 with others;

16 “(iv) creating conversation rich class-
17 rooms and using oral modeling techniques
18 to build oral language skills;

19 “(v) multiplying opportunities for chil-
20 dren to use language with peers and
21 adults;

22 “(vi) providing strategic and explicit
23 instruction in the identification of speech
24 sounds, letters, and letter-sound cor-
25 respondence;

1 “(vii) integrating oral and written lan-
2 guage;

3 “(viii) stimulating vocabulary develop-
4 ment;

5 “(ix) using differentiated instructional
6 approaches or teaching strategies, includ-
7 ing—

8 “(I) individual and small group
9 instruction or interactions; and

10 “(II) professional development,
11 curriculum development, and class-
12 room instruction;

13 “(x) applying the principles of uni-
14 versal design for learning, as described in
15 section 5429(b)(21);

16 “(xi) using age-appropriate screening
17 assessments, diagnostic assessments, form-
18 ative assessments, and summative assess-
19 ments to identify individual learning needs,
20 to inform instruction, and to monitor—

21 “(I) student progress and the ef-
22 fects of instruction over time; and

23 “(II) for children between the
24 ages of preschool and kindergarten

1 entry, progress and development with-
2 in established norms;

3 “(xii) coordinating the involvement of
4 families, early childhood education pro-
5 gram staff, principals, other school leaders,
6 and teachers in the reading and writing
7 achievement of children served under this
8 subpart;

9 “(xiii) using a variety of age and de-
10 velopmentally appropriate, high quality
11 materials for language development, read-
12 ing, and writing;

13 “(xiv) encouraging family literacy ex-
14 periences and practices, and educating
15 teachers, public librarians, and parents
16 and other caregivers about literacy develop-
17 ment and child literacy development; and

18 “(xv) using strategies to enhance chil-
19 dren’s—

20 “(I) motivation to communicate,
21 read, and write; and

22 “(II) engagement in self-directed
23 learning;

24 “(B) for students in kindergarten through
25 grade 3—

1 “(i) providing high quality profes-
2 sional development opportunities, for
3 teachers, literacy coaches, literacy special-
4 ists, English as a second language special-
5 ists (as appropriate), school librarians, and
6 principals, on literacy development, lan-
7 guage development, English language ac-
8 quisition, and effective literacy instruction
9 that—

10 “(I) aligns to State standards as
11 well as local curricula and instruc-
12 tional assessments; and

13 “(II) addresses literacy develop-
14 ment opportunities across the cur-
15 ricula;

16 “(ii) providing age appropriate direct
17 and explicit instruction;

18 “(iii) providing strategic, systematic,
19 and explicit instruction in phonological
20 awareness, phonic decoding, vocabulary,
21 reading fluency, and reading comprehen-
22 sion;

23 “(iv) making available and using di-
24 verse texts at the reading, development,
25 and interest level of students;

1 “(v) providing multiple opportunities
2 for students to write individually and col-
3 laboratively with instruction and feedback;

4 “(vi) using differentiated instructional
5 approaches, including individual, small
6 group, and classroom-based instruction
7 and discussion;

8 “(vii) using oral modeling techniques
9 and opportunities for students to use lan-
10 guage with the students’ peers and adults
11 to build student language skills;

12 “(viii) providing time and opportuni-
13 ties for systematic and intensive instruc-
14 tion, intervention, and practice to supple-
15 ment regular instruction, which can be
16 provided inside and outside the classroom
17 as well as during and outside regular
18 school hours;

19 “(ix) providing instruction in uses of
20 print materials and technological resources
21 for research and for generating and pre-
22 senting content and ideas;

23 “(x) using screening assessments, di-
24 agnostic assessments, formative assess-
25 ments, and summative assessments to

1 identify student learning needs, to inform
2 instruction, and to monitor student
3 progress and the effects of instruction over
4 time;

5 “(xi) coordinating the involvement of
6 families, caregivers, teachers, principals,
7 other school leaders, and teacher literacy
8 teams in the reading and writing achieve-
9 ment of children served under this subpart;

10 “(xii) encouraging family literacy ex-
11 periences and practices; and

12 “(xiii) using strategies to enhance stu-
13 dents’—

14 “(I) motivation to read and
15 write; and

16 “(II) engagement in self-directed
17 learning; and

18 “(C) for students in grades 4 through
19 12—

20 “(i) providing high quality profes-
21 sional development opportunities for teach-
22 ers, literacy coaches, literacy specialists,
23 English as a second language specialists
24 (as appropriate), school librarians, and
25 principals, including professional develop-

1 ment on literacy development, language de-
2 velopment, and effective literacy instruc-
3 tion embedded in schools and aligned to
4 State standards;

5 “ (ii) providing direct and explicit com-
6 prehension instruction;

7 “ (iii) providing direct and explicit in-
8 struction that builds academic vocabulary
9 and strategies and knowledge of text struc-
10 ture for reading different kinds of texts
11 within and across core academic subjects;

12 “ (iv) making available and using di-
13 verse texts at the reading, development,
14 and interest level of the students;

15 “ (v) providing multiple opportunities
16 for students to write with clear purposes
17 and critical reasoning appropriate to the
18 topic and purpose and with specific in-
19 struction and feedback from teachers and
20 peers;

21 “ (vi) using differentiated instructional
22 approaches;

23 “ (vii) using strategies to enhance stu-
24 dents’—

1 “(I) motivation to read and
2 write; and

3 “(II) engagement in self-directed
4 learning;

5 “(viii) providing for text-based learn-
6 ing across content areas;

7 “(ix) providing systematic, strategic,
8 and individual and small group instruction,
9 including intensive supplemental interven-
10 tion for students reading significantly
11 below grade level, which may be provided
12 inside and outside the classroom as well as
13 during and outside regular school hours;

14 “(x) providing instruction in the uses
15 of technology and multimedia resources for
16 classroom research and for generating and
17 presenting content and ideas;

18 “(xi) using screening assessments, di-
19 agnostic assessments, formative assess-
20 ments, and summative assessments to
21 identify learning needs, inform instruction,
22 and monitor student progress and the ef-
23 fects of instruction;

24 “(xii) coordinating the involvement of
25 families and caregivers, to the extent fea-

1 sible and appropriate as determined by the
2 Secretary, to improve reading, writing, and
3 academic achievement; and

4 “(xiii) coordinating the involvement of
5 school librarians, teachers, principals,
6 other school leaders, teacher literacy
7 teams, and English as a second language
8 specialists (as appropriate), that analyze
9 student work and plan or deliver instruc-
10 tion over time.

11 “(2) CLASSROOM-BASED INSTRUCTIONAL AS-
12 SESSMENT.—The term ‘classroom-based instruc-
13 tional assessment’ means an assessment, for children
14 between preschool through grade 3, that—

15 “(A) is valid and reliable for the age and
16 population of children being assessed;

17 “(B) is used to evaluate children’s develop-
18 mental progress and learning, including system-
19 atic observations by teachers of children per-
20 forming tasks, including academic and literacy
21 tasks, that are part of their daily classroom ex-
22 perience; and

23 “(C) is used to improve classroom instruc-
24 tion.

1 “(3) COMPREHENSIVE LITERACY INSTRU-
2 TION.—The term ‘comprehensive literacy instruc-
3 tion’ means instruction that—

4 “(A) involves the characteristics of effec-
5 tive literacy instruction; and

6 “(B) is designed to support the essential
7 components of reading instruction and the es-
8 sential components of writing instruction.

9 “(4) DEVELOPMENTAL DELAY.—The term ‘de-
10 velopmental delay’ has the meaning given the term
11 in section 632 of the Individuals with Disabilities
12 Education Act (20 U.S.C. 1432).

13 “(5) DIAGNOSTIC ASSESSMENT.—The term ‘di-
14 agnostic assessment’ means an assessment that—

15 “(A) is valid, reliable, and based on sci-
16 entifically valid research on language, literacy,
17 and English language acquisition;

18 “(B) is used for the purposes of—

19 “(i) identifying a student’s specific
20 areas of strengths and weaknesses in oral
21 language and literacy;

22 “(ii) determining any difficulties that
23 the student may have in oral language and
24 literacy and the potential cause of such dif-
25 ficulties; and

1 “(iii) helping to determine possible lit-
2 eracy intervention strategies and related
3 special needs of the student; and

4 “(C) in the case of young children, is con-
5 ducted after a screening assessment that identi-
6 fies potential risks or a lack of school prepared-
7 ness, including oral language and literacy devel-
8 opment, or delayed development.

9 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-
10 tity’ means—

11 “(A) when used with respect to children
12 from preschool through kindergarten entry—

13 “(i) 1 or more local educational agen-
14 cies providing early childhood education
15 programs, or 1 or more public or private
16 early childhood education programs, serv-
17 ing children from preschool through kin-
18 dergarten entry (such as a Head Start pro-
19 gram, a child care program, a State-funded
20 prekindergarten program, a public library
21 program, or a family literacy program),
22 that has a demonstrated record of pro-
23 viding effective literacy instruction for the
24 age group such agency or program pro-
25 poses to serve under section 5426; or

1 “(ii) 1 or more entities described in
2 clause (i) acting in partnership with 1 or
3 more public agencies or private nonprofit
4 organizations that have a demonstrated
5 record of effectiveness—

6 “(I) in improving the early lit-
7 eracy development of children from
8 preschool through kindergarten entry;
9 and

10 “(II) in providing professional
11 development aligned with the activities
12 described in section 5426(e)(1); or

13 “(B) when used with respect to students in
14 kindergarten through grade 12—

15 “(i) that is—

16 “(I) a local educational agency;

17 “(II) a consortium of local edu-
18 cational agencies; or

19 “(III) or a local educational
20 agency or consortium of local edu-
21 cational agencies that may act in
22 partnership with 1 or more public
23 agencies or private nonprofit organi-
24 zations, which agencies or organiza-
25 tions shall have a demonstrated record

1 of effectiveness, consistent with the
2 purposes of their participation, in im-
3 proving literacy achievement of stu-
4 dents from kindergarten through
5 grade 12 and in providing professional
6 development described in section
7 5427(a)(3)(B);

8 “(ii) that—

9 “(I) is among, or consists of, the
10 local educational agencies in the State
11 with the highest numbers or percent-
12 ages of students reading or writing
13 below grade level, based on the most
14 currently available State academic as-
15 sessment data;

16 “(II) has jurisdiction over a sig-
17 nificant number or percentage of
18 schools that are identified for school
19 improvement under section 1116; or

20 “(iii) has the highest numbers or per-
21 centages of children who are counted under
22 section 1124(c), in comparison to other
23 local educational agencies in the State.

24 “(7) ENGLISH LANGUAGE ACQUISITION.—

1 “(A) IN GENERAL.—The term ‘English
2 language acquisition’ means the process by
3 which a non-native English speaker acquires
4 proficiency in speaking, listening, reading, and
5 writing the English language.

6 “(B) INCLUSIONS FOR ENGLISH LEARNERS
7 IN SCHOOL.—For an English language learner
8 in school, such term includes not only the social
9 language proficiency needed to participate in
10 the school environment, but also the academic
11 language proficiency needed to acquire literacy
12 and academic content and demonstrate the stu-
13 dent’s learning.

14 “(8) ESSENTIAL COMPONENTS OF READING IN-
15 STRUCTION.—The term ‘essential components of
16 reading instruction’ means developmentally appro-
17 priate, contextually explicit, systematic instruction,
18 and frequent practice, in reading across content
19 areas.

20 “(9) ESSENTIAL COMPONENTS OF WRITING IN-
21 STRUCTION.—The term ‘essential components of
22 writing instruction’ means developmentally appro-
23 priate and contextually explicit instruction, and fre-
24 quent practice, in writing across content areas.

1 “(10) FAMILY LITERACY SERVICES.—The term
2 ‘family literacy services’ means literacy services pro-
3 vided on a voluntary basis that are of sufficient in-
4 tensity in terms of hours and duration and that inte-
5 grate all of the following activities:

6 “(A) Interactive literacy activities between
7 or among parents and their children, including
8 parent literacy training.

9 “(B) Training for parents regarding how
10 to be the primary teacher for their children and
11 full partners in the education of their children.

12 “(C) Parent literacy training that leads to
13 economic self-sufficiency.

14 “(D) An age-appropriate education to pre-
15 pare children for success in school and life ex-
16 periences.

17 “(11) FORMATIVE ASSESSMENT.—The term
18 ‘formative assessment’ means a process that—

19 “(A) is teacher-generated or selected by
20 teachers and students during instructional
21 learning;

22 “(B) is embedded within the learning ac-
23 tivity and linked directly to the current unit of
24 instruction; and

1 “(C) provides feedback to adjust ongoing
2 teaching and learning to improve students’
3 achievement of intended instructional outcomes.

4 “(12) HIGH-QUALITY PROFESSIONAL DEVELOP-
5 MENT.—The term ‘high-quality professional develop-
6 ment’ means professional development that—

7 “(A) is job-embedded, ongoing, and based
8 on scientifically valid research;

9 “(B) is sustained, intensive, and class-
10 room-focused;

11 “(C) is designed to increase the knowledge
12 and expertise of teachers, early childhood edu-
13 cators and administrators, principals, other
14 school leaders, and other program staff in ap-
15 plying—

16 “(i) the characteristics of effective lit-
17 eracy instruction;

18 “(ii) the essential components of read-
19 ing instruction;

20 “(iii) the essential components of writ-
21 ing instruction; and

22 “(iv) instructional strategies and prac-
23 tices that are appropriate to the age, devel-
24 opment, and needs of children and improve
25 student learning, including strategies and

1 practices consistent with the principles of
2 universal design for learning, as described
3 in section 5429(b)(21);

4 “(D) includes and supports teachers in ef-
5 fectively administering age appropriate and de-
6 velopmentally appropriate assessments, and
7 analyzing the results of such assessments for
8 the purposes of planning, monitoring, adapting,
9 and improving effective classroom instruction or
10 teaching strategies to improve student literacy;

11 “(E) for educators working with students
12 in kindergarten through grade 12—

13 “(i) supports the characteristics of ef-
14 fective literacy instruction through core
15 academic subjects, and through career and
16 technical education subjects where such ca-
17 reer and technical education subjects pro-
18 vide for the integration of core academic
19 subjects; and

20 “(ii) includes explicit instruction in
21 discipline-specific thinking and how to read
22 and interpret discipline-specific text struc-
23 tures and features;

24 “(F) includes instructional strategies uti-
25 lizing one-to-one, small group, and classroom-

1 based instructional materials and approaches
2 based on scientifically valid research on literacy;

3 “(G) provides ongoing instructional lit-
4 eracy coaching—

5 “(i) to ensure high-quality implemen-
6 tation of effective practices of literacy in-
7 struction that are content-centered, inte-
8 grated across the curricula, collaborative,
9 and embedded in the school, classroom, or
10 other setting; and

11 “(ii) that uses student data to im-
12 prove instruction;

13 “(H) includes and supports teachers in set-
14 ting high reading and writing achievement goals
15 for all students and provides the teachers with
16 the instructional tools and skills to help stu-
17 dents reach such goals; and

18 “(I) is differentiated for educators working
19 with children from preschool through kinder-
20 garten entry, students in kindergarten through
21 grade 5, and students in grades 6 through 12,
22 and, as appropriate, by student grade or stu-
23 dent need.

24 “(13) LITERACY COACH.—The term ‘literacy
25 coach’ means a professional—

- 1 “(A) who—
- 2 “(i) has previous teaching experience
- 3 and—
- 4 “(I) a master’s degree with a
- 5 concentration in reading and writing
- 6 education;
- 7 “(II) demonstrated proficiency in
- 8 teaching reading or writing in a core
- 9 academic subject consistent with the
- 10 characteristics of effective literacy in-
- 11 struction; or
- 12 “(III) in the case of a literacy
- 13 coach for children from preschool
- 14 through kindergarten entry, a con-
- 15 centration, credential, or significant
- 16 experience in child development and
- 17 early literacy development; and
- 18 “(ii) is able to demonstrate the ability
- 19 to help teachers—
- 20 “(I) apply research on how stu-
- 21 dents become successful readers, writ-
- 22 ers, and communicators;
- 23 “(II) apply multiple forms of as-
- 24 sessment to guide instructional deci-

1 sionmaking and use data to improve
2 literacy instruction;

3 “(III) improve student writing
4 and reading in and across content
5 areas such as mathematics, science,
6 social studies, and language arts;

7 “(IV) develop and implement dif-
8 ferentiated instruction and teaching
9 approaches to serve the needs of the
10 full range of learners, including
11 English learners and children with
12 disabilities;

13 “(V) apply principles of universal
14 design for learning, as described in
15 section 5429(b)(21);

16 “(VI) employ best practices in
17 engaging principals, early childhood
18 educators and administrators, teach-
19 ers, and other professionals sup-
20 porting literacy instruction to change
21 school cultures to better encourage
22 and support literacy development and
23 achievement; and

24 “(VII)(aa) for children from pre-
25 school through kindergarten entry, set

1 developmentally appropriate expecta-
2 tions for language; and

3 “(bb) for all children, set literacy
4 development and high reading and
5 writing achievement goals and select,
6 acquire, and use instructional tools
7 and skills to help the children reach
8 such goals; and

9 “(B) whose role with teachers and profes-
10 sionals supporting literacy instruction is—

11 “(i) to provide high-quality profes-
12 sional development;

13 “(ii) to work cooperatively and col-
14 laboratively with principals, teachers, and
15 other professionals in employing strategies
16 to help teachers identify and support stu-
17 dent language and literacy needs and teach
18 literacy across content areas and develop-
19 mental domains; and

20 “(iii) to work cooperatively and col-
21 laboratively with other professionals in em-
22 ploying strategies to help teachers teach
23 literacy across content areas so that the
24 teachers can meet the needs of all stu-
25 dents, including children with disabilities,

1 English learners, and students who are
2 reading at or above grade level.

3 “(14) MULTI-TIERED SYSTEM OF SUPPORT.—
4 The term ‘multi-tiered system of support’ means a
5 comprehensive system of differentiated supports that
6 includes evidence-based instruction, universal screen-
7 ing, progress monitoring, formative assessments, evi-
8 dence-based interventions matched to student needs
9 and educational decisionmaking using student out-
10 come data.

11 “(15) READING.—The term ‘reading’ means a
12 complex system of deriving meaning from print that
13 requires, in ways that are developmentally, content,
14 and contextually appropriate, all of the following:

15 “(A) PHONEMES.—The skills and knowl-
16 edge to understand how phonemes, or speech
17 sounds, are connected to print.

18 “(B) ACCURACY, FLUENCY, AND UNDER-
19 STANDING.—The ability to read accurately, flu-
20 ently, and with understanding.

21 “(C) READING COMPREHENSION.—The use
22 of background knowledge and vocabulary to
23 make meaning from a text.

1 “(D) ACTIVE STRATEGIES.—The develop-
2 ment and use of appropriate active strategies to
3 interpret and construct meaning from print.

4 “(16) SCIENTIFICALLY VALID RESEARCH.—The
5 term ‘scientifically valid research’ has the meaning
6 given the term in section 200 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1021).

8 “(17) SCREENING ASSESSMENT.—The term
9 ‘screening assessment’ means an assessment that—

10 “(A) is valid, reliable, and based on sci-
11 entifically valid research on literacy and English
12 language acquisition; and

13 “(B) is a procedure designed as a first
14 step in identifying children who may be at high
15 risk for delayed development or academic fail-
16 ure and in need of further diagnosis of the chil-
17 dren’s need for special services or additional lit-
18 eracy instruction.

19 “(18) SPECIALIZED INSTRUCTIONAL SUPPORT
20 PERSONNEL (SISP).—The term ‘Specialized Instruc-
21 tional Support Personnel’ or ‘SISP’ means school
22 counselors, school social workers, school psycholo-
23 gists, and other qualified professional personnel in-
24 volved in providing assessment, diagnosis, coun-
25 seling, educational, therapeutic, and other necessary

1 services (included related services as that term is de-
2 fined in section 602 of the Individuals with Disabil-
3 ities Education Act) as part of a comprehensive pro-
4 gram to meet student needs.

5 “(19) STATE.—The term ‘State’ has the mean-
6 ing given the term in section 103 of the Higher
7 Education Act of 1965 (20 U.S.C. 1003).

8 “(20) STATE LITERACY LEADERSHIP TEAM.—

9 “(A) IN GENERAL.—The term ‘State lit-
10 eracy leadership team’ means a team that—

11 “(i) is appointed and coordinated by
12 the State educational agency;

13 “(ii) assumes the responsibility to
14 guide the development and implementation
15 of a statewide, comprehensive literacy plan;

16 “(iii) is composed of not less than 11
17 individuals; and

18 “(iv) shall include—

19 “(I) not less than 3 individuals
20 who have literacy expertise in one of
21 each of the areas of—

22 “(aa) preschool through
23 school entry, such as the State
24 Head Start collaboration direc-
25 tor;

1 “(bb) kindergarten entry
2 through grade 5; and

3 “(cc) grades 6 through 12;

4 “(II) a school principal;

5 “(III) teachers and administra-
6 tors with expertise in literacy and spe-
7 cial education;

8 “(IV) teachers and administra-
9 tors with expertise in teaching the
10 English language to English learners;

11 “(V) a representative from the
12 State educational agency who oversees
13 literacy initiatives; and

14 “(VI) a representative from high-
15 er education who is actively involved
16 in research, development, or teacher
17 preparation in literacy instruction and
18 intervention based on scientifically
19 valid research.

20 “(B) INCLUSION OF A PREEXISTING PART-
21 NERSHIP.—If, before the date of enactment of
22 the Student Success Act, a State educational
23 agency established a consortium, partnership,
24 or any other similar body that was considered
25 a literacy partnership for purposes of subpart 1

1 or 2 of part B of title I and that includes the
2 individuals required under subparagraph
3 (A)(iv), such consortium, partnership, or body
4 may be considered a State literacy leadership
5 team for purposes of subparagraph (A).

6 “(21) **SUMMATIVE ASSESSMENT.**—The term
7 ‘summative assessment’ means an assessment that—

8 “(A) is valid, reliable, and based on sci-
9 entifically valid research on literacy and English
10 language acquisition; and

11 “(B) measures—

12 “(i) for children from preschool
13 through kindergarten entry, how the chil-
14 dren have progressed over time relative to
15 developmental norms; and

16 “(ii) for students in kindergarten
17 through grade 12, what the students have
18 learned over time, relative to academic con-
19 tent standards.

20 “(22) **UNIVERSAL DESIGN FOR LEARNING.**—
21 The term ‘universal design for learning’ has the
22 meaning given the term in section 103 of the Higher
23 Education Act of 1965 (20 U.S.C. 1003).

24 “(23) **WRITING.**—The term ‘writing’ means—

1 “(A) composing meaning in print or
2 through other media, including technologies, to
3 communicate and to create new knowledge in
4 ways appropriate to the context of the writing
5 and the literacy development stage of the writ-
6 er;

7 “(B) composing ideas individually and col-
8 laboratively in ways that are appropriate for a
9 variety of purposes, audiences, and occasions;

10 “(C) choosing vocabulary, tone, genre, and
11 conventions, such as spelling and punctuation,
12 suitable to the purpose, audience, and occasion;
13 and

14 “(D) revising compositions for clarity of
15 ideas, coherence, logical development, and preci-
16 sion of language use.

17 **“SEC. 5430. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to carry out
19 this subpart \$500,000,000 for fiscal year 2016 and such
20 sums as may be necessary for subsequent fiscal years.

21 “SUBPART 3—A WELL-ROUNDED EDUCATION

22 **“SEC. 5431. PROGRAM AUTHORIZED.**

23 “From the amount appropriated each fiscal year to
24 carry out this subpart, the Secretary—

25 “(1) shall—

1 “(A) reserve not less than 5 percent for
2 national activities under section 5438; and

3 “(B) of the funds remaining after the Sec-
4 retary reserves funds under subparagraph
5 (A)—

6 “(i) use at least 25 percent to award
7 grants to eligible entities under this sub-
8 part to carry out proven practices, strate-
9 gies, or programs in American history,
10 civic education, and geography;

11 “(ii) use at least 15 percent to award
12 grants to eligible entities under this sub-
13 part to carry out proven practices, strate-
14 gies, or programs in economic and finan-
15 cial literacy education and entrepreneur-
16 ship education;

17 “(iii) use at least 15 percent to award
18 grants to eligible entities under this sub-
19 part to carry out proven practices, strate-
20 gies, or programs in foreign language edu-
21 cation;

22 “(iv) use at least 15 percent to award
23 grants to eligible entities under this sub-
24 part to carry out proven practices, strate-

1 gies, or programs for music and the arts
2 education; and

3 “(v) use at least 10 percent to award
4 grants to eligible entities under this sub-
5 part to carry out proven practices, strate-
6 gies, or programs in Javits gifted and tal-
7 ented education; and

8 “(vi) use at least 10 percent to award
9 grants to eligible entities as described in
10 section 5432(2) to carry out proven prac-
11 tices, strategies, or programs in ready-to-
12 learn; and

13 “(2) may use the funds remaining after the
14 Secretary reserves and uses funds under paragraph
15 (1) to award grants to eligible entities under this
16 subpart to carry out any of the proven practices,
17 strategies, or programs described in clauses (i)
18 through (v) of paragraph (1)(B).

19 **“SEC. 5432. ELIGIBLE ENTITY DEFINED.**

20 “‘In this subpart, an eligible entity means one of the
21 following:

22 “(1) A State educational agency, local edu-
23 cational agency, or an educational service agency
24 with a local educational agency that is in partner-
25 ship with one or more of the following:

1 “(A) An institution of higher education.

2 “(B) A nonprofit organization with dem-
3 onstrated expertise in the content areas de-
4 scribed in section 5431(1)(B).

5 “(C) A library or museum.

6 “(2) A public telecommunications entity that is
7 able to demonstrate each of the following:

8 “(A) A capacity for the development and
9 national distribution of educational and instruc-
10 tional television programming of high quality
11 that is accessible by a large majority of dis-
12 advantaged preschool and elementary school
13 children.

14 “(B) A capacity to contract with the pro-
15 ducers of children’s television programming for
16 the purpose of developing educational television
17 programming of high quality.

18 “(C) A capacity, consistent with the enti-
19 ty’s mission and nonprofit nature, to negotiate
20 such contracts in a manner that returns to the
21 entity an appropriate share of any ancillary in-
22 come from sales of any program-related prod-
23 ucts.

24 “(D) A capacity to localize programming
25 and materials to meet specific State and local

1 needs and to provide educational outreach at
2 the local level.

3 **“SEC. 5433. GRANT PRIORITY, DURATION, AND SIZE AND**
4 **SCOPE REQUIREMENTS.**

5 “(a) PRIORITY.—In awarding grants under this sub-
6 part, the Secretary shall give priority to—

7 “(1) eligible entities proposing to serve schools
8 in need of support or persistently low achieving
9 schools; and

10 “(2) eligible entities proposing to serve a high
11 percentage and number of children from families
12 with incomes below the poverty line according to the
13 most recent census data approved by the Secretary.

14 “(b) DURATION.—The Secretary shall award grants
15 under this subpart for a period of 5 years.

16 “(c) SUFFICIENT SIZE AND SCOPE.—In awarding
17 grants under this subpart, the Secretary shall ensure that
18 grants are of sufficient size and scope.

19 **“SEC. 5434. SUPPLEMENT, NOT SUPPLANT.**

20 “Funds received under this subpart shall be used to
21 supplement, not supplant, Federal and non-Federal funds
22 available to support child and youth services.

23 **“SEC. 5435. APPLICATION REQUIREMENTS.**

24 “(a) IN GENERAL.—To receive a grant under one or
25 more of the grant programs described in clauses (i)

1 through (v) of section 5431(1)(B), an eligible entity shall
2 submit an application to the Secretary at such time, in
3 such manner, and containing the information that the Sec-
4 retary may require, including the information described in
5 subsection (e).

6 “(b) MULTIPLE APPLICATIONS.—An eligible entity
7 may apply for one or more grant programs under this sub-
8 part, and may use a consolidated application to apply for
9 more than one grant program under this subpart .

10 “(c) APPLICATION REQUIREMENTS.— An application
11 submitted under subsection (a) shall contain the following:

12 “(1) A description of the promising or proven
13 practice, strategy, or program that the applicant
14 proposes to implement in a content area listed in
15 clauses (i) through (v) of section 5431(1)(B).

16 “(2) A description of how the proposed practice,
17 strategy, or program is evidence-based and will im-
18 prove teaching practices as well as student achieve-
19 ment or student academic growth especially with
20 high-need student populations.

21 “(3) A description of how the proposed practice,
22 strategy, or program fits into the State or local edu-
23 cational agency’s overall strategy that students have
24 access to a well-rounded education.

1 “(4) A description of how the proposed practice,
2 strategy, or program will be aligned with school im-
3 provement plans.

4 “(5) A description of how the activities will ade-
5 quately address the needs of students with disabil-
6 ities and English learners.

7 “(6) A description of the applicant’s plan for
8 data collection, analysis, and dissemination of results
9 and outcomes, including an assurance that the appli-
10 cant will make this information publicly available
11 and accessible to educators, researchers, and other
12 experts.

13 “(7) A description of how the applicant will
14 provide for the completion of an independent evalua-
15 tion of the project (including through the use of
16 formative and summative evaluation methodologies)
17 during the grant period to assess its impact on stu-
18 dent achievement, student academic growth, student
19 engagement, and other program goals, including its
20 potential for replication and expansion.

21 “(8) If the applicant proposes to expand an ex-
22 isting practice, strategy, or program with at least
23 moderate evidence, a description of how the appli-
24 cant proposes to reach additional participants in
25 such practice, strategy, or program.

1 “(d) PEER REVIEW.—The Secretary shall establish
2 a peer-review process to assist in review of applications
3 submitted under this section.

4 **“SEC. 5436. USES OF FUNDS.**

5 “(a) IN GENERAL.—Each eligible entity that receives
6 a grant under this subpart shall carry out one or more
7 of the following:

8 “(1) Plan, develop, expand, or improve prac-
9 tices, strategies, and programs in the applicable con-
10 tent area.

11 “(2) Develop and implement instructional mate-
12 rials, assessments (including performance-based as-
13 sessments), and curriculum, aligned with State
14 standards in a content area listed in clauses (i)
15 through (v) of section 5431(1)(B), which embed
16 principles of universal design for learning, as de-
17 scribed in section 5429(b)(21), to support students
18 with diverse learning needs including English learn-
19 ers and students with disabilities.

20 “(3) Develop and implement professional devel-
21 opment for teachers in the applicable content area in
22 order to improve classroom practices.

23 “(4) Align practices, strategies, and programs
24 with postsecondary programs for the continuation of
25 instruction in the academic subject for which the

1 program strategy or practice proposes to increase
2 student achievement or student growth.

3 “(5) Supporting the use of open educational re-
4 sources or other innovative uses of technology that
5 are designed to serve students at all levels of
6 achievement.

7 “(6) Support efforts to expand access to ad-
8 vanced coursework, especially for high-need students.

9 “(7) In the case of an eligible entity that is a
10 State educational agency, the eligible entity may also
11 provide technical assistance to local programs within
12 the State.

13 “(b) PROGRAM SPECIFIC REQUIREMENTS FOR GEOG-
14 RAPHY GRANTS.—In addition to meeting the requirements
15 of subsection (a), an eligible entity receiving a grant de-
16 scribed in section 5431(1)(B)(i) may use the grant to—

17 “(1) carry out local, field-based activities for
18 teachers and students to improve their knowledge of
19 the concepts and tools of geography while enhancing
20 understanding of their home region; and

21 “(2) apply geographic information systems and
22 technology to the teaching of geography; and

23 “(3) using internet or distance-learning tech-
24 nology.

1 “(c) PROGRAM SPECIFIC REQUIREMENTS FOR ECO-
2 NOMIC, FINANCIAL LITERACY, AND ENTREPRENEURSHIP
3 EDUCATION GRANTS.—In addition to meeting the require-
4 ments of subsection (a), an eligible entity receiving a grant
5 described in section 5431(1)(B)(ii)—

6 “(1) may use the grant to—

7 “(A) carry out programs to teach personal
8 financial management skills;

9 “(B) carry out programs to teach the basic
10 principles involved with earning, spending, sav-
11 ing, investing, credit, and insurance; and

12 “(C) implement financial and economic lit-
13 eracy activities and sequences of study within,
14 or coordinated with, core academic subjects;
15 and

16 “(2) is strongly encouraged to—

17 “(A) include interactions with the local
18 business community to the fullest extent pos-
19 sible to reinforce the connection between eco-
20 nomic and financial literacy; and

21 “(B) work with private businesses to ob-
22 tain matching contributions for Federal funds
23 and assist recipients in working toward self-suf-
24 ficiency.

1 “(d) PROGRAM SPECIFIC REQUIREMENTS FOR FOR-
2 EIGN LANGUAGE GRANTS.—In addition to meeting the re-
3 quirements of subsection (a), an eligible entity receiving
4 a grant described in section 5431(1)(B)(iii) may use the
5 grant to carry out the following activities:

6 “(1) Developing and implementing intensive
7 summer foreign language programs for professional
8 development.

9 “(2) Linking nonnative English speakers in the
10 community with the schools in order to promote two-
11 way language learning.

12 “(3) Promoting the sequential study of a for-
13 eign language for students, beginning in elementary
14 schools.

15 “(4) Making effective use of technology, such as
16 computer-assisted instruction, language laboratories,
17 or distance learning, to promote foreign language
18 study.

19 “(5) Developing and implementing, high quality
20 dual language programs.

21 “(6) Promoting innovative activities, such as
22 foreign language immersion, partial foreign language
23 immersion, or content-based instruction.

24 “(7) Providing opportunities for maximum for-
25 eign language exposure for students domestically,

1 such as the creation of immersion environments in
2 the classroom and school, on weekend or summer ex-
3 periences, and special tutoring and academic sup-
4 port.

5 “(8) providing for the possibility for multiple
6 entry points for studying the foreign language.

7 “(9) Creating partnerships with elementary and
8 secondary schools in other countries to facilitate lan-
9 guage and cultural learning and exchange.

10 “(10) Providing support for a language super-
11 visor to oversee and coordinate the progress of the
12 articulated foreign language program across grade
13 levels in the local educational agency funded under
14 this subpart.

15 “(e) PROGRAM SPECIFIC REQUIREMENTS FOR JAV-
16 ITS GIFTED AND TALENTED GRANTS.—In addition to
17 meeting the requirements of subsection (a), an eligible en-
18 tity receiving a grant described in section 5431(1)(B)(v)
19 may use the grant to carry out the following activities:

20 “(1) Providing funds for challenging, high-level
21 course work, disseminated through technologies (in-
22 cluding distance learning), for individual students or
23 groups of students in schools and local educational
24 agencies that would not otherwise have the resources
25 to provide such course work.

1 “(2) Ensuring that assessments provide diag-
2 nostic information that informs instruction for high-
3 achieving students.

4 “(3) Carrying out training and professional de-
5 velopment for school personnel involved in the teach-
6 ing of high-achieving, educationally disadvantaged
7 students, such as instructional staff, principals,
8 counselors, and psychologists.

9 “(4) Conducting education and training for par-
10 ents of high-achieving, educationally disadvantaged
11 students to support educational excellence for such
12 students.

13 “(f) PROGRAM SPECIFIC REQUIREMENTS FOR
14 READY-TO-LEARN.—In addition to meeting the require-
15 ments of subsection (a), an eligible entity receiving a grant
16 described in section 5431(1)(B)(vi) may use the grant to
17 carry out the following activities:

18 “(1) to develop, produce, and distribute edu-
19 cational and instructional video programming for
20 preschool and elementary school children and their
21 parents in order to facilitate student academic
22 achievement;

23 “(2) to facilitate the development, directly or
24 through contracts with producers of children and
25 family educational television programming, of edu-

1 cational programming for preschool and elementary
2 school children, and the accompanying support ma-
3 terials and services that promote the effective use of
4 such programming;

5 “(3) to facilitate the development of program-
6 ming and digital content containing Ready-to-Learn-
7 based children’s programming and resources for par-
8 ents and caregivers that is specially designed for na-
9 tionwide distribution over public television stations’
10 digital broadcasting channels and the Internet;

11 “(4) to contract with entities (such as public
12 telecommunications entities) so that programs devel-
13 oped under this section are disseminated and distrib-
14 uted to the widest possible audience appropriate to
15 be served by the programming, and through the use
16 of the most appropriate distribution technologies;
17 and

18 “(5) to develop and disseminate education and
19 training materials, including interactive programs
20 and programs adaptable to distance learning tech-
21 nologies, that are designed—

22 “(A) to promote school readiness; and

23 “(B) to promote the effective use of mate-
24 rials developed under subparagraphs (2) and
25 (3) among parents, teachers, Head Start pro-

1 viders, Even Start providers, providers of family
2 literacy services, child care providers, early
3 childhood development personnel, elementary
4 school teachers, public libraries, and afterschool
5 program personnel caring for preschool and ele-
6 mentary school children.

7 **“SEC. 5437. EVALUATION.**

8 “Each eligible entity receiving a grant under this sub-
9 part shall conduct an independent program-level evalua-
10 tion and submit preliminary results to the Secretary at
11 such a time and in such manner as the Secretary may
12 require in order to determine the eligible entity’s eligibility
13 to continue to receive funding under this subpart.

14 **“SEC. 5438. NATIONAL ACTIVITIES.**

15 “(a) IN GENERAL.—From the amounts reserved
16 under section 5431(1)(A), the Secretary shall carry out
17 the national activities described in subsection (b) directly
18 or by entering into contracts with an eligible educational
19 entity.

20 “(b) NATIONAL ACTIVITIES.—The national activities
21 that shall be carried out under this section are as follows:

22 “(1) Technical assistance.

23 “(2) Development of curricula.

24 “(3) Production, development, and dissemina-
25 tion of high-quality educational content (including

1 digital content) in academic content areas under this
2 subpart.

3 “(4) Research and collecting information on,
4 and identifying, effective programs and best prac-
5 tices and disseminating that information to States,
6 local educational agencies, institutions of higher edu-
7 cation, and other stakeholders.

8 **“SEC. 5439. PROFESSIONAL DEVELOPMENT ACTIVITIES.**

9 “(a) ELIGIBLE EDUCATIONAL ENTITY DEFINED.—
10 In this section, the term ‘eligible educational entity’ means
11 a national nonprofit educational entity with a proven track
12 record and demonstrated expertise in one or more of the
13 following areas as related to the activities described in sub-
14 section (b):

15 “(1) High-quality professional development pro-
16 grams, including writing programs for teachers
17 across disciplines and at all grade levels.

18 “(2) History education programs.

19 “(3) Civics and government education pro-
20 grams.

21 “(4) Economic and financial literacy education
22 programs.

23 “(5) Geography education programs.

24 “(6) Foreign Language education programs.

25 “(7) Music and the arts education programs.

1 “(8) Gifted and talented programs.

2 “(9) Reading and book distribution programs,
3 including pediatric early literacy programs that en-
4 gage parents.

5 “(10) Educational and instructional video pro-
6 gramming (including early literacy programming)
7 for a public telecommunications entity.

8 “(b) PRIORITY.—In awarding a contract to an eligi-
9 ble educational entity under this section, the Secretary
10 shall give priority to an entity that provides support to
11 the eligible entities receiving a grant under this subpart
12 or eligible entities receiving a grant under the subpart 1
13 or 2 to develop instructional systems that provide—

14 “(1) a systematic and coherent combination of
15 instructional materials;

16 “(2) embedded formative and interim assess-
17 ments;

18 “(3) professional development;

19 “(4) information on student learning; and

20 “(5) academic interventions based on cognitive
21 science and content-area knowledge and are aligned
22 with college- and career-ready standards.

1 **“SEC. 5440. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this subpart \$250,000,000 for fiscal year 2016 and such
4 sums as may be necessary for each succeeding fiscal year.

5 “SUBPART 4—TRANSFORMING EDUCATION THROUGH
6 TECHNOLOGY GRANTS

7 **“SEC. 5441. PURPOSES.**

8 “The purposes of this subpart are to—

9 “(1) improve the achievement, academic
10 growth, and college-and-career readiness of students
11 who have developed the ability to think critically,
12 apply knowledge to solve complex problems, work
13 collaboratively, communicate effectively, be self-di-
14 rected, and be responsible digital citizens;

15 “(2) ensure all students have access to individ-
16 ualized, rigorous, and engaging digital learning expe-
17 riences;

18 “(3) ensure that educators have the knowledge
19 and skills to develop and implement digital learning
20 curriculum, use technology effectively in order to
21 personalize and strengthen instruction, and effec-
22 tively create, deliver, and utilize assessments to
23 measure student outcomes and support student suc-
24 cess;

25 “(4) ensure that administrators have the lead-
26 ership, management, knowledge, and skills to design,

1 develop, and implement a school or local educational
2 agency-wide digital age learning environment; and
3 “(5) improve the efficiency and productivity of
4 education through technology.

5 **“SEC. 5442. E-RATE RESTRICTION.**

6 “Funds awarded under this subpart may be used to
7 address the networking needs of a recipient of such funds
8 for which the recipient is eligible to receive support under
9 the E-rate program, except that such funds may not be
10 duplicative of support received by the recipient under the
11 E-rate program.

12 **“SEC. 5443. RULE OF CONSTRUCTION REGARDING PUR-**
13 **CHASING.**

14 “Nothing in this subpart shall be construed to permit
15 a recipient of funds under this subpart to purchase goods
16 or services using such funds without ensuring that the
17 purchase is free of any conflict of interest between such
18 recipient, or any partner of such recipient, and the person
19 or entity receiving such funds.

20 **“SEC. 5444. DEFINITIONS.**

21 “In this subpart:

22 “(1) **DIGITAL LEARNING.**—The term ‘digital
23 learning’ means any instructional practice that effec-
24 tively uses technology to strengthen a student’s

1 learning experience and encompasses a wide spec-
2 trum of tools and practices, including—

3 “(A) interactive learning resources that en-
4 gage students in academic content;

5 “(B) access to online databases and other
6 primary source documents;

7 “(C) the use of data to personalize learn-
8 ing and provide targeted supplementary instruc-
9 tion;

10 “(D) student collaboration with content ex-
11 perts and peers;

12 “(E) online and computer-based assess-
13 ments;

14 “(F) digital content, adaptive, and simula-
15 tion software or courseware,

16 “(G) online courses, online instruction, or
17 digital learning platforms;

18 “(H) mobile and wireless technologies for
19 learning in school and at home;

20 “(I) learning environments that allow for
21 rich collaboration and communication;

22 “(J) authentic audiences for learning in a
23 relevant, real world experience;

24 “(K) teacher participation in virtual pro-
25 fessional communities of practice; and

1 “(L) hybrid or blended learning, which oc-
2 curs under direct instructor supervision at a
3 school or other location away from home and,
4 at least in part, through online delivery of in-
5 struction with some element of student control
6 over time, place, path, or pace.

7 “(2) ELIGIBLE TECHNOLOGY.—The term ‘eligi-
8 ble technology’ means modern information, com-
9 puter, and communication technology hardware,
10 software, services, or tools, including computer or
11 mobile hardware devices and other computer and
12 communications hardware, software applications,
13 systems and platforms, and digital and online con-
14 tent, courseware, and online instruction and other
15 online services and supports, including technology
16 that is interoperable and is in accordance with prin-
17 ciples of universal design for learning, as described
18 in section 5429(b)(21).

19 “(3) STUDENTS WITH DISABILITIES.—The term
20 ‘students with disabilities’ means students with dis-
21 abilities as defined under the Individuals with Dis-
22 abilities Education Act and section 504 of the Reha-
23 bilitation Act of 1973.

24 “(4) STUDENT TECHNOLOGY LITERACY.—The
25 term ‘student technology literacy’ means student

1 knowledge and skills in using contemporary informa-
2 tion, communication, and learning technologies in a
3 manner necessary for successful employment, life-
4 long learning, and citizenship in the knowledge-
5 based, digital, and global 21st century, including, at
6 a minimum, the ability to—

7 “(A) effectively communicate and collabo-
8 rate;

9 “(B) analyze and solve problems;

10 “(C) access, evaluate, manage, and create
11 information and otherwise gain information lit-
12 eracy;

13 “(D) demonstrate creative thinking, con-
14 struct knowledge, and develop innovative prod-
15 ucts and processes; and

16 “(E) carry out the activities described in
17 subparagraphs (A) through (D) in a safe and
18 ethical manner.

19 “(5) TECHNOLOGY READINESS SURVEY.—The
20 term ‘technology readiness survey’ means a survey
21 completed by a local educational agency that pro-
22 vides standardized information comparable to the in-
23 formation collected through the technology readiness
24 survey administered under the Race to the Top As-
25 sessment program under section 14006 of division A

1 of the American Recovery and Reinvestment Act of
2 2009 (Public Law 111–5) on the quantity and types
3 of technology infrastructure and access available to
4 the students served by the local educational agency,
5 including computer devices, Internet connectivity,
6 operating systems, related network infrastructure,
7 data systems, and—

8 “(A) requiring—

9 “(i) an internal review of the degree
10 to which instruction, additional student
11 support, and professional development is
12 delivered in digital formats, media, and
13 platforms and is available to students and
14 educators at any time;

15 “(ii) an internal review of the ability
16 of educators to use assessments and other
17 student data to personalize and strengthen
18 instruction and identify professional devel-
19 opment needs and priorities; and

20 “(iii) any other information required
21 by the State educational agency serving
22 the local educational agency; and

23 “(B) may include an assessment of local
24 community needs to ensure students have ade-

1 quate on-line access and access to devices for
2 school-related work during out-of-school time.

3 **“SEC. 5445. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—From the amounts appropriated
5 under section 5451, the Secretary shall award State
6 Grants for Technology Readiness and Access (in this title
7 referred to as ‘grants’) to State educational agencies to
8 strengthen State and local technological infrastructure
9 and professional development that supports digital learn-
10 ing through State activities under section 5447(c) and
11 local activities under section 5448(c).

12 “(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

13 “(1) RESERVATIONS.—From the amounts ap-
14 propriated under section 5451 for any fiscal year,
15 the Secretary shall reserve—

16 “(A) three-fourths of 1 percent for the
17 Secretary of Interior to provide assistance
18 under this title for schools operated or funded
19 by the Bureau of Indian Education; and

20 “(B) 1 percent to provide assistance under
21 this title to the outlying areas.

22 “(2) GRANTS.—From the amounts appro-
23 priated under section 106 for any fiscal year and re-
24 maining after the Secretary makes reservations
25 under paragraph (1), the Secretary shall make a

1 grant for the fiscal year to each State educational
2 agency with an approved application under section
3 5446 in an amount that bears the same relationship
4 to such remainder as the amount the State edu-
5 cational agency received under part A of title I for
6 such year bears to the amount all State educational
7 agencies with an approved application under section
8 102 received under such part (20 U.S.C. 6311 et
9 seq.) for such year.

10 “(c) MINIMUM.—The amount of a grant to a State
11 educational agency under subsection (b)(2) for a fiscal
12 year may not be less than one-half of 1 percent of the
13 total amount made available for grants to all State edu-
14 cational agencies under such subsection for such year.

15 “(d) REALLOTMENT OF UNUSED FUNDS.—If any
16 State educational agency does not apply for a grant under
17 subsection (b)(2) for a fiscal year, or does not use its en-
18 tire grant under subsection (b)(2) for such year, the Sec-
19 retary shall reallocate the amount of the State educational
20 agency’s grant, or the unused portion of the grant, to the
21 remaining State educational agencies that use their entire
22 grant amounts under subsection (b)(2) for such year.

23 “(e) MATCHING FUNDS.—

24 “(1) IN GENERAL.—A State educational agency
25 that receives a grant under subsection (b)(2) shall

1 provide matching funds, from non-Federal sources,
2 in an amount equal to 20 percent of the amount of
3 grant funds provided to the State educational agency
4 to carry out the activities supported by the grant.
5 Such matching funds may be provided in cash or in-
6 kind, except that any such in-kind contributions
7 shall be provided for the purpose of supporting the
8 State educational agency's activities under section
9 104(c).

10 “(2) WAIVER.—The Secretary may waive the
11 matching requirement under paragraph (1) for a
12 State educational agency that demonstrates that
13 such requirement imposes an undue financial hard-
14 ship on the State educational agency.

15 **“SEC. 5446. STATE APPLICATIONS.**

16 “(a) APPLICATION.—To receive a grant under section
17 5445(b)(2), a State educational agency shall submit to the
18 Secretary an application at such time and in such manner
19 as the Secretary may require and containing the informa-
20 tion described in subsection (b).

21 “(b) CONTENTS.—Each application submitted under
22 subsection (a) shall include the following:

23 “(1) A description of the State Educational
24 Agency's long-term goals and strategies for improv-
25 ing student academic achievement, including through

1 student technology literacy, through the effective use
2 of technology.

3 “(2) A description of how the State educational
4 agency will meet the following goals:

5 “(A) Use technology to ensure all students
6 achieve college-and-career readiness and tech-
7 nology literacy, including by providing high-
8 quality education opportunities to economically
9 or geographically isolated student populations.

10 “(B) Provide educators with the tools, de-
11 vices, content, and resources to—

12 “(i) significantly improve teaching
13 and learning, including support to increase
14 personalization for and engagement of stu-
15 dents in pursuit of college-and-career read-
16 iness and technology literacy; and

17 “(ii) develop and use assessments to
18 improve instruction, including instruction
19 consistent with the principles of universal
20 design for learning, as described in section
21 5429(b)(21), and instruction for students
22 with disabilities and English-language
23 learners.

24 “(C) Ensure administrators and school
25 leaders have the flexibility and capacity to de-

1 velop and manage systems to carry out activi-
2 ties described in subparagraphs (A) and (B),
3 and support administrators and school leaders
4 in utilizing technology to promote equity and
5 increase efficiency and productivity.

6 “(D) Enable local educational agencies to
7 build the technological capacity and infrastruc-
8 ture (including through local purchasing of eli-
9 gible technology), necessary for the full imple-
10 mentation of on-line assessments for all stu-
11 dents, (including students with disabilities and
12 English-language learners) and to—

13 “(i) ensure the interoperability of data
14 systems and eligible technology; and

15 “(ii) carry out subparagraphs (A)
16 through (C).

17 “(3) A description of the results of the tech-
18 nology readiness in the State as determined by local
19 educational agency responses to the technology read-
20 iness survey, including—

21 “(A) the status of the ability of each local
22 educational agency served by the State edu-
23 cational agency to meet the goals described in
24 section 104(b)(1);

1 “(B) an assurance that not less 90 percent
2 of the local educational agencies served by the
3 State educational agency have completed and
4 submitted the technology readiness survey to
5 the State educational agency; and

6 “(C) an assurance that the results of the
7 technology readiness survey for each such local
8 educational agency are made available to the
9 Secretary and the public through the Website of
10 the local educational agency.

11 “(4) A description of the plan for the State
12 educational agency to support each local educational
13 agency served by the State educational agency in
14 meeting the goals described in section 104(b)(1) not
15 later than 3 years after the local educational agency
16 completes the technology readiness survey by ad-
17 dressing the readiness gaps identified in such sur-
18 vey.

19 “(5) A description of the State’s process for the
20 adoption, acquisition, distribution, and use of con-
21 tent, how the State will ensure integrity of such
22 processes, and how such processes support the goals
23 under paragraph (1) or how a State will change
24 such processes to support such goals, and how the
25 State will ensure content quality.

1 “(6) A description of how the State educational
2 agency will ensure its data systems and eligible tech-
3 nology are interoperable.

4 “(7) An assurance that the State educational
5 agency will consider making content widely available
6 through open educational resources when making
7 purchasing decisions with funds received under this
8 title.

9 “(8) A description of the State’s student tech-
10 nology literacy standards and the technology stand-
11 ards for teachers and administrators, and an assur-
12 ance that the State’s student technology literacy
13 standards meet the requirements of section 7(8).

14 “(9) An assurance that subgrant awards under
15 section 104 will be carried out by the local edu-
16 cational agency staff with responsibility for leader-
17 ship, coordination, and implementation of instruc-
18 tional and other classroom technologies.

19 “(10) A description of how the State edu-
20 cational agency will award subgrants to local edu-
21 cational agencies under section 104.

22 “(11) A description of the process, activities,
23 performance measures, and outcomes in learning,
24 assessment, teaching, infrastructure, and commu-
25 nication that the State educational agency will use

1 to evaluate the impact and effectiveness of the grant
2 and subgrants funds awarded under this subpart
3 across the State and in each local educational agen-
4 cy.

5 “(12) A description of how the State edu-
6 cational agency will, in providing technical and other
7 assistance to local educational agencies, give priority
8 to the local educational agencies proposing to target
9 services to—

10 “(A) students in schools in need of support
11 and high-priority schools; and

12 “(B) schools with a high percentage of stu-
13 dents that are eligible for free or reduced price
14 lunch under the Richard B. Russell National
15 School Lunch Act (42 U.S.C. 1751 et seq.).

16 “(13) A description of how the State edu-
17 cational agency consulted with local educational
18 agencies in the development of the State educational
19 agency’s application under this subsection.

20 “(14) An assurance that the State educational
21 agency will provide matching funds as required
22 under section 101(e).

23 “(15) A description of how the State edu-
24 cational agency will ensure that funds received under

1 this title is not duplicative of support received under
2 the E-rate program.

3 “(16) An assurance that the State educational
4 agency, in making awards under section 5448, to
5 improve equity of technology resources, will expend
6 funds first to local educational agencies that—

7 “(A) serve students in schools identified as
8 persistently low achieving or in need of support
9 to remedy resource inequities identified in
10 school improvement plans as described in sec-
11 tion 1116; or

12 “(B) serve schools with a high percentage
13 of students that are eligible for free or reduced
14 price lunch under the Richard B. Russell Na-
15 tional School Lunch Act (42 U.S.C. 1751 et
16 seq.).

17 “(17) An assurance that the State educational
18 agency will protect the privacy and safety of stu-
19 dents and teachers, consistent with requirements of
20 section 444 of the General Education Provisions Act
21 (20 U.S.C. 1232g) (commonly known as the ‘Family
22 Educational Rights and Privacy Act of 1974’) and
23 section 2441(a).

1 **“SEC. 5447. STATE USE OF GRANT FUNDS.**

2 “(a) RESERVATION FOR SUBGRANTS TO SUPPORT
3 TECHNOLOGY INFRASTRUCTURE.—Each State edu-
4 cational agency that receives a grant under section
5 101(b)(2) shall expend not less 90 percent of the grant
6 amount for each fiscal year to award subgrants to local
7 educational agencies in accordance with section 5448.

8 “(b) RESERVATION FOR STATE ACTIVITIES.—

9 “(1) IN GENERAL.—A State educational agency
10 shall reserve not more than 10 percent of the grant
11 received under section 101(b)(2) for the State activi-
12 ties described in subsection (c).

13 “(2) GRANT ADMINISTRATION.—Of the amount
14 reserved by a State educational agency under para-
15 graph (1), the State educational agency may reserve
16 not more than 1 percent or 3 percent, in the case
17 of a State educational agency awarding subgrants
18 under section 104(a)(2), for the administration of
19 the grant under this title, except that a State edu-
20 cational agency that forms a State purchasing con-
21 sortium under subsection (d)—

22 “(A) may reserve an additional 1 percent
23 to carry out the activities described in sub-
24 section (d)(1); and

25 “(B) shall receive direct approval from the
26 local educational agencies receiving subgrants

1 under section 104(a) from the State educational
2 agency prior to reserving more than the addi-
3 tional percentage authorized under subpara-
4 graph (A) to carry out the activities described
5 in subsection (d)(1).

6 “(c) PRIORITY.—In awarding subgrants under this
7 subpart, the State educational agency shall give priority
8 to local educational agencies proposing to target services
9 to—

10 “(1) students in schools in need of support or
11 high-priority schools; and

12 “(2) schools with a high percentage or number
13 of students that are eligible for free or reduced price
14 lunch under the Richard B. Russell National School
15 Lunch Act (42 U.S.C. 1751 et seq.).

16 “(c) STATE ACTIVITIES.—A State educational agency
17 shall use funds described in subsection (b) to carry out
18 each of the following:

19 “(1) Except for the awarding of subgrants in
20 accordance with section 104, activities described in
21 the State educational agency’s application under sec-
22 tion 102(b).

23 “(2) Providing technical assistance to local edu-
24 cational agencies to—

1 “(A) identify and address technology readi-
2 ness needs;

3 “(B) redesign curriculum and instruction,
4 improve educational productivity, and deliver
5 computer-based and online assessment;

6 “(C) use technology, consistent with the
7 principles of universal design for learning, as
8 described in section 5429(b)(21), to support the
9 learning needs of all students including stu-
10 dents with disabilities and English-language
11 learners;

12 “(D) support principals to have the exper-
13 tise to evaluate teachers’ proficiency in imple-
14 menting digital tools for teaching and learning;
15 and

16 “(E) build capacity of individual school
17 and local educational agency leaders.

18 “(3) Developing or utilizing research-based or
19 innovative strategies for the delivery of specialized or
20 rigorous academic courses and curricula through the
21 use of technology, including digital learning tech-
22 nologies and assistive technology.

23 “(4) Integrating and coordinating activities
24 under this title with other educational resources and
25 programs across the State.

1 “(5) Disseminating information, including mak-
2 ing publicly available on the Websites of the State
3 educational agency promising practices to improve
4 technology instruction, and acquiring and imple-
5 menting technology tools and applications.

6 “(6) Ensuring that teachers, paraprofessionals,
7 library and media personnel, specialized instructional
8 support personnel, and administrators possess the
9 knowledge and skills to use technology—

10 “(A) for curriculum redesign to change
11 teaching and learning and improve student
12 achievement;

13 “(B) for formative and summative assess-
14 ment administration, data analysis, and to per-
15 sonalize learning;

16 “(C) to improve student technology lit-
17 eracy;

18 “(D) to expand the range of supports and
19 accommodations available to English-language
20 learners and students with disabilities; and

21 “(E) for their own ongoing professional de-
22 velopment and for access to teaching resources
23 and tools.

24 “(7) Coordinating with teacher and school lead-
25 er preparation programs to—

1 “(A) align digital learning teaching stand-
2 ards; and

3 “(B) provide ongoing professional develop-
4 ment for teachers and school leaders that is
5 aligned to State student technology standards
6 and activities promoting college-and-career
7 readiness.

8 “(d) PURCHASING CONSORTIA.—

9 “(1) IN GENERAL.—A State educational agency
10 receiving a grant under section 101(b)(2) may—

11 “(A) form a State purchasing consortium
12 with 1 or more State educational agencies re-
13 ceiving such a grant to carry out the State ac-
14 tivities described in clause, including purchasing
15 eligible technology;

16 “(B) encourage local educational agencies
17 to form local purchasing consortia under section
18 104(c)(4); and

19 “(C) promote pricing opportunities to local
20 educational agencies for the purchase of eligible
21 technology that are—

22 “(i) negotiated by the State edu-
23 cational agency or the State purchasing
24 consortium of the State educational agen-
25 cy; and

1 “(ii) available to such local edu-
2 cational agencies.

3 “(2) RESTRICTIONS.—A State educational
4 agency receiving a grant under section 101(b)(2)
5 may not—

6 “(A) except for promoting the pricing op-
7 portunities described in paragraph (1)(C), make
8 recommendations to local educational agencies
9 for or require use of any specific commercial
10 products and services by local educational agen-
11 cies;

12 “(B) require local educational agencies to
13 participate in a State purchasing consortia or
14 local purchasing consortia; or

15 “(C) use more than the reservation
16 amount authorized for the administration of the
17 grant under subsection (b) to carry out the ac-
18 tivities described in paragraph (1), unless the
19 State educational agency receives approval in
20 accordance with subsection (b)(2)(B).

21 **“SEC. 5448. LOCAL SUBGRANTS.**

22 “(a) SUBGRANTS.—

23 “(1) GRANTS TO LOCAL EDUCATIONAL AGEN-
24 CIES.—From the grant funds provided under section
25 101(b)(2) to a State educational agency that are re-

1 maintaining after the State educational agency makes
2 reservations under section 104(b) for any fiscal year
3 and subject to paragraph (2), the State educational
4 agency shall award subgrants for the fiscal year to
5 local educational agencies served by the State edu-
6 cational agency and with an approved application
7 under subsection (b) by allotting to each such local
8 educational agency an amount that bears the same
9 relationship to the remainder as the amount received
10 by the local educational agency under part A of title
11 I for such year bears to the amount received by all
12 such local educational agencies under such part for
13 such year, except that no local educational agency
14 may receive less than \$5,000.

15 “(2) COMPETITIVE GRANTS TO LOCAL EDU-
16 CATIONAL AGENCIES.—If the amount of funds ap-
17 propriated under section 5459 is less than
18 \$750,000,000 for any fiscal year, a State edu-
19 cational agency—

20 “(A) shall not award subgrants under
21 paragraph (1); and

22 “(B) shall—

23 “(i) award subgrants, on a competi-
24 tive basis, to local educational agencies

1 based on the quality of applications sub-
2 mitted under (b), including—

3 “(I) the level of technology readi-
4 ness as determined by the technology
5 readiness surveys completed by local
6 educational agencies submitting such
7 applications; and

8 “(II) the technology plans de-
9 scribed in subsection (b)(3) and how
10 the local educational agencies with
11 such plans will carry out the align-
12 ment and coordination described in
13 such subsection; and

14 “(ii) ensure that such subgrants are
15 of sufficient size and scope to carry out the
16 local activities described in subsection (c).

17 “(3) DEFINITION OF LOCAL EDUCATIONAL
18 AGENCY FOR CERTAIN FISCAL YEARS.—For pur-
19 poses of awarding subgrants under paragraph (2),
20 the term ‘local educational agency’ means—

21 “(A) a local educational agency;

22 “(B) an educational service agency; or

23 “(C) a local educational agency and an
24 educational service agency.

1 “(b) APPLICATION.—A local educational agency that
2 desires to receive a subgrant under subsection (a) shall
3 submit an application to the State at such time, in such
4 manner, and accompanied by such information as the
5 State educational agency may require, including—

6 “(1) a description of how the local educational
7 agency will—

8 “(A) carry out the goals described in sub-
9 paragraphs (A) through (C) of section
10 101(b)(1); and

11 “(B) enable schools served by the agency
12 to build the technological capacity and infra-
13 structure (including through local purchasing of
14 eligible technology), necessary for the full imple-
15 mentation of on-line assessments for all stu-
16 dents (including students with disabilities and
17 English-language learners) and to—

18 “(i) ensure the interoperability of data
19 systems and eligible technology; and

20 “(ii) carry out the goals described in
21 subparagraphs (A) through (C) of section
22 101(b)(1); and

23 “(C) align activities funded under this sub-
24 part with school improvement plans, when ap-
25 plicable, described under section 1116(b)(3);

1 “(2) a description of the results of the tech-
2 nology readiness survey completed by the local edu-
3 cational agency and a description of the plan for the
4 local educational agency to meet the goals described
5 in paragraph (1) within 3 years of completing the
6 survey;

7 “(3) a description of the local educational agen-
8 cy’s technology plan to carry out paragraphs (1) and
9 (3) and how the agency will align and coordinate the
10 activities under this section with other activities
11 across the local educational agency;

12 “(4) a description of the team of educators that
13 will coordinate and carry out the activities under
14 this section, including individuals with responsibility
15 and expertise in instructional technology, teachers
16 that specialize in supporting students with disabil-
17 ities and English-language learners, school leaders,
18 technology officers, and staff responsible for assess-
19 ments and data analysis;

20 “(5) a description of how the local educational
21 agency will evaluate teachers’ proficiency and
22 progress in implementing technology for teaching
23 and learning;

24 “(6) a description of how the local educational
25 agency will ensure that principals have the expertise

1 to evaluate teachers' proficiency and progress in im-
2 plementing technology for teaching and learning and
3 the interoperability of data systems and eligible tech-
4 nology;

5 “(7) a description of the local educational agen-
6 cy's procurement process and process for the cre-
7 ation, acquisition, distribution, and use of content,
8 how the local educational agency will ensure integ-
9 rity of such processes, and how such processes sup-
10 port the goals described in paragraph (1) or how a
11 local educational agency will change such processes
12 to support such goals, and how the local educational
13 agency will ensure content quality;

14 “(8) a description of how the local educational
15 agency will carry out activities under subsection (c);

16 “(9) a description of how the subgrant funds
17 received under subsection (a) will be coordinated
18 with and supported by other Federal, State, and
19 local funds to support activities under this title;

20 “(10) a description of how the local educational
21 agency will ensure that the subgrant received under
22 subsection (a) is not duplicative of support received
23 under the E-rate program; and

24 “(11) an assurance that the local educational
25 agency will protect the privacy and safety of stu-

1 dents and teachers, consistent with requirements
2 section 444 of the General Education Provisions Act
3 (20 U.S.C. 1232g) (commonly known as the ‘Family
4 Educational Rights and Privacy Act of 1974’) and
5 section 2441(a).

6 “(c) USE OF FUNDS.—

7 “(1) TECHNOLOGY INFRASTRUCTURE.—Subject
8 to paragraph (3), a local educational agency receiv-
9 ing a subgrant under subsection (a) shall use not
10 less than 35 percent of such funds to support activi-
11 ties for the acquisition of eligible technology needed
12 to—

13 “(A) except for the activities described in
14 paragraph (2), carry out activities described in
15 the application submitted under subsection (b),
16 including purchasing devices, equipment, and
17 software applications, and improving
18 connectivity to and within schools; and

19 “(B) address readiness shortfalls identified
20 under the technology readiness survey com-
21 pleted by the local educational agency.

22 “(2) PROFESSIONAL DEVELOPMENT FOR DIG-
23 ITAL LEARNING.—Subject to paragraph (3), a local
24 educational agency receiving a subgrant under sub-
25 section (a)—

1 “(A) shall use not less than 40 percent of
2 such funds to carry out—

3 “(i) digital age professional develop-
4 ment opportunities for teachers, para-
5 professionals, library and media personnel,
6 specialized instructional support personnel,
7 technology coordinators, and administra-
8 tors in the effective use of modern infor-
9 mation and communication technology
10 tools and digital resources to deliver in-
11 struction, curriculum and school classroom
12 management, including for classroom
13 teachers to assess, support, and provide
14 engaging student learning opportunities,
15 including professional development that—

16 “(I) is ongoing, sustainable, and
17 scalable;

18 “(II) is participatory;

19 “(III) includes communication
20 and regular interactions with instruc-
21 tors, facilitators, and peers and is di-
22 rectly related to up-to-date teaching
23 methods in content areas;

1 “(IV) includes strategies and
2 tools for improving communication
3 with parents and family engagement;

4 “(V) may be built around active
5 professional learning communities or
6 online communities of practice or
7 other tools that increase collaboration
8 among teachers across schools, local
9 educational agencies, or States; and

10 “(VI) may contain on-demand
11 components, such as instructional vid-
12 eos, training documents, or learning
13 modules;

14 “(ii) ongoing professional development
15 in strategies, pedagogy, and assessment in
16 the core academic subjects that involve the
17 use of technology and curriculum redesign
18 as key components of supporting effective,
19 innovative teaching and learning, and im-
20 proving student achievement;

21 “(iii) ongoing professional develop-
22 ment in the use of educational technologies
23 to ensure every educator achieves and
24 maintains technology literacy, including

1 possessing and maintaining the knowledge
2 and skills to use technology—

3 “**(I)** across the curriculum for
4 student learning;

5 “**(II)** for real-time data analysis
6 and online or digital assessment to en-
7 able individualized instruction; and

8 “**(III)** to develop and maintain
9 student technology literacy;

10 “**(iv)** ongoing professional develop-
11 ment for school leaders to provide and pro-
12 mote leadership in the use of—

13 “**(I)** educational technology to en-
14 sure a digital-age learning environ-
15 ment, including the capacity to lead
16 the reform or redesign of curriculum,
17 instruction, assessment; and

18 “**(II)** data through the use of
19 technology in order to increase stu-
20 dent learning opportunity, student
21 technology literacy, student access to
22 technology, and student engagement
23 in learning; and

1 “(v) a review of the effectiveness of
2 the professional development and regular
3 intervals of learner feedback and data; and

4 “(B) may use such funds for—

5 “(i) the use of technology coaches to
6 work directly with teachers, including
7 through the preparation of teachers as
8 technology leaders or master teachers—

9 “(I) who are provided with the
10 means to serve as experts and to cre-
11 ate professional development opportu-
12 nities for other teachers in the effec-
13 tive use of technology; and

14 “(II) who may leverage tech-
15 nologies, such as distance learning
16 and online virtual educator-to-educator
17 peer communities, as a means to
18 support ongoing, participatory profes-
19 sional growth around the integration
20 of effective educational technologies;

21 “(ii) innovative approaches to ongoing
22 professional development such as non-
23 standard achievement recognition strate-
24 gies, including digital badging,
25 gamification elements, use of learner-cre-

1 ated learning objects, integration of social
2 and professional networking tools, rating
3 and commenting on learning artifacts, and
4 personalization of professional develop-
5 ment; and

6 “(iii) any other activities required to
7 carry out the local educational agency’s
8 technology plan described in subsection
9 (b)(4).

10 “(3) MODIFICATION OF FUNDING ALLOCA-
11 TIONS.—A State educational agency may authorize a
12 local educational agency to modify the percentage of
13 the local educational agency’s subgrant funds re-
14 quired to carry out the activities described in para-
15 graphs (1) or (2) if the local educational agency
16 demonstrates that such modification will assist the
17 local educational agency in more effectively carrying
18 out such activities.

19 “(4) PURCHASING CONSORTIA.—Local edu-
20 cational agencies receiving subgrants under sub-
21 section (a) may—

22 “(A) form a local purchasing consortia
23 with other such local educational agencies to
24 carry out the activities described in this sub-

1 section, including purchasing eligible tech-
2 nology; and

3 “(B) use such funds for purchasing eligible
4 technology through a State purchasing con-
5 sortia under section 103(d).

6 **“SEC. 5449. REPORTING.**

7 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
8 educational agency receiving a subgrant under section 104
9 shall submit to the State educational agency that awarded
10 such subgrant an annual report the meets the require-
11 ments of subsection (c).

12 “(b) STATE EDUCATIONAL AGENCIES.—Each State
13 educational agency receiving a grant under section
14 101(b)(2) shall submit to the Secretary an annual report
15 that meets the requirements of subsection (c).

16 “(c) REPORT REQUIREMENTS.—A report submitted
17 under subsection (a) or (b) shall include, at a minimum,
18 a description of—

19 “(1) the status of the State education agency’s
20 plan described in section 102(b)(3) or local edu-
21 cational agency’s technology plan under section
22 104(b)(4), as applicable;

23 “(2) the categories of eligible technology ac-
24 quired and types of programs funded under this title
25 and how such technology is being used;

1 “(3) the professional development activities
2 funded under this title, including types of activities
3 and entities involved in providing such professional
4 development; and

5 “(4) information on the impact of the grant on
6 students and student outcomes, such as—

7 “(A) the number of and demographic in-
8 formation about students who are served under
9 this subpart;

10 “(B) student achievement, student growth,
11 and graduation rates of such students;

12 “(C) college-and-career readiness data
13 about such students, such as rates of credit ac-
14 cumulation, course taking and completion, and
15 college enrollment and persistence;

16 “(D) student attendance and participation
17 rates;

18 “(E) student engagement and discipline;

19 “(F) school climate and teacher working
20 conditions;

21 “(G) increases in inclusion of students
22 with disabilities and English-language learners;
23 and

24 “(H) such other information the Secretary
25 may require or other information State edu-

1 cational agencies or local educational agencies
2 served under this subpart propose to include, as
3 approved by the Secretary.

4 **“SEC. 5450. INVESTING IN INNOVATION.**

5 “From the amounts appropriated under section
6 5459, the Secretary may reserve up to 30 percent to—

7 “(1) fund the identification, development, eval-
8 uation, and expansion of innovative, evidence-based
9 practices, programs, and strategies in order to sig-
10 nificantly—

11 “(A) increase student academic achieve-
12 ment and decrease achievement gaps;

13 “(B) increase secondary school graduation
14 rates;

15 “(C) increase college enrollment rates,
16 rates of college persistence, and rates of attain-
17 ment of other post-secondary credentials;

18 “(D) improve teacher and principal effec-
19 tiveness or retention of highly effective teachers
20 or principals; and

21 “(E) increase the identification and dis-
22 semination of innovative educational strategies
23 in rural areas; and

24 “(2) support the rapid development, expansion,
25 and adoption of tools and resources that improve the

1 efficiency, effectiveness, or pace of adoption of such
2 educational practices, programs, and strategies.

3 **“SEC. 5451. ESTABLISHMENT OF THE ADVANCED RE-
4 SEARCH PROJECT AGENCY-EDUCATION.**

5 “(a) PROGRAM ESTABLISHED.—From the amounts
6 appropriated under section 5459, the Secretary may re-
7 serve up to 5 percent to—

8 “(1) establish and carry out the Advanced Re-
9 search Projects Agency-Education (in this section
10 referred to as ‘ARPA-ED’) to—

11 “(A) identify and promote advances in
12 learning, fundamental and applied sciences, and
13 engineering that may be translated into new
14 learning technologies;

15 “(B) develop, test, and evaluate new learn-
16 ing technologies and related processes; and

17 “(C) accelerate transformational techno-
18 logical advances in education;

19 “(2) convene an advisory panel under sub-
20 section (d); and

21 “(3) carry out the evaluation and dissemination
22 requirements under subsection (e).

23 “(b) APPOINTMENTS.—

1 “(1) DIRECTOR.—ARPA–ED shall be under
2 the direction of the Director of ARPA–ED, who
3 shall be appointed by the Secretary.

4 “(2) QUALIFIED INDIVIDUALS.—The Secretary
5 shall appoint, for a term of not more than 4 years,
6 qualified individuals who represent scientific, engi-
7 neering, professional, and other personnel with ex-
8 pertise in carrying out the activities described in this
9 section to positions in ARPA–ED, at rates of com-
10 pensation determined by the Secretary, without re-
11 gard to the provisions of title 5, United States Code,
12 except that such rates of compensation shall not to
13 exceed the rate for level I of the Executive Schedule
14 under section 5312 of such title.

15 “(c) FUNCTIONS OF ARPA–ED.—Upon consultation
16 with the advisory panel convened under subsection (d), the
17 Secretary shall select public and private entities to carry
18 out the activities described in subsection (a)(1) by—

19 “(1) awarding such entities grants, contracts,
20 cooperative agreements, or cash prizes; or

21 “(2) entering into such other transactions with
22 such entities as the Secretary may prescribe in regu-
23 lations.

24 “(d) ADVISORY PANEL.—

1 “(1) IN GENERAL.—The Secretary shall con-
2 vene an advisory panel to advise and consult with
3 the Secretary, Director, and the qualified individuals
4 appointed under subsection (b)(2) on—

5 “(A) ensuring that the awards made and
6 transaction entered into under subsection (c)
7 are consistent with the purposes described in
8 subsection (a)(1); and

9 “(B) ensuring the relevance, accessibility,
10 and utility of such awards and transactions to
11 education practitioners.

12 “(2) APPOINTMENT OF MEMBERS.—The Sec-
13 retary shall appoint the following qualified individ-
14 uals to serve on the advisory panel:

15 “(A) Education practitioners.

16 “(B) Experts in technology.

17 “(C) Specialists in rapid gains in student
18 achievement and school turnaround.

19 “(D) Specialists in personalized learning.

20 “(E) Researchers, including at least one
21 representative from a comprehensive center es-
22 tablished under 203 of the Educational Tech-
23 nical Assistance Act of 2002 (20 U.S.C. 9602)
24 or the regional laboratories system established

1 under section 174 of the Education Sciences
2 Reform Act (20 U.S.C. 9564).

3 “(F) Other individuals with expertise who
4 will contribute to the overall rigor and quality
5 of ARPA–ED.

6 “(3) APPLICABILITY OF FACA.—The Federal
7 Advisory Committee Act (5 U.S.C. App.) shall not
8 apply to the panel convened under this subsection
9 and any appointee to such panel shall not be consid-
10 ered an ‘employee’ under section 2105 of title 5,
11 United States Code.

12 “(e) EVALUATION AND DISSEMINATION.—

13 “(1) EVALUATION.—The Secretary shall obtain
14 independent, periodic, and rigorous evaluation of—

15 “(A) the effectiveness of the processes
16 ARPA–Ed is using to achieve the purposes de-
17 scribed in subsection (a)(1);

18 “(B) the relevance, accessibility, and utility
19 of the awards made and transactions entered
20 into under subsection (c) to education practi-
21 tioners; and

22 “(C) the effectiveness of the projects car-
23 ried out through such awards and transactions,
24 using evidence standards developed in consulta-
25 tion with the Institute of Education Sciences,

1 and the suitability of such projects for further
2 investment or increased scale.

3 “(2) DISSEMINATION AND USE.—The Secretary
4 shall disseminate information to education practi-
5 tioners, including teachers, principals, and local and
6 State superintendents, on effective practices and
7 technologies developed under ARPA–ED, as appro-
8 priate, through—

9 “(A) the comprehensive centers established
10 under 203 of the Educational Technical Assist-
11 ance Act of 2002 (20 U.S.C. 9602);

12 “(B) the regional laboratories system es-
13 tablished under section 174 of the Education
14 Sciences Reform Act (20 U.S.C. 9564); and

15 “(C) such other means as the Secretary
16 determines to be appropriate.

17 “(f) ADMINISTRATIVE REQUIREMENTS.—Notwith-
18 standing section 437(d) of the General Education Provi-
19 sions Act (20 U.S.C. 1232(d)), the Secretary shall estab-
20 lish such processes as may be necessary for the Secretary
21 to manage and administer ARPA–ED, which are not con-
22 strained by other Department of Education-wide adminis-
23 trative requirements that may prevent ARPA–ED from
24 carrying out the purposes described in subsection (a)(1).

1 **“SEC. 5452. NATIONAL ACTIVITIES.**

2 “(a) IN GENERAL.—Subject to subsection (b), the
3 Secretary shall reserve not more than 10 percent of the
4 funds reserved under this section for each fiscal year to
5 carry out activities of national significance, which may in-
6 clude—

7 “(1) technical assistance, including to appli-
8 cants from rural areas;

9 “(2) pre-application workshops or web-based
10 seminars for potential applicants, including appli-
11 cants from rural areas;

12 “(3) the recruitment of peer reviewers, includ-
13 ing individuals with a background in rural education
14 and individuals with expertise in education tech-
15 nology, to participate in the review of applications
16 submitted under section 5354;

17 “(4) dissemination of best practices, in con-
18 sultation with the regional educational laboratories
19 established under part D of the Education Sciences
20 Reform Act of 2002 (20 U.S.C. 9561 et seq.) and
21 comprehensive centers established under section 203
22 of the Educational Technical Assistance Act of 2002
23 (20 U.S.C. 9602), developed with grant funds pro-
24 vided under this part, including best practices devel-
25 oped with grant funds in rural areas;

1 progress on the program performance measures identified
2 in section 5456.

3 “(c) RURAL AREAS.—The Secretary shall ensure that
4 not less than 25 percent of the funds awarded under this
5 section for any fiscal year are for projects that meet both
6 of the following requirements:

7 “(1) The eligible entity is—

8 “(A) a local educational agency with an
9 urban-centric district locale code of 32, 33, 41,
10 42, or 43, as determined by the Secretary;

11 “(B) a consortium of such local edu-
12 cational agencies; or

13 “(C) an educational service agency or a
14 nonprofit organization with demonstrated ex-
15 pertise in serving students from rural areas.

16 “(2) A majority of the schools to be served by
17 the project are designated with a school locale code
18 of 41, 42, or 43, or a combination of such codes, as
19 determined by the Secretary.

20 “(d) SUPPORT FOR NEW PRACTICES, STRATEGIES,
21 OR PROGRAMS.—The Secretary shall ensure that not less
22 than one-half of the funds awarded under this section for
23 any fiscal year are for projects that—

24 “(1) meet an evidence standard described in
25 paragraph (2) or (3) of subsection (f); and

1 “(2) do not meet the evidence standard de-
2 scribed in paragraph (1) of subsection (f).

3 “(e) PRIORITIES.—In awarding grants under this
4 section, the Secretary may give priority to an eligible enti-
5 ty that includes, in its application under section 5354, a
6 plan to—

7 “(1) improve early learning outcomes and aca-
8 demic connections between early learning and ele-
9 mentary school;

10 “(2) support college access, persistence, and
11 success;

12 “(3) support family and community engage-
13 ment;

14 “(4) address the unique learning needs of stu-
15 dents with disabilities or English language learners;

16 “(5) support the effective use of education tech-
17 nology to improve teaching and learning;

18 “(6) improve the teaching and learning of
19 science, technology, engineering, computing, or
20 mathematics;

21 “(7) serve schools in rural local educational
22 agencies;

23 “(8) train teachers or principals to adopt and
24 implement college and career ready standards;

1 “(9) develop alternative career pathways or dif-
2 ferentiated school staffing models for effective teach-
3 ers or principals to expand their impact on student
4 learning;

5 “(10) train or support principals or teacher
6 leaders, including teacher leaders preparing for prin-
7 cipal roles;

8 “(11) support, improve, or develop any other
9 area of school innovation, as determined by the Sec-
10 retary; and

11 “(12) address the learning needs of Indian, Na-
12 tive American, Alaska Native, or migrant children in
13 school.

14 “(f) STANDARDS OF EVIDENCE.—The Secretary shall
15 set standards for the quality of evidence that an eligible
16 entity shall provide to demonstrate that the activities the
17 eligible entity proposes to carry out with grant funds
18 under this section are likely to succeed in improving stu-
19 dent outcomes or outcomes on other performance meas-
20 ures. These standards may include any of the following:

21 “(1) Strong evidence that the activities pro-
22 posed by the eligible entity will have a statistically
23 significant effect on student academic achievement,
24 student growth, graduation rates, or outcomes on
25 other performance measures.

1 “(2) Moderate evidence that the activities pro-
2 posed by the eligible entity will improve student aca-
3 demic achievement, student growth, graduation
4 rates, or outcomes on other performance measures.

5 “(3) Evidence of promise or a strong theory
6 that the activities proposed by the eligible entity will
7 improve student academic achievement, student
8 growth, graduation rates, or outcomes on other per-
9 formance measures.

10 **“SEC. 5454. APPLICATIONS.**

11 “(a) APPLICATIONS.—An eligible entity that desires
12 to receive a grant under section 5453 shall submit an ap-
13 plication to the Secretary at such time, in such manner,
14 and containing such information as the Secretary may rea-
15 sonably require.

16 “(b) CONTENTS.—Each application submitted by an
17 eligible entity under subsection (a) shall—

18 “(1) describe the project for which the eligible
19 entity is seeking a grant and how the evidence sup-
20 porting that project meets the standards of evidence
21 established by the Secretary under section 5453(f);

22 “(2) describe how the eligible entity will address
23 at least one of the areas described in section
24 5455(a)(1);

1 “(3) provide an estimate of the number of stu-
2 dents that the eligible entity plans to serve under
3 the proposed project, including the percentage of
4 those students who are from low-income families,
5 and the number of students to be served through ad-
6 ditional expansion after the grant ends;

7 “(4) demonstrate that the eligible entity has es-
8 tablished one or more partnerships with the private
9 sector, which may include philanthropic organiza-
10 tions, and that the partner or partners will provide
11 matching funds, except that the Secretary may
12 waive, on a case-by-case basis, the matching funds
13 requirement under this paragraph upon a showing of
14 exceptional circumstances, such as the difficulty of
15 raising matching funds for a project to serve a rural
16 area;

17 “(5) describe the eligible entity’s plan for con-
18 tinuing the proposed project after the grant funding
19 under section 5453 ends, including a plan for dis-
20 semination of best practices and collaboration with
21 other local educational agencies;

22 “(6) demonstrate that the proposed project has
23 incorporated input and feedback from educators
24 working in the area to be served;

1 “(7) if the eligible entity is a local educational
2 agency—

3 “(A) document the local educational agen-
4 cy’s record in—

5 “(i) increasing student achievement,
6 including achievement for each subgroup
7 described in section 1111(b)(2)(C)(v); or

8 “(ii) decreasing achievement gaps;
9 and

10 “(B) demonstrate how the local edu-
11 cational agency has made significant improve-
12 ments in other outcomes, as applicable, on the
13 performance measures described in section
14 5456;

15 “(8) if the eligible entity is a nonprofit organi-
16 zation—

17 “(A) provide evidence that the nonprofit
18 organization has helped at least one high-need
19 school or high-need local educational agency
20 significantly—

21 “(i) increase student achievement, in-
22 cluding achievement for each subgroup de-
23 scribed in section 1111(b)(2)(C)(v);

24 “(ii) reduce achievement gaps; or

25 “(iii) increase graduation rates; and

1 “(B) describe how the nonprofit organiza-
2 tion has helped at least 1 school or local edu-
3 cational agency make a significant improve-
4 ment, as applicable, in other outcomes on the
5 performance measures described in section
6 5456;

7 “(9) if the eligible entity is an educational serv-
8 ice agency—

9 “(A) provide evidence that the agency has
10 helped at least one high-need school or high-
11 need local educational agency significantly—

12 “(i) increase student achievement, in-
13 cluding achievement for each subgroup de-
14 scribed in section 1111(b)(2)(C)(v);

15 “(ii) reduce achievement gaps; or

16 “(iii) increase graduation rates; and

17 “(B) describe how the agency has helped
18 at least 1 school or local educational agency
19 make a significant improvement, as applicable,
20 in other outcomes on the performance measures
21 described in section 5456;

22 “(10) provide a description of the eligible enti-
23 ty’s plan for independently evaluating the effective-
24 ness of activities carried out with funds under sec-
25 tion 5453;

1 “(11) provide an assurance that the eligible en-
2 tity will—

3 “(A) cooperate with cross-cutting evalua-
4 tions;

5 “(B) make evaluation data available to
6 third parties for validation and further study
7 consistent with protections established by appli-
8 cable Federal, State, and local privacy require-
9 ments and other on provisions on the protection
10 of personally identifiable information; and

11 “(C) participate in communities of prac-
12 tice; and

13 “(12) if the eligible entity is a nonprofit organi-
14 zation that intends to make subgrants, consistent
15 with section 5455(b), provide an assurance that the
16 eligible entity will apply paragraphs (1) through
17 (10), as appropriate, in the eligible entity’s selection
18 of subgrantees and in the oversight of such sub-
19 grants.

20 “(c) CRITERIA FOR EVALUATING APPLICATIONS.—

21 The Secretary shall award grants under section 5453 on
22 a competitive basis, based on the quality of the applica-
23 tions under this section submitted and, consistent with the
24 standards established under section 5453(f), each eligible
25 entity’s likelihood of achieving success in improving stu-

1 dent outcomes or outcomes on other performance meas-
2 ures.

3 **“SEC. 5455. USES OF FUNDS.**

4 “(a) USES OF FUNDS.—Each eligible entity that re-
5 ceives a grant under section 5453—

6 “(1) shall use the grant funds to address, at a
7 minimum, one of the following areas of school inno-
8 vations:

9 “(A) Improving the effectiveness and dis-
10 tribution of teachers or principals.

11 “(B) Strengthening the use of data to im-
12 prove teaching and learning.

13 “(C) Providing high-quality instruction
14 based on rigorous standards that build toward
15 college and career readiness and measuring stu-
16 dents’ mastery using high-quality assessments
17 aligned to those standards.

18 “(D) Turning around the lowest-per-
19 forming schools.

20 “(E) Supporting the effective use of tech-
21 nology to improve teaching or principals and
22 learning, including training teachers or prin-
23 cipals in the innovative use of technology.

24 “(F) Any other area of school innovation,
25 as determined by the Secretary;

1 “(2) shall use those funds to develop or expand
2 strategies to improve the performance of high-need
3 students on the performance measures described in
4 section 5456; and

5 “(3) may use the grant funds for an inde-
6 pendent evaluation, as required by section
7 5454(b)(9), of the innovative practices carried out
8 with the grant.

9 “(b) **AUTHORITY TO SUBGRANT.**—In the case of an
10 eligible entity receiving a grant under section 5453 that
11 is nonprofit organization such eligible entity may use the
12 grant funds to make subgrants to other entities to provide
13 support to one or more high-need schools or high-need
14 local educational agencies. Any entity receiving a subgrant
15 under this subsection shall comply with the requirements
16 of this part for eligible entities, as appropriate.

17 **“SEC. 5456. PERFORMANCE MEASURES.**

18 “(a) **IN GENERAL.**—The Secretary shall establish
19 performance measures for the projects carried out under
20 this part. These measures, at a minimum, shall track an
21 eligible entity’s progress in—

22 “(1) improving outcomes for each subgroup de-
23 scribed in section 1111(b)(2)(C)(v) that is served by
24 the grantee on measures, including, as applicable,
25 by—

1 “(A) increasing student achievement and
2 decreasing achievement gaps;

3 “(B) increasing secondary school gradua-
4 tion rates;

5 “(C) increasing college enrollment rates
6 and rates of college persistence;

7 “(D) improving teacher and principal ef-
8 fectiveness or the retention of highly effective
9 teachers or principals;

10 “(E) improving school readiness; or

11 “(F) any other indicator as the Secretary
12 or grantee may determine; and

13 “(2) implementing the eligible entity’s project
14 in rural schools, as applicable.

15 “(b) DATA COLLECTION PERIOD.—From the
16 amounts appropriated under this section, the Secretary
17 may—

18 “(1) approve, for an eligible entity receiving a
19 grant under section 5453, a data collection period of
20 not more than 72 months beginning after the end of
21 the eligible entity’s grant period; and

22 “(2) provide the eligible entity with funding
23 during such period for the sole purpose of collecting,
24 analyzing, and reporting performance information

1 under this subsection on the project carried out dur-
2 ing the grant period.

3 **“SEC. 5457. ANNUAL REPORT.**

4 “An eligible entity that receives a grant under section
5 5453 shall submit to the Secretary, at such time and in
6 such manner as the Secretary may require, an annual re-
7 port that includes information on—

8 “(1) the eligible entity’s progress on the per-
9 formance measures established under section 5456;
10 and

11 “(2) the data supporting such progress.

12 **“SEC. 5458. DEFINITIONS.**

13 “In this part:

14 “(1) **ELIGIBLE ENTITY.**—The term ‘eligible en-
15 tity’ means—

16 “(A) a local educational agency;

17 “(B) an educational service agencies; or

18 “(C) a nonprofit organization in partner-
19 ship with a local educational agency or consor-
20 tium of schools.

21 “(2) **HIGH-NEED LOCAL EDUCATIONAL AGEN-**
22 **CY.**—The term ‘high-need local educational agency’
23 means a local educational agency—

1 “(A) that serves not fewer than 10,000
2 children from families with incomes below the
3 poverty line;

4 “(B) for which not less than 20 percent of
5 the children served by the agency are from fam-
6 ilies with incomes below the poverty line; or

7 “(C) that is in the highest quartile of local
8 educational agencies in the State, based on stu-
9 dent poverty.

10 “(3) HIGH-NEED SCHOOL.—The term ‘high-
11 need school’ means—

12 “(A) an elementary school or middle school
13 in which not less than 50 percent of the en-
14 rolled students are children eligible for free or
15 reduced price lunch under the Richard B. Rus-
16 sell National School Lunch Act (42 U.S.C.
17 1751 et seq.);

18 “(B) a high school in which not less than
19 40 percent of the enrolled students are children
20 eligible for free or reduced price lunch under
21 the Richard B. Russell National School Lunch
22 Act (42 U.S.C. 1751 et seq.), which may be cal-
23 culated using comparable data from feeder
24 schools.

1 “(4) PRINCIPAL.—The term ‘principal’ includes
2 an assistant principal.

3 “(5) TEACHER.—The term ‘teacher’ includes
4 teacher leaders.

5 “(6) TEACHER LEADER.—The term ‘teacher
6 leader’ means a teacher who has demonstrated effec-
7 tiveness and assumes leadership responsibilities to
8 work with other teachers to raise student achieve-
9 ment in multiple classrooms.

10 **“SEC. 5459. AUTHORIZATION.**

11 “‘There are authorized to be appropriated to carry out
12 this subpart \$750,000,000 for fiscal year 2016 and such
13 sums as may be necessary for each of the 4 succeeding
14 fiscal years.’”.

15 (b) REPEAL.—Part B of title I (20 U.S.C. 6361 et
16 seq.) is repealed.

17 **Subtitle D—Family Engagement in**
18 **Education Programs**

19 **SEC. 521. FAMILY ENGAGEMENT IN EDUCATION PRO-**
20 **GRAMS.**

21 Title V of the Act (20 U.S.C. 5101 et seq.) is a
22 amended by adding at the end the following new part:

1 **“PART E—FAMILY ENGAGEMENT IN EDUCATION**

2 **PROGRAMS**

3 **“SEC. 5701. PURPOSES.**

4 “The purposes of this part are the following:

5 “(1) To provide financial support to organiza-
6 tions to provide technical assistance and training to
7 State and local educational agencies in the imple-
8 mentation and enhancement of systemic and effec-
9 tive family engagement policies, programs, and ac-
10 tivities that lead to improvements in student devel-
11 opment and academic achievement.

12 “(2) To assist State educational agencies, local
13 educational agencies, community-based organiza-
14 tions, schools, and educators in strengthening part-
15 nerships among parents, teachers, school leaders, ad-
16 ministrators, and other school personnel in meeting
17 the educational needs of children and fostering
18 greater parental engagement.

19 “(3) To support State educational agencies,
20 local educational agencies, schools, educators, and
21 parents in developing and strengthening the relation-
22 ship between parents and their children’s school in
23 order to further the developmental progress of chil-
24 dren.

1 “(4) To coordinate activities funded under this
2 part with parent involvement initiatives funded
3 under section 1118 and other provisions of this Act.

4 “(5) To assist the Secretary, State educational
5 agencies, and local educational agencies in the co-
6 ordination and integration of Federal, State, and
7 local services and programs to engage families in
8 education.

9 **“SEC. 5702. GRANTS AUTHORIZED.**

10 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
11 From the amount appropriated under section 4306, the
12 Secretary is authorized to award grants for each fiscal
13 year to statewide organizations (and consortia of such or-
14 ganizations and State educational agencies), to establish
15 Statewide Family Engagement Centers that provide com-
16 prehensive training and technical assistance to State edu-
17 cational agencies, local educational agencies, schools iden-
18 tified by State educational agencies and local educational
19 agencies, organizations that support family-school part-
20 nerships, and other organizations that carry out parent
21 education and family engagement in education programs.

22 “(b) MINIMUM AWARD.—In awarding grants under
23 this section, the Secretary shall, to the extent practicable,
24 ensure that a grant is awarded for a Statewide Family
25 Engagement Center in an amount not less than \$500,000.

1 **“SEC. 5703. APPLICATIONS.**

2 “(a) SUBMISSIONS.—Each statewide organization, or
3 a consortium of such an organization and a State edu-
4 cational agency, that desires a grant under this part shall
5 submit an application to the Secretary at such time, in
6 such manner, and including the information described in
7 subsection (b).

8 “(b) CONTENTS.—Each application submitted under
9 subsection (a) shall include, at a minimum, the following:

10 “(1) A description of the applicant’s approach
11 to family engagement in education.

12 “(2) A description of the support that the
13 Statewide Family Engagement Center that will be
14 operated by the applicant will have from the appli-
15 cant, including a letter from the applicant outlining
16 the commitment to work with the center.

17 “(3) A description of the applicant’s plan for
18 building a statewide infrastructure for family en-
19 gagement in education, that includes—

20 “(A) management and governance;

21 “(B) statewide leadership; and

22 “(C) systemic services for family engage-
23 ment in education.

24 “(4) A description of the applicant’s dem-
25 onstrated experience in providing training, informa-
26 tion, and support to State educational agencies, local

1 educational agencies, schools, educators, parents,
2 and organizations on family engagement in edu-
3 cation policies and practices that are effective for
4 parents (including low-income parents) and families,
5 English learners, minorities, parents of students
6 with disabilities, parents of homeless students, foster
7 parents and students, and parents of migratory stu-
8 dents, including evaluation results, reporting, or
9 other data exhibiting such demonstrated experience.

10 “(5) An assurance that the applicant will—

11 “(A) establish a special advisory com-
12 mittee, the membership of which includes—

13 “(i) parents, who shall constitute a
14 majority of the members of the special ad-
15 visory committee;

16 “(ii) representatives of education pro-
17 fessionals with expertise in improving serv-
18 ices for disadvantaged children;

19 “(iii) representatives of local elemen-
20 tary schools and secondary schools, includ-
21 ing students;

22 “(iv) representatives of the business
23 community; and

1 “(v) representatives of State edu-
2 cational agencies and local educational
3 agencies;

4 “(B) use not less than 65 percent of the
5 funds received under this part in each fiscal
6 year to serve local educational agencies, schools,
7 and community-based organizations that serve
8 high concentrations of disadvantaged students,
9 including English learners, minorities, parents
10 of students with disabilities, parents of home-
11 less students, foster parents and students, and
12 parents of migratory students;

13 “(C) operate a Statewide Family Engage-
14 ment Center of sufficient size, scope, and qual-
15 ity to ensure that the Center is adequate to
16 serve the State educational agency, local edu-
17 cational agencies, and community-based organi-
18 zations;

19 “(D) ensure that the Center will retain
20 staff with the requisite training and experience
21 to serve parents in the State;

22 “(E) serve urban, suburban, and rural
23 local educational agencies and schools;

24 “(F) work with—

1 “(i) other Statewide Family Engage-
2 ment Centers assisted under this part; and

3 “(ii) parent training and information
4 centers and community parent resource
5 centers assisted under sections 671 and
6 672 of the Individuals with Disabilities
7 Education Act;

8 “(G) use not less than 30 percent of the
9 funds received under this part for each fiscal
10 year to establish or expand technical assistance
11 for evidence-based parent education programs;

12 “(H) provide assistance to State edu-
13 cational agencies and local educational agencies
14 and community-based organizations that sup-
15 port family members in supporting student aca-
16 demic achievement;

17 “(I) work with State educational agencies,
18 local educational agencies, schools, educators,
19 and parents to determine parental needs and
20 the best means for delivery of services to ad-
21 dress such needs; and

22 “(J) conduct sufficient outreach to assist
23 parents, including parents who the applicant
24 may have a difficult time engaging with a
25 school or local educational agency.

1 **“SEC. 5704. USES OF FUNDS.**

2 “(a) IN GENERAL.—Grantees shall use grant funds
3 received under this part, based on the needs determined
4 under section 4303(b)(5)(I), to provide training and tech-
5 nical assistance to State educational agencies, local edu-
6 cational agencies, and organizations that support family-
7 school partnerships, and activities, services, and training
8 for local educational agencies, school leaders, educators,
9 and parents—

10 “(1) to assist parents in participating effectively
11 in their children’s education and to help their chil-
12 dren meet college and career ready standards, such
13 as assisting parents—

14 “(A) to engage in activities that will im-
15 prove student academic achievement, including
16 understanding how they can support learning in
17 the classroom with activities at home and in
18 afterschool and extracurricular programs;

19 “(B) to communicate effectively with their
20 children, teachers, school leaders, counselors,
21 administrators, and other school personnel;

22 “(C) to become active participants in the
23 development, implementation, and review of
24 school-parent compacts, family engagement in
25 education policies, and school planning and im-
26 provement;

1 “(D) to participate in the design and pro-
2 vision of assistance to students who are not
3 making academic progress;

4 “(E) to participate in State and local deci-
5 sionmaking;

6 “(F) to train other parents; and

7 “(G) to help the parents learn and use
8 technology applied in their children’s education;

9 “(2) to develop and implement, in partnership
10 with the State educational agency, statewide family
11 engagement in education policy and systemic initia-
12 tives that will provide for a continuum of services to
13 remove barriers for family engagement in education
14 and support school reform efforts; and

15 “(3) to develop, implement, and assess parental
16 involvement policies under sections 1112 and 1118.

17 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—
18 For each fiscal year after the first fiscal year for which
19 an organization or consortium receives assistance under
20 this section, the organization or consortium shall dem-
21 onstrate in the application that a portion of the services
22 provided by the organization or consortium is supported
23 through non-Federal contributions, which may be in cash
24 or in-kind.

1 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
2 reserve not more than 2 percent of the funds appropriated
3 under section 4306 to carry out this part to provide tech-
4 nical assistance, by grant or contract, for the establish-
5 ment, development, and coordination of Statewide Family
6 Engagement Centers.

7 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to prohibit a Statewide Family En-
9 gagement Center from—

10 “(1) having its employees or agents meet with
11 a parent at a site that is not on school grounds; or

12 “(2) working with another agency that serves
13 children.

14 “(e) PARENTAL RIGHTS.—Notwithstanding any
15 other provision of this section—

16 “(1) no person (including a parent who edu-
17 cates a child at home, a public school parent, or a
18 private school parent) shall be required to partici-
19 pate in any program of parent education or develop-
20 mental screening under this section; and

21 “(2) no program or center assisted under this
22 section shall take any action that infringes in any
23 manner on the right of a parent to direct the edu-
24 cation of their children.

1 **“SEC. 5705. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

2 “The Secretary of the Interior, in consultation with
3 the Secretary of Education, shall establish, or enter into
4 contracts and cooperative agreements with local Indian or
5 Indian-serving nonprofit parent organizations to establish
6 and operate Family Engagement Centers.

7 **“SEC. 5706. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated to carry out
9 this part \$30,000,000 for fiscal year 2016 and such sums
10 as may be necessary for subsequent fiscal years.”.

11 **Subtitle E—Fast Track to College**

12 **SEC. 531. SHORT TITLE.**

13 This subtitle may be cited as the “Fast Track to Col-
14 lege Act of 2013”.

15 **SEC. 532. PURPOSE.**

16 The purpose of this subtitle is to increase secondary
17 school graduation rates and the percentage of students
18 who complete a recognized postsecondary credential by the
19 age of 26, including among low-income students and stu-
20 dents from other populations underrepresented in higher
21 education.

22 **SEC. 533. DEFINITIONS.**

23 For purposes of this subtitle:

24 (1) **DUAL ENROLLMENT PROGRAM.**—The term
25 “dual enrollment program” means an academic pro-
26 gram through which a secondary school student is

1 able simultaneously to earn credit toward a sec-
2 ondary school diploma and a postsecondary degree
3 or credential.

4 (2) EARLY COLLEGE HIGH SCHOOL.—The term
5 “early college high school” means a secondary school
6 that provides a course of study that enables a stu-
7 dent to earn a secondary school diploma and either
8 an associate’s degree or one to two years of postsec-
9 ondary credit toward a postsecondary degree or cre-
10 dential.

11 (3) EDUCATIONAL SERVICE AGENCY.—The
12 term “educational service agency” has the meaning
13 given such term in section 9101(17) of the Elemen-
14 tary and Secondary Education Act of 1965 (20
15 U.S.C. 7801(17)).

16 (4) ELIGIBLE ENTITY.—The term “eligible enti-
17 ty” means a local educational agency, which may be
18 an educational service agency, in a collaborative
19 partnership with an institution of higher education.
20 Such partnership also may include other entities,
21 such as a nonprofit organization with experience in
22 youth development.

23 (5) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the

1 meaning given such term in section 101 of the High-
2 er Education Act of 1965 (20 U.S.C. 1001).

3 (6) LOCAL EDUCATIONAL AGENCY.—The term
4 “local educational agency” has the meaning given
5 such term in section 9101(26) of the Elementary
6 and Secondary Education Act of 1965 (20 U.S.C.
7 7801(26)).

8 (7) SECRETARY.—The term “Secretary” means
9 the Secretary of Education.

10 (8) LOW-INCOME STUDENT.—The term “low-in-
11 come student” means a student described in section
12 1113(a)(5) of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 6313(a)(5)).

14 **SEC. 534. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
15 **TIONS.**

16 (a) IN GENERAL.—To carry out this subtitle, there
17 are authorized to be appropriated \$150,000,000 for fiscal
18 year 2014 and such sums as may be necessary for each
19 of fiscal years 2015 through 2019.

20 (b) EARLY COLLEGE HIGH SCHOOLS.—The Sec-
21 retary shall reserve not less than 45 percent of the funds
22 appropriated under subsection (a) to support early college
23 high schools under section 535.

24 (c) DUAL ENROLLMENT PROGRAMS.—The Secretary
25 shall reserve not less than 45 percent of such funds to

1 support dual enrollment programs (other than early col-
2 lege high schools) under section 535.

3 (d) STATE GRANTS.—The Secretary shall reserve 10
4 percent of such funds, or \$10,000,000, whichever is less,
5 for grants to States under section 539.

6 **SEC. 535. AUTHORIZED PROGRAM.**

7 (a) IN GENERAL.—The Secretary is authorized to
8 award 6-year grants to eligible entities seeking to establish
9 a new, or support an existing, early college high school
10 or other dual enrollment program in accordance with sec-
11 tion 536.

12 (b) GRANT AMOUNT.—The Secretary shall ensure
13 that grants are of sufficient size to enable grantees to
14 carry out all required activities and otherwise meet the
15 purposes of this subtitle, except that a grant under this
16 section may not exceed \$2,000,000.

17 (c) MATCHING REQUIREMENT.—

18 (1) IN GENERAL.—An eligible entity shall con-
19 tribute matching funds toward the costs of the early
20 college high school or other dual enrollment program
21 to be supported under this section, of which not less
22 than half shall be from non-Federal sources, which
23 funds shall represent not less than the following:

1 (A) Twenty percent of the grant amount
2 received in each of the first and second years of
3 the grant.

4 (B) Thirty percent in each of the third and
5 fourth years.

6 (C) Forty percent in the fifth year.

7 (D) Fifty percent in the sixth year.

8 (2) DETERMINATION OF AMOUNT CONTRIB-
9 UTED.—The Secretary shall allow an eligible entity
10 to satisfy the requirement of this subsection through
11 in-kind contributions.

12 (d) SUPPLEMENT, NOT SUPPLANT.—An eligible enti-
13 ty shall use a grant received under this section only to
14 supplement funds that would, in the absence of such
15 grant, be made available from non-Federal funds for sup-
16 port of the activities described in the eligible entity's appli-
17 cation under section 537, and not to supplant such funds.

18 (e) PRIORITY.—In awarding grants under this sec-
19 tion, the Secretary shall give priority to applicants—

20 (1) that propose to establish or support an
21 early college high school or other dual enrollment
22 program that will serve a student population of
23 which 0 percent or more are students counted under
24 section 1113(a)(5) of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 6313(a)(5)); and

1 (2) from States that provide assistance to early
2 college high schools or other dual enrollment pro-
3 grams, such as assistance to defray the costs of
4 higher education (including costs of tuition, fees,
5 and textbooks).

6 (f) GEOGRAPHIC DISTRIBUTION.—The Secretary
7 shall, to the maximum extent practicable, ensure that
8 grantees are from a representative cross-section of urban,
9 suburban, and rural areas.

10 **SEC. 536. USES OF FUNDS.**

11 (a) MANDATORY ACTIVITIES.—An eligible entity
12 shall use grant funds received under section 535 to sup-
13 port the activities described in its application under sec-
14 tion 537, including the following:

15 (1) PLANNING YEAR.—In the case of a new
16 early college high school or dual enrollment program,
17 during the first year of the grant—

18 (A) hiring a principal and staff, as appro-
19 priate;

20 (B) designing the curriculum and sequence
21 of courses in collaboration with (at a minimum)
22 teachers from the local educational agency and
23 faculty from the partner institution of higher
24 education;

1 (C) informing parents and the community
2 about the school or program and opportunities
3 to become actively involved in the school or pro-
4 gram;

5 (D) establishing a course articulation proc-
6 ess for defining and approving courses for sec-
7 ondary school and postsecondary credit or cre-
8 dential;

9 (E) outreach programs to ensure that sec-
10 ondary school students and their families are
11 aware of the early college high school or dual
12 enrollment program;

13 (F) liaison activities among partners in the
14 eligible entity; and

15 (G) coordinating secondary and postsec-
16 ondary support services, academic calendars,
17 and transportation.

18 (2) IMPLEMENTATION PERIOD.—During the re-
19 mainder of the grant period—

20 (A) academic and social support services,
21 including counseling;

22 (B) liaison activities among partners in the
23 eligible entity;

1 (C) data collection and use of such data
2 for student and instructional improvement and
3 program evaluation;

4 (D) outreach programs to ensure that sec-
5 ondary school students and their families are
6 aware of the early college high school or dual
7 enrollment program;

8 (E) professional development, including
9 joint professional development for secondary
10 school and faculty from the institution of higher
11 education; and

12 (F) school or program design and planning
13 team activities, including curriculum develop-
14 ment.

15 (b) ALLOWABLE ACTIVITIES.—An eligible entity may
16 also use grant funds received under section 535 otherwise
17 to support the activities described in its application under
18 section 537, including—

19 (1) purchasing textbooks and equipment that
20 support the school or program's curriculum;

21 (2) developing learning opportunities for stu-
22 dents that complement classroom experiences, such
23 as internships, career-based capstone projects, and
24 opportunities provided under chapters 1 and 2 of

1 subpart 2 of part A of title IV of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1070a–11 et seq.);

3 (3) transportation; and

4 (4) planning time for secondary school and edu-
5 cators from an institution of higher education to col-
6 laborate.

7 **SEC. 537. APPLICATION.**

8 (a) IN GENERAL.—To receive a grant under section
9 535, an eligible entity shall submit to the Secretary an
10 application at such time, in such manner, and including
11 such information as the Secretary determines to be appro-
12 priate.

13 (b) CONTENTS OF APPLICATION.—At a minimum,
14 the application described in subsection (a) shall include
15 a description of—

16 (1) the early college high school’s or other dual
17 enrollment program’s budget;

18 (2) each partner in the eligible entity and its
19 experience with early college high schools or other
20 dual enrollment programs, key personnel from each
21 partner and their responsibilities for the early col-
22 lege high school or dual enrollment program, and
23 how the eligible entity will work with secondary and
24 postsecondary teachers, other public and private en-
25 tities, community-based organizations, businesses,

1 labor organizations, and parents to ensure that stu-
2 dents will be prepared to succeed in postsecondary
3 education and employment, which may include the
4 development of an advisory board;

5 (3) how the eligible entity will target and re-
6 cruit at-risk youth, including those at risk of drop-
7 ping out of school, first generation college students,
8 and students from populations described in section
9 1111(b)(2)(C)(v)(II) of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C.
11 6311(b)(2)(C)(v)(II));

12 (4) a system of student supports including, but
13 not limited to, small group activities, tutoring, lit-
14 eracy and numeracy skill development in all aca-
15 demic disciplines, parental and community outreach
16 and engagement, extended learning time, and college
17 readiness activities, such as early college academic
18 seminars and counseling;

19 (5) in the case of an early college high school,
20 how a graduation and career plan will be developed,
21 consistent with State graduation requirements, for
22 each student and reviewed each semester;

23 (6) how parents or guardians of students in the
24 early college high school or dually enrolled students
25 will be informed of their academic performance and

1 progress and, subject to paragraph (5), involved in
2 the development of their career and graduation plan;

3 (7) coordination that will occur between the in-
4 stitution of higher education and the local edu-
5 cational agency, including regarding academic cal-
6 endars, provision of student services, curriculum de-
7 velopment, and professional development;

8 (8) how the eligible entity will ensure that
9 teachers in the early college high school or other
10 dual enrollment program receive appropriate profes-
11 sional development and other supports, including to
12 enable them to utilize effective parent and commu-
13 nity engagement strategies, and help English-lan-
14 guage learners, students with disabilities, and stu-
15 dents from diverse cultural backgrounds to succeed;

16 (9) learning opportunities for students that
17 complement classroom experiences, such as intern-
18 ships, career-based capstone projects, and opportuni-
19 ties provided under chapters 1 and 2 of subpart 2
20 of part A of title IV of the Higher Education Act
21 of 1965 (20 U.S.C. 1070a–11 et seq.);

22 (10) how policies, agreements, and courses
23 taken will ensure that postsecondary credits earned
24 will be transferable to, at a minimum, public institu-

1 tions of higher education within the State, consistent
2 with existing statewide articulation agreements;

3 (11) student assessments and other measure-
4 ments of student achievement including benchmarks
5 for student achievement;

6 (12) outreach programs to provide elementary
7 and secondary school students, especially those in
8 middle grades, and their parents, teachers, school
9 counselors, and principals information about and
10 academic preparation for the early college high
11 school or other dual enrollment program;

12 (13) how the local educational agency and insti-
13 tution of higher education will work together, as ap-
14 propriate, to collect and use data for student and in-
15 structional improvement and program evaluation;

16 (14) how the eligible entity will help students
17 meet eligibility criteria for postsecondary courses
18 and ensure that students understand how their cred-
19 its will transfer; and

20 (15) how the eligible entity will access and le-
21 verage additional resources necessary to sustain the
22 early college high school or other dual enrollment
23 program after the grant expires, including by engag-
24 ing businesses and non-profit organizations.

1 (c) ASSURANCES.—An eligible entity’s application
2 under subsection (a) shall include assurances that—

3 (1) in the case of an early college high school,
4 the majority of courses offered, including postsec-
5 ondary courses, will be offered at facilities of the in-
6 stitution of higher education;

7 (2) students will not be required to pay tuition
8 or fees for postsecondary courses;

9 (3) postsecondary credits earned will be tran-
10 scribed upon completion of the requisite course
11 work; and

12 (4) faculty teaching postsecondary courses meet
13 the normal standards for faculty established by the
14 institution of higher education.

15 (d) WAIVER.—The Secretary may waive the require-
16 ment of subsection (c)(1) upon a showing that it is im-
17 practical to apply due to geographic considerations.

18 **SEC. 538. PEER REVIEW.**

19 (a) PEER REVIEW OF APPLICATIONS.—The Sec-
20 retary shall establish peer review panels to review applica-
21 tions submitted pursuant to section 537 to advise the Sec-
22 retary regarding such applications.

23 (b) COMPOSITION OF PEER REVIEW PANELS.—The
24 Secretary shall ensure that each peer review panel is not

1 comprised wholly of full-time officers or employees of the
2 Federal Government and includes, at a minimum—

3 (1) experts in the establishment and adminis-
4 tration of early college high schools or other dual en-
5 rollment programs from the secondary and postsec-
6 ondary perspective;

7 (2) faculty at institutions of higher education
8 and secondary school teachers with expertise in dual
9 enrollment; and

10 (3) experts in the education of at-risk students.

11 **SEC. 539. GRANTS TO STATES.**

12 (a) **IN GENERAL.**—The Secretary is authorized to
13 award 5-year grants to State agencies responsible for sec-
14 ondary or postsecondary education for efforts to support
15 or establish early college high schools or other dual enroll-
16 ment programs.

17 (b) **GRANT AMOUNT.**—The Secretary shall ensure
18 that grants are of sufficient size to enable grantees to
19 carry out all required activities.

20 (c) **MATCHING REQUIREMENT.**—A State shall con-
21 tribute matching funds from non-Federal sources toward
22 the costs of carrying out activities under this section,
23 which funds shall represent not less than 50 percent of
24 the grant amount.

1 (d) PRIORITY.—In awarding grants under this sec-
2 tion, the Secretary shall give priority to States that pro-
3 vide assistance to early college high schools or other dual
4 enrollment programs, such as assistance to defray the
5 costs of higher education, such as tuition, fees, and text-
6 books.

7 (e) APPLICATION.—To receive a grant under this sec-
8 tion, a State agency shall submit to the Secretary an appli-
9 cation at such time, in such manner, and including such
10 information as the Secretary determines to be appropriate.

11 (f) CONTENTS OF APPLICATION.—At a minimum, the
12 application described in subsection (e) shall include—

13 (1) how the State will carry out all of the re-
14 quired State activities described in subsection (g);

15 (2) how the State will identify and eliminate
16 barriers to implementing effective early college high
17 schools and dual enrollment programs after the
18 grant expires, including by engaging businesses and
19 non-profit organizations;

20 (3) how the State will access and leverage addi-
21 tional resources necessary to sustain early college
22 high schools or other dual enrollment programs; and

23 (4) such other information as the Secretary de-
24 termines to be appropriate.

1 (g) STATE ACTIVITIES.—A State receiving a grant
2 under this section shall use such funds for—

3 (1) creating outreach programs to ensure that
4 secondary school students, their families, and com-
5 munity members are aware of early college high
6 schools and dual enrollment programs in the State;

7 (2) planning and implementing a statewide
8 strategy for expanding access to early college high
9 schools and dual enrollment programs for students
10 who are underrepresented in higher education to
11 raise statewide rates of secondary school graduation,
12 readiness for postsecondary education, and comple-
13 tion of postsecondary degrees and credentials, with
14 a focus on at-risk students, including identifying any
15 obstacles to such a strategy under State law or pol-
16 icy;

17 (3) providing technical assistance to early col-
18 lege high schools and other dual enrollment pro-
19 grams, such as brokering relationships and agree-
20 ments that forge a strong partnership between ele-
21 mentary and secondary and postsecondary partners;

22 (4) identifying policies that will improve the ef-
23 fectiveness and ensure the quality of early college
24 high schools and dual enrollment programs, such as

1 access, funding, data and quality assurance, govern-
2 ance, accountability and alignment policies;

3 (5) planning and delivering statewide training
4 and peer learning opportunities for school leaders
5 and teachers from early college high schools and
6 dual enrollment programs, which may include pro-
7 viding instructional coaches who offer on-site guid-
8 ance;

9 (6) disseminating best practices in early college
10 high schools and dual enrollment programs from
11 across the State and from other States; and

12 (7) facilitating statewide data collection, re-
13 search and evaluation, and reporting to policymakers
14 and other stakeholders.

15 **SEC. 540. REPORTING AND OVERSIGHT.**

16 (a) REPORTING BY GRANTEES.—

17 (1) IN GENERAL.—The Secretary shall establish
18 uniform guidelines for all grantees concerning infor-
19 mation such grantees annually shall report to the
20 Secretary to demonstrate a grantee's progress to-
21 ward achieving the goals of this subtitle.

22 (2) CONTENTS OF REPORT.—At a minimum,
23 the report described in paragraph (1) shall include,
24 for eligible entities receiving funds under section
25 535, for students participating in the early college

1 high school or other dual enrollment program within
2 each category of students described in section
3 1111(h)(1)(C)(i) of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C.6311(h)(1)(C)(i)):

5 (A) The number of students.

6 (B) The percentage of students scoring ad-
7 vanced, proficient, basic, and below basic on the
8 assessments described in section 1111(b)(3) of
9 the Elementary and Secondary Education Act
10 of 1965 (20 U.S.C. 6311(b)(3)).

11 (C) The performance of students on other
12 assessments or measurements of achievement.

13 (D) The number of secondary school cred-
14 its earned.

15 (E) The number of postsecondary credits
16 earned.

17 (F) Attendance rate, as appropriate.

18 (G) Graduation rate.

19 (H) Placement in postsecondary education
20 or advanced training, in military service, and in
21 employment.

22 (I) A description of the school or pro-
23 gram's student, parent, and community out-
24 reach and engagement.

1 (b) REPORTING BY SECRETARY.—The Secretary an-
2 nually shall compile and analyze the information described
3 in subsection (a) and shall submit a report containing such
4 analysis to the Committee on Health, Education, Labor,
5 and Pensions of the Senate and the Committee on Edu-
6 cation and Labor of the House of Representatives. The
7 report shall include identification of best practices for
8 achieving the goals of this subtitle.

9 (c) MONITORING VISITS.—The Secretary’s designee
10 shall visit each grantee at least once for the purpose of
11 helping the grantee achieve the goals of this subtitle and
12 to monitor the grantee’s progress toward achieving such
13 goals.

14 (d) NATIONAL EVALUATION.—Not later than 6
15 months after the date on which funds are appropriated
16 to carry out this subtitle, the Secretary shall enter into
17 a contract with an independent organization to perform
18 an evaluation of the grants awarded under this subtitle.
19 Such evaluation shall apply rigorous procedures to obtain
20 valid and reliable data concerning participants’ outcomes
21 by social and academic characteristics and monitor the
22 progress of students from secondary school to and through
23 postsecondary education.

24 (e) TECHNICAL ASSISTANCE.—The Secretary shall
25 provide technical assistance to eligible entities concerning

1 best practices in early college high schools and dual enroll-
2 ment programs and shall disseminate such best practices
3 among eligible entities and State and local educational
4 agencies.

5 **SEC. 541. RULES OF CONSTRUCTION.**

6 (a) EMPLOYEES.—Nothing in this subtitle shall be
7 construed to alter or otherwise affect the rights, remedies,
8 and procedures afforded to the employees of local edu-
9 cational agencies (including schools) or institutions of
10 higher education under Federal, State, or local laws (in-
11 cluding applicable regulations or court orders) or under
12 the terms of collective bargaining agreements, memoranda
13 of understanding, or other agreements between such em-
14 ployees and their employers.

15 (b) GRADUATION RATE.—A student who graduates
16 from an early college high school supported under this
17 subtitle in the standard number of years for graduation
18 described in the eligible entity's application shall be con-
19 sidered to have graduated on time for purposes of section
20 1111(b)(2)(C)(6) of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 6311(b)(2)(C)(6)).

1 **TITLE VI—FLEXIBILITY AND**
2 **ACCOUNTABILITY**

3 **SEC. 601. FLEXIBILITY AND ACCOUNTABILITY.**

4 Title VI (20 U.S.C. 7301 et seq.), as amended by
5 section 110(b), is further amended by amending section
6 6234—

7 (1) by striking “fiscal year 2002” and inserting
8 “fiscal year 2016”; and

9 (2) by striking “, to be distributed equally be-
10 tween subparts 1 and 2”.

11 **TITLE VII—INDIAN, NATIVE HA-**
12 **WAIAN, AND ALASKA NATIVE**
13 **EDUCATION**

14 **SEC. 701. IN GENERAL.**

15 Title VII (20 U.S.C. 7401 et seq.) is amended—

16 (1) by striking “Bureau of Indian Affairs” each
17 place it appears and inserting “Bureau of Indian
18 Education”;

19 (2) by striking “No Child Left Behind Act of
20 2001” each place it appears and insert “Student
21 Success Act”; and

22 (3) in sections 7152, 7205(c), and 7304(d)(1),
23 by striking “fiscal year 2002” each place it appears
24 and inserting “fiscal year 2016”.

1 **Subtitle A—Indian Education**

2 **SEC. 711. PURPOSE.**

3 Section 7102 (20 U.S.C. 7402) is amended to read
4 as follows:

5 **“SEC. 7102. PURPOSE.**

6 “It is the purpose of this part to support the efforts
7 of local educational agencies, Indian tribes and organiza-
8 tions, postsecondary institutions, and other entities—

9 “(1) to ensure the academic achievement of
10 American Indian and Alaska Native students by
11 meeting their unique cultural, language, and edu-
12 cational needs, consistent with section 1111(c);

13 “(2) to ensure that Indian and Alaska Native
14 students gain knowledge and understanding of Na-
15 tive communities, languages, tribal histories, tradi-
16 tions, and cultures; and

17 “(3) to ensure that principals, teachers, and
18 other staff who serve Indian and Alaska Native stu-
19 dents have the ability to provide culturally appro-
20 priate and effective instruction to such students.”.

21 **PART 1—FORMULA GRANTS TO LOCAL** 22 **EDUCATIONAL AGENCIES**

23 **SEC. 721. FORMULA GRANT PURPOSE.**

24 Section 7111 (20 U.S.C. 7421) is amended to read
25 as follows:

1 **“SEC. 7111. PURPOSE.**

2 “(a) PURPOSE.—It is the purpose of this subpart to
3 support the efforts of local educational agencies, Indian
4 tribes and organizations, postsecondary institutions, and
5 other entities to improve the academic achievement of
6 American Indian and Alaska Native students by meeting
7 their unique cultural, language, and educational needs.

8 “(b) PROGRAMS.—This subpart carries out the pur-
9 pose described in subsection (a) by authorizing programs
10 of direct assistance for—

11 “(1) meeting the unique educational and cul-
12 turally related academic needs of Indians and Alaska
13 Natives;

14 “(2) strengthening American Indian, Native
15 Hawaiian, and Alaska Native students’ knowledge of
16 their languages, history, traditions, and cultures;

17 “(3) the education of Indian children and
18 adults;

19 “(4) the training of Indian persons as educators
20 and counselors, and in other professions serving In-
21 dian people; and

22 “(5) research, evaluation, data collection, and
23 technical assistance.”.

24 **SEC. 722. GRANTS TO LOCAL EDUCATIONAL AGENCIES,**
25 **TRIBES, AND INDIAN ORGANIZATIONS.**

26 Section 7112 (20 U.S.C. 7422) is amended—

1 (1) in subsection (a), by striking “and Indian
2 tribes” and inserting “, Indian tribes, and Indian or-
3 ganizations”;

4 (2) in subsection (b)(2), by striking “a reserva-
5 tion” and inserting “an Indian reservation”; and

6 (3) by striking subsection (c) and inserting the
7 following:

8 “(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

9 “(1) IN GENERAL.—If a local educational agen-
10 cy that is otherwise eligible for a grant under this
11 subpart does not establish a committee under section
12 7114(c)(5) for such grant, an Indian tribe, an In-
13 dian organization, or a consortium of such entities,
14 that represents more than one-half of the eligible In-
15 dian children who are served by such local edu-
16 cational agency may apply for such grant.

17 “(2) UNAFFILIATED INDIAN TRIBES.—An In-
18 dian tribe that operates a school and is not affiliated
19 with either the local educational agency or the Bu-
20 reau of Indian Education shall be eligible to apply
21 for a grant under this subpart.

22 “(3) SPECIAL RULE.—

23 “(A) IN GENERAL.—The Secretary shall
24 treat each Indian tribe, Indian organization, or
25 consortium of such entities applying for a grant

1 pursuant to paragraph (1) or (2) as if such
2 tribe, Indian organization, or consortium were a
3 local educational agency for purposes of this
4 subpart.

5 “(B) EXCEPTIONS.—Notwithstanding sub-
6 paragraph (A), such Indian tribe, Indian orga-
7 nization, or consortium shall not be subject to
8 the requirements of subsections (b)(7) or (c)(5)
9 of section 7114 or section 7118(c) or 7119.

10 “(4) ASSURANCE TO SERVE ALL INDIAN CHIL-
11 DREN.—An Indian tribe, Indian organization, or
12 consortium of such entities that is eligible to apply
13 for a grant under paragraph (1) shall include, in the
14 application required under section 7114, an assur-
15 ance that the entity will use the grant funds to pro-
16 vide services to all Indian students served by the
17 local educational agency.

18 “(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

19 “(1) IN GENERAL.—If no local educational
20 agency pursuant to subsection (b), and no Indian
21 tribe, Indian organization, or consortium pursuant
22 to subsection (c), applies for a grant under this sub-
23 part, an Indian community-based organization serv-
24 ing the community of the local educational agency
25 may apply for such grant.

1 “(2) APPLICABILITY OF SPECIAL RULE.—The
2 Secretary shall apply the special rule in subsection
3 (c)(3) to a community-based organization applying
4 or receiving a grant under paragraph (1) in the
5 same manner as such rule applies to an Indian tribe,
6 Indian organization, or consortium.

7 “(3) DEFINITION OF INDIAN COMMUNITY-
8 BASED ORGANIZATION.—In this subsection, the term
9 ‘Indian community-based organization’ means any
10 organization that—

11 “(A) is composed primarily of Indian par-
12 ents and community members, tribal govern-
13 ment education officials, and tribal members
14 from a specific community;

15 “(B) assists in the social, cultural, and
16 educational development of Indians in such
17 community;

18 “(C) meets the unique cultural, language,
19 and academic needs of Indian students; and

20 “(D) demonstrates organizational capacity
21 to manage the grant.

22 “(e) CONSORTIA.—

23 “(1) IN GENERAL.—A local educational agency,
24 Indian tribe, or Indian organization that meets the
25 eligibility requirements under this section may form

1 a consortium with other eligible local educational
2 agencies, Indian tribes, or Indian organizations for
3 the purpose of obtaining grants and operating pro-
4 grams under this subpart.

5 “(2) REQUIREMENTS FOR LOCAL EDUCATIONAL
6 AGENCIES IN CONSORTIA.—In any case where 2 or
7 more local educational agencies that are eligible
8 under subsection (b) form or participate in a consor-
9 tium to obtain a grant, or operate a program, under
10 this subpart, each local educational agency partici-
11 pating in such a consortium shall—

12 “(A) provide, in the application submitted
13 under section 7114, an assurance that the eligi-
14 ble Indian children served by such local edu-
15 cational agency will receive the services of the
16 programs funded under this subpart; and

17 “(B) agree to be subject to all require-
18 ments, assurances, and obligations applicable to
19 a local educational agency receiving a grant
20 under this subpart.”.

21 **SEC. 723. AMOUNT OF GRANTS.**

22 Section 7113(b) (20 U.S.C. 7423(b)) is amended—

23 (1) in paragraph (1), by striking “\$3,000” and
24 inserting “\$10,000”;

1 (2) by striking paragraph (2) and redesignating
2 paragraph (3) as paragraph (2); and
3 (3) in paragraph (2), as so redesignated, by
4 striking “\$4,000” and inserting “\$15,000”.

5 **SEC. 724. APPLICATIONS.**

6 (a) IN GENERAL.—Section 7114 (20 U.S.C. 7424)
7 is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (2)—

10 (i) in subparagraph (A)—

11 (I) by striking “is consistent
12 with” and inserting “supports”; and

13 (II) by inserting “, tribal,” after
14 “State”; and

15 (ii) in subparagraph (B), by striking
16 “such goals” and all that follows through
17 the semicolon at the end and inserting
18 “such goals, to ensure such students meet
19 the same college and career ready State
20 academic achievement standards under sec-
21 tion 1111(b) for all children;”;

22 (B) in paragraph (5)—

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

1 (ii) by adding at the end the fol-
2 lowing:

3 “(C) the parents of Indian children, and
4 representatives of Indian tribes, on the com-
5 mittee described in subsection (c)(5) will par-
6 ticipate in the planning of the professional de-
7 velopment materials;”;

8 (C) in paragraph (6)—

9 (i) in subparagraph (B)—

10 (I) by adding at the end the fol-
11 lowing:

12 “(iii) the Indian tribes whose children
13 are served by the local educational agency;
14 and”; and

15 (ii) in subparagraph (C), by striking
16 the period at the end and inserting “;
17 and”; and

18 (D) by adding at the end the following:

19 “(7) describes—

20 “(A) the formal process the local edu-
21 cational agency used to collaborate with Indian
22 tribes located in the community in the develop-
23 ment of the comprehensive programs; and

24 “(B) the actions taken as a result of the
25 collaboration.”;

1 (2) in subsection (c)—

2 (A) in paragraph (2), by adding at the end
3 the following:

4 “(A) determine the extent to which such
5 activities address the unique cultural, language,
6 and educational needs of Indian students;”;

7 (B) in paragraph (3)(C), by inserting “rep-
8 resentatives of Indian tribes with reservations
9 located within 50 miles of any of the schools
10 that have Indian children in any such school,”
11 after “Indian children and teachers”;

12 (C) in paragraph (4)(A)—

13 (i) by redesignating clauses (ii) and
14 (iii) as clauses (iii) and (iv), respectively;
15 and

16 (ii) by inserting the following after
17 clause (i):

18 “(ii) representatives of Indian tribes
19 with reservations located within 50 miles of
20 any of the schools that have children in
21 any such school;”.

22 (D) in subparagraph (4)(B), by adding “or
23 representatives of Indian tribes described in
24 subparagraph (A)(ii)” after “children”; and

25 (E) in subparagraph (4)(D)—

1 (i) by striking “; and” at the end of
2 clause (i); and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(iii) determined that the program
6 will directly enhance the educational expe-
7 rience of Indian and Alaska Native stu-
8 dents; and”;

9 (3) by adding at the end the following:

10 “(d) OUTREACH.—The Secretary shall monitor the
11 applications for grants under this subpart to identify eligi-
12 ble local educational agencies and schools operated by the
13 Bureau of Indian Education that have not applied for such
14 grants, and shall undertake appropriate outreach activities
15 to encourage and assist eligible entities to submit applica-
16 tions for such grants.”.

17 **SEC. 725. AUTHORIZED SERVICES AND ACTIVITIES.**

18 Section 7115 (20 U.S.C. 7425) is amended—

19 (1) in subsection (b)—

20 (A) by inserting before paragraph (2) the
21 following:

22 “(1) activities that support Native American
23 language immersion programs and Native American
24 language restoration programs,”;

1 (B) in paragraph (3), by striking “chal-
2 lenging State academic content and student
3 academic achievement standards” and inserting
4 “college and career ready State academic con-
5 tent and student academic achievement stand-
6 ards under section 1111(b)”;

7 (C) by striking paragraph (4) and insert-
8 ing the following:

9 “(4) integrated educational services in combina-
10 tion with other programs to meet the unique needs
11 of Indian children and their families, including pro-
12 grams that promote parental involvement—

13 “(A) in school activities; and

14 “(B) to increase student achievement;”;

15 (D) by striking paragraph (6) and insert-
16 ing the following:

17 “(6) activities that educate individuals so as to
18 prevent violence, suicide, and substance abuse;”;

19 (E) by striking paragraph (9) and insert-
20 ing the following:

21 “(9) activities that incorporate culturally and
22 linguistically relevant curriculum content into class-
23 room instruction that is responsive to the unique
24 learning styles of Indian and Alaska Native children,
25 and ensures that children are better able to meet the

1 college and career ready State academic achievement
2 standards under section 1111(b);” and

3 (F) in paragraph (11) by striking “chil-
4 dren,” and all that follows through the period
5 and inserting “children;”; and

6 (G) by adding at the end the following:

7 “(12) dropout prevention strategies for Indian
8 and Alaska Native students; and

9 “(13) strategies to meet the educational needs
10 of at-risk Indian students in correctional facilities,
11 including such strategies that support Indian and
12 Alaska Native students who are transitioning from
13 such facilities to schools served by local educational
14 agencies.”.

15 (2) in subsection (c) by adding at the end the
16 following:

17 “(3) the local educational agency identifies in
18 its application how the use of such funds in a
19 schoolwide program will produce benefits to the In-
20 dian students that would not be achieved if the
21 funds were not used in a schoolwide program.”.

22 **SEC. 726. STUDENT ELIGIBILITY FORMS.**

23 Section 7117(e) (20 U.S.C. 7427(e)) is amended to
24 read as follows:

25 “(e) DOCUMENTATION AND TYPES OF PROOF.—

1 “(1) TYPES OF PROOF.—For purposes of deter-
2 mining whether a child is eligible to be counted for
3 the purpose of computing the amount of a grant
4 award under section 7113, the membership of the
5 child, or any parent or grandparent of the child, in
6 a tribe or band of Indians (as so defined) may be
7 established by proof other than an enrollment num-
8 ber, notwithstanding the availability of an enroll-
9 ment number for a member of such tribe or band.
10 Nothing in subsection (b) shall be construed to re-
11 quire the furnishing of an enrollment number.

12 “(2) NO NEW OR DUPLICATE DETERMINA-
13 TIONS.—Once a child is determined to be an Indian
14 eligible to be counted for such grant award, the local
15 educational agency shall maintain a record of such
16 determination and shall not require a new or dupli-
17 cate determination to be made for such child for a
18 subsequent application for a grant under this sub-
19 part.

20 “(3) PREVIOUSLY FILED FORMS.—An Indian
21 student eligibility form that was on file as required
22 by this section on the day before the date of enact-
23 ment of the Student Success Act and that met the
24 requirements of this section, as this section was in
25 effect on the day before the date of enactment of

1 such Act, shall remain valid for such Indian stu-
2 dent.”.

3 **SEC. 727. TECHNICAL ASSISTANCE.**

4 Subpart 1 of part A of title VII is amended by adding
5 at the end the following new section:

6 **“SEC. 7120. TECHNICAL ASSISTANCE.**

7 “The Secretary shall, directly or through contract,
8 provide technical assistance to a local educational agency
9 upon request, in addition to any technical assistance avail-
10 able under section 1116 or available through the Institute
11 of Education Sciences, to support the services and activi-
12 ties described under this section, including for the—

13 “(1) development of applications under this sec-
14 tion;

15 “(2) improvement in the quality of implementa-
16 tion, content of activities, and evaluation of activities
17 supported under this subpart;

18 “(3) integration of activities under this title
19 with other educational activities established by the
20 local educational agency; and

21 “(4) coordination of activities under this title
22 with programs administered by each Federal agency
23 providing grants for the provision of educational and
24 related services.”.

1 **SEC. 728. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
2 **TIES FOR INDIAN CHILDREN.**

3 Section 7121(e)(1)(G) (20 U.S.C. 7441(e)(1)(G)) is
4 amended to read as follows:

5 “(G) high-quality early childhood education
6 programs that support children’s school readi-
7 ness, including kindergarten and prekind-
8 garten programs, family-based preschool pro-
9 grams, and the provision of services to Indian
10 children with disabilities;”.

11 **PART 2—SPECIAL PROGRAMS AND PROJECTS TO**
12 **IMPROVE EDUCATIONAL OPPORTUNITIES**
13 **FOR INDIAN CHILDREN**

14 **SEC. 731. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
15 **AND EDUCATION PROFESSIONALS.**

16 Section 7122 (20 U.S.C. 7442) is amended—

17 (1) in subsection (a), by striking paragraphs
18 (1) and (2) and inserting the following:

19 “(1) to increase the number of qualified and ef-
20 fective Indian teachers and administrators serving
21 Indian students;

22 “(2) to provide training to qualified Indian indi-
23 viduals to become teachers, administrators, social
24 workers, and other educators; and”;

25 (2) by striking subsection (e) and inserting the
26 following:

1 “(e) APPLICATION.—Each eligible entity desiring a
2 grant under this section shall submit an application to the
3 Secretary at such time, in such manner, and accompanied
4 by such information, as the Secretary may reasonably re-
5 quire. At a minimum, an application under this section
6 shall describe how the eligible entity will—

7 “(1) recruit qualified Indian individuals, such
8 as students who may not be of traditional college
9 age, to become teachers or principals;

10 “(2) use funds made available under the grant
11 to support the recruitment, preparation, and profes-
12 sional development of Indian teachers or principals
13 in local educational agencies that serve a high pro-
14 portion of Indian students; and

15 “(3) assist participants in meeting the require-
16 ments under subsection (h).”; and

17 (4) by striking subsection (g) and inserting the
18 following:

19 “(g) GRANT PERIOD.—The Secretary shall award
20 grants under this section for an initial period of not more
21 than 3 years, and may renew such grants for not more
22 than an additional 2 years if the Secretary finds that the
23 grantee is achieving the objectives of the grant.”.

1 **PART 3—NATIONAL ACTIVITIES**

2 **SEC. 741. NATIONAL ACTIVITIES.**

3 Section 7131(c)(2) (20 U.S.C. 7451(c)(2)) is amend-
4 ed by striking “Office of Indian Education Programs” and
5 inserting “Bureau of Indian Education”.

6 **SEC. 742. IMPROVEMENT OF ACADEMIC SUCCESS FOR STU-**
7 **DENTS THROUGH NATIVE AMERICAN LAN-**
8 **GUAGE.**

9 Subpart 3 of part A of title VII (20 U.S.C. 7451 et
10 seq.) is amended by striking sections 7132 through 7136
11 and inserting the following:

12 **“SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**
13 **STUDENTS THROUGH NATIVE AMERICAN**
14 **LANGUAGE.**

15 “(a) PURPOSE.—It is the purpose of this section to
16 improve educational opportunities and academic achieve-
17 ment of Indian and Alaska Native students through Na-
18 tive American language programs and to foster the acqui-
19 sition of Native American language.

20 “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
21 tion, the term ‘eligible entity’ means a State educational
22 agency, local educational agency, Indian tribe, Indian or-
23 ganization, federally supported elementary school or sec-
24 ondary school for Indian students, Indian institution (in-
25 cluding an Indian institution of higher education), or a
26 consortium of such entities.

1 “(c) GRANTS AUTHORIZED.—The Secretary shall
2 award grants to eligible entities to enable such entities to
3 carry out the following activities:

4 “(1) Native American language programs
5 that—

6 “(A) provide instruction through the use of
7 a Native American language for not less than
8 10 children for an average of not less than 500
9 hours per year per student;

10 “(B) provide for the involvement of par-
11 ents, caregivers, and families of students en-
12 rolled in the program;

13 “(C) utilize, and may include the develop-
14 ment of, instructional courses and materials for
15 learning Native American languages and for in-
16 struction through the use of Native American
17 languages;

18 “(D) provide support for professional de-
19 velopment activities; and

20 “(E) include a goal of all students achiev-
21 ing—

22 “(i) fluency in a Native American lan-
23 guage; and

1 “(ii) academic proficiency in mathe-
2 matics, English, reading or language arts,
3 and science.

4 “(2) Native American language restoration pro-
5 grams that—

6 “(A) provide instruction in not less than 1
7 Native American language;

8 “(B) provide support for professional de-
9 velopment activities for teachers of Native
10 American languages;

11 “(C) develop instructional materials for the
12 programs; and

13 “(D) include the goal of increasing pro-
14 ficiency and fluency in not less than 1 Native
15 American language.

16 “(d) APPLICATION.—

17 “(1) IN GENERAL.—An eligible entity that de-
18 sires to receive a grant under this section shall sub-
19 mit an application to the Secretary at such time, in
20 such manner, and accompanied by such information
21 as the Secretary may require.

22 “(2) CERTIFICATION.—An eligible entity that
23 submits an application for a grant to carry out the
24 activity specified in subsection (c)(1), shall include
25 in such application a certification that assures that

1 such entity has experience and a demonstrated
2 record of effectiveness in operating and admin-
3 istering a Native American language program or any
4 other educational program in which instruction is
5 conducted in a Native American language.

6 “(e) GRANT DURATION.—The Secretary shall award
7 grants under this section for an initial period of not more
8 than 3 years, and may renew such grants for not more
9 than an additional 2 years if the Secretary finds that the
10 grantee is achieving the objectives of the grant.

11 “(f) DEFINITION.—In this section, the term ‘average’
12 means the aggregate number of hours of instruction
13 through the use of a Native American language to all stu-
14 dents enrolled in a Native American language program
15 during a school year divided by the total number of stu-
16 dents enrolled in the program.

17 “(g) ADMINISTRATIVE COSTS.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), not more than 5 percent of the funds pro-
20 vided to a grantee under this section for any fiscal
21 year may be used for administrative purposes.

22 “(2) EXCEPTION.—An elementary school or
23 secondary school for Indian students that receives
24 funds from a recipient of a grant under subsection

1 (c) for any fiscal year may use not more than 10
2 percent of the funds for administrative purposes.

3 **“SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATION**
4 **AGENCY COLLABORATION.**

5 “The Secretary, in consultation with the Director of
6 the Bureau of Indian Education, shall conduct a study of
7 the relationship among State educational agencies, local
8 educational agencies, and other relevant State and local
9 agencies, and tribes or tribal representatives to—

10 “(1) identify examples of best practices in col-
11 laboration among those entities that result in the
12 provision of better services to Indian students; and

13 “(2) provide recommendations on—

14 “(A) State educational agency functions
15 that tribal educational agencies could perform;

16 “(B) areas and agency functions in which
17 greater State educational agency and tribal
18 education agency collaboration is needed; and

19 “(C) other steps to reducing barriers to
20 serving Indian students, especially such stu-
21 dents who are at risk of academic failure.”.

1 **Subtitle B—Native Hawaiian Edu-**
2 **cation; Alaska Native Education**

3 **SEC. 751. NATIVE HAWAIIAN EDUCATION AND ALASKA NA-**
4 **TIVE EDUCATION.**

5 Title VII (20 U.S.C. 7401 et seq.) is amended—

6 (1) in the heading of part B, by inserting “;
7 **ALASKA NATIVE EDUCATION**” after “**NATIVE**
8 **HAWAIIAN EDUCATION**”; and

9 (2) by inserting before section 7201 the fol-
10 lowing:

11 **“Subpart 1—Native Hawaiian Education”.**

12 **SEC. 752. FINDINGS.**

13 Section 7202 (20 U.S.C. 7512) is amended to read
14 as follows:

15 **“SEC. 7202. FINDINGS.**

16 “Congress finds the following:

17 “(1) Native Hawaiians are a distinct and
18 unique indigenous people with a historical continuity
19 to the original inhabitants of the Hawaiian archi-
20 pelago, whose society was organized as a nation and
21 internationally recognized as a nation by the United
22 States, and many other countries.

23 “(2) Native Hawaiians have a cultural, historic,
24 and land-based link to the indigenous people who ex-
25 ercised sovereignty over the Hawaiian Islands.

1 “(3) The political status of Native Hawaiians is
2 comparable to that of American Indians and Alaska
3 Natives.

4 “(4) The political relationship between the
5 United States and the Native Hawaiian people has
6 been recognized and reaffirmed by the United
7 States, as evidenced by the inclusion of Native Ha-
8 waiians in many Federal statutes, including—

9 “(A) the Native American Programs Act of
10 1974 (42 U.S.C. 2991 et seq.);

11 “(B) Public Law 95–341 (commonly
12 known as the ‘American Indian Religious Free-
13 dom Act’ (42 U.S.C. 1996));

14 “(C) the National Museum of the Amer-
15 ican Indian Act (20 U.S.C. 80q et seq.);

16 “(D) the Native American Graves Protec-
17 tion and Repatriation Act (25 U.S.C. 3001 et
18 seq.);

19 “(E) the National Historic Preservation
20 Act (16 U.S.C. 470 et seq.);

21 “(F) the Native American Languages Act
22 (25 U.S.C. 2901 et seq.);

23 “(G) the American Indian, Alaska Native,
24 and Native Hawaiian Culture and Art Develop-
25 ment Act (20 U.S.C. 4401 et seq.);

1 “(H) the Workforce Investment Act of
2 1998 (29 U.S.C. 2801 et seq.); and

3 “(I) the Older Americans Act of 1965 (42
4 U.S.C. 3001 et seq.).

5 “(5) Many Native Hawaiian students lag be-
6 hind other students in terms of—

7 “(A) school readiness factors;

8 “(B) scoring below national norms on edu-
9 cation achievement tests at all grade levels;

10 “(C) underrepresentation in the uppermost
11 achievement levels and in gifted and talented
12 programs;

13 “(D) overrepresentation among students
14 qualifying for special education programs;

15 “(E) underrepresentation in institutions of
16 higher education and among adults who have
17 completed 4 or more years of college.

18 “(6) The percentage of Native Hawaiian stu-
19 dents served by the State of Hawaii Department of
20 Education rose 30 percent from 1980 to 2008, and
21 there are and will continue to be geographically
22 rural, isolated areas with a high Native Hawaiian
23 population density.

24 “(7) The Native Hawaiian people are deter-
25 mined to preserve, develop, and transmit to future

1 generations their ancestral territory and their cul-
2 tural identity in accordance with their own spiritual
3 and traditional beliefs, customs, practices, language,
4 and social institutions.”.

5 **SEC. 753. PURPOSES.**

6 Section 7203 (20 U.S.C. 7513) is amended to read
7 as follows:

8 **“SEC. 7203. PURPOSES.**

9 “The purposes of this part are—

10 “(1) to develop, implement, assess, and evaluate
11 innovative educational programs to improve the aca-
12 demic achievement of Native Hawaiian students by
13 meeting their unique cultural and language needs in
14 order to help such students meet State academic
15 content and achievement standards as described in
16 section 1111(b);

17 “(2) to provide guidance to appropriate Fed-
18 eral, State, and local agencies to more effectively
19 and efficiently focus resources, including resources
20 made available under this part, on the development
21 and implementation of—

22 “(A) innovative educational programs for
23 Native Hawaiians;

24 “(B) rigorous and substantive Native Ha-
25 waiian language programs; and

1 “(C) Native Hawaiian culture-based edu-
2 cational programs; and

3 “(3) to create a system by which information
4 from programs funded under this part will be col-
5 lected, analyzed, evaluated, reported, and used in de-
6 cisionmaking activities regarding the types of grants
7 awarded under this part.”.

8 **SEC. 754. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

9 Section 7204 (20 U.S.C. 7514) is amended to read
10 as follows:

11 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL**
12 **GRANT.**

13 “(a) GRANT AUTHORIZED.—In order to carry out the
14 purposes of this part the Secretary shall award a grant
15 to an education council, as described under subsection (b).

16 “(b) EDUCATION COUNCIL.—

17 “(1) ELIGIBILITY.—To be eligible to receive the
18 grant under subsection (a), the council shall be an
19 education council (referred to in this section as the
20 ‘Education Council’) that meets the requirements of
21 this subsection.

22 “(2) COMPOSITION.—The Education Council
23 shall consist of 15 members of whom—

24 “(A) 1 shall be the President of the Uni-
25 versity of Hawaii (or a designee);

1 “(B) 1 shall be the Governor of the State
2 of Hawaii (or a designee);

3 “(C) 1 shall be the Superintendent of the
4 State of Hawaii Department of Education (or a
5 designee);

6 “(D) 1 shall be the chairperson of the Of-
7 fice of Hawaiian Affairs (or a designee);

8 “(E) 1 shall be the executive director of
9 Hawaii’s Charter School Network (or a des-
10 ignee);

11 “(F) 1 shall be the chief executive officer
12 of the Kamehameha Schools (or a designee);

13 “(G) 1 shall be the chairperson of the
14 Queen Liliuokalani Trust (or a designee);

15 “(H) 1 shall be a member, selected by the
16 other members of the Education Council, who
17 represents a private grant-making entity;

18 “(I) 1 shall be the Mayor of the County of
19 Hawaii (or a designee);

20 “(J) 1 shall be the Mayor of Maui County
21 (or a designee from the Island of Maui);

22 “(K) 1 shall be the Mayor of the County
23 of Kauai (or a designee);

1 “(L) 1 shall be appointed by the Mayor of
2 Maui County from the Island of either Molokai
3 or Lanai;

4 “(M) 1 shall be the Mayor of the City and
5 County of Honolulu (or a designee);

6 “(N) 1 shall be the chairperson of the Ha-
7 waiian Homes Commission (or a designee); and

8 “(O) 1 shall be the chairperson of the Ha-
9 waii Workforce Development Council (or a des-
10 ignee representing the private sector).

11 “(3) REQUIREMENTS.—Any designee serving on
12 the Education Council shall demonstrate, as deter-
13 mined by the individual who appointed such designee
14 with input from the Native Hawaiian community,
15 not less than 5 years of experience as a consumer
16 or provider of Native Hawaiian education or cultural
17 activities, with traditional cultural experience given
18 due consideration.

19 “(4) LIMITATION.—A member (including a des-
20 ignee), while serving on the Education Council, shall
21 not be a recipient of grant funds that are awarded
22 under this part.

23 “(5) TERM OF MEMBERS.—A member who is a
24 designee shall serve for a term of not more than 4
25 years.

1 “(6) CHAIR, VICE CHAIR.—

2 “(A) SELECTION.—The Education Council
3 shall select a Chair and a Vice Chair from
4 among the members of the Education Council.

5 “(B) TERM LIMITS.—The Chair and Vice
6 Chair shall each serve for a 2-year term.

7 “(7) ADMINISTRATIVE PROVISIONS RELATING
8 TO EDUCATION COUNCIL.—The Education Council
9 shall meet at the call of the Chair of the Council,
10 or upon request by a majority of the members of the
11 Education Council, but in any event not less often
12 than every 120 days.

13 “(8) NO COMPENSATION.—None of the funds
14 made available through the grant may be used to
15 provide compensation to any member of the Edu-
16 cation Council or member of a working group estab-
17 lished by the Education Council, for functions de-
18 scribed in this section.

19 “(c) USE OF FUNDS.—The Education Council shall
20 use funds made available through the grant to carry out
21 each of the following activities:

22 “(1) Providing advice about the coordination of,
23 and serving as a clearinghouse for, the educational
24 services and programs for Native Hawaiians.

1 “(2) Providing direction and guidance, such as
2 through the issuance of reports and recommenda-
3 tions, to appropriate Federal, State, and local agen-
4 cies in order to focus and improve the use of re-
5 sources relating to Native Hawaiian education.

6 “(3) provide technical assistance to Native Ha-
7 waiian organizations that are grantees or potential
8 grantees under this part;

9 “(4) assessing and evaluating the individual
10 and aggregate impact of grants and activities funded
11 under this part and how well they meet the needs of
12 Native Hawaiians, including information and data
13 about—

14 “(A) the effectiveness of such grantees in
15 meeting the educational priorities established by
16 the Education Council, as described in para-
17 graph (6)(D), using metrics related to these
18 priorities; and

19 “(B) the effectiveness of such grantees in
20 carrying out any of the activities described in
21 section 7205(e) that are related to the specific
22 goals and purposes of each grantee’s grant
23 project, using metrics related to these priorities;

24 “(5) assess and define the educational needs of
25 Native Hawaiians; and

1 “(6) may use funds to hire an executive director
2 to enable the Council to carry out the activities de-
3 scribed in this subsection.

4 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
5 TIONS.—The Education Council shall use funds made
6 available through the grant under subsection (a) to hold
7 not less than 1 community consultation each year on each
8 of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and
9 Kauai, at which—

10 “(1) not less than 3 members of the Education
11 Council shall be in attendance;

12 “(2) the Education Council shall gather com-
13 munity input regarding—

14 “(A) current grantees under this part, as
15 of the date of the consultation;

16 “(B) priorities and needs of Native Hawai-
17 ians; and

18 “(C) other Native Hawaiian education
19 issues; and

20 “(3) the Education Council shall report to the
21 community on the outcomes of the activities sup-
22 ported by grants awarded under this part.

23 “(f) REPORTS.—

24 “(1) ANNUAL EDUCATION COUNCIL REPORT.—

25 The Education Council shall use funds made avail-

1 able through the grant under this section to prepare
2 and submit to the Secretary, before the end of each
3 calendar year, annual reports that contain—

4 “(A) a description of the activities of the
5 Education Council during the preceding cal-
6 endar year;

7 “(B) recommendations of the Education
8 Council, if any, regarding priorities to be estab-
9 lished under section 7205(b);

10 “(C) significant barriers to achieving the
11 goals under this subpart;

12 “(D) a summary of each community con-
13 sultation session, as described in subsection (d);
14 and

15 “(E) recommendations to establish funding
16 priorities based on an assessment of—

17 “(i) the educational needs of Native
18 Hawaiians;

19 “(ii) programs and services currently
20 available to address such needs, including
21 the effectiveness of such programs in im-
22 proving educational performance of Native
23 Hawaiians; and

24 “(iii) priorities for funding in specific
25 geographic communities.

1 “(2) REPORT BY THE SECRETARY.—Not later
2 than 2 years after the date of enactment of the Stu-
3 dent Success Act, the Secretary shall prepare and
4 submit to the Committee on Indian Affairs of the
5 Senate and the authorizing committees a report
6 that—

7 “(A) summarizes the annual reports of the
8 Education Council;

9 “(B) describes the allocation and use of
10 funds under this subpart and the information
11 gathered since the first annual report submitted
12 by the Education Council to the Secretary
13 under this section; and

14 “(C) contains recommendations for
15 changes in Federal, State, and local policy to
16 advance the purposes of this subpart.

17 “(g) FUNDING.—For each fiscal year, the Secretary
18 shall use the amount described in section 7206(d)(2), to
19 make a payment under the grant. Funds made available
20 through the grant shall remain available until expended.”.

21 **SEC. 755. GRANT PROGRAM AUTHORIZED.**

22 Section 7205 (20 U.S.C. 7515 et seq.) is amended
23 to read as follows:

1 **“SEC. 7205. GRANT PROGRAM AUTHORIZED.**

2 “(a) GRANTS AND CONTRACTS.—In order to carry
3 out programs that meet the purposes of this part, the Sec-
4 retary is authorized to award grants to, or enter into con-
5 tracts with—

6 “(1) Native Hawaiian educational organiza-
7 tions;

8 “(2) Native Hawaiian community-based organi-
9 zations;

10 “(3) public and private nonprofit organizations,
11 agencies, and institutions with experience in devel-
12 oping or operating Native Hawaiian education and
13 workforce development programs or programs of in-
14 struction in the Native Hawaiian language;

15 “(4) charter schools; or

16 “(5) consortia of the organizations, agencies,
17 and institutions described in paragraphs (1) through
18 (4).

19 “(b) PRIORITY.—In awarding grants and entering
20 into contracts under this part, the Secretary shall give pri-
21 ority to—

22 “(1) programs that meet the educational pri-
23 ority recommendations of the Education Council, as
24 described under section 7204(d)(6)(E);

25 “(2) programs designed to improve the aca-
26 demic achievement of Native Hawaiian students by

1 meeting their unique cultural and language needs in
2 order to help such students meet State academic
3 content and achievement standards as described in
4 Section 1111(b) including the use of Native Hawai-
5 ian language and preservation or reclamation of Na-
6 tive Hawaiian culture-based educational practices;
7 and

8 “(3) programs in which a local educational
9 agency, institution of higher education, or a State
10 educational agency apply for a grant or contract as
11 part of a partnership or consortium with a nonprofit
12 entity serving underserved communities within the
13 Native Hawaiian population.

14 “(c) AUTHORIZED ACTIVITIES.—Activities provided
15 through programs carried out under this part may in-
16 clude—

17 “(1) the development and maintenance of a
18 statewide Native Hawaiian early education system to
19 provide a continuum of high-quality early learning
20 services for Native Hawaiian children;

21 “(2) the operation of family-based education
22 centers that provide such services as—

23 “(A) programs for Native Hawaiian par-
24 ents and students;

1 “(B) early education programs for Native
2 Hawaiians; and

3 “(C) research on, and development and as-
4 sessment of, family-based, early childhood, and
5 preschool programs for Native Hawaiians;

6 “(3) activities that enhance beginning reading
7 and literacy in either the Hawaiian or the English
8 language among Native Hawaiian students;

9 “(4) activities to meet the special needs of Na-
10 tive Hawaiian students with disabilities, including—

11 “(A) the identification of such students
12 and their needs;

13 “(B) the provision of support services to
14 the families of such students; and

15 “(C) other activities consistent with the re-
16 quirements of the Individuals with Disabilities
17 Education Act;

18 “(5) activities that address the special needs of
19 Native Hawaiian students who are gifted and tal-
20 ented, including—

21 “(A) educational, psychological, and devel-
22 opmental activities designed to assist in the
23 educational progress of such students; and

1 “(B) activities that involve the parents of
2 such students in a manner designed to assist in
3 the educational progress of such students;

4 “(6) the development of academic and voca-
5 tional curricula to address the needs of Native Ha-
6 waiian students, including curricular materials in
7 the Hawaiian language and mathematics and science
8 curricula that incorporate Native Hawaiian tradition
9 and culture;

10 “(7) professional development activities for edu-
11 cators, including—

12 “(A) the development of programs to pre-
13 pare prospective teachers to address the unique
14 needs of Native Hawaiian students within the
15 context of Native Hawaiian culture, language,
16 and traditions;

17 “(B) in-service programs to improve the
18 ability of teachers who teach in schools with
19 high concentrations of Native Hawaiian stu-
20 dents to meet the unique needs of such stu-
21 dents; and

22 “(C) the recruitment and preparation of
23 Native Hawaiians, and other individuals who
24 live in communities with a high concentration of
25 Native Hawaiians, to become teachers;

1 “(8) the operation of community-based learning
2 centers that address the needs of Native Hawaiian
3 students, parents, families, and communities
4 through the coordination of public and private pro-
5 grams and services, including—

6 “(A) early education programs;

7 “(B) before, after, and Summer school
8 programs, expanded learning time, or weekend
9 academies;

10 “(C) career and technical education pro-
11 grams; and

12 “(D) programs that recognize and support
13 the unique cultural and educational needs of
14 Native Hawaiian children, and incorporate ap-
15 propriately qualified Native Hawaiian elders
16 and seniors;

17 “(9) activities, including program co-location,
18 that ensure Native Hawaiian students graduate col-
19 lege and career ready including—

20 “(A) family literacy services;

21 “(B) counseling, guidance, and support
22 services for students; and

23 “(C) professional development activities de-
24 signed to help educators improve the college

1 and career readiness of Native Hawaiian stu-
2 dents;

3 “(10) research and data collection activities to
4 determine the educational status and needs of Na-
5 tive Hawaiian children and adults;

6 “(11) other research and evaluation activities
7 related to programs carried out under this part; and

8 “(12) other activities, consistent with the pur-
9 poses of this part, to meet the educational needs of
10 Native Hawaiian children and adults.

11 “(d) **ADDITIONAL ACTIVITIES.**—Notwithstanding
12 any other provision of this part, funds made available to
13 carry out this section as of the day before the date of en-
14 actment of the Student Success Act shall remain available
15 until expended. The Secretary may use such funds to sup-
16 port the following:

17 “(1) The repair and renovation of public
18 schools that serve high concentrations of Native Ha-
19 waiian students.

20 “(2) The perpetuation of, and expansion of ac-
21 cess to, Hawaiian culture and history, such as
22 through digital archives.

23 “(3) Informal education programs that promote
24 traditional Hawaiian knowledge, science, astronomy,

1 and the environment through State museums or
2 learning centers.

3 “(4) Public charter schools serving high con-
4 centrations of Native Hawaiian students.

5 “(e) ADMINISTRATIVE COSTS.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), not more than 5 percent of funds pro-
8 vided to a recipient of a grant or contract under this
9 section for any fiscal year may be used for adminis-
10 trative purposes.

11 “(2) EXCEPTION.—The Secretary may waive
12 the requirement of paragraph (1) for a nonprofit en-
13 tity that receives funding under this section and
14 allow not more than 10 percent of funds provided to
15 such nonprofit entity under this section for any fis-
16 cal year to be used for administrative purposes.”.

17 **SEC. 756. ADMINISTRATIVE PROVISIONS; AUTHORIZATION**
18 **OF APPROPRIATIONS.**

19 Section 7206 (20 U.S.C. 7516) is amended to read
20 as follows:

21 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

22 “(a) APPLICATION REQUIRED.—No grant may be
23 made under this part, and no contract may be entered into
24 under this part, unless the entity seeking the grant or con-
25 tract submits an application to the Secretary at such time,

1 in such manner, and containing such information as the
2 Secretary may determine to be necessary to carry out the
3 provisions of this part.

4 “(b) DIRECT GRANT APPLICATIONS.—The Secretary
5 shall provide a copy of all direct grant applications to the
6 Education Council.

7 “(c) SUPPLEMENT NOT SUPPLANT.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), funds made available under this part
10 shall be used to supplement, and not supplant, any
11 State or local funds used to achieve the purposes of
12 this part.

13 “(2) EXCEPTION.—Paragraph (1) shall not
14 apply to any nonprofit entity or Native Hawaiian
15 community-based organization that receives a grant
16 or other funds under this part.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There are authorized to be
19 appropriated to carry out this section, and sections
20 7204 and 7205, such sums as may be necessary for
21 fiscal year 2016 and each of the 5 succeeding fiscal
22 years.

23 “(2) RESERVATION.—Of the funds appro-
24 priated under this subsection, the Secretary shall re-
25 serve, for each fiscal year after the date of enact-

1 ment of the Student Success Act not less than
2 \$500,000 for the grant to the Education Council
3 under section 7204.

4 “(3) AVAILABILITY.—Funds appropriated
5 under this subsection shall remain available until ex-
6 pended.”.

7 **SEC. 757. DEFINITIONS.**

8 Section 7207 (20 U.S.C. 7517) is amended—

9 (1) by redesignating paragraphs (1) through
10 (6) as paragraphs (2) through (7), respectively; and

11 (2) by inserting before paragraph (2) (as reded-
12 ignated by paragraph (1)) the following:

13 “(1) COMMUNITY CONSULTATION.—The term
14 ‘community consultation’ means a public gath-
15 ering—

16 “(A) to discuss Native Hawaiian education
17 concerns; and

18 “(B) about which the public has been given
19 not less than 30 days notice.”.

20 **SEC. 758. ALASKA NATIVE EDUCATION.**

21 (a) IN GENERAL.—Subpart B of title VII (20 U.S.C.
22 7511 et seq.) is further amended by adding at the end
23 the following:

1 **“Subpart C—Alaska Native Education**

2 **“SEC. 7301. SHORT TITLE.**

3 “‘This part may be cited as the “Alaska Native Edu-
4 cational Equity, Support, and Assistance Act

5 **“SEC. 7302. FINDINGS.**

6 “Congress finds and declares the following:

7 “(1) It is the policy of the Federal Government
8 to maximize the leadership of and participation by
9 Alaska Native peoples in the planning and the man-
10 agement of Alaska Native education programs and
11 to support efforts developed by and undertaken with-
12 in the Alaska Native community to improve edu-
13 cational opportunity for all students.

14 “(2) Many Alaska Native children enter and
15 exit school with serious educational disadvantages.

16 “(3) Overcoming the magnitude of the geo-
17 graphic challenges, historical inequities, and other
18 barriers to successfully improving educational out-
19 comes for Alaska Native students in rural, village,
20 and urban settings is challenging. Significant dis-
21 parities between academic achievement of Alaska
22 Native students and non-Native students continues,
23 including lower graduation rates, increased school
24 dropout rates, and lower achievement scores on
25 standardized tests.

1 “(4) The preservation of Alaska Native cultures
2 and languages and the integration of Alaska Native
3 cultures and languages into education, positive iden-
4 tity development for Alaska Native students, and
5 local, place-based, and culture-based programming
6 are critical to the attainment of educational success
7 and the long-term well-being of Alaska Native stu-
8 dents.

9 “(5) Improving educational outcomes for Alaska
10 Native students increases access to employment op-
11 portunities.

12 “(6) The programs and activities authorized
13 under this part give priority to Alaska Native orga-
14 nizations as a means of increasing Alaska Native
15 parents’ and community involvement in the pro-
16 motion of academic success of Alaska Native stu-
17 dents.

18 “(7) The Federal Government should lend sup-
19 port to efforts developed by and undertaken within
20 the Alaska Native community to improve educational
21 opportunity for Alaska Native students. In 1983,
22 pursuant to Public Law 98–63, Alaska ceased to re-
23 ceive educational funding from the Bureau of Indian
24 Affairs. The Bureau of Indian Education does not
25 operate any schools in Alaska, nor operate or fund

1 Alaska Native education programs. The program
2 under this part supports the Federal trust responsi-
3 bility of the United States to Alaska Natives.

4 **“SEC. 7303. PURPOSES.**

5 “The purposes of this part are as follows:

6 “(1) To recognize and address the unique edu-
7 cational needs of Alaska Natives in order to help
8 such students meet State academic content and
9 achievement standards as described in 1111(b).

10 “(2) To recognize the role of Alaska Native lan-
11 guages and cultures in the educational success and
12 long-term well-being of Alaska Native students.

13 “(3) To integrate Alaska Native cultures and
14 languages into education, develop Alaska Native stu-
15 dents’ positive identity, and support local place-
16 based and culture-based curriculum and program-
17 ming.

18 “(4) To authorize the development, manage-
19 ment, and expansion of effective supplemental edu-
20 cational programs to benefit Alaska Native people.

21 “(5) To provide direction and guidance to ap-
22 propriate Federal, State, and local agencies to focus
23 resources, including resources made available under
24 this part, on meeting the educational needs of Alas-
25 ka Natives.

1 “(6) To ensure the maximum participation by
2 Alaska Native educators and leaders in the planning,
3 development, implementation, management, and
4 evaluation of programs designed to serve Alaska Na-
5 tives students, and to ensure Alaska Native organi-
6 zations play a meaningful role in providing supple-
7 mental educational services to Alaska Native stu-
8 dents.

9 **“SEC. 7304. PROGRAM AUTHORIZED.**

10 “(a) GENERAL AUTHORITY.—

11 “(1) GRANTS AND CONTRACTS.—To carry out
12 programs that meet the purposes of this subpart,
13 the Secretary is authorized to make grants to, or
14 enter into contracts with:

15 “(A) Alaska Native Organizations; and

16 “(B) Alaska Native Organizations that are
17 in partnership with State educational agencies
18 and local educational agencies.

19 “(2) MANDATORY ACTIVITIES.—Activities pro-
20 vided through the programs carried out under this
21 part shall include the following which shall only be
22 provided specifically in the context of elementary
23 and secondary education:

24 “(A) The development and implementation
25 of plans, methods, strategies, and activities to

1 improve the academic achievement of Alaska
2 Native students by meeting their unique cul-
3 tural and language needs in order to help such
4 students meet State academic content and
5 achievement standards as described in section
6 1111(b).

7 “(B) The collection of data to assist in the
8 evaluation of the programs carried out under
9 this part.

10 “(3) PERMISSIBLE ACTIVITIES.—Activities pro-
11 vided through programs carried out under this part
12 may include the following which shall only be pro-
13 vided specifically in the context of elementary and
14 secondary education:

15 “(A) The development of curricula and
16 programs that address the educational needs of
17 Alaska Native students, including the following:

18 “(i) Curriculum materials that reflect
19 the cultural diversity, languages, history,
20 or the contributions of Alaska Native peo-
21 ple.

22 “(ii) Instructional programs that
23 make use of Alaska Native languages and
24 cultures.

1 “(iii) Networks that develop, test, and
2 disseminate best practices and introduce
3 successful programs, materials, and tech-
4 niques to meet the educational needs of
5 Alaska Native students in urban and rural
6 schools.

7 “(iv) Methods to evaluate teachers’ in-
8 clusion of diverse Alaska Native cultures in
9 their lesson plans.

10 “(B) Training and professional develop-
11 ment activities for educators, including the fol-
12 lowing:

13 “(i) Pre-service and in-service training
14 and professional development programs to
15 prepare teachers to develop appreciation
16 for, and understanding of, Alaska Native
17 history, cultures, values, ways of knowing
18 and learning in order to effectively address
19 the cultural diversity and unique needs of
20 Alaska Native students and incorporate
21 them into lesson plans.

22 “(ii) Recruitment and preparation of
23 Alaska Natives, and other individuals who
24 live in communities with high a concentra-
25 tion of Alaska Natives, to become teachers.

1 “(iii) Programs that will lead to the
2 certification and licensing of Alaska Native
3 teachers, principals, and superintendents.

4 “(C) The development and operation of
5 student enrichment programs, including those
6 in science, technology, engineering, and mathe-
7 matics that—

8 “(i) are designed to prepare Alaska
9 Native students to excel in such subjects;

10 “(ii) provide appropriate support serv-
11 ices to enable such students to benefit
12 from the programs; and

13 “(iii) include activities that recognize
14 and support the unique cultural and edu-
15 cational needs of Alaska Native children,
16 and incorporate appropriately qualified
17 Alaska Native elders and other tradition
18 bearers.

19 “(D) Research and data collection activi-
20 ties to determine the educational status and
21 needs of Alaska Native children and other such
22 research and evaluation activities related to pro-
23 grams funded under this subpart.

24 “(E) Activities designed to increase Alaska
25 Native students’ graduation rates and prepare

1 Alaska Native students to be college or career
2 ready upon graduation from high school, such
3 as—

4 “(i) Remedial and enrichment pro-
5 grams; and

6 “(ii) Culturally based education pro-
7 grams such as—

8 “(I) programs of study and other
9 instruction in Alaska Native history
10 and ways of living to share the rich
11 and diverse cultures of Alaska Native
12 peoples among Alaska Native youth
13 and elders, non-Native students,
14 teachers, and the larger community;

15 “(II) instructing Alaska Native
16 youth in leadership, communication,
17 Native culture, arts, and languages;

18 “(III) providing instruction in
19 Alaska Native history and ways of liv-
20 ing to students and teachers in the
21 local school district;

22 “(IV) intergenerational learning
23 and internship opportunities to Alaska
24 Native youth and young adults;

1 “(V) cultural immersion activi-
2 ties.

3 “(VI) culturally-informed cur-
4 riculum intended to preserve and pro-
5 mote Alaska Native culture;

6 “(VII) Native language immer-
7 sion activities; and

8 “(VIII) school-within-a-school
9 model programs.

10 “(G) Student and teacher exchange pro-
11 grams, cross-cultural immersion programs, and
12 culture camps designed to build mutual respect
13 and understanding among participants.

14 “(H) Education programs for at-risk
15 urban Alaska Native students that are designed
16 to improve academic proficiency and graduation
17 rates, utilize strategies otherwise permissible
18 under this subpart, and incorporate a strong
19 data collection and continuous evaluation com-
20 ponent.

21 “(I) Programs and strategies that provide
22 technical assistance and support to schools and
23 communities to engage adults in promoting the
24 academic progress and overall well-being of
25 Alaska Native people such as through child and

1 youth development, positive youth-adult rela-
2 tionships, improved conditions for learning
3 (school climate, student connection to school
4 and community), and increased connections be-
5 tween schools and families.

6 “(J) Career preparation activities to enable
7 Alaska Native children and adults to prepare
8 for meaningful employment, including programs
9 providing tech-prep, mentoring, training, and
10 apprenticeship activities.

11 “(K) Support for the development and
12 operational activities of regional vocational
13 schools in rural areas of Alaska to provide stu-
14 dents with necessary resources to prepare for
15 skilled employment opportunities.

16 “(L) Regional leadership academies that
17 demonstrate effectiveness in building respect,
18 understanding, and fostering a sense of Alaska
19 Native identity to promote their pursuit of and
20 success in completing higher education or ca-
21 reer training.

22 “(M) Strategies designed to increase par-
23 ents’ involvement in their children’s education.

1 “(N) other activities consistent with the
2 purpose of this part, to meet the educational
3 needs of Alaska Native children and adults.

4 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
5 more than 5 percent of funds provided to an award recipi-
6 ent under this part for any fiscal year may be used for
7 administrative purposes.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this part
10 such sums as may be necessary for the fiscal years 2016
11 through 2020.

12 **“SEC. 7305. ADMINISTRATIVE PROVISIONS.**

13 “(a) APPLICATION REQUIRED.—

14 “(1) IN GENERAL.—No grant may be made
15 under this part, and no contract may be entered into
16 under this part, unless the Alaska Native Organiza-
17 tion seeking the grant or contract submits an appli-
18 cation to the Secretary in such time, in such man-
19 ner, and containing such information as the Sec-
20 retary may determine necessary to carry out the pro-
21 visions of this part.

22 “(b) CONSULTATION REQUIRED.—Each applicant for
23 an award under this part shall provide for ongoing advice
24 from and consultation with representatives of the Alaska
25 Native community.

1 “(c) LOCAL EDUCATIONAL AGENCY COORDINA-
2 TION.—Each applicant for an award under this part shall
3 inform each local educational agency serving students who
4 would participate in the program to be carried out under
5 the grant or contract about the application.

6 “(d) CONTINUATION AWARDS.—An applicant de-
7 scribed in section 6204(a)(2) that receives funding under
8 this part shall periodically demonstrate to the Secretary,
9 during the term of the award, that the applicant is con-
10 tinuing to play the lead role in its partnership and in the
11 implementation and evaluation of the funded program.

12 **“SEC. 7306. DEFINITIONS.**

13 “In this part:

14 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
15 tive’ has the same meaning as the term ‘Native ’ has
16 in section 3(b) of the Alaska Native Claims Settle-
17 ment Act and their descendants.

18 “(2) ALASKA NATIVE ORGANIZATION.—The
19 term ‘Alaska Native Organization’ means a federally
20 recognized tribe or a tribal organization (as the
21 terms are defined by the Indian Self-Determination
22 and Education Assistance Act (25 U.S.C. 450b)),
23 and a consortium of such entities, that—

1 prior to fiscal year 2000 and the agency received funds
2 under subsection (b) in the previous year.”;

3 (3) by amending subsection (g) to read as fol-
4 lows:

5 “(g) FORMER DISTRICTS.—

6 “(1) CONSOLIDATIONS.—For fiscal year 2006
7 and each succeeding fiscal year, if a local edu-
8 cational agency described in paragraph (2) is formed
9 at any time after 1938 by the consolidation of two
10 or more former school districts, the local educational
11 agency may elect to have the Secretary determine its
12 eligibility and any amount for which the local edu-
13 cational agency is eligible under this section for such
14 fiscal year on the basis of one or more of those
15 former districts, as designated by the local edu-
16 cational agency.

17 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
18 CIES.—A local educational agency described in this
19 paragraph is—

20 “(A) any local educational agency that, for
21 fiscal year 1994 or any preceding fiscal year,
22 applied for, and was determined to be eligible
23 under section 2(e) of the Act of September 30,
24 1950 (Public Law 874, 81st Congress) as that
25 section was in effect for that fiscal year; or

1 “(B) a local educational agency formed by
2 the consolidation of 2 or more school districts,
3 at least one of which was eligible for assistance
4 under this section for the fiscal year preceding
5 the year of the consolidation, if—

6 “(i) for fiscal years 2006 through
7 2015, the local educational agency notifies
8 the Secretary not later than 30 days after
9 the date of enactment of the Student Suc-
10 cess Act of the designation described in
11 paragraph (1); and

12 “(ii) for fiscal year 2016, and each
13 subsequent fiscal year, the local edu-
14 cational agency includes the designation in
15 its application under section 8005 or any
16 timely amendment to such application.

17 “(3) AVAILABILITY OF FUNDS.—Notwith-
18 standing any other provision of law limiting the pe-
19 riod during which the Secretary may obligate funds
20 appropriated for any fiscal year after fiscal year
21 2005, the Secretary may obligate funds remaining
22 after final payments have been made for any of such
23 fiscal years to carry out this subsection.”;

24 (4) in subsection (h)—

25 (A) in paragraph (2)—

1 (i) in subparagraph (C)(ii), by strik-
2 ing “section 8014(a)” and inserting “sec-
3 tion 3(d)(1)”; and

4 (ii) in subparagraph (D), by striking
5 “section 8014(a)” and inserting “section
6 3(d)(1)”; and

7 (B) in paragraph (4), by striking “Impact
8 Aid Improvement Act of 2012” and inserting
9 “Student Success Act”;

10 (5) by repealing subsection (k);

11 (6) by redesignating subsection (l) as subsection
12 (k);

13 (7) by amending subsection (k) (as so redesign-
14 ated) by striking “(h)(4)(B)” and inserting
15 “(h)(2)”;

16 (8) by repealing subsection (m); and

17 (9) by redesignating subsection (n) as sub-
18 section (j).

19 **SEC. 803. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
20 **NECTED CHILDREN.**

21 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
22 (20 U.S.C. 7703(a)) is amended—

23 (1) in the matter preceding subparagraph (A)
24 of paragraph (1), by inserting after “schools of such
25 agency” the following: “(including those children en-

1 rolled in such agency as a result of the open enroll-
2 ment policy of the State in which the agency is lo-
3 cated, but not including children who are enrolled in
4 a distance education program at such agency and
5 who are not residing within the geographic bound-
6 aries of such agency)”; and

7 (2) in paragraph (5)(A), by striking “1984”
8 and all that follows through “situated” and inserting
9 “1984, or under lease of off-base property under
10 subchapter IV of chapter 169 of title 10, United
11 States Code, to be children described under para-
12 graph (1)(B) if the property described is within the
13 fenced security perimeter of the military facility or
14 attached to and under any type of force protection
15 agreement with the military installation upon which
16 such housing is situated.”

17 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
18 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
19 8003(b) (20 U.S.C. 7703(b)) is amended—

20 (1) by striking “section 8014(b)” each place it
21 appears and inserting “section 3(d)(2)”;

22 (2) in paragraph (1), by repealing subpara-
23 graph (E);

24 (3) in paragraph (2)—

25 (A) in subparagraph (B)—

1 (i) by striking “CONTINUING” in the
2 heading;

3 (ii) by amending clause (i) to read as
4 follows:

5 “(i) IN GENERAL.—A heavily im-
6 pacted local educational agency is eligible
7 to receive a basic support payment under
8 subparagraph (A) with respect to a num-
9 ber of children determined under sub-
10 section (a)(1) if the agency—

11 “(I) is a local educational agen-
12 cy—

13 “(aa) whose boundaries are
14 the same as a Federal military
15 installation or an island property
16 designated by the Secretary of
17 the Interior to be property that is
18 held in trust by the Federal Gov-
19 ernment; and

20 “(bb) that has no taxing au-
21 thority;

22 “(II) is a local educational agen-
23 cy that—

24 “(aa) has an enrollment of
25 children described in subsection

1 (a)(1) that constitutes a percent-
2 age of the total student enroll-
3 ment of the agency that is not
4 less than 45 percent;

5 “(bb) has a per-pupil ex-
6 penditure that is less than—

7 “(AA) for an agency
8 that has a total student en-
9 rollment of 500 or more stu-
10 dents, 125 percent of the av-
11 erage per-pupil expenditure
12 of the State in which the
13 agency is located; or

14 “(BB) for any agency
15 that has a total student en-
16 rollment less than 500, 150
17 percent of the average per-
18 pupil expenditure of the
19 State in which the agency is
20 located or the average per-
21 pupil expenditure of 3 or
22 more comparable local edu-
23 cational agencies in the
24 State in which the agency is
25 located; and

1 “(cc) is an agency that has
2 a tax rate for general fund pur-
3 poses that is not less than 95
4 percent of the average tax rate
5 for general fund purposes of
6 comparable local educational
7 agencies in the State;

8 “(III) is a local educational agen-
9 cy that—

10 “(aa) has an enrollment of
11 children described in subsection
12 (a)(1) that constitutes a percent-
13 age of the total student enroll-
14 ment of the agency that is not
15 less than 20 percent;

16 “(bb) for the 3 fiscal years
17 preceding the fiscal year for
18 which the determination is made,
19 the average enrollment of chil-
20 dren who are not described in
21 subsection (a)(1) and who are eli-
22 gible for a free or reduced price
23 lunch under the Richard B. Rus-
24 sell National School Lunch Act
25 constitutes a percentage of the

1 total student enrollment of the
2 agency that is not less than 65
3 percent; and

4 “(cc) has a tax rate for gen-
5 eral fund purposes which is not
6 less than 125 percent of the aver-
7 age tax rate for general fund
8 purposes for comparable local
9 educational agencies in the State;

10 “(IV) is a local educational agen-
11 cy that has a total student enrollment
12 of not less than 25,000 students, of
13 which—

14 “(aa) not less than 50 per-
15 cent are children described in
16 subsection (a)(1); and

17 “(bb) not less than 5,000 of
18 such children are children de-
19 scribed in subparagraphs (A) and
20 (B) of subsection (a)(1); or

21 “(V) is a local educational agency
22 that—

23 “(aa) has an enrollment of
24 children described in subsection
25 (a)(1) including, for purposes of

1 determining eligibility, those chil-
2 dren described in subparagraphs
3 (F) and (G) of such subsection,
4 that is not less than 35 percent
5 of the total student enrollment of
6 the agency; and

7 “(bb) was eligible to receive
8 assistance under subparagraph
9 (A) for fiscal year 2001.”; and

10 (iii) in clause (ii)—

11 (I) by striking “A heavily” and
12 inserting the following:

13 “(I) IN GENERAL.—Subject to
14 subclause (II), a heavily”; and

15 (II) by adding at the end the fol-
16 lowing:

17 “(II) LOSS OF ELIGIBILITY DUE
18 TO FALLING BELOW 95 PERCENT OF
19 THE AVERAGE TAX RATE FOR GEN-
20 ERAL FUND PURPOSES.—In a case of
21 a heavily impacted local educational
22 agency that fails to meet the require-
23 ments of clause (i) for a fiscal year by
24 reason of having a tax rate for gen-
25 eral fund purposes that falls below 95

1 percent of the average tax rate for
2 general fund purposes of comparable
3 local educational agencies in the
4 State, subclause (I) shall be applied
5 as if ‘and the subsequent fiscal year’
6 were inserted before the period at the
7 end.’;

8 (B) by striking subparagraph (C);

9 (C) by redesignating subparagraphs (D)
10 through (H) as subparagraphs (C) through (G),
11 respectively;

12 (D) in subparagraph (C) (as so redesign-
13 nated)—

14 (i) in the heading, by striking “REG-
15 ULAR”;

16 (ii) by striking “Except as provided in
17 subparagraph (E)” and inserting “Except
18 as provided in subparagraph (D)”;

19 (iii) by amending subclause (I) of
20 clause (ii) to read as follows:

21 “(ii)(I)(aa) For a local educational agency
22 with respect to which 35 percent or more of the
23 total student enrollment of the schools of the
24 agency are children described in subparagraph
25 (D) or (E) (or a combination thereof) of sub-

1 section (a)(1), and that has an enrollment of
2 children described in subparagraphs (A), (B),
3 or (C) of such subsection equal to at least 10
4 percent of the agency’s total enrollment, the
5 Secretary shall calculate the weighted student
6 units of those children described in subpara-
7 graph (D) or (E) of such subsection by multi-
8 plying the number of such children by a factor
9 of 0.55.

10 “(bb) Notwithstanding subitem (aa), a
11 local educational agency that received a pay-
12 ment under this paragraph for fiscal year 2012
13 shall not be required to have an enrollment of
14 children described in subparagraphs (A), (B),
15 or (C) of subsection (a)(1) equal to at least 10
16 percent of the agency’s total enrollment.”; and

17 (iv) by amending subclause (III) of
18 clause (ii) by striking “(B)(i)(II)(aa)” and
19 inserting “subparagraph (B)(i)(I)”;

20 (E) in subparagraph (D)(i)(II) (as so re-
21 designated), by striking “6,000” and inserting
22 “5,000”;

23 (F) in subparagraph (E) (as so redesign-
24 nated)—

1 (i) by striking “Secretary” and all
2 that follows through “shall use” and in-
3 serting “Secretary shall use”;

4 (ii) by striking “; and” and inserting
5 a period; and

6 (iii) by striking clause (ii);

7 (G) in subparagraph (F) (as so redesign-
8 nated)—

9 (i) by striking “subparagraph
10 (C)(i)(II)(bb)” and inserting “subpara-
11 graph (B)(i)(II)(bb)(BB)”;

12 (ii) by amending clause (ii) to read as
13 follows:

14 “(ii) beginning in fiscal year 2010, a
15 local educational agency shall be deemed to
16 meet the average tax rate requirements for
17 general fund purposes of this paragraph if
18 the average tax rate calculation submitted
19 to the Department by the agency has
20 been—

21 “(I) calculated by the State edu-
22 cational agency in which the applying
23 agency resides to meet the - require-
24 ments of this paragraph for average

1 tax rate for general fund purposes;
2 and

3 “(II) the Department accepted
4 calculation of average tax rate for
5 general fund purposes from the state
6 educational agency on behalf of the
7 applying agency in at least 5 prior
8 years.

9 “(III) notwithstanding any other
10 provision of law limiting the period
11 during which the Secretary may obli-
12 gate funds appropriated for any fiscal
13 year after 2010, the Secretary may
14 obligate funds remaining after final
15 payments have been made from any
16 funds of such fiscal years in order to
17 carry out this subparagraph.”.

18 (H) in subparagraph (G) (as so redesign-
19 nated)—

20 (i) in clause (i)—

21 (I) by striking “subparagraph
22 (B), (C), (D), or (E)” and inserting
23 “subparagraph (B), (C), or (D)”;

24 (II) by striking “by reason of”
25 and inserting “due to”;

1 (III) by inserting after “clause
2 (iii)” the following “, or as the direct
3 result of base realignment and closure
4 or modularization as determined by
5 the Secretary of Defense and force
6 structure change or force relocation”;
7 and

8 (IV) by inserting before the pe-
9 riod, the following: “or during such
10 time as activities associated with base
11 closure and realignment,
12 modularization, force structure
13 change, or force relocation are ongo-
14 ing”; and

15 (ii) in clause (ii), by striking “(D) or
16 (E)” each place it appears and inserting
17 “(C) or (D)”;

18 (4) in paragraph (3)—

19 (A) in subparagraph (B)—

20 (i) by amending clause (iii) to read as
21 follows:

22 “(iii) In the case of a local educational
23 agency providing a free public education to stu-
24 dents enrolled in kindergarten through grade
25 12, but which enrolls students described in sub-

1 paragraphs (A), (B), and (D) of subsection
2 (a)(1) only in grades 9 through 12, and which
3 received a final payment in fiscal year 2009 cal-
4 culated under this paragraph (as this para-
5 graph was in effect on the day before the date
6 of enactment of the Student Success Act) for
7 students in grades 9 through 12, the Secretary
8 shall, in calculating the agency’s payment, con-
9 sider only that portion of such agency’s total
10 enrollment of students in grades 9 through 12
11 when calculating the percentage under clause
12 (i)(I) and only that portion of the total current
13 expenditures attributed to the operation of
14 grades 9 through 12 in such agency when cal-
15 culating the percentage under clause (i)(II).”;
16 and

17 (ii) by adding at the end the fol-
18 lowing:

19 “(v) In the case of a local educational
20 agency that is providing a program of distance
21 education to children not residing within the ge-
22 ographic boundaries of the agency, the Sec-
23 retary shall—

24 “(I) for purposes of the calculation
25 under clause (i)(I), disregard such children

1 from the total number of children in aver-
2 age daily attendance at the schools served
3 by such agency; and

4 “(II) for purposes of the calculation
5 under clause (i)(II), disregard any funds
6 received for such children from the total
7 current expenditures for such agency.”;

8 (B) in subparagraph (C), by striking “sub-
9 paragraph (D) or (E) of paragraph (2), as the
10 case may be” and inserting “paragraph
11 (2)(D)”;

12 (C) by amending subparagraph (D) to read
13 as follows:

14 “(D) RATABLE DISTRIBUTION.—For any
15 fiscal year described in subparagraph (A) for
16 which the sums available exceed the amount re-
17 quired to pay each local educational agency 100
18 percent of its threshold payment, the Secretary
19 shall distribute the excess sums to each eligible
20 local educational agency that has not received
21 its full amount computed under paragraph (1)
22 or (2) (as the case may be) by multiplying—

23 “(i) a percentage, the denominator of
24 which is the difference between the full
25 amount computed under paragraph (1) or

1 (2) (as the case may be) for all local edu-
2 cational agencies and the amount of the
3 threshold payment (as calculated under
4 subparagraphs (B) and (C)) of all local
5 educational agencies, and the numerator of
6 which is the aggregate of the excess sums,
7 by;

8 “(ii) the difference between the full
9 amount computed under paragraph (1) or
10 (2) (as the case may be) for the agency
11 and the amount of the threshold payment
12 as calculated under subparagraphs (B) and
13 (C) of the agency.”; and

14 (D) by inserting at the end the following
15 new subparagraphs:

16 “(E) INSUFFICIENT PAYMENTS.—For each
17 fiscal year described in subparagraph (A) for
18 which the sums appropriated under section
19 3(d)(2) are insufficient to pay each local edu-
20 cational agency all of the local educational
21 agency’s threshold payment described in sub-
22 paragraph (D), the Secretary shall ratably re-
23 duce the payment to each local educational
24 agency under this paragraph.

1 “(F) INCREASES.—If the sums appro-
2 priated under section 3(d)(2) are sufficient to
3 increase the threshold payment above the 100
4 percent threshold payment described in sub-
5 paragraph (D), then the Secretary shall in-
6 crease payments on the same basis as such pay-
7 ments were reduced, except no local educational
8 agency may receive a payment amount greater
9 than 100 percent of the maximum payment cal-
10 culated under this subsection.”; and

11 (5) in paragraph (4)—

12 (A) in subparagraph (A), by striking
13 “through (D)” and inserting “and (C)”; and

14 (B) in subparagraph (B), by striking “sub-
15 paragraph (D) or (E)” and inserting “subpara-
16 graph (C) or (D)”.

17 (c) PRIOR YEAR DATA.—Paragraph (2) of section
18 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
19 lows:

20 “(2) EXCEPTION.—Calculation of payments for
21 a local educational agency shall be based on data
22 from the fiscal year for which the agency is making
23 an application for payment if such agency—

24 “(A) is newly established by a State, for
25 the first year of operation of such agency only;

1 “(B) was eligible to receive a payment
2 under this section for the previous fiscal year
3 and has had an overall increase in enrollment
4 (as determined by the Secretary in consultation
5 with the Secretary of Defense, the Secretary of
6 the Interior, or the heads of other Federal
7 agencies)—

8 “(i) of not less than 10 percent, or
9 100 students, of children described in—

10 “(I) subparagraph (A), (B), (C),
11 or (D) of subsection (a)(1); or

12 “(II) subparagraph (F) and (G)
13 of subsection (a)(1), but only to the
14 extent such children are civilian de-
15 pendents of employees of the Depart-
16 ment of Defense or the Department of
17 the Interior; and

18 “(ii) that is the direct result of closure
19 or realignment of military installations
20 under the base closure process or the relo-
21 cation of members of the Armed Forces
22 and civilian employees of the Department
23 of Defense as part of the force structure
24 changes or movements of units or per-
25 sonnel between military installations or be-

1 cause of actions initiated by the Secretary
2 of the Interior or the head of another Fed-
3 eral agency; or

4 “(C) was eligible to receive a payment
5 under this section for the previous fiscal year
6 and has had an increase in enrollment (as de-
7 termined by the Secretary)—

8 “(i) of not less than 10 percent of
9 children described in subsection (a)(1) or
10 not less than 100 of such children; and

11 “(ii) that is the direct result of the
12 closure of a local educational agency that
13 received a payment under subsection (b)(1)
14 or (b)(2) in the previous fiscal year.”.

15 (d) CHILDREN WITH DISABILITIES.—Section
16 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
17 “section 8014(c)” and inserting “section 3(d)(3)”.

18 (e) HOLD HARMLESS.—

19 (1) IN GENERAL.—The total amount the Sec-
20 retary shall pay a local educational agency under
21 subsection (b)—

22 (A) beginning in fiscal year 2016 and for
23 any fiscal year thereafter in which a local edu-
24 cational agency’s payment is reduced by an
25 amount greater than \$5,000,000 or 20 percent

1 from the amount received in the previous fiscal
2 year, the Secretary shall pay a local educational
3 agency for each of the 3 years following the re-
4 duction under subsection (b)—

5 (i) for the first year shall not be less
6 than 90 percent of the total amount that
7 the local educational agency received under
8 subsection (b)(1) or (b)(2) in the fiscal
9 year prior to the reduction herein referred
10 to as the base year;

11 (ii) for the second year shall not be
12 less than 85 percent of the total amount
13 that the local educational agency received
14 under subsection (b)(1) or (b)(2) in the
15 base year; and

16 (iii) for the third year shall not be less
17 than 80 percent of the total amount that
18 the local educational agency received under
19 subsection (b) (1) or (b) (2) in the base
20 year.

21 (2) RATABLE REDUCTION.—

22 (A) IN GENERAL.—If the sums made avail-
23 able under this title for any fiscal year are in-
24 sufficient to pay the full amounts that all local
25 educational agencies in all States are eligible to

1 receive under paragraph (1) for such year, then
2 the Secretary shall ratably reduce the payments
3 to all such agencies for such year.

4 (B) ADDITIONAL FUNDS.—If additional
5 funds become available for making payments
6 under paragraph (1) for such fiscal year, pay-
7 ments that were reduced under subparagraph
8 (A) shall be increased on the same basis as
9 such payments were reduced.

10 (f) MAINTENANCE OF EFFORT.—Section 8003 (20
11 U.S.C. 7703) is amended by striking subsection (g).

12 **SEC. 804. POLICIES AND PROCEDURES RELATING TO CHIL-**
13 **DREN RESIDING ON INDIAN LANDS.**

14 Section 8004(e)(9) is amended by striking “Bureau
15 of Indian Affairs” and inserting “Bureau of Indian Edu-
16 cation”.

17 **SEC. 805. APPLICATION FOR PAYMENTS UNDER SECTIONS**
18 **8002 AND 8003.**

19 Section 8005(b) (20 U.S.C. 7705(b)) is amended in
20 the matter preceding paragraph (1) by striking “and shall
21 contain such information,”.

22 **SEC. 806. CONSTRUCTION.**

23 Section 8007 (20 U.S.C. 7707) is amended—
24 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “section
2 8014(e)” and inserting “section 3(d)(4)”;

3 (B) in paragraph (2), by adding at the end
4 the following:

5 “(C) The agency is eligible under section
6 4003(b)(2) or is receiving basic support pay-
7 ments under circumstances described in section
8 4003(b)(2)(B)(ii).”; and

9 (C) in paragraph (3), by striking “section
10 8014(e)” each place it appears and inserting
11 “section 3(d)(4)”;

12 (2) in subsection (b)—

13 (A) in paragraph (1), by striking “section
14 8014(e)” and inserting “section 3(d)(4)”;

15 (B) in paragraph (3)—

16 (i) in subparagraph (C)(i)(I), by add-
17 ing at the end the following:

18 “(cc) At least 10 percent of the
19 property in the agency is exempt from
20 State and local taxation under Fed-
21 eral law.”; and

22 (ii) by adding at the end the fol-
23 lowing:

1 “(F) LIMITATIONS ON ELIGIBILITY RE-
2 QUIREMENTS.—The Secretary shall not limit
3 eligibility—

4 “(i) under subparagraph (C)(i)(I)(aa),
5 to those local educational agencies in which
6 the number of children determined under
7 section 8003(a)(1)(C) for each such agency
8 for the preceding school year constituted
9 more than 40 percent of the total student
10 enrollment in the schools of each such
11 agency during the preceding school year;
12 and

13 “(ii) under subparagraph (C)(i)(I)(cc),
14 to those local educational agencies in which
15 more than 10 percent of the property in
16 each such agency is exempt from State and
17 local taxation under Federal law.”;

18 (C) in paragraph (6)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “in such manner,
21 and accompanied by such information”
22 and inserting “and in such manner”; and

23 (ii) by striking subparagraph (F); and
24 (D) by striking paragraph (7).

1 **SEC. 807. FACILITIES.**

2 Section 8008 (20 U.S.C. 7708) is amended in sub-
3 section (a), by striking “section 8014(f)” and inserting
4 “section 3(d)(5)”.

5 **SEC. 808. STATE CONSIDERATION OF PAYMENTS PRO-**
6 **VIDING STATE AID.**

7 Section 8009 (20 U.S.C. 7709) is amended—

8 (1) in subsection (c)(1)(B), by striking “and
9 contain the information”; and

10 (2) in subsection (d)(2)—

11 (A) by striking “A State” and inserting
12 the following:

13 “(A) IN GENERAL.—A State”; and

14 (B) by adding at the end of the following:

15 “(B) STATES THAT ARE NOT EQUALIZED
16 STATES.—A State that has not been approved
17 as an equalized State under subsection (b) shall
18 not consider funds received under section 8002
19 or section 8003 of this title in any State for-
20 mula or place a limit or direct the use of such
21 funds for the purposes of determining a local
22 educational agency’s fund balance.”.

1 **SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
2 **VIEW.**

3 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
4 striking “or under the Act” and all the follows through
5 “1994)”.

6 **SEC. 810. DEFINITIONS.**

7 Section 8013 (20 U.S.C. 7713) is amended—

8 (1) in paragraph (1), by striking “and Marine
9 Corps” and inserting “Marine Corps, and Coast
10 Guard”;

11 (2) in paragraph (4), by striking “and title VI”;

12 (3) in paragraph (5)(A)(iii)—

13 (A) in subclause (II), by striking “Stewart
14 B. McKinney Homeless Assistance Act” and in-
15 serting “McKinney-Vento Homeless Assistance
16 Act (42 U.S.C. 11411)”;

17 (B) in subclause (III), by inserting before
18 the semicolon, “(25 U.S.C. 4101 et seq.)”;

19 (4) in paragraph (8)(A), by striking “and
20 verified by” and inserting “, and verified by,”; and

21 (5) in paragraph (9)(B), by inserting a comma
22 before “on a case-by-case basis”.

23 **SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 8014 (20 U.S.C. 7801) is amended—

25 (1) by striking “2000” each place it appears
26 and inserting “2016”;

1 (2) by striking “2001” and inserting “2017”;
2 and
3 (3) by striking “2002” and inserting “2018”.

4 **SEC. 812. CONFORMING AMENDMENTS.**

5 Subsection (c) of the Impact Aid Improvement Act
6 of 2012 (20 U.S.C. 6301 note; Public Law 112-239; 126
7 Stat. 1748) is amended—

8 (1) (1) by striking paragraphs (1) and (4); and
9 (2) (2) by redesignating paragraphs (2) and
10 (3), as paragraphs (1) and (2), respectively.

11 **TITLE IX—GENERAL**
12 **PROVISIONS**

13 **SEC. 900. GENERAL AMENDMENTS.**

14 (a) **GENERAL PROHIBITION.**—Section 9527(a) (20
15 U.S.C. 7907(a)) is amended by inserting “specific instruc-
16 tional content, academic standards or assessments,” after
17 “school’s curriculum,”.

18 (b) **RULE OF CONSTRUCTION.**—Section 9534 (20
19 U.S.C. 7914) is amended by adding at the end the fol-
20 lowing:

21 “(c) **RULE OF CONSTRUCTION.**—Any public or pri-
22 vate entity that receives funds allocated under this Act
23 including from a State educational agency or local edu-
24 cational agency shall be considered a program under sub-
25 section (a) and be subject to the requirements of sub-

1 section (a) in carrying out programs or activities funded
2 under this Act.”.

3 **Subtitle A—Protecting Students**
4 **From Sexual and Violent Predators**

5 **SEC. 901. BACKGROUND CHECKS.**

6 Subpart 2 of part E of title IX (20 U.S.C. 7901 et
7 seq.) is amended by adding at the end the following:

8 **“SEC. 9537. CRIMINAL BACKGROUND CHECKS.**

9 “(a) IN GENERAL.—A State educational agency that
10 receives funds under this Act shall have in effect—

11 “(1) requirements, policies, and procedures to
12 require and conduct criminal background checks for
13 each school employee including prospective school
14 employees described in subsection (c)(1); and

15 “(2) prohibit the employment of a school em-
16 ployee as described in subsection (c).

17 “(b) REQUIREMENTS.—A criminal background check
18 for a school employee under subsection (a) shall include—

19 “(1) a search of the State criminal and sex of-
20 fender registry or repository in the State where the
21 school employee resides, and each State where such
22 school employee resided during the preceding 5
23 years;

24 “(2) a search of State-based child abuse and
25 neglect registries and databases in the State where

1 the school employee resides, and each State where
2 such school employee resided during the preceding 5
3 years;

4 “(3) a search of the National Crime Informa-
5 tion Center;

6 “(4) a Federal Bureau of Investigation finger-
7 print check using the Integrated Automated Finger-
8 print Identification System; and

9 “(5) a search of the National Sex Offender
10 Registry established under the Adam Walsh Child
11 Protection and Safety Act of 2006 (42 U.S.C.
12 16901 et seq.).

13 “(c) PROHIBITIONS.—

14 “(1) SCHOOL EMPLOYEE.—A school employee
15 shall be ineligible for employment by a local edu-
16 cational agency or State educational agency that is
17 receiving funds under this Act if such individual—

18 “(A) refuses to consent to the criminal
19 background check described in subsection (b);

20 “(B) knowingly makes a materially false
21 statement in connection with such criminal
22 background check;

23 “(C) is registered, or is required to be reg-
24 istered, on a State sex offender registry or re-
25 pository or the National Sex Offender Registry

1 established under the Adam Walsh Child Pro-
2 tection and Safety Act of 2006 (42 U.S.C.
3 16901 et seq.); or

4 “(D) has been convicted of a felony con-
5 sisting of—

6 “(i) murder, as described in section
7 1111 of title 18, United States Code;

8 “(ii) child abuse or neglect;

9 “(iii) a crime against children, includ-
10 ing child pornography;

11 “(iv) spousal abuse;

12 “(v) a crime involving rape or sexual
13 assault;

14 “(vi) kidnapping;

15 “(vii) arson;

16 “(viii) physical assault or battery; or

17 “(ix) subject to subsection (e)(4), a
18 drug-related offense committed during the
19 preceding 5 years; or

20 “(E) has been convicted of a violent mis-
21 demeanor committed as an adult against a
22 child, including the following crimes: child
23 abuse, child endangerment, sexual assault, or of
24 a misdemeanor involving child pornography.

1 “(2) STATE EDUCATIONAL AGENCY OR LOCAL
2 EDUCATIONAL AGENCY.—A State educational agency
3 or local educational agency described in paragraph
4 (1) shall be ineligible for assistance under this Act
5 if the agency employs or contracts with a school em-
6 ployee who is ineligible for employment under para-
7 graph (1).

8 “(d) SUBMISSION OF REQUESTS FOR BACKGROUND
9 CHECKS.—

10 “(1) IN GENERAL.—A State educational agency
11 or local educational agency covered by subsection (c)
12 shall submit a request, to the appropriate State
13 agency designated by a State, for a criminal back-
14 ground check described in subsection (b), for each
15 school employee.

16 “(2) SCHOOL EMPLOYEES.—Subject to para-
17 graph (4), in the case of an individual who became
18 a school employee before the date of enactment of
19 the Student Success Act shall submit such a re-
20 quest—

21 “(A) prior to the last day described in sub-
22 section (k)(1); and

23 “(B) not less often than once during each
24 5-year period following the first submission date
25 under this paragraph for that school employee.

1 “(3) PROSPECTIVE SCHOOL EMPLOYEES.—Sub-
2 ject to paragraph (4), in the case of an individual
3 who is a prospective school employee on or after that
4 date of enactment, the provider shall submit such a
5 request—

6 “(A) prior to the date the individual be-
7 comes a school employee; and

8 “(B) not less than once during each 5-year
9 period following the first submission date under
10 this paragraph for that staff member.

11 “(e) BACKGROUND CHECK RESULTS AND AP-
12 PEALS.—

13 “(1) BACKGROUND CHECK RESULTS.—The
14 State shall carry out the request of a State edu-
15 cational agency or local educational agency for a
16 criminal background check as expeditiously as pos-
17 sible, but not to exceed 45 days after the date on
18 which such request was submitted, and shall provide
19 the results of the criminal background check to such
20 agency provider and to the school employee staff
21 member.

22 “(2) PRIVACY.—

23 “(A) IN GENERAL.—The State shall pro-
24 vide the results of the criminal background
25 check to the State educational agency or local

1 educational agency in a statement that indi-
2 cates whether a school employee is eligible or
3 ineligible for employment described in sub-
4 section (c), without revealing any disqualifying
5 crime or other related information regarding
6 the individual.

7 “(B) INELIGIBLE SCHOOL EMPLOYEE.—If
8 the school employee is ineligible for such em-
9 ployment due to the background check, the
10 State will, when providing the results of the
11 background check, include information related
12 to each disqualifying crime, in a report to the
13 school employee.

14 “(C) PUBLIC RELEASE OF RESULTS.—No
15 State shall publicly release or share the results
16 of individual background checks, except States
17 may release aggregated data by crime as listed
18 under subsection (c)(1)(D) from background
19 check results, as long as such data is not per-
20 sonally identifiable information.

21 “(3) APPEALS.—

22 “(A) IN GENERAL.—The State shall pro-
23 vide for a process by which a school employee
24 may appeal the results of a criminal back-
25 ground check conducted under this section to

1 challenge the accuracy or completeness of the
2 information contained in such member's crimi-
3 nal background report.

4 “(B) APPEALS PROCESS.—The State shall
5 ensure that—

6 “(i) each school employee shall be
7 given notice of the opportunity to appeal;

8 “(ii) a school employee will receive in-
9 structions about how to complete the ap-
10 peals process if the school employee wishes
11 to challenge the accuracy or completeness
12 of the information contained in such em-
13 ployee's criminal background report; and

14 “(iii) the appeals process is completed
15 in a timely manner for each school em-
16 ployee.

17 “(C) COSTS.—A school employee who has
18 successfully challenged the findings contained in
19 such employee's criminal background check re-
20 port in the appeals process under this para-
21 graph shall be allowed to seek compensation for
22 any reasonable costs incurred from such appeal.

23 “(4) REVIEW.—

24 “(A) IN GENERAL.—The State may allow
25 for a review process through which the State

1 may determine that a school employee identified
2 in subsection (c) is eligible for employment with
3 the educational agency.

4 “(B) FACTORS.—The review process shall
5 be an individualized assessment consistent with
6 title VII of the Civil Rights Act of 1964 (42
7 U.S.C. 2000e et seq.) and the U.S. Equal Em-
8 ployment Opportunity Commission Enforcement
9 Guidance on the Consideration of Arrest and
10 Conviction Records in Employment Decisions,
11 and may include consideration of the following
12 factors—

13 “(i) nature and seriousness of the of-
14 fense;

15 “(ii) circumstances under which the
16 offense was committed;

17 “(iii) lapse of time since the offense
18 was committed or the individual was re-
19 leased from prison;

20 “(iv) individual’s age at the time of
21 the offense;

22 “(v) social conditions which may have
23 fostered the offense;

24 “(vi) relationship of the nature of the
25 offense to the position sought;

1 “(vii) number of criminal convictions;

2 “(viii) honesty and transparency of
3 the candidate in admitting the conviction
4 record;

5 “(ix) individual’s work history, includ-
6 ing evidence that the individual performed
7 the same or similar work, post-conviction,
8 with the same or different employer, with
9 no known incidents of criminal conduct;

10 “(x) evidence of rehabilitation as dem-
11 onstrated by the individual’s good conduct
12 while in correctional custody and/or the
13 community; counseling or psychiatric treat-
14 ment received; acquisition of additional
15 academic or vocational schooling; success-
16 ful participation in correctional work-re-
17 lease programs and the recommendations
18 of persons who have or have had the appli-
19 cant under their supervision;

20 “(xi) whether the individual is bonded
21 under Federal, state, or local bonding pro-
22 gram; and

23 “(xii) any other factor that may lead
24 to the conclusion that the individual does
25 not pose a risk to children.

1 “(C) LIMITATION.—This paragraph shall
2 not apply to a school employee who has been
3 convicted of a serious violent or sexual felony
4 against a child, as determined by the State.

5 “(5) NO PRIVATE RIGHT OF ACTION.—Nothing
6 in this section shall be construed to create a private
7 right of action if a State educational agency or local
8 educational agency has acted in accordance with this
9 section.

10 “(f) FEES FOR BACKGROUND CHECKS.—Fees that a
11 State may charge for the costs of processing applications
12 and administering a criminal background check as re-
13 quired by this section shall not exceed the actual costs to
14 the State for the processing and administration.

15 “(g) TRANSPARENCY.—The State must ensure that
16 the policies and procedures under this section are pub-
17 lished on the Web site (or otherwise publicly available
18 venue in the absence of a Web site) of the State and the
19 Web sites of local lead agencies.

20 “(h) CONSTRUCTION.—

21 “(1) DISQUALIFICATION FOR OTHER CRIMES.—
22 Nothing in this section shall be construed to prevent
23 a State from disqualifying individuals as a school
24 employee based on their conviction for crimes not
25 specifically listed in this section that bear upon the

1 fitness of an individual to provide care for and have
2 responsibility for the safety and well-being of chil-
3 dren.

4 “(2) RIGHTS AND REMEDIES.—Nothing in this
5 section shall be construed to alter or otherwise affect
6 the rights and remedies provided for a school em-
7 ployee residing in a State that disqualifies individ-
8 uals as a school employee for crimes not specifically
9 provided for under this section.

10 “(i) REPORTING.—Not later than one year after the
11 date of the enactment of this Act, the Secretary of Edu-
12 cation shall report to Congress on—

13 “(1) any information available about numbers
14 of individuals restricted or disqualified from being a
15 school employee on the basis of a criminal record
16 identified in the background check, pursuant to this
17 section in total, and for each type of conviction, as
18 specified in sections (c)(1)(D) and (c)(1)(E);

19 “(2) the identity of each state’s agency with ju-
20 risdiction over the background check results and ap-
21 peals process described in section (e);

22 “(3) the identity of each state’s agency with ju-
23 risdiction over the individualized assessment, as de-
24 scribed in section (e)(4);

1 “(4) the numbers of individuals approved for
2 consideration as a school employee by the individual-
3 ized assessment, as defined in section (e)(4) in total,
4 and for each type of conviction, as specified in sec-
5 tions (c)(1)(D) and (c)(1)(E); and

6 “(5) the numbers of successful and unsuccessful
7 appeals to the accuracy and completeness of records
8 or information, in total, by State, and by type of
9 conviction, as specified in section sections (c)(1)(D)
10 and (c)(1)(E).

11 “(j) DEFINITION.—In this section, the term ‘school
12 employee’ means—

13 “(1) an employee of, or a person seeking em-
14 ployment with, a local educational agency or State
15 educational agency, and who, as a result of such em-
16 ployment, has (or will have) a job duty that results
17 in unsupervised access to elementary school or sec-
18 ondary school students;

19 “(2) any person, or an employee of any person
20 who has a contract or agreement to provide services
21 with an elementary school or secondary school, local
22 educational agency, or State educational agency, and
23 such person or employee, as a result of such contract
24 or agreement, has a job duty that results in unsu-

1 pervised access to elementary school or secondary
2 students; and

3 “(3) an employee of or a person seeking em-
4 ployment with a high-quality prekindergarten pro-
5 gram, as defined in section 1112 of the Student
6 Success Act, or a person who has a contract or
7 agreement with such program; and

8 “(k) EFFECTIVE DATE.—

9 “(1) IN GENERAL.—A State that receives funds
10 under this Act shall meet the requirements of this
11 section for the provision of criminal background
12 checks for a school employee described in subsection
13 (d)(1) not later than the last day of the second full
14 fiscal year after the date of enactment of the Stu-
15 dent Success Act.

16 “(2) EXTENSION.—The Secretary may grant a
17 State an extension of time, of not more than 1 fiscal
18 year, to meet the requirements of this section if the
19 State demonstrates a good faith effort to comply
20 with the requirements of this section.

21 “(3) PENALTY FOR NONCOMPLIANCE.—Except
22 as provided in paragraphs (1) and (2), for any fiscal
23 year that a State fails to comply substantially with
24 the requirements of this section, the Secretary shall
25 withhold 5 percent of the funds that would otherwise

1 be allocated to that State in accordance with this
2 Act for the following fiscal year.

3 **“SEC. 9538. EQUALITY IN ATHLETIC PROGRAMS.**

4 “(a) REPORT.—Each coeducational elementary or
5 secondary school that participates in any program under
6 this Act and has an athletic program, shall annually, for
7 the immediately preceding academic year, prepare a report
8 that contains the following information:

9 “(1) The number of students that attended the
10 school and for each student an identification of such
11 student’s—

12 “(A) sex;

13 “(B) race; and

14 “(C) ethnicity.

15 “(2) A listing of the teams that competed in
16 athletic competition and for each such team the fol-
17 lowing data:

18 “(A) The total number of participants as
19 of the day of the first scheduled contest for the
20 team, and for each participant an identification
21 of such participant’s—

22 “(i) sex;

23 “(ii) race; and

24 “(iii) ethnicity.

25 “(B) The year the team began.

1 “(C) The total expenditures for each team
2 from school and nonschool sources, including a
3 listing of the following data for each team:

4 “(i) Expenditures for travel.

5 “(ii) Expenditures for equipment (in-
6 cluding any equipment replacement sched-
7 ule).

8 “(iii) Expenditures for uniforms (in-
9 cluding any uniform replacement sched-
10 ule).

11 “(iv) Expenditures for facilities (in-
12 cluding locker rooms, fields, and gym-
13 nasiums) and their maintenance and re-
14 pair.

15 “(v) Expenditures for training and
16 medical facilities and services.

17 “(vi) Expenditures for publicity for
18 competitions (including press guides, press
19 releases, game programs, and publicity
20 personnel).

21 “(D) The total number of trainers and
22 medical personnel, and for each trainer or med-
23 ical personnel an identification of such per-
24 son’s—

25 “(i) sex;

1 “(ii) employment status (including
2 whether such person is employed full-time
3 or part-time, and whether such person is a
4 head or assistant trainer or medical serv-
5 ices provider) and duties other than pro-
6 viding training or medical services; and

7 “(iii) qualifications, including whether
8 the person is a professional or student.

9 “(E) The total number of coaches, and for
10 each coach an identification of such coach’s—

11 “(i) sex;

12 “(ii) employment status (including
13 whether such coach is employed full-time
14 or part-time, and whether such coach is a
15 head or assistant coach) and duties other
16 than coaching; and

17 “(iii) qualifications, including whether
18 the person is a professional or student.

19 “(F) Total annual revenues generated by
20 the team (including contributions from outside
21 sources such as booster clubs), disaggregated by
22 source.

23 “(G) The total number of competitions
24 scheduled, and for each scheduled competition

1 an indication of what day of the week and time
2 the competition was scheduled.

3 “(H) The total number of practices sched-
4 uled, and for each scheduled practice an indica-
5 tion of what day of the week and time the prac-
6 tice was scheduled.

7 “(I) The season in which the team com-
8 peted.

9 “(J) Whether such team participated in
10 postseason competition, and the success of such
11 team in any postseason competition.

12 “(3) The average annual institutional salary at-
13 tributable to coaching of the head coaches of men’s
14 teams, across all offered sports, and the average an-
15 nual institutional salary attributable to coaching of
16 the head coaches of women’s teams, across all of-
17 fered sports.

18 “(4) The average annual institutional salary at-
19 tributable to coaching of the assistant coaches of
20 men’s teams, across all offered sports, and the aver-
21 age annual institutional salary attributable to coach-
22 ing of the assistant coaches of women’s teams,
23 across all offered sports.

24 “(b) SPECIAL RULE.—For the purpose of reporting
25 the information described in paragraphs (3) and (4) of

1 subsection (a), if a coach has responsibilities for more
2 than 1 team and the school does not allocate such coach's
3 salary by team, the school should divide the salary by the
4 number of teams for which the coach has responsibility
5 and allocate the salary among the teams on a basis con-
6 sistent with the coach's responsibilities for the different
7 teams.

8 “(c) DISCLOSURE OF INFORMATION TO STUDENTS
9 AND PUBLIC.—On an annual basis, each coeducational el-
10 ementary or secondary school described in subsection (a)
11 shall—

12 “(1) make available to students, potential stu-
13 dents, and the public, upon request, the information
14 contained in each report by the school under this
15 section by October 15 of each school year; and

16 “(2) ensure that all students at the school and
17 members of the relevant community are informed of
18 their right to request such information.

19 “(d) SUBMISSION; INFORMATION AVAILABILITY.—
20 On an annual basis, each coeducational elementary or sec-
21 ondary school described in subsection (a) shall provide the
22 information contained in each report by the school under
23 this section to the Commissioner for Education Statistics
24 not later than 15 days after the date that the school makes
25 such information available under subsection (c).

1 “(e) DUTIES OF COMMISSIONER FOR EDUCATION
2 STATISTICS.—The Commissioner for Education Statistics
3 shall—

4 “(1) ensure that the data required under this
5 section are posted on the Department of Education’s
6 Web site within a reasonable period of time; and

7 “(2) not later than 180 days after the date of
8 the enactment of the Student Success Act, notify all
9 elementary and secondary schools in all States about
10 the requirements under subsection (c) and issue
11 guidance to all elementary and secondary schools on
12 how to collect and report the information required
13 under this section.”.

14 **SEC. 902. CONFORMING AMENDMENT.**

15 Section 2 is amended by adding after the item relat-
16 ing to section 9536 the following:

“Sec. 9537. Background checks.

“Sec. 9538. Equality in athletic programs.”.

17 **Subtitle B—Evaluation Authority**

18 **SEC. 911. EVALUATION AUTHORITY.**

19 Title IX (20 U.S.C. 7801 et seq.) is further amended
20 by amending part F to read as follows:

21 **“PART F—EVALUATION AUTHORITY**

22 **“SEC. 9911. EVALUATION AUTHORITY.**

23 “(a) RESERVATION OF FUNDS.—The Secretary shall
24 reserve not less than 1 percent of the amount appropriated

1 to carry out each categorical program and demonstration
2 project authorized under this Act, except the Secretary
3 may not reserve more than 1 percent of title I, part A
4 to carry out the evaluation activities described in this sec-
5 tion.

6 “(b) EVALUATION ACTIVITIES.—From funds re-
7 served under subsection (a), the reserved amounts—

8 “(1) shall first be used by the Secretary, acting
9 through the Director of the Institute of Education
10 Sciences, to—

11 “(A) conduct comprehensive, high-quality
12 evaluations of the program that—

13 “(i) are consistent with the evaluation
14 plan under subsection (d); and

15 “(ii) primarily include impact evalua-
16 tions that use experimental or quasi-experi-
17 mental designs, where practicable and ap-
18 propriate, and other rigorous methodolo-
19 gies that permit the strongest possible
20 causal inferences;

21 “(B) conduct studies of the effectiveness of
22 the program and the administrative impact of
23 the program on schools and local educational
24 agencies; and

1 “(C) widely disseminate evaluation findings
2 under this section related to programs author-
3 ized under this Act—

4 “(i) in a timely fashion;

5 “(ii) in forms that are understand-
6 able, easily accessible, and usable, or
7 adaptable for use in, the improvement of
8 educational practice;

9 “(iii) through electronic transfer, and
10 other means, such as posting, as available,
11 to the websites of State educational agen-
12 cies, local educational agencies, the Insti-
13 tute of Education Sciences, the Depart-
14 ment, or in another relevant place; and

15 “(iv) in a manner that promotes the
16 utilization of such findings; and

17 “(2) may be used by the Secretary, acting
18 through the Director of the Institute of Education
19 Sciences—

20 “(A) to evaluate the aggregate short- and
21 long-term effects and cost efficiencies across
22 Federal programs assisted or authorized under
23 this Act and related Federal early childhood
24 education, preschool, elementary school, and

1 secondary school programs under any other
2 Federal law; and

3 “(B) assist grantees of such programs in
4 collecting and analyzing data related to con-
5 ducting high-quality evaluations under para-
6 graph (1).

7 “(c) TITLE I.—The Secretary, acting through the Di-
8 rector of the Institute of Education Sciences, shall use
9 funds authorized under subsection(a)(1) to carry out eval-
10 uation activities under this section related to title I.

11 “(d) CONSOLIDATION.—Notwithstanding any other
12 provision of this section the Secretary in consultation with
13 the Director of the Institute of Education Sciences—

14 “(1) may consolidate the funds reserved under
15 subsections (a) or (c) for purposes of carrying out
16 the activities under subsection (b)(1) and subsection
17 (g); and

18 “(2) shall not be required to evaluate under
19 subsection (b)(1) each program authorized under
20 this Act each year.

21 “(e) EVALUATION PLAN.—The Director of the Insti-
22 tute of Education Sciences, shall, on a biennial basis, de-
23 velop, submit to Congress, and make publicly available an
24 evaluation plan, that—

1 a student to control behavior or restrict freedom of
2 movement that is not—

3 “(A) prescribed by a licensed physician, or
4 other qualified health professional acting under
5 the scope of the professional’s authority under
6 State law, for the standard treatment of a stu-
7 dent’s medical or psychiatric condition; and

8 “(B) administered as prescribed by the li-
9 censed physician or other qualified health pro-
10 fessional acting under the scope of the profes-
11 sional’s authority under State law.

12 “(2) MECHANICAL RESTRAINT.—The term ‘me-
13 chanical restraint’ has the meaning given the term
14 in section 595(d)(1) of the Public Health Service
15 Act (42 U.S.C. 290jj(d)(1)), except that the mean-
16 ing shall be applied by substituting ‘student’s’ for
17 ‘resident’s’.

18 “(3) PHYSICAL ESCORT.—The term ‘physical
19 escort’ has the meaning given the term in section
20 595(d)(2) of the Public Health Service Act (42
21 U.S.C. 290jj(d)(2)), except that the meaning shall
22 be applied by substituting ‘student’ for ‘resident’.

23 “(4) PHYSICAL RESTRAINT.—The term ‘phys-
24 ical restraint’ has the meaning given the term in sec-

1 tion 595(d)(3) of the Public Health Service Act (42
2 U.S.C. 290jj(d)(3)).

3 “(5) POSITIVE BEHAVIOR SUPPORTS.—The
4 term ‘positive behavior supports’ means a systematic
5 approach to embed evidence-based practices and
6 data-driven decisionmaking to improve school cli-
7 mate and culture, including a range of systemic and
8 individualized strategies to reinforce desired behav-
9 iors and diminish reoccurrence of problem behaviors,
10 in order to achieve improved academic and social
11 outcomes and increase learning for all students, in-
12 cluding students with the most complex and inten-
13 sive behavioral needs.

14 “(6) PROTECTION AND ADVOCACY SYSTEM.—
15 The term ‘protection and advocacy system’ means a
16 protection and advocacy system established under
17 section 143 of the Developmental Disabilities Assist-
18 ance and Bill of Rights Act of 2000 (42 U.S.C.
19 15043).

20 “(7) SCHOOL.—The term ‘school’ means an en-
21 tity—

22 “(A) that—

23 “(i) is a public or private—

24 “(I) day or residential elementary
25 school or secondary school; or

1 “(II) early childhood, elementary
2 school, or secondary school program
3 that is under the jurisdiction of a
4 school, local educational agency, edu-
5 cational service agency, or other edu-
6 cational institution or program; and

7 “(ii) receives, or serves students who
8 receive, support in any form from any pro-
9 gram supported, in whole or in part, with
10 funds appropriated under the Student Suc-
11 cess Act; or

12 “(B) that is a school funded or operated
13 by the Department of the Interior.

14 “(8) SCHOOL PERSONNEL.—The term ‘school
15 personnel’ has the meaning—

16 “(A) given the term in section 4151(10);
17 and

18 “(B) given the term ‘school resource offi-
19 cer’ in section 4151(11).

20 “(9) SECLUSION.—The term ‘seclusion’ has the
21 meaning given the term in section 595(d)(4) of the
22 Public Health Service Act (42 U.S.C. 290jj(d)(4)).

23 “(10) STATE-APPROVED CRISIS INTERVENTION
24 TRAINING PROGRAM.—The term ‘State-approved cri-
25 sis intervention training program’ means a training

1 program approved by a State and the Secretary
2 that, at a minimum, provides—

3 “(A) training in evidence-based techniques
4 shown to be effective in the prevention of phys-
5 ical restraint and seclusion;

6 “(B) training in evidence-based techniques
7 shown to be effective in keeping both school
8 personnel and students safe when imposing
9 physical restraint or seclusion;

10 “(C) evidence-based skills training related
11 to positive behavior supports, safe physical es-
12 cort, conflict prevention, understanding ante-
13 cedents, de-escalation, and conflict manage-
14 ment;

15 “(D) training in first aid and
16 cardiopulmonary resuscitation;

17 “(E) information describing State policies
18 and procedures that meet the minimum stand-
19 ards established by regulations promulgated
20 pursuant to section 9702(a); and

21 “(F) certification for school personnel in
22 the techniques and skills described in subpara-
23 graphs (A) through (D), which shall be required
24 to be renewed on a periodic basis.

1 “(11) STUDENT.—The term ‘student’ means a
2 student enrolled in a school defined in paragraph
3 (7), except that in the case of a student enrolled in
4 a private school or private program, such term
5 means a student who receives support in any form
6 from any program supported, in whole or in part,
7 with funds appropriated under the Student Success
8 Act.

9 “(12) TIME OUT.—The term ‘time out’ has the
10 meaning given the term in section 595(d)(5) of the
11 Public Health Service Act (42 U.S.C. 290jj(d)(5)),
12 except that the meaning shall be applied by sub-
13 stituting ‘student’ for ‘resident’.

14 **“SEC. 9702. MINIMUM STANDARDS; RULE OF CONSTRUC-**
15 **TION.**

16 “(a) MINIMUM STANDARDS.—Not later than 180
17 days after the date of the enactment of the Student Suc-
18 cess Act, to ensure a safe learning environment and pro-
19 tect each student from physical or mental abuse, aversive
20 behavioral interventions that compromise student health
21 and safety, or any physical restraint or seclusion imposed
22 solely for purposes of discipline or convenience or in a
23 manner otherwise inconsistent with this part, the Sec-
24 retary shall promulgate regulations establishing the fol-
25 lowing minimum standards:

1 “(1) School personnel shall be prohibited from
2 imposing on any student the following:

3 “(A) Mechanical restraints.

4 “(B) Chemical restraints.

5 “(C) Physical restraint or physical escort
6 that restricts breathing.

7 “(D) Aversive behavioral interventions that
8 compromise health and safety.

9 “(2) School personnel shall be prohibited from
10 imposing physical restraint or seclusion on a student
11 unless—

12 “(A) the student’s behavior poses an immi-
13 nent danger of physical injury to the student,
14 school personnel, or others;

15 “(B) less restrictive interventions would be
16 ineffective in stopping such imminent danger of
17 physical injury;

18 “(C) such physical restraint or seclusion is
19 imposed by school personnel who—

20 “(i) continuously monitor the student
21 face-to-face; or

22 “(ii) if school personnel safety is sig-
23 nificantly compromised by such face-to-face
24 monitoring, are in continuous direct visual
25 contact with the student;

1 “(D) such physical restraint or seclusion is
2 imposed by—

3 “(i) school personnel trained and cer-
4 tified by a State-approved crisis interven-
5 tion training program (as defined in sec-
6 tion 9701(16)); or

7 “(ii) other school personnel in the
8 case of a rare and clearly unavoidable
9 emergency circumstance when school per-
10 sonnel trained and certified as described in
11 clause (i) are not immediately available
12 due to the unforeseeable nature of the
13 emergency circumstance; and

14 “(E) such physical restraint or seclusion
15 ends immediately upon the cessation of the con-
16 ditions described in subparagraphs (A) and (B).

17 “(3) States, in consultation with local edu-
18 cational agencies and private school officials, shall
19 ensure that a sufficient number of personnel are
20 trained and certified by a State-approved crisis
21 intervention training program (as defined in section
22 9701(16)) to meet the needs of the specific student
23 population in each school.

24 “(4) The use of physical restraint or seclusion
25 as a planned intervention shall not be written into

1 a student’s education plan, individual safety plan,
2 behavioral plan, or individualized education program
3 (as defined in section 602 of the Individuals with
4 Disabilities Education Act (20 U.S.C. 1401)). Local
5 educational agencies or schools may establish poli-
6 cies and procedures for use of physical restraint or
7 seclusion in school safety or crisis plans, provided
8 that such school plans are not specific to any indi-
9 vidual student.

10 “(5) Schools shall establish procedures to be
11 followed after each incident involving the imposition
12 of physical restraint or seclusion upon a student, in-
13 cluding—

14 “(A) procedures to provide to the parent of
15 the student, with respect to each such inci-
16 dent—

17 “(i) an immediate verbal or electronic
18 communication on the same day as the in-
19 cident; and

20 “(ii) written notification within 24
21 hours of the incident; and

22 “(B) any other procedures the Secretary
23 determines appropriate.

24 “(b) SECRETARY OF THE INTERIOR.—The Secretary
25 of the Interior shall ensure that schools operated or fund-

1 ed by the Department of the Interior comply with the reg-
2 ulations promulgated by the Secretary under subsection
3 (a).

4 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to authorize the Secretary to pro-
6 mulgate regulations prohibiting the use of—

7 “(1) time out (as defined in section 9701(20));

8 “(2) devices implemented by trained school per-
9 sonnel, or utilized by a student, for the specific and
10 approved therapeutic or safety purposes for which
11 such devices were designed and, if applicable, pre-
12 scribed, including—

13 “(A) restraints for medical immobilization;

14 “(B) adaptive devices or mechanical sup-
15 ports used to achieve proper body position, bal-
16 ance, or alignment to allow greater freedom of
17 mobility than would be possible without the use
18 of such devices or mechanical supports; or

19 “(C) vehicle safety restraints when used as
20 intended during the transport of a student in a
21 moving vehicle; or

22 “(3) handcuffs by school resource officers (as
23 such term is defined in section 4151(11))—

24 “(A) in the—

1 “(i) case when a student’s behavior
2 poses an imminent danger of physical in-
3 jury to the student, school personnel, or
4 others; or

5 “(ii) lawful exercise of law enforce-
6 ment duties; and

7 “(B) less restrictive interventions would be
8 ineffective.

9 **“SEC. 9703. STATE PLAN AND REPORT REQUIREMENTS AND**
10 **ENFORCEMENT.**

11 “(a) STATE PLAN.—Not later than 2 years after the
12 Secretary promulgates regulations pursuant to section
13 9702(a), and each year thereafter, each State educational
14 agency shall submit to the Secretary a State plan that pro-
15 vides—

16 “(1) assurances to the Secretary that the State
17 has in effect—

18 “(A) State policies and procedures that
19 meet the minimum standards, including the
20 standards with respect to State-approved crisis
21 intervention training programs, established by
22 regulations promulgated pursuant to section
23 9702(a); and

24 “(B) a State mechanism to effectively
25 monitor and enforce the minimum standards;

1 “(2) a description of the State policies and pro-
2 cedures, including a description of the State-ap-
3 proved crisis intervention training programs in such
4 State; and

5 “(3) a description of the State plans to ensure
6 school personnel and parents, including private
7 school personnel and parents, are aware of the State
8 policies and procedures.

9 “(b) REPORTING.—

10 “(1) REPORTING REQUIREMENTS.—Not later
11 than 2 years after the date the Secretary promul-
12 gates regulations pursuant to section 9702(a), and
13 each year thereafter, each State educational agency
14 shall (in compliance with the requirements of section
15 444 of the General Education Provisions Act (com-
16 monly known as the ‘Family Educational Rights and
17 Privacy Act of 1974’) (20 U.S.C. 1232g)) prepare
18 and submit to the Secretary, and make available to
19 the public, a report that includes the information de-
20 scribed in paragraph (2), with respect to each local
21 educational agency, and each school not under the
22 jurisdiction of a local educational agency, located in
23 the same State as such State educational agency.

24 “(2) INFORMATION REQUIREMENTS.—

1 “(A) GENERAL INFORMATION REQUIRE-
2 MENTS.—The report described in paragraph (1)
3 shall include information on—

4 “(i) the total number of incidents in
5 the preceding full-academic year in which
6 physical restraint was imposed upon a stu-
7 dent; and

8 “(ii) the total number of incidents in
9 the preceding full-academic year in which
10 seclusion was imposed upon a student.

11 “(B) DISAGGREGATION.—

12 “(i) GENERAL DISAGGREGATION RE-
13 QUIREMENTS.—The information described
14 in subparagraph (A) shall be disaggregated
15 by—

16 “(I) the total number of incidents
17 in which physical restraint or seclu-
18 sion was imposed upon a student—

19 “(aa) that resulted in injury;

20 “(bb) that resulted in death;

21 and

22 “(cc) in which the school
23 personnel imposing physical re-
24 straint or seclusion were not

1 trained and certified as described
2 in section 9702(a)(2)(D)(i); and

3 “(II) the demographic character-
4 istics of all students upon whom phys-
5 ical restraint or seclusion was im-
6 posed, including—

7 “(aa) the categories identi-
8 fied in section 1111(h)(1)(C)(i);

9 “(bb) age; and

10 “(cc) disability status (which
11 has the meaning given the term
12 ‘individual with a disability’ in
13 section 7(20) of the Rehabilita-
14 tion Act of 1973 (29 U.S.C.
15 705(20))).

16 “(ii) UNDUPLICATED COUNT; EXCEP-
17 TION.—The disaggregation required under
18 clause (i) shall—

19 “(I) be carried out in a manner
20 to ensure an unduplicated count of
21 the—

22 “(aa) total number of inci-
23 dents in the preceding full-aca-
24 demic year in which physical re-

1 strait was imposed upon a stu-
2 dent; and

3 “(bb) total number of inci-
4 dents in the preceding full-aca-
5 demic year in which seclusion
6 was imposed upon a student; and

7 “(II) not be required in a case in
8 which the number of students in a
9 category would reveal personally iden-
10 tifiable information about an indi-
11 vidual student.

12 “(c) ENFORCEMENT.—

13 “(1) IN GENERAL.—

14 “(A) USE OF REMEDIES.—If a State edu-
15 cational agency fails to comply with subsection
16 (a) or (b), the Secretary shall—

17 “(i) withhold, in whole or in part, fur-
18 ther payments under an applicable pro-
19 gram (as such term is defined in section
20 400(e) of the General Education Provi-
21 sions Act (20 U.S.C. 1221)) in accordance
22 with section 455 of such Act (20 U.S.C.
23 1234d);

24 “(ii) require a State educational agen-
25 cy to submit, and implement, within 1 year

1 of such failure to comply, a corrective plan
2 of action, which may include redirection of
3 funds received under an applicable pro-
4 gram; or

5 “(iii) issue a complaint to compel
6 compliance of the State educational agency
7 through a cease and desist order, in the
8 same manner the Secretary is authorized
9 to take such action under section 456 of
10 the General Education Provisions Act (20
11 U.S.C. 1234e).

12 “(B) CESSATION OF WITHHOLDING OF
13 FUNDS.—Whenever the Secretary determines
14 (whether by certification or other appropriate
15 evidence) that a State educational agency who
16 is subject to the withholding of payments under
17 subparagraph (A)(i) has cured the failure pro-
18 viding the basis for the withholding of pay-
19 ments, the Secretary shall cease the withholding
20 of payments with respect to the State edu-
21 cational agency under such subparagraph.

22 “(2) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed to limit the Sec-
24 retary’s authority under the General Education Pro-
25 visions Act (20 U.S.C. 1221 et seq.).

1 **“SEC. 9704. GRANT AUTHORITY.**

2 “(a) IN GENERAL.—From the amount appropriated
3 under section 922, the Secretary may award grants to
4 State educational agencies to assist the agencies in—

5 “(1) establishing, implementing, and enforcing
6 the policies and procedures to meet the minimum
7 standards established by regulations promulgated by
8 the Secretary pursuant to section 9702(a);

9 “(2) improving State and local capacity to col-
10 lect and analyze data related to physical restraint
11 and seclusion; and

12 “(3) improving school climate and culture by
13 implementing school-wide positive behavior support
14 approaches.

15 “(b) DURATION OF GRANT.—A grant under this sec-
16 tion shall be awarded to a State educational agency for
17 a 3-year period.

18 “(c) APPLICATION.—Each State educational agency
19 desiring a grant under this section shall submit an appli-
20 cation to the Secretary at such time, in such manner, and
21 accompanied by such information as the Secretary may
22 require, including information on how the State edu-
23 cational agency will target resources to schools and local
24 educational agencies in need of assistance related to pre-
25 venting and reducing physical restraint and seclusion.

26 “(d) AUTHORITY TO MAKE SUBGRANTS.—

1 “(1) IN GENERAL.—A State educational agency
2 receiving a grant under this section may use such
3 grant funds to award subgrants, on a competitive
4 basis, to local educational agencies.

5 “(2) APPLICATION.—A local educational agency
6 desiring to receive a subgrant under this section
7 shall submit an application to the applicable State
8 educational agency at such time, in such manner,
9 and containing such information as the State edu-
10 cational agency may require.

11 “(e) PRIVATE SCHOOL PARTICIPATION.—

12 “(1) IN GENERAL.—A local educational agency
13 receiving subgrant funds under this section shall,
14 after timely and meaningful consultation with appro-
15 priate private school officials, ensure that private
16 school personnel can participate, on an equitable
17 basis, in activities supported by grant or subgrant
18 funds.

19 “(2) PUBLIC CONTROL OF FUNDS.—The control
20 of funds provided under this section, and title to ma-
21 terials, equipment, and property purchased with
22 such funds, shall be in a public agency, and a public
23 agency shall administer such funds, materials, equip-
24 ment, and property.

1 “(f) REQUIRED ACTIVITIES.—A State educational
2 agency receiving a grant, or a local educational agency re-
3 ceiving a subgrant, under this section shall use such grant
4 or subgrant funds to carry out the following:

5 “(1) Researching, developing, implementing,
6 and evaluating strategies, policies, and procedures to
7 prevent and reduce physical restraint and seclusion
8 in schools, consistent with the minimum standards
9 established by regulations promulgated by the Sec-
10 retary pursuant to section 9702(a).

11 “(2) Providing professional development, train-
12 ing, and certification for school personnel to meet
13 such standards.

14 “(3) Carrying out the reporting requirements
15 under section 9703(b) and analyzing the information
16 included in a report prepared under such section to
17 identify student, school personnel, and school needs
18 related to use of physical restraint and seclusion.

19 “(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In ad-
20 dition to the required activities described in subsection (f),
21 a State educational agency receiving a grant, or a local
22 educational agency receiving a subgrant, under this sec-
23 tion may use such grant or subgrant funds for one or more
24 of the following:

1 “(1) Developing and implementing high-quality
2 professional development and training programs to
3 implement evidence-based systematic approaches to
4 school-wide positive behavior supports, including im-
5 proving coaching, facilitation, and training capacity
6 for administrators, teachers, specialized instructional
7 support personnel, and other staff.

8 “(2) Providing technical assistance to develop
9 and implement evidence-based systematic approaches
10 to school-wide positive behavior supports, including
11 technical assistance for data-driven decisionmaking
12 related to behavioral supports and interventions in
13 the classroom.

14 “(3) Researching, evaluating, and disseminating
15 high-quality evidence-based programs and activities
16 that implement school-wide positive behavior sup-
17 ports with fidelity.

18 “(4) Supporting other local positive behavior
19 support implementation activities consistent with
20 this subsection.

21 “(h) EVALUATION AND REPORT.—Each State edu-
22 cational agency receiving a grant under this section shall,
23 at the end of the 3-year grant period for such grant—

24 “(1) evaluate the State’s progress toward the
25 prevention and reduction of physical restraint and

1 seclusion in the schools located in the State, con-
2 sistent with the minimum standards established by
3 regulations promulgated by the Secretary pursuant
4 to section 9702(a); and

5 “(2) submit to the Secretary a report on such
6 progress.

7 “(i) DEPARTMENT OF THE INTERIOR.—From the
8 amount appropriated under section 9708, the Secretary
9 may allocate funds to the Secretary of the Interior for ac-
10 tivities under this section with respect to schools operated
11 or funded by the Department of the Interior, under such
12 terms as the Secretary of Education may prescribe.

13 **“SEC. 9705. NATIONAL ASSESSMENT.**

14 “(a) NATIONAL ASSESSMENT.—The Secretary shall
15 carry out a national assessment to determine the effective-
16 ness of this part, which shall include—

17 “(1) analyzing data related to physical restraint
18 and seclusion incidents;

19 “(2) analyzing the effectiveness of Federal,
20 State, and local efforts to prevent and reduce the
21 number of physical restraint and seclusion incidents
22 in schools;

23 “(3) identifying the types of programs and serv-
24 ices that have demonstrated the greatest effective-

1 ness in preventing and reducing the number of phys-
2 ical restraint and seclusion incidents in schools; and

3 “(4) identifying evidence-based personnel train-
4 ing models with demonstrated success in preventing
5 and reducing the number of physical restraint and
6 seclusion incidents in schools, including models that
7 emphasize positive behavior supports and de-escala-
8 tion techniques over physical intervention.

9 “(b) REPORT.—The Secretary shall submit to the
10 Committee on Education and the Workforce of the House
11 of Representatives and the Committee on Health, Edu-
12 cation, Labor, and Pensions of the Senate—

13 “(1) not later than 3 years after the date of en-
14 actment of the Student Success Act, an interim re-
15 port that summarizes the preliminary findings of the
16 assessment described in subsection (a); and

17 “(2) not later than 5 years after the date of the
18 enactment of the Student Success Act, a final report
19 of the findings of the assessment.

20 **“SEC. 9706. PROTECTION AND ADVOCACY SYSTEMS.**

21 “Protection and Advocacy Systems shall have the au-
22 thority provided under section 143 of the Developmental
23 Disabilities Assistance and Bill of Rights Act of 2000 (42
24 U.S.C. 15043) to investigate, monitor, and enforce protec-
25 tions provided for students under this part.

1 **“SEC. 9707. LIMITATION OF AUTHORITY.**

2 “(a) IN GENERAL.—Nothing in this part shall be
3 construed to restrict or limit, or allow the Secretary to
4 restrict or limit, any other rights or remedies otherwise
5 available to students or parents under Federal or State
6 law or regulation.

7 “(b) APPLICABILITY.—

8 “(1) PRIVATE SCHOOLS.—Nothing in this part
9 shall be construed to affect any private school that
10 does not receive, or does not serve students who re-
11 ceive, support in any form from any program sup-
12 ported, in whole or in part, with funds appropriated
13 to the Department of Education.

14 “(2) HOME SCHOOLS.—Nothing in this part
15 shall be construed to—

16 “(A) affect a home school, whether or not
17 a home school is treated as a private school or
18 home school under State law; or

19 “(B) consider parents who are schooling a
20 child at home as school personnel.

21 **“SEC. 9708. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated such sums
23 as may be necessary to carry out this part for fiscal year
24 2016 and each of the 4 succeeding fiscal years.

1 **“SEC. 9709. PRESUMPTION OF CONGRESS RELATING TO**
2 **COMPETITIVE PROCEDURES.**

3 “(a) PRESUMPTION.—It is the presumption of Con-
4 gress that grants awarded under this part will be awarded
5 using competitive procedures based on merit.

6 “(b) REPORT TO CONGRESS.—If grants are awarded
7 under this part using procedures other than competitive
8 procedures, the Secretary shall submit to Congress a re-
9 port explaining why competitive procedures were not
10 used.”.

11 **Subtitle D—Protecting Student**
12 **Athletes From Concussions**

13 **SEC. 931. PROTECTING STUDENT ATHLETES FROM CON-**
14 **CUSSIONS.**

15 Title IX (20 U.S.C. 7801 et seq.) is further amended
16 by adding at the end the following:

17 **“PART H—PROTECTING STUDENT ATHLETES**
18 **FROM CONCUSSIONS**

19 **“SEC. 9801. MINIMUM STATE REQUIREMENTS.**

20 “Beginning with fiscal year 2016, in order to be eligi-
21 ble to receive funds for such year or a subsequent fiscal
22 year under this Act each State educational agency shall
23 issue regulations establishing the following minimum re-
24 quirements in order to protect student academic achieve-
25 ment from the impact of concussions:

1 “(1) LOCAL EDUCATIONAL AGENCY CONCUS-
2 SION SAFETY AND MANAGEMENT PLAN.—Each local
3 educational agency in the State, in consultation with
4 members of the community in which such agency is
5 located, shall develop and implement a standard plan
6 for concussion safety and management that in-
7 cludes—

8 “(A) the education of students, parents,
9 and school personnel about concussions, such
10 as—

11 “(i) the training and certification of
12 school personnel, including coaches, ath-
13 letic trainers, and school nurses, on con-
14 cussion safety and management; and

15 “(ii) using and maintaining standard-
16 ized release forms, treatment plans, obser-
17 vation, monitoring and reporting forms,
18 recordkeeping forms, and post-injury fact
19 sheets;

20 “(B) supports for students recovering from
21 a concussion, such as—

22 “(i) guiding such student in resuming
23 participation in athletic activity and aca-
24 demic activities with the help of a multi-
25 disciplinary team, which may include—

1 “(I) a health care professional,
2 the parents of such student, a school
3 nurse, or other relevant school per-
4 sonnel; and

5 “(II) an individual who is as-
6 signed by a public school to oversee
7 and manage the recovery of such stu-
8 dent;

9 “(ii) providing appropriate academic
10 accommodations; and

11 “(iii) referring students whose symp-
12 toms of concussion reemerge or persist
13 upon the reintroduction of cognitive and
14 physical demands for evaluation of the eli-
15 gibility of such students for services under
16 the Individual with Disabilities Education
17 Act (20 U.S.C. 1400 et seq.) and the Re-
18 habilitation Act of 1973 (29 U.S.C. 701
19 note et seq.); and

20 “(C) best practices designed to ensure,
21 with respect to concussions, the uniformity of
22 safety standards, treatment, and management,
23 such as—

1 “(i) disseminating information on con-
2 cussion management safety and manage-
3 ment to the public; and

4 “(ii) applying uniform standards for
5 concussion safety and management to all
6 students enrolled in public schools.

7 “(2) POSTING OF INFORMATION ON CONCUS-
8 SIONS.—Each public elementary school and each
9 secondary school shall post on school grounds, in a
10 manner that is visible to students and school per-
11 sonnel, and make publicly available on the school
12 website, information on concussions that—

13 “(A) is based on peer-reviewed scientific
14 evidence (such as information made available by
15 the Centers for Disease Control and Preven-
16 tion);

17 “(B) shall include—

18 “(i) the risks posed by sustaining a
19 concussion;

20 “(ii) the actions a student should take
21 in response to sustaining a concussion, in-
22 cluding the notification of school personnel;
23 and

24 “(iii) the signs and symptoms of a
25 concussion; and

1 “(C) may include—

2 “(i) the definition of a concussion;

3 “(ii) the means available to the stu-
4 dent to reduce the incidence or recurrence
5 of a concussion; and

6 “(iii) the effects of a concussion on
7 academic learning and performance.

8 “(3) RESPONSE TO CONCUSSION.—If any school
9 personnel, including coaches and athletic trainers, of
10 a public school suspects that a student has sustained
11 a concussion during a school-sponsored athletic ac-
12 tivity—

13 “(A) the student shall be—

14 “(i) immediately removed from par-
15 ticipation in such activity; and

16 “(ii) prohibited from returning to par-
17 ticipate in school-sponsored athletic activi-
18 ties—

19 “(I) on the day such student sus-
20 tained a concussion; and

21 “(II) until such student submits
22 a written release from a health care
23 professional stating that the student
24 is capable of resuming participation in

1 school-sponsored athletic activities;
2 and

3 “(B) such personnel shall report to the
4 parent or guardian of such student—

5 “(i) the date, time, and extent of the
6 injury suffered by such student; and

7 “(ii) any actions taken to treat such
8 student.

9 “(4) RETURN TO ATHLETICS AND AKA-
10 DEMICS.—Before a student who has sustained a con-
11 cussion in a school-sponsored athletic activity re-
12 sumes participation in school-sponsored athletic ac-
13 tivities or academic activities, the school shall receive
14 a written release from a health care professional,
15 that—

16 “(A) states that the student is capable of
17 resuming participation in such activities; and

18 “(B) may require the student to follow a
19 plan designed to aid the student in recovering
20 and resuming participation in such activities in
21 a manner that—

22 “(i) is coordinated, as appropriate,
23 with periods of cognitive and physical rest
24 while symptoms of a concussion persist;
25 and

1 “(ii) reintroduces cognitive and phys-
2 ical demands on such student on a pro-
3 gressive basis only as such increases in ex-
4 ertion do not cause the reemergence or
5 worsening of symptoms of a concussion.

6 **“SEC. 9802. REPORT TO SECRETARY OF EDUCATION.**

7 “Not later than 6 months after promulgating regula-
8 tions pursuant to section 9801 in order to be eligible to
9 receive funds under this Act, each State educational agen-
10 cy shall submit to the Secretary of Education a report that
11 contains—

12 “(1) a description of the State regulations pro-
13 mulgated pursuant to section 9801; and

14 “(2) an assurance that the State has imple-
15 mented such regulations.

16 **“SEC. 9803. RULE OF CONSTRUCTION.**

17 “Nothing in this subtitle shall be construed to alter
18 or supersede State law with respect to education standards
19 or procedures or civil liability.

20 **“SEC. 9804. DEFINITIONS.**

21 “In this subtitle:

22 “(1) **CONCUSSION.**—The term ‘concussion’
23 means a type of traumatic brain injury that—

1 “(A) is caused by a blow, jolt, or motion
2 to the head or body that causes the brain to
3 move rapidly in the skull;

4 “(B) disrupts normal brain functioning
5 and alters the mental state of the individual,
6 causing the individual to experience—

7 “(i) any period of observed or self-re-
8 ported —

9 “(I) transient confusion, dis-
10 orientation, or impaired consciousness;

11 “(II) dysfunction of memory
12 around the time of injury; and

13 “(III) loss of consciousness last-
14 ing less than 30 minutes;

15 “(ii) any one of four types of symp-
16 toms of a headache, including—

17 “(I) physical symptoms, such as
18 headache, fatigue, or dizziness;

19 “(II) cognitive symptoms, such
20 as memory disturbance or slowed
21 thinking;

22 “(III) emotional symptoms, such
23 as irritability or sadness; and

24 “(IV) difficulty sleeping; and

25 “(C) can occur—

1 “(i) with or without the loss of con-
2 sciousness; and

3 “(ii) during participation in any orga-
4 nized sport or recreational activity.

5 “(2) HEALTH CARE PROFESSIONAL.—The term
6 ‘health care professional’ means a physician, nurse,
7 certified athletic trainer, physical therapist,
8 neuropsychologist or other qualified individual
9 who—

10 “(A) is a registered, licensed, certified, or
11 otherwise statutorily recognized by the State to
12 provide medical treatment;

13 “(B) is experienced in the diagnosis and
14 management of traumatic brain injury among a
15 pediatric population; and

16 “(C) may be a volunteer.

17 “(3) SCHOOL PERSONNEL.—The term ‘school
18 personnel’ has the meaning given such term in sec-
19 tion 4151.

20 “(4) SCHOOL-SPONSORED ATHLETIC ACTIV-
21 ITY.—The term ‘school-sponsored athletic activity’
22 means—

23 “(A) any physical education class or pro-
24 gram of a school;

1 “(B) any athletic activity authorized dur-
2 ing the school day on school grounds that is not
3 an instructional activity; and

4 “(C) any extracurricular sports team, club,
5 or league organized by a school on or off school
6 grounds.”.

7 **TITLE X—EDUCATION FOR**
8 **HOMELESS CHILDREN AND**
9 **YOUTHS**

10 **SEC. 1001. EDUCATION FOR HOMELESS CHILDREN AND**
11 **YOUTHS.**

12 Subtitle B of title VII of the McKinney-Vento Home-
13 less Assistance Act is amended to read as follows:

14 **“Subtitle B—Education for**
15 **Homeless Children and Youths**

16 **“SEC. 721. STATEMENT OF POLICY.**

17 “The following is the policy of Congress:

18 “(1) Each State educational agency shall en-
19 sure that each homeless child and youth has access
20 to the same free, appropriate public education, in-
21 cluding a public preschool education, as provided to
22 other children and youth.

23 “(2) In any State where compulsory residency
24 requirements or other requirements of laws, regula-
25 tions, practices, or policies may act as a barrier to

1 the identification, enrollment, attendance, or success
2 in school of homeless children and youth, the State
3 shall review and revise such laws, regulations, prac-
4 tices, or policies to ensure that homeless children
5 and youth are afforded the same free appropriate
6 public education as is provided to other children and
7 youth.

8 “(3) Homelessness is not a sufficient reason to
9 separate students from the mainstream school envi-
10 ronment.

11 “(4) Homeless children and youth shall have
12 access to the education and other services that such
13 children and youth need to ensure that such children
14 and youth have an opportunity to meet the same col-
15 lege and career ready State student academic
16 achievement standards to which all students are
17 held.

18 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
19 **THE EDUCATION OF HOMELESS CHILDREN**
20 **AND YOUTHS.**

21 “(a) GENERAL AUTHORITY.—The Secretary is au-
22 thorized to make grants to States from allotments made
23 under subsection (c) and in accordance with this section
24 to enable such States to carry out the activities described
25 in subsections (d) through (g).

1 “(b) APPLICATION.—In order for a State to be eligi-
2 ble to receive a grant under this section, the State edu-
3 cational agency, in consultation with other relevant State
4 agencies, shall submit an application to the Secretary at
5 such time, in such manner, and containing or accompanied
6 by such information as the Secretary may reasonably re-
7 quire.

8 “(c) ALLOCATION AND RESERVATIONS.—

9 “(1) ALLOCATION.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (C), the Secretary is authorized to allot
12 to each State an amount that bears the same
13 ratio to the amount appropriated for such year
14 under section 727 that remains after the Sec-
15 retary reserves funds under paragraph (2) and
16 uses funds to carry out section 724(d) and (h),
17 as the amount allocated under section 1122 of
18 the Elementary and Secondary Education Act
19 of 1965 (20 U.S.C. 6332) to the State for that
20 year bears to the total amount allocated under
21 section 1122 of such Act to all States for that
22 year, except as provided in subparagraph (B)—

23 “(B) MINIMUM ALLOTMENTS.—No State
24 shall receive for a fiscal year less under this
25 paragraph than the greater of—

1 “(i) \$300,000; or

2 “(ii) an amount that bears the same
3 ratio to the amount appropriated for such
4 year under section 727 that remains after
5 the Secretary reserves funds under para-
6 graph (2) and uses funds to carry out sec-
7 tion 724 (d) and (h), as the amount the
8 State received under this paragraph for the
9 preceding fiscal year bears to the total
10 amount received by all States under this
11 paragraph for the preceding fiscal year.

12 “(C) REDUCTION FOR INSUFFICIENT
13 FUNDS.—If there are insufficient funds in a fis-
14 cal year to allot to each State the minimum
15 amount under subparagraph (B), the Secretary
16 shall ratably reduce the allotments to all States
17 based on the proportionate share that each
18 State received under this subsection for the pre-
19 ceding fiscal year.

20 “(2) RESERVATIONS.—

21 “(A) STUDENTS IN TERRITORIES.—The
22 Secretary is authorized to reserve 0.1 percent of
23 the amount appropriated for each fiscal year
24 under section 727 to be allocated by the Sec-
25 retary among the United States Virgin Islands,

1 Guam, American Samoa, and the Common-
2 wealth of the Northern Mariana Islands, ac-
3 cording to their respective need for assistance
4 under this title, as determined by the Secretary.
5 Funds allocated under this subparagraph shall
6 be used for programs that are consistent with
7 the purposes of the programs described in this
8 subtitle.

9 “(B) INDIAN STUDENTS.—

10 “(i) TRANSFER.—The Secretary shall
11 transfer 1 percent of the amount appro-
12 priated for each fiscal year under section
13 727 to the Department of the Interior for
14 programs that are for Indian students
15 served by schools funded by the Secretary
16 of the Interior, as determined under the
17 Indian Self-Determination and Education
18 Assistance Act (25 U.S.C. 450 et seq.),
19 and that are consistent with the purposes
20 of the programs described in this title.

21 “(ii) AGREEMENT.—The Secretary of
22 Education and the Secretary of the Inte-
23 rior shall enter into an agreement, con-
24 sistent with the requirements of this title,
25 for the distribution and use of the funds

1 described in clause (i) under terms that
2 the Secretary of Education determines best
3 meet the purposes of the programs de-
4 scribed in this title. Such agreement shall
5 set forth the plans of the Secretary of the
6 Interior for the use of the funds trans-
7 ferred, including appropriate goals, objec-
8 tives, and milestones for that use.

9 “(d) STATE ACTIVITIES.—Grant funds from a grant
10 made to a State under this section shall be used for the
11 following:

12 “(1) To provide activities for and services to
13 improve the identification of homeless children and
14 youth and enable such children and youth to enroll
15 in, attend, and succeed in school, including in early
16 childhood education programs.

17 “(2) To establish or designate an Office of the
18 Coordinator for Education of Homeless Children and
19 Youth in the State educational agency in accordance
20 with subsection (f) that has sufficient knowledge,
21 authority, and time to carry out the duties described
22 in this title.

23 “(3) To prepare and carry out the State plan
24 described in subsection (g).

1 “(4) To develop and implement professional de-
2 velopment activities for liaisons designated under
3 subsection (g)(1)(J)(ii), other local educational agen-
4 cy school personnel, and community agencies to im-
5 prove their—

6 “(A) identification of homeless children
7 and youth; and

8 “(B) awareness of, and capacity to respond
9 to, specific needs in the education of homeless
10 children and youth.

11 “(e) STATE AND LOCAL SUBGRANTS.—

12 “(1) MINIMUM DISBURSEMENTS BY STATES.—

13 From the grant funds made available each year to
14 a State under subsection (a) to carry out this title,
15 the State educational agency shall distribute not less
16 than 75 percent by making subgrants under section
17 723 to local educational agencies for the purposes of
18 carrying out section 723.

19 “(2) USE BY STATE EDUCATIONAL AGENCY.—

20 A State educational agency may use any grant funds
21 remaining after making subgrants under section 723
22 to conduct activities under subsection (f) directly or
23 through making grants or entering into contracts.

24 “(3) PROHIBITION ON SEGREGATING HOMELESS
25 STUDENTS.—In providing a free public education to

1 a homeless child or youth, no State receiving funds
2 under this title shall segregate such child or youth
3 in a separate school, or in a separate program within
4 a school, based on such child's or youth's status as
5 homeless.

6 “(A) EXCEPTION.—Notwithstanding para-
7 graph (3), paragraphs (1)(J)(i) and (3) of sub-
8 section (g), section 723(a)(2), and any other
9 provision of this title relating to the placement
10 of homeless children or youths in schools, a
11 State that has a separate school for homeless
12 children or youths that was operated and in re-
13 ceipt of funds under this title in fiscal year
14 2015 in a covered county shall be eligible to re-
15 ceive funds under this title for programs carried
16 out in such school.

17 “(B) DEFINITION.—For purposes of this
18 paragraph, the term ‘covered county’ means
19 San Diego County, California.

20 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
21 NATOR.—The Coordinator for Education of Homeless
22 Children and Youth established in each State shall—

23 “(1) gather and make publicly available reliable,
24 valid, and comprehensive information on

1 “(A) the nature and extent of the problems
2 homeless children and youth have in gaining ac-
3 cess to public preschool programs, and to public
4 elementary schools and secondary schools;

5 “(B) the difficulties in identifying the spe-
6 cial needs and barriers to participation and
7 achievement of such children and youth;

8 “(C) any progress made by the State edu-
9 cational agency and local educational agencies
10 in the State in addressing such problems and
11 difficulties; and

12 “(D) the success of the programs under
13 this title in identifying homeless children and
14 youth and allowing homeless children and youth
15 to enroll in, attend, and succeed in school; and

16 “(2) develop and carry out the State plan de-
17 scribed in subsection (g);

18 “(3) collect data for and transmit to the Sec-
19 retary, at such time and in such manner as the Sec-
20 retary may require, reports containing such informa-
21 tion as the Secretary determines is necessary to as-
22 sess the educational needs of homeless children and
23 youth within the State including data requested pur-
24 suant to section 724(h);

1 “(4) improve the provision of comprehensive
2 education and related support services to homeless
3 children and youth and their families, and to mini-
4 mize educational disruption, through coordination of
5 activities and collaboration with—

6 “(A) educators, including teachers, admin-
7 istrators, specialized instructional support per-
8 sonnel, and child development and preschool
9 program personnel;

10 “(B) providers of services to homeless chil-
11 dren and youth and homeless families, public
12 and private child welfare and social service
13 agencies, law enforcement agencies, juvenile and
14 family courts, agencies providing mental health
15 services, domestic violence agencies, child care
16 providers, runaway and homeless youth centers,
17 and providers of services and programs funded
18 under the Runaway and Homeless Youth Act
19 (42 U.S.C. 5701 et seq.);

20 “(C) providers of emergency, transitional,
21 and permanent housing to homeless children
22 and youth, and their families, including public
23 housing agencies, shelter operators, operators of
24 transitional housing facilities, and providers of
25 transitional living programs for homeless youth;

1 “(D) local educational agency liaisons des-
2 gnated under subsection (g)(1)(J)(ii) for home-
3 less children and youths; and

4 “(E) community organizations and groups
5 representing homeless children and youth and
6 their families; and

7 “(5) provide professional development and tech-
8 nical assistance to and conduct monitoring of local
9 educational agencies, in coordination with local edu-
10 cational agency liaisons designated under subsection
11 (g)(1)(J)(ii), to ensure that local educational agen-
12 cies comply with the requirements of paragraphs (3)
13 through (8) of subsection (g), and subsection (e)(3);
14 and

15 “(g) STATE PLAN.—

16 “(1) IN GENERAL.—Each State shall submit to
17 the Secretary and implement a plan to provide for
18 the education of homeless children and youth within
19 the State. Such plan shall include the following:

20 “(A) A description of how such children
21 and youth are (or will be) given the opportunity

22 “(i) to meet the same challenging
23 State academic achievement standards all
24 students are expected to meet; and

1 “(ii) to become college and career
2 ready.

3 “(B) A description of the procedures the
4 State educational agency will use, in coordina-
5 tion with local educational agencies, to identify
6 such children and youths in the State and to
7 assess their needs.

8 “(C) A description of procedures for the
9 prompt resolution of disputes arising under this
10 title, which shall—

11 “(i) be developed in coordination and
12 collaboration with the liaisons designated
13 under subparagraph (J)(ii);

14 “(ii) be readily available and provided
15 in a written format and, to the extent
16 practicable, in a manner and form under-
17 standable to the parents and guardians of
18 homeless children and youth;

19 “(iii) take into account the edu-
20 cational best interest of the homeless child
21 or youth, or unaccompanied youth, in-
22 volved; and

23 “(iv) ensure that parents and guard-
24 ians of homeless children and youth, and
25 unaccompanied youth, who have exhausted

1 the procedures available under this para-
2 graph are able to appeal to the State edu-
3 cational agency, and are enrolled in school
4 pursuant to paragraph (4)(C) and receive
5 transportation pursuant to subparagraph
6 (J)(iii) pending final resolution of the dis-
7 pute.

8 “(D) A description of programs for school
9 personnel (including the liaisons, principals, at-
10 tendance officers, teachers, enrollment per-
11 sonnel, and specialized instructional support
12 personnel) to increase the awareness of such
13 personnel of the specific needs of homeless ado-
14 lescents, including runaway and homeless
15 youth.

16 “(E) A description of procedures that en-
17 sure that homeless children and youth are able
18 to participate in Federal, State, or local nutri-
19 tion programs.

20 “(F) A description of procedures that en-
21 sure that—

22 “(i) homeless children have access to
23 public preschool programs, administered by
24 the State educational agency or local edu-
25 cational agency, including through the poli-

1 cies and practices required under para-
2 graph (3);

3 “(ii) homeless youths and youth sepa-
4 rated from the public schools, are identi-
5 fied and accorded equal access to appro-
6 priate and available secondary education
7 and support services, including receiving
8 appropriate credit for full or partial
9 coursework satisfactorily completed while
10 attending a prior school, and for work
11 completed after their enrollment in a new
12 school, consistent with State graduation re-
13 quirements and accreditation standards;
14 and

15 “(iii) homeless children and youth
16 who meet the relevant eligibility criteria
17 are able to participate in Federal, State, or
18 local educational programs, such as

19 “(I) innovative school models, in-
20 cluding charter schools, magnet
21 schools, and blended learning schools;

22 “(II) expanded learning time and
23 out-of-school time programs, including
24 before- and after-school programs and
25 summer schools;

1 “(III) middle and secondary
2 school enrichment programs, including
3 career and technical education, ad-
4 vanced placement, international bacca-
5 laureate, and dual enrollment courses;

6 “(IV) online learning opportuni-
7 ties, including virtual schools; and

8 “(V) relevant workforce invest-
9 ment programs.

10 “(G) Strategies to address problems identi-
11 fied in the reports provided to the Secretary
12 under subsection (f)(3).

13 “(H) Strategies to address other problems
14 with respect to the education of homeless chil-
15 dren and youth, including enrollment problems
16 related to—

17 “(i) immunization and other required
18 health records and screenings;

19 “(ii) residency requirements;

20 “(iii) lack of birth certificates, school
21 records, or other documentation;

22 “(iv) guardianship issues; or

23 “(v) uniform or dress code require-
24 ments.

1 “(I) A demonstration that the State edu-
2 cational agency and local educational agencies
3 and schools in the State have developed, and
4 shall review and revise, their policies and prac-
5 tices to remove barriers to the identification,
6 enrollment, attendance, retention, and success
7 of homeless children and youth in schools, in-
8 cluding early childhood education programs, in
9 the State.

10 “(J) Assurances that the following will be
11 carried out—

12 “(i) the State educational agency and
13 local educational agencies in the State will
14 adopt policies and practices to ensure that
15 homeless children and youth are not stig-
16 matized or segregated on the basis of their
17 status as homeless;

18 “(ii) local educational agencies will
19 designate an appropriate staff person as
20 the local educational agency liaison for
21 homeless children and youth, who shall
22 have sufficient training and time to carry
23 out the duties described in paragraph
24 (7)(A), and who may also be a coordinator
25 for other Federal programs.

1 “(iii) the State and local educational
2 agencies in the State will adopt policies
3 and practices to ensure that transportation
4 is provided at the request of the parent or
5 guardian involved (or in the case of an un-
6 accompanied youth, the liaison), to and
7 from the school of origin for as long as the
8 student has the right to attend the school
9 of origin as determined in paragraph
10 (4)(A), in accordance with the following,
11 where applicable:

12 “(I) If the child or youth con-
13 tinues to live in the area served by the
14 local educational agency for the school
15 of origin, the child’s or youth’s trans-
16 portation to and from the school of
17 origin shall be provided or arranged
18 by the local educational agency for the
19 school of origin.

20 “(II) If the child’s or youth’s liv-
21 ing arrangements in the area served
22 by the local educational agency of ori-
23 gin terminate and the child or youth,
24 though continuing the child’s or
25 youth’s education in the school of ori-

1 gin, begins living in an area served by
2 another local educational agency, the
3 local educational agency of origin and
4 the local educational agency for the
5 area in which the child or youth is liv-
6 ing shall agree upon a method to ap-
7 portion the responsibility and cost for
8 providing transportation to and from
9 the school of origin. If the local edu-
10 cational agencies are unable to agree
11 upon such method, the responsibility
12 and costs for transportation shall be
13 shared equally between the agencies.

14 “(iv) The State educational agency
15 and local educational agencies will adopt
16 policies and practices to promote school
17 success for homeless children and youth,
18 including access to full participation in
19 academic and extracurricular activities that
20 are made available to non-homeless stu-
21 dents.

22 “(2) COMPLIANCE.—

23 “(A) IN GENERAL.—Each plan adopted
24 under this subsection shall also describe how
25 the State will ensure that local educational

1 agencies in the State will comply with the re-
2 quirements of paragraphs (3) through (8).

3 “(B) COORDINATION.—Such plan shall in-
4 dicate what technical assistance the State will
5 furnish to local educational agencies and how
6 compliance efforts will be coordinated with the
7 local educational agency liaisons designated
8 under paragraph (1)(J)(ii).

9 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
10 MENTS.—

11 “(A) IN GENERAL.—The local educational
12 agency serving each child or youth to be as-
13 sisted under this title shall, according to the
14 child’s or youth’s best interest—

15 “(i) continue the child’s or youth’s
16 education in the school of origin for the
17 duration of homelessness—

18 “(I) in any case in which the
19 child or youth becomes a homeless
20 child or youth between academic years
21 or during an academic year; or

22 “(II) for the remainder of the
23 academic year, if the child or youth
24 becomes permanently housed during
25 an academic year; or

1 “(ii) enroll the child or youth in any
2 public school that nonhomeless students
3 who live in the attendance area in which
4 the child or youth is actually living are eli-
5 gible to attend.

6 “(B) BEST INTEREST.—In determining the
7 best interest of the child or youth under sub-
8 paragraph (A), the local educational agency
9 shall—

10 “(i) presume that keeping a homeless
11 child or youth in the school of origin is in
12 the child’s or youth’s best interest, except
13 when doing so is contrary to the wishes of
14 the child’s or youth’s parent or guardian;

15 “(ii) consider student-centered factors
16 related to the child’s or youth’s best inter-
17 est, including factors related to the impact
18 of mobility on achievement, education,
19 health, and safety of homeless children and
20 youth, giving priority to the wishes of the
21 homeless child’s or youth’s parent or
22 guardian or the unaccompanied youth in-
23 volved;

24 “(iii) if, after conducting the best in-
25 terest determination described in clause

1 (ii), the local educational agency deter-
2 mines that it is not in the child's or
3 youth's best interest to attend the school
4 or origin or the school requested by the
5 parent, guardian, or unaccompanied youth,
6 provide, in coordination with the local edu-
7 cational agency liaison, the homeless
8 child's or youth's parent or guardian or
9 the unaccompanied youth, with a written
10 explanation in a manner or form under-
11 standable to such parent, guardian, or
12 youth, to the extent practicable, including
13 a statement regarding the right to appeal
14 under subparagraph (E);

15 “(iv) in the case of an unaccompanied
16 youth, ensure that the homeless liaison
17 designated under paragraph (1)(J)(ii) as-
18 sists in placement or enrollment decisions
19 under this subparagraph, gives priority to
20 the views of such unaccompanied youth,
21 and provides notice to such youth of the
22 right to appeal under subparagraph (E);
23 and

24 “(v) provide transportation pursuant
25 to paragraphs (1)(J)(iii) and (5).

1 “(C) ENROLLMENT.—

2 “(i) ENROLLMENT.—The school se-
3 lected in accordance with this paragraph
4 shall immediately enroll the homeless child
5 or youth, even if the child or youth—

6 “(I) is unable to produce records
7 traditionally required for enrollment,
8 including previous academic records,
9 health records, proof of residency or
10 guardianship, or other documentation;

11 “(II) has unpaid fines or fees
12 from prior schools or is unable to pay
13 fees in the school selected; or

14 “(III) has missed application or
15 enrollment deadlines during any pe-
16 riod of homelessness.

17 “(ii) CONTACTING SCHOOL LAST AT-
18 TENDED.—The enrolling school shall im-
19 mediately contact the school last attended
20 by the child or youth to obtain relevant
21 academic and other records.

22 “(iii) RELEVANT HEALTH RECORDS.—
23 If the child or youth needs to obtain immu-
24 nizations or other required health records,
25 the enrolling school shall immediately en-

1 roll the child or youth and immediately
2 refer the parent or guardian of the child or
3 youth, or the unaccompanied youth, to the
4 local educational agency liaison designated
5 under paragraph (1)(J)(ii), who shall as-
6 sist in obtaining necessary immunizations
7 or screenings or other required health
8 records, in accordance with subparagraph
9 (D).

10 “(iv) NO LIABILITY.—Whenever the
11 school selected enrolls an unaccompanied
12 youth in accordance with this paragraph,
13 no liability shall be imposed upon the
14 school by reason of enrolling the youth
15 without parent or guardian consent.

16 “(D) RECORDS.—Any record ordinarily
17 kept by the school, including immunization or
18 medical records, academic records, birth certifi-
19 cates, guardianship records, and evaluations for
20 special services or programs, regarding each
21 homeless child or youth shall be maintained—

22 “(i) so that the records involved are
23 available when a child or youth enters a
24 new school or school district, even if the
25 child or youth owes fees or fines or did not

1 withdraw from the previous school in con-
2 formance with local withdrawal procedures;
3 and

4 “‘(ii) in a manner consistent with sec-
5 tion 444 of the General Education Provi-
6 sions Act (20 U.S.C. 1232g).

7 “(E) DISPUTES.—If a dispute arises over
8 eligibility, enrollment, school selection or service
9 in a public school or public preschool, or any
10 other issue relating to services under this
11 title—

12 “(i) in the case of a dispute relating
13 to eligibility for enrollment or school selec-
14 tion, the child or youth shall be imme-
15 diately enrolled in the school in which en-
16 rollment is sought, pending final resolution
17 of the dispute including all available ap-
18 peals;

19 “(ii) the parent or guardian of the
20 child or youth shall be provided with a
21 written explanation of the school’s decision
22 regarding eligibility for enrollment, school
23 selection, or services, made by the school
24 or the local educational agency, which shall

1 include information about the right to ap-
2 peal the decision;

3 “(iii) the child, youth, parent, or
4 guardian shall be referred to the local edu-
5 cational agency liaison designated under
6 paragraph (1)(J)(ii), who shall carry out
7 the dispute resolution process as described
8 in paragraph (1)(C) as expeditiously as
9 possible after receiving notice of such dis-
10 pute; and

11 “(iv) in the case of an unaccompanied
12 youth, the liaison shall ensure that the
13 youth is immediately enrolled in the school
14 in which the youth seeks enrollment, pend-
15 ing resolution of such dispute.

16 “(F) PLACEMENT CHOICE.—The choice re-
17 garding placement shall be made regardless of
18 whether the child or youth involved lives with
19 the homeless parents or has been temporarily
20 placed elsewhere.

21 “(G) SCHOOL OF ORIGIN DEFINED.—

22 “(i) IN GENERAL.—In this paragraph,
23 the term ‘school of origin’ means the
24 school that the child or youth attended

1 when permanently housed or the school in
2 which the child or youth was last enrolled.

3 “(ii) RECEIVING SCHOOL.—When a
4 child or youth completes the final grade
5 level served by the school of origin, as de-
6 scribed in clause (i), the term ‘school of or-
7 igin’ shall include the designated receiving
8 school at the next grade level for the feeder
9 school that the child or youth attended.

10 “(H) CONTACT INFORMATION.—Nothing
11 in this title shall prohibit a local educational
12 agency from requiring a parent or guardian of
13 a homeless child to submit contact information.

14 “(I) PRIVACY.—Information about a home-
15 less child’s or youth’s living situation shall be
16 treated as a student education record under
17 section 444 of the General Education Provi-
18 sions Act (20 U.S.C. 1232g) and shall not be
19 released to housing providers, employers, law
20 enforcement personnel, or other persons or
21 agencies not authorized to have such informa-
22 tion under section 99.31 of title 34, Code of
23 Federal Regulations, paying particular atten-
24 tion to preventing disruption of the living situa-
25 tion of the child or youth and to supporting the

1 safety of such children and youth who are sur-
2 vivors of domestic violence and unaccompanied
3 youth.

4 “(J) ACADEMIC ACHIEVEMENT.—The
5 school selected in accordance with this para-
6 graph shall ensure that homeless children and
7 youth have opportunities to meet the same col-
8 lege and career ready State student academic
9 achievement standards to which other students
10 are held, including implementing the policies
11 and practices required by paragraph (1)(J)(iv).

12 “(4) COMPARABLE SERVICES.—In addition to
13 receiving services provided for homeless children and
14 youth under this title or other Federal, State, or
15 local laws, regulations, policies, or practices, each
16 homeless child or youth to be assisted under this
17 title shall be provided services comparable to services
18 offered to other students in the school selected under
19 paragraph (4), including the following:

20 “(A) Transportation services.

21 “(B) Educational services for which the
22 child or youth meets the eligibility criteria, such
23 as services provided under title I of the Elemen-
24 tary and Secondary Education Act of 1965 (20
25 U.S.C. 6301 et seq.), similar State or local pro-

1 grams, charter schools, magnet schools, edu-
2 cational programs for children with disabilities,
3 and educational programs for students with
4 limited English proficiency.

5 “(C) Programs in vocational and technical
6 education.

7 “(D) Programs for gifted and talented stu-
8 dents.

9 “(E) School nutrition programs.

10 “(F) Health and counseling services, as
11 appropriate.

12 “(5) COORDINATION.—

13 “(A) IN GENERAL.—Each local educational
14 agency shall coordinate—

15 “(i) the provision of services under
16 this title with the services of local social
17 services agencies and other agencies or en-
18 tities providing services to homeless chil-
19 dren and youth and their families, includ-
20 ing services and programs funded under
21 the Runaway and Homeless Youth Act (42
22 U.S.C. 5701 et seq.); and

23 “(ii) transportation, transfer of school
24 records, and other interdistrict activities,
25 with other local educational agencies.

1 “(B) HOUSING ASSISTANCE.—Each State
2 educational agency and local educational agency
3 that receives assistance under this title shall co-
4 ordinate, if applicable, with State and local
5 housing agencies responsible for developing the
6 comprehensive housing affordability strategy
7 described in section 105 of the Cranston-Gon-
8 zalez National Affordable Housing Act (42
9 U.S.C. 12705) to minimize educational disrup-
10 tion for children and youth who become home-
11 less.

12 “(C) COORDINATION PURPOSE.—The co-
13 ordination required under subparagraphs (A)
14 and (B) shall be designed to—

15 “(i) ensure that all homeless children
16 and youth are identified within a reason-
17 able time frame;

18 “(ii) ensure that all homeless children
19 and youth have access to and are in rea-
20 sonable proximity to available education
21 and related support services; and

22 “(iii) raise the awareness of school
23 personnel and service providers of the ef-
24 fects of short-term stays in a shelter and

1 other challenges associated with homeless-
2 ness.

3 “(D) HOMELESS CHILDREN AND YOUTHS
4 WITH DISABILITIES.—For children and youth
5 who are to be assisted both under this title, and
6 under the Individuals with Disabilities Edu-
7 cation Act (20 U.S.C. 1400 et seq.) or section
8 504 of the Rehabilitation Act of 1973 (29
9 U.S.C. 794), each local educational agency shall
10 coordinate the provision of services under this
11 title with the provision of programs for children
12 with disabilities served by such local educational
13 agency and other involved local educational
14 agencies.

15 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

16 “(A) DUTIES.—Each local educational
17 agency liaison for homeless children and youth,
18 designated under paragraph (1)(J)(ii), shall en-
19 sure that—

20 “(i) all homeless children and youths
21 are identified by school personnel and
22 through coordination activities with other
23 entities and agencies;

24 “(ii) homeless children and youth are
25 enrolled in, and have a full and equal op-

1 portunity to succeed in, schools of that
2 local educational agency;

3 “(iii) homeless families, children, and
4 youth have access to educational services
5 for which such families, children, and
6 youth are eligible, including services
7 through Head Start, Early Head Start,
8 early intervention, and Even Start pro-
9 grams, and preschool programs;

10 “(iv) homeless families, and homeless
11 children and youth, receive referrals to
12 health care services, dental services, mental
13 health and substance abuse services, hous-
14 ing services, and other appropriate serv-
15 ices;

16 “(v) homeless children and youth are
17 certified as eligible for free meals offered
18 under the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1751 et seq.)
20 and the Child Nutrition Act of 1966 (42
21 U.S.C. 1771 et seq.), without further ap-
22 plication;

23 “(vi) the parents or guardians of
24 homeless children and youth are informed
25 of the educational and related opportuni-

1 ties available to their children, including
2 early learning opportunities, and are pro-
3 vided with meaningful opportunities to par-
4 ticipate in the education of their children;

5 “(vii) public notice of the educational
6 rights of homeless children and youth is in-
7 corporated into documents related to resi-
8 dency requirements or enrollment, provided
9 upon school enrollment and withdrawal,
10 posted on the local educational agency’s
11 website, and disseminated in locations fre-
12 quented by parents and guardians of
13 homeless children and youth and unaccom-
14 panied youth, including schools, shelters,
15 public libraries, and soup kitchens in a
16 manner and form understandable to par-
17 ents and guardians of homeless children
18 and youth and unaccompanied youth;

19 “(viii) disputes are resolved in accord-
20 ance with paragraph (3)(E);

21 “(ix) the parent or guardian of a
22 homeless child or youth, or any unaccom-
23 panied youth, is fully informed of all trans-
24 portation services, including transportation
25 to the school of origin, as described in

1 paragraph (1)(J)(iii), and is assisted in ac-
2 cessing transportation to the school that is
3 selected under paragraph (4)(A).

4 “(x) school personnel are adequately
5 prepared to implement this title and re-
6 ceive professional development, resource
7 materials, technical assistance, and other
8 support; and

9 “(xi) unaccompanied youth—

10 “(I) are enrolled in school;

11 “(II) have opportunities to meet
12 the same college and career ready
13 State student academic achievement
14 standards to which other students are
15 held, including through implementa-
16 tion of the policies and practices re-
17 quired by subparagraphs (F)(ii) and
18 (J)(iv) of paragraph (1); and

19 “(III) are informed of their sta-
20 tus as independent students under
21 section 480 of the Higher Education
22 Act of 1965 (20 U.S.C. 1087vv), in-
23 cluding through school counselors that
24 have received professional develop-
25 ment about unaccompanied youth,

1 and receive verification of such status
2 for purposes of the Free Application
3 for Federal Student Aid described in
4 section 483 of such Act (20 U.S.C.
5 1090).

6 “(B) NOTICE.—State coordinators ap-
7 pointed under subsection (d)(2) and local edu-
8 cational agencies shall inform school personnel,
9 service providers, and advocates working with
10 homeless families and homeless children and
11 youth of the contact information and duties of
12 the local educational agency liaisons, including
13 publishing an annually updated list of the liai-
14 sons working in the State on the State edu-
15 cational agency’s website.

16 “(C) LOCAL AND STATE COORDINATION.—
17 the local educational agency liaisons shall, as a
18 part of their duties, coordinate and collaborate
19 with State coordinators and community and
20 school personnel responsible for the provision of
21 education and related support services to home-
22 less children and youth. Such coordination shall
23 include collecting and providing to the State
24 Coordinator the reliable, valid, and comprehen-

1 sive data needed to meet the requirements of
2 paragraphs (1) and (3) of subsection (f).

3 “(D) PROFESSIONAL DEVELOPMENT.—The
4 local educational agency liaisons shall partici-
5 pate in the professional development and other
6 technical assistance activities provided by the
7 State Coordinator pursuant to subsection (f)(5).

8 “(h) EMERGENCY DISASTER GRANTS.—

9 “(1) IN GENERAL.—The Secretary shall make
10 emergency disaster grants to eligible local edu-
11 cational agencies and eligible States described in
12 paragraph (2), in order to increase the capacity for
13 such local educational agencies and States to re-
14 spond to major disasters.

15 “(2) ELIGIBILITY; APPLICATION.—

16 “(A) ELIGIBILITY.—

17 “(i) LOCAL EDUCATIONAL AGENCY
18 ELIGIBILITY.—A local educational agency
19 shall be eligible to receive an emergency
20 disaster grant under this subsection, based
21 on demonstrated need, if such local edu-
22 cational agency’s enrollment of homeless
23 children and youth has increased as a re-
24 sult of a hurricane, flood, or other natural
25 disaster for which the President declared a

1 major disaster under title IV of the Robert
2 T. Stafford Disaster Relief and Emergency
3 Assistance Act (42 U.S.C. 5170 et seq.).

4 “(ii) STATE ELIGIBILITY.—A State,
5 through the Office of the Coordinator for
6 Education of Homeless Children and
7 Youths in the State educational agency,
8 shall be eligible to receive an emergency
9 disaster grant under this subsection if
10 there are 1 or more eligible local edu-
11 cational agencies, as described in clause
12 (i), located within the State.

13 “(B) APPLICATION.—In order for an eligi-
14 ble State or an eligible local educational agency
15 to receive a grant under this subsection, the
16 State educational agency, in consultation with
17 other relevant State agencies, or local edu-
18 cational agency shall submit an application to
19 the Secretary at such time, in such manner,
20 and containing or accompanied by such infor-
21 mation as the Secretary may reasonably re-
22 quire.

23 “(3) DISTRIBUTION OF GRANTS.—The Sec-
24 retary shall distribute emergency disaster grant
25 funds—

1 “(A) based on demonstrated need, to State
2 educational agencies or local educational agen-
3 cies for local educational agencies whose enroll-
4 ment of homeless children and youths has in-
5 creased as a result of a hurricane, flood, or
6 other natural disaster for which the President
7 has declared a major disaster under title IV of
8 the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5170 et
10 seq.);

11 “(B) expeditiously, and in no case later
12 than 75 days after such funds are appropriated
13 to the Secretary; and

14 “(C) in a manner that enables local edu-
15 cational agencies to use such funds for the im-
16 mediate needs of disaster response and ongoing
17 disaster recovery.

18 “(4) AMOUNT OF GRANTS.—The Secretary shall
19 distribute grants under this subsection in amounts
20 determined by the Secretary and related to the in-
21 crease in enrollment of homeless children and youths
22 as a result of such major disaster.

23 “(5) USES OF FUNDS.—A local educational
24 agency or State educational agency that receives an
25 emergency disaster grant under this subsection shall

1 use the grant funds to carry out the activities de-
2 scribed in section 723(d).

3 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
4 **THE EDUCATION OF HOMELESS CHILDREN**
5 **AND YOUTH.**

6 “(a) GENERAL AUTHORITY.—

7 “(1) IN GENERAL.—The State educational
8 agency shall, in accordance with section 722(e), and
9 from amounts made available to such agency under
10 section 727, make subgrants to local educational
11 agencies for the purpose of facilitating the identifica-
12 tion, enrollment, attendance, and success in school
13 of homeless children and youth.

14 “(2) SERVICES.—

15 “(A) IN GENERAL.—Services under para-
16 graph (1)—

17 “(i) may be provided through pro-
18 grams on school grounds or at other facili-
19 ties; and

20 “(ii) shall, to the maximum extent
21 practicable, be provided through existing
22 programs and mechanisms that integrate
23 homeless children and youth with non-
24 homeless children and youth.

1 “(B) SERVICES ON SCHOOL GROUNDS.—If
2 services under paragraph (1) are provided to
3 homeless children and youth on school grounds,
4 the schools involved may use funds under this
5 subtitle to provide the same services to other
6 children and youth who are determined by the
7 local educational agency serving the school to be
8 at risk of failing in, or dropping out of, school.

9 “(3) REQUIREMENT.—Services provided under
10 this section shall not replace the regular academic
11 program and shall be designed to expand upon or
12 improve services provided as part of the school’s reg-
13 ular academic program.

14 “(4) DURATION OF GRANTS.—Subgrants under
15 this section shall be for terms not to exceed 3 years.

16 “(b) APPLICATION.—A local educational agency that
17 desires to receive a subgrant under this section shall sub-
18 mit an application to the State educational agency at such
19 time, in such manner, and containing or accompanied by
20 such information as the State educational agency may rea-
21 sonably require. Such application shall include the fol-
22 lowing:

23 “(1) An assessment of the educational and re-
24 lated needs of homeless children and youth in the
25 area served by such agency (which may be under-

1 taken as part of a needs assessment for other dis-
2 advantaged group).

3 “(2) A description of the services and programs
4 for which assistance is sought to address the needs
5 identified in paragraph (1).

6 “(3) An assurance that the local educational
7 agency’s combined fiscal effort per student, or the
8 aggregate expenditures of that agency and the State
9 with respect to the provision of free public education
10 by such agency for the fiscal year preceding the fis-
11 cal year for which the subgrant determination is
12 made, was not less than 90 percent of such com-
13 bined fiscal effort or aggregate expenditures for the
14 second fiscal year preceding the fiscal year for which
15 the determination is made.

16 “(4) An assurance that the applicant complies
17 with, or will use requested funds to comply with,
18 paragraphs (3) through (7) of section 722(g).

19 “(5) A description of policies and procedures
20 that the agency will implement to ensure that activi-
21 ties carried out by the agency will not isolate or stig-
22 matize homeless children and youth.

23 “(6) An assurance that the local educational
24 agency will collect and promptly provide data re-

1 requested by the State Coordinator pursuant to para-
2 graphs (1) and (3) of section 722(f).

3 “(7) An assurance that the local educational
4 agency has removed the policies and practices that
5 have created barriers to the identification, enroll-
6 ment, attendance, retention, and success in school of
7 all homeless children and youth.

8 “(c) AWARDS.—

9 “(1) IN GENERAL.—The State educational
10 agency shall, in accordance with the requirements of
11 this subtitle and from amounts made available to it
12 under section 722(a), make subgrants on a competi-
13 tive basis to local educational agencies that submit
14 applications under subsection (b). Such subgrants
15 shall be awarded on the basis of the need of such
16 agencies under this subtitle and the quality of the
17 applications submitted.

18 “(2) NEED.—

19 “(A) IN GENERAL.—In determining need
20 under paragraph (1), the State educational
21 agency may consider the number of homeless
22 children and youth enrolled in preschool, ele-
23 mentary schools, and secondary schools within
24 the area served by the local educational agency,
25 and shall consider the needs of such children

1 and youth and the ability of the local edu-
2 cational agency to meet such needs.

3 “(B) OTHER CONSIDERATIONS.—The
4 State educational agency may also consider the
5 following:

6 “(i) The extent to which the proposed
7 use of funds will facilitate the identifica-
8 tion, enrollment, retention, and educational
9 success of homeless children and youth.

10 “(ii) The extent to which the applica-
11 tion reflects coordination with other local
12 and State agencies that serve homeless
13 children and youth.

14 “(ii) The extent to which the applica-
15 tion reflects coordination with other local
16 and State agencies that serve homeless
17 children and youth.

18 “(iii) The extent to which the appli-
19 cant exhibits in the application and in cur-
20 rent practice (as of the date of submission
21 of the application) a commitment to edu-
22 cation for all homeless children and youth.

23 “(iv) Such other criteria as the State
24 agency determines to be appropriate.

1 “(3) QUALITY.—In determining the quality of
2 applications under paragraph (1), the State edu-
3 cational agency shall consider the following:

4 “(A) The applicant’s needs assessment
5 under subsection (b)(1) and the likelihood that
6 the program presented in the application will
7 meet such needs.

8 “(B) The types, intensity, and coordination
9 of the services to be provided under the pro-
10 gram.

11 “(C) The extent to which the applicant will
12 promote meaningful involvement of parents or
13 guardians of homeless children or youth in the
14 education of their children.

15 “(D) The extent to which homeless chil-
16 dren and youths will be integrated into the reg-
17 ular education program involved.

18 “(E) The quality of the applicant’s evalua-
19 tion plan for the program.

20 “(F) The extent to which services provided
21 under this subtitle will be coordinated with
22 other services available to homeless children
23 and youth and their families, including housing
24 and social services and services provided under
25 the Individuals with Disabilities Education Act

1 (20 U.S.C. 1400 et seq.), title I of the Elemen-
2 tary and Secondary Education Act of 1965 (20
3 U.S.C. 6301 et seq.), and similar State and
4 local programs.

5 “(G) The extent to which the local edu-
6 cational agency will use the subgrant to lever-
7 age resources, including by maximizing funding
8 for the position of the liaison described in sec-
9 tion 722(g)(1)(J)(ii) and the provision of trans-
10 portation.

11 “(H) The local educational agency’s use of
12 funds to serve homeless children and youth
13 under section 1113(c)(3) of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C.
15 6313(c)(3)).

16 “(I) The extent to which the applicant’s
17 program meets such other measures as the
18 State educational agency considers to be indic-
19 ative of a high-quality program, including the
20 extent to which the local educational agency will
21 provide services to unaccompanied youth and
22 preschool-aged children.

23 “(J) The extent to which the application
24 describes how the applicant will meet the re-
25 quirements of section 722(g)(4).

1 “(d) AUTHORIZED ACTIVITIES.—A local educational
2 agency may use funds awarded under this section for ac-
3 tivities that carry out the purpose of this subtitle, includ-
4 ing the following:

5 “(1) The provision of tutoring, supplemental in-
6 struction, and enriched educational services that are
7 linked to the achievement of the same college and
8 career ready State academic content standards and
9 college and career ready State student academic
10 achievement standards the State establishes for
11 other children and youths.

12 “(2) The provision of expedited evaluations of
13 the strengths, needs, and eligibility of homeless chil-
14 dren and youth, including needs and eligibility for
15 programs and services (including educational pro-
16 grams for gifted and talented students, children with
17 disabilities, and students with limited English pro-
18 ficiency, charter school programs, magnet school
19 programs, programs in career and technical edu-
20 cation, and school nutrition programs).

21 “(3) Professional development and other activi-
22 ties for educators and specialized instructional sup-
23 port personnel that are designed to heighten the un-
24 derstanding and sensitivity of such educators and
25 personnel to the needs of homeless children and

1 youth, the rights of such children and youth under
2 this subtitle, and the specific educational needs of
3 runaway and homeless youth.

4 “(4) The provision of referral services to home-
5 less children and youths for medical, dental, mental,
6 and other health services.

7 “(5) The provision of assistance to defray the
8 excess cost of transportation under paragraphs
9 (1)(J)(iii) and (5)(A) of section 722(g) not otherwise
10 provided through Federal, State, or local funding.

11 “(6) The provision of developmentally appro-
12 priate early childhood education programs, not oth-
13 erwise provided through Federal, State, or local
14 funding.

15 “(7) The provision of services and assistance to
16 attract, engage, and retain homeless children and
17 youth, particularly homeless children and youth who
18 are not enrolled in school, in public school programs
19 and services provided to nonhomeless children and
20 youths.

21 “(8) The provision for homeless children and
22 youths of before- and after-school, mentoring, and
23 summer programs in which a teacher or other quali-
24 fied individual provides tutoring, homework assist-
25 ance, and supervision of educational activities.

1 “(9) If necessary, the payment of fees and
2 other costs associated with tracking, obtaining, and
3 transferring records necessary to facilitate the ap-
4 propriate placement of homeless children and youths
5 in school, including birth certificates, immunization
6 or medical records, academic records, guardianship
7 records, and evaluations for special programs or
8 services.

9 “(10) The provision of education and training
10 to the parents of homeless children and youths about
11 the rights of, and resources available to, such chil-
12 dren and youth, and other activities designed to in-
13 crease the meaningful involvement of families of
14 homeless children or youth in the education of their
15 children.

16 “(11) The development of coordination of ac-
17 tivities between schools and agencies providing serv-
18 ices to homeless children and youths, as described in
19 section 722(g)(6).

20 “(12) The provision of pupil services (including
21 counseling) and referrals for such services.

22 “(13) Activities to address the particular needs
23 of homeless children and youth that may arise from
24 domestic violence and parental mental health or sub-
25 stance abuse problems.

1 “(14) The adaptation of space and purchase of
2 supplies for any nonschool facilities made available
3 under subsection (a)(2) to provide services under
4 this subsection.

5 “(15) The provision of school supplies, includ-
6 ing those supplies to be distributed at shelters or
7 temporary housing facilities, or other appropriate lo-
8 cations.

9 “(16) The provision of assistance to defray the
10 cost of the position of liaison designated pursuant to
11 section 722(g)(1)(J)(ii), not otherwise provided
12 through Federal, State, or local funding.

13 “(17) The provision of other extraordinary or
14 emergency assistance needed to enable homeless chil-
15 dren and youth to enroll, attend, and succeed in
16 school, including in early childhood education pro-
17 grams.

18 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

19 “(a) REVIEW OF STATE PLANS.—In reviewing the
20 State plan submitted by a State educational agency under
21 section 722(g), the Secretary shall use a peer review proc-
22 ess and shall evaluate whether State laws, policies, and
23 practices described in such plan adequately address the
24 problems of all homeless children and youth relating to

1 access to education and placement as described in such
2 plan.

3 “(b) TECHNICAL ASSISTANCE.—The Secretary
4 shall—

5 “(1) provide support and technical assistance to
6 a State educational agencies to assist such agencies
7 in carrying out their responsibilities under this sub-
8 title; and

9 “(2) establish or designate a Federal Office of
10 the Coordinator for Education of Homeless Children
11 and Youths that has sufficient capacity, resources,
12 and support to carry out the responsibilities de-
13 scribed in this subtitle.

14 “(c) NOTICE.—

15 “(1) IN GENERAL.—The Secretary shall, before
16 the next school year that begins after the date of en-
17 actment of the Student Success Act, develop and
18 disseminate a public notice of the educational rights
19 of homeless children and youth. The notice shall in-
20 clude information regarding the definition of home-
21 less children and youth in section 726.

22 “(2) DISSEMINATION.—The Secretary shall dis-
23 seminate the notice nationally. The Secretary also
24 shall disseminate such notice to heads of other De-
25 partment of Education offices, including those re-

1 sponsible for special education programs, higher
2 education, and programs under parts A, B, C, D, G,
3 and H of title I, title III, title IV, and part B of title
4 V of the Elementary and Secondary Education Act
5 of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391
6 et seq., 6421 et seq., 6531 et seq., 6551 et seq.,
7 6801 et seq., 7102 et seq., and 7221 et seq.). The
8 Secretary shall also disseminate such notice to heads
9 of other Federal agencies, and grant recipients and
10 other entities carrying out federally funded pro-
11 grams, including Head Start programs, grant recipi-
12 ents under the Health Care for the Homeless pro-
13 gram of the Health Resources and Services Adminis-
14 tration of the Department of Health and Human
15 Services, grant recipients under the Emergency
16 Food and Shelter National Board Program of the
17 Federal Emergency Management Agency, grant re-
18 cipients under the Runaway and Homeless Youth
19 Act (42 U.S.C. 5701 et seq.), grant recipients under
20 the John H. Chafee Foster Care Independence pro-
21 gram, grant recipients under homeless assistance
22 programs administered by the Department of Hous-
23 ing and Urban Development, and recipients of Fed-
24 eral funding for programs carried out by the Admin-

1 istration on Children, Youth and Families of the De-
2 partment of Health and Human Services.

3 “(d) EVALUATION AND DISSEMINATION.—The Sec-
4 retary shall conduct evaluation, dissemination, and tech-
5 nical assistance activities of programs designed to meet
6 the educational needs of homeless preschool, elementary
7 school, and secondary school students, and may use funds
8 appropriated under section 727 to conduct such activities.

9 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
10 retary shall require applications for grants under section
11 722 to be submitted to the Secretary not later than the
12 expiration of the 120-day period beginning on the date
13 that funds are available for purposes of making such
14 grants and shall make such grants not later than the expi-
15 ration of the 180-day period beginning on such date.

16 “(f) DETERMINATION BY SECRETARY.—The Sec-
17 retary, based on the information received from the States
18 and information gathered by the Secretary under sub-
19 section (h), shall determine the extent to which State edu-
20 cational agencies are ensuring that each homeless child
21 and homeless youth has access to a free appropriate public
22 education, as described in section 721(1). The Secretary
23 shall provide support and technical assistance to State
24 educational agencies in areas in which barriers to a free
25 appropriate public education persist.

1 “(g) PUBLICATION.—The Secretary shall develop,
2 issue, and publish in the Federal Register, not later than
3 90 days after the date of enactment of the Student Suc-
4 cess Act, a summary of the changes enacted by that Act
5 and related strategies, which summary shall include—

6 “(1) strategies by which a State can assist local
7 educational agencies to implement the provisions
8 amended by the Act;

9 “(2) strategies by which a State can review and
10 revise State policies and procedures that may
11 present barriers to the identification, enrollment, at-
12 tendance, and success of homeless children and
13 youth in school; and

14 “(3) strategies by which entities carrying out
15 preschool programs can implement requirements of
16 section 722(g)(3).

17 “(h) INFORMATION.—

18 “(1) IN GENERAL.—From funds appropriated
19 under section 727, the Secretary shall, directly or
20 through grants, contracts, or cooperative agree-
21 ments, periodically, but not less frequently than
22 every two years, collect and disseminate publicly
23 data and information regarding—

24 “(A) the number and location of homeless
25 children and youth;

1 “(B) the education and related support
2 services such children and youth receive;

3 “(C) the extent to which the needs of
4 homeless children and youth are being met;

5 “(D) the academic progress being made by
6 homeless children and youth, including the per-
7 cent or number of homeless children and youth
8 participating in State assessments; and

9 “(E) such other data and information as
10 the Secretary determines to be necessary and
11 relevant to carry out this subtitle.

12 “(2) COORDINATION.—The Secretary shall co-
13 ordinate such collection and dissemination with
14 other agencies and entities that receive assistance
15 and administer programs under this subtitle.

16 “(i) REPORT.—Not later than 4 years after the date
17 of enactment of the Student Success Act, the Secretary
18 shall prepare and submit to the President and the Com-
19 mittee on Education and the Workforce of the House of
20 Representatives and the Committee on Health, Education,
21 Labor, and Pensions of the Senate a report on the status
22 of education of homeless children and youths, which shall
23 include information on—

24 “(1) the education of homeless children and
25 youth; and

1 “(2) the actions of the Secretary and the effec-
2 tiveness of the programs supported under this sub-
3 title.

4 **“SEC. 725. RULE OF CONSTRUCTION.**

5 “Nothing in this subtitle shall be construed to dimin-
6 ish the rights of parents or guardians of homeless children
7 or youth, or unaccompanied youth, otherwise provided
8 under State law, policy, or practice, including laws or poli-
9 cies that authorize the best interest determination in sec-
10 tion 722(g)(3) to be made solely by the parent, guardian,
11 or youth involved.

12 **“SEC. 726. DEFINITIONS.**

13 “In this subtitle:

14 “(1) ENROLL; ENROLLMENT.—The terms ‘en-
15 roll’ and ‘enrollment’ include attending classes and
16 participating fully in school activities.

17 “(2) HOMELESS CHILDREN AND YOUTH.—The
18 term ‘homeless children and youth’—

19 “(A) means individuals who lack a fixed,
20 regular, and adequate nighttime residence
21 (within the meaning of section 103(a)(1));

22 “(B) includes—

23 “(i) children and youth who—

24 “(I) are sharing the housing of
25 other persons due to loss of housing,

1 economic hardship, or a similar rea-
2 son;

3 “(II) are living in motels, hotels,
4 trailer parks, or camping grounds due
5 to the lack of alternative adequate ac-
6 commodations;

7 “(III) are living in emergency or
8 transitional shelters;

9 “(IV) subject to subparagraph
10 (C), are awaiting foster care place-
11 ment; and

12 “(V) are abandoned in hospitals;

13 “(ii) children and youth who have a
14 primary nighttime residence that is a pub-
15 lic or private place not designed for or or-
16 dinarily used as a regular sleeping accom-
17 modation for human beings (within the
18 meaning of section 103(a)(2)(C));

19 “(iii) children and youth who are liv-
20 ing in cars, parks, public spaces, aban-
21 doned buildings, substandard housing, bus
22 or train stations, or similar settings; and

23 “(iv) migratory children (as such term
24 is defined in section 1312 of the Elemen-
25 tary and Secondary Education Act of

1 1965) who qualify as homeless for the pur-
2 poses of this subtitle because the children
3 are living in circumstances described in
4 clauses (i) through (iii); and

5 “(C) 1 year after the date of enactment of
6 the Student Success Act, shall not include the
7 children and youth described in subparagraph
8 (B)(i)(IV).

9 “(3) LOCAL EDUCATIONAL AGENCY; STATE
10 EDUCATIONAL AGENCY.—The terms ‘local edu-
11 cational agency’ and ‘State educational agency’ have
12 the meanings given such terms in section 9101 of
13 the Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 7801).

15 “(4) SECRETARY.—The term ‘Secretary’ means
16 the Secretary of Education.

17 “(5) STATE.—The term ‘State’ means each of
18 the 50 States, the District of Columbia, and the
19 Commonwealth of Puerto Rico.

20 “(6) UNACCOMPANIED YOUTH.—The term ‘un-
21 accompanied youth’ means a homeless child or youth
22 not in the physical custody of a parent or legal
23 guardian.

1 **“SEC. 727. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—For the purpose of carrying out
3 this subtitle, other than section 725, there are authorized
4 to be appropriated to the Secretary \$100,000,000 for fis-
5 cal year 2016 and such sums as may be necessary for each
6 of fiscal years 2017 through 2022.

7 “(b) EMERGENCY DISASTER GRANTS.—In addition
8 to sums authorized under subsection (a), there are author-
9 ized to be appropriated to the Secretary to carry out sub-
10 section (h) such additional sums as may be necessary.”.

11 **TITLE XI—PREKINDERGARTEN**
12 **ACCESS**
13 **Subtitle A—Access to Voluntary**
14 **Prekindergarten for Low- and**
15 **Moderate-Income Families**

16 **SEC. 1111. PURPOSES.**

17 The purposes of this subtitle are to—

18 (1) establish a Federal-State partnership to
19 provide access to high-quality public prekindergarten
20 programs for all children from low-income and mod-
21 erate-income families to ensure that they enter kin-
22 dergarten prepared for success;

23 (2) broaden participation in such programs to
24 include children from additional middle-class fami-
25 lies; and

1 (3) promote access to high-quality kindergarten,
2 and high-quality early childhood education programs
3 and settings for children.

4 **SEC. 1112. DEFINITIONS.**

5 In this subtitle:

6 (1) **CHILD WITH A DISABILITY.**—The term
7 “child with a disability” has the meaning given the
8 term in section 602 of the Individuals with Disabil-
9 ities Education Act (20 U.S.C. 1401).

10 (2) **COMPREHENSIVE EARLY LEARNING ASSESS-**
11 **MENT SYSTEM.**—The term “comprehensive early
12 learning assessment system”—

13 (A) means a coordinated and comprehen-
14 sive system of multiple assessments, each of
15 which is valid and reliable for its specified pur-
16 pose and for the population with which it will
17 be used, that—

18 (i) organizes information about the
19 process and context of young children’s
20 learning and development to help early
21 childhood educators make informed in-
22 structional and programmatic decisions;
23 and

1 (ii) conforms to the recommendations
2 of the National Research Council reports
3 on early childhood; and

4 (B) includes, at a minimum—

5 (i) child screening measures to iden-
6 tify children who may need follow-up serv-
7 ices to address developmental, learning, or
8 health needs in, at a minimum, areas of
9 physical health, behavioral health, oral
10 health, child development, vision, and hear-
11 ing;

12 (ii) child formative assessments;

13 (iii) measures of environmental qual-
14 ity; and

15 (iv) measures of the quality of adult-
16 child interactions.

17 (3) DUAL LANGUAGE LEARNER.—The term
18 “dual language learner” means an individual who is
19 limited English proficient.

20 (4) EARLY CHILDHOOD EDUCATION PRO-
21 GRAM.—The term “early childhood education pro-
22 gram” has the meaning given the term under section
23 103 of the Higher Education Act of 1965 (20
24 U.S.C. 1003).

1 (5) ELEMENTARY SCHOOL.—The term “elemen-
2 tary school” has the meaning given the term in sec-
3 tion 9101 of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 7801).

5 (6) ELIGIBILITY DETERMINATION DATE.—The
6 term “eligibility determination date” means the date
7 used to determine eligibility for public elementary
8 school in the community in which the eligible local
9 entity involved is located.

10 (7) ELIGIBLE LOCAL ENTITY.—The term “eligi-
11 ble local entity” means—

12 (A) a local educational agency, including a
13 charter school or a charter management organi-
14 zation that acts as a local educational agency,
15 or an educational service agency in partnership
16 with a local educational agency—

17 (i) that has met the requirement de-
18 scribed in section 1112(9)(B); or

19 (ii) whose teachers are in progress of
20 meeting such requirement within two
21 years;

22 (B) an entity (including a Head Start pro-
23 gram or licensed child care setting) that carries
24 out, administers, or supports an early childhood
25 education program and—

1 (i) that has met the requirement de-
2 scribed in section 1112(9)(B); or

3 (ii) whose teachers are in progress of
4 meeting such requirement within two
5 years; or

6 (C) a consortium of entities described in
7 subparagraph (A) or (B).

8 (8) FULL-DAY.—The term “full-day” means a
9 day that is—

10 (A) equivalent to a full school day at the
11 public elementary schools in a State; and

12 (B) not less than 5 hours a day.

13 (9) HIGH-QUALITY PREKINDERGARTEN PRO-
14 GRAM.—The term “high-quality prekindergarten
15 program” means a prekindergarten program sup-
16 ported by an eligible local entity that includes, at a
17 minimum, the following elements based on nationally
18 recognized standards:

19 (A) Serves children who—

20 (i) are age 4 or children who are age
21 3 or 4, by the eligibility determination date
22 (including children who turn age 5 while
23 attending the program); or

24 (ii) have attained the legal age for
25 State-funded prekindergarten.

1 (B) Requires high qualifications for staff,
2 including that teachers meet the requirements
3 of 1 of the following clauses:

4 (i) The teacher has a bachelor's de-
5 gree in early childhood education or a re-
6 lated field with coursework that dem-
7 onstrates competence in early childhood
8 education.

9 (ii) The teacher—

10 (I) has a bachelor's degree in any
11 field;

12 (II) has demonstrated knowledge
13 of early childhood education by pass-
14 ing a State-approved assessment in
15 early childhood education;

16 (III) while employed as a teacher
17 in the prekindergarten program, is en-
18 gaged in on-going professional devel-
19 opment in early childhood education
20 for not less than 2 years; and

21 (IV) not more than 3 years after
22 starting employment as a teacher in
23 the prekindergarten program, enrolls
24 in and completes a State-approved ed-
25 ucator preparation program in which

1 the teacher receives training and sup-
2 port in early childhood education.

3 (iii) The teacher has bachelor's degree
4 with a credential, license, or endorsement
5 that demonstrates competence in early
6 childhood education.

7 (C) Maintains an evidence-based maximum
8 class size.

9 (D) Maintains an evidence-based child to
10 instructional staff ratio.

11 (E) Offers a full-day program.

12 (F) Provides developmentally appropriate
13 learning environments and evidence-based cur-
14 ricula that are aligned with the State's early
15 learning and development standards described
16 in section 1115(1).

17 (G) Offers instructional staff salaries com-
18 parable to kindergarten through grade 12
19 teaching staff.

20 (H) Provides for ongoing monitoring and
21 program evaluation to ensure continuous im-
22 provement.

23 (I) Offers accessible comprehensive services
24 for children that include, at a minimum—

1 (i) screenings for vision, dental, hear-
2 ing, health (including mental health), and
3 development (including early literacy and
4 math skill development) and referrals, and
5 assistance obtaining services, when appro-
6 priate;

7 (ii) family engagement opportunities
8 that take into account home language,
9 such as parent conferences (including par-
10 ent input about their child's development)
11 and support services, such as parent edu-
12 cation, home visiting, and family literacy
13 services;

14 (iii) nutrition services, including nutri-
15 tious meals and snack options aligned with
16 requirements set by the most recent Child
17 and Adult Care Food Program guidelines
18 promulgated by the Department of Agri-
19 culture as well as regular, age-appropriate,
20 nutrition education for children and their
21 families;

22 (iv) programs coordinated with local
23 educational agencies and entities providing
24 programs authorized under section 619
25 and part C of the Individuals with Disabil-

1 ities Education Act (20 U.S.C. 1419 and
2 1431 et seq.);

3 (v) physical activity programs aligned
4 with evidence-based guidelines, such as
5 those recommended by the Institute of
6 Medicine, and which take into account and
7 accommodate children with disabilities;

8 (vi) additional support services, as ap-
9 propriate, based on the findings of the
10 needs analysis as described in section
11 1120; and

12 (vii) on-site coordination, to the max-
13 imum extent feasible.

14 (J) Provides high-quality professional de-
15 velopment for all staff, including regular in-
16 classroom observation for teachers and teacher
17 assistants by individuals trained in such obser-
18 vation and which may include evidence-based
19 coaching.

20 (K) Meets the education performance
21 standards in effect under section 641A(a)(1)(B)
22 of the Head Start Act (42 U.S.C.
23 9836a(a)(1)(B)).

24 (L) Maintains evidence-based health and
25 safety standards.

1 (M) Maintains disciplinary policies that do
2 not include expulsion or an extended suspension
3 of participating children, and that include pro-
4 viding appropriate early educational services for
5 participating children who are suspended for a
6 short period of time.

7 (10) GOVERNOR.—The term “Governor” means
8 the chief executive officer of a State.

9 (11) HOMELESS CHILD.—The term “homeless
10 child” means a child or youth described in section
11 725(2) of the McKinney-Vento Homeless Assistance
12 Act (42 U.S.C. 11434a(2)).

13 (12) INSTITUTION OF HIGHER EDUCATION.—
14 The term “institution of higher education” has the
15 meaning given the term in section 102 of the Higher
16 Education Act of 1965 (20 U.S.C. 1002).

17 (13) INDIAN TRIBE; TRIBAL ORGANIZATION.—
18 The terms “Indian tribe” and “tribal organization”
19 have the meanings given the terms in 658P of the
20 Child Care and Development Block Grant of 1990
21 (42 U.S.C. 9858n).

22 (14) LIMITED ENGLISH PROFICIENT.—The
23 term “limited English proficient” has the meaning
24 given the term in section 637 of the Head Start Act
25 (42 U.S.C. 9832).

1 (15) LOCAL EDUCATIONAL AGENCY; STATE
2 EDUCATIONAL AGENCY; EDUCATIONAL SERVICE
3 AGENCY.—The terms “local educational agency”,
4 “State educational agency”, and “educational service
5 agency” have the meanings given the terms in sec-
6 tion 9101 of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 7801).

8 (16) MIGRANT OR SEASONAL AGRICULTURAL
9 LABOR.—The term “migrant or seasonal agricultural
10 labor” refers to an individual who is engaged in ag-
11 ricultural labor, including those who have changed
12 their residence from one geographic location to an-
13 other in the proceeding 36 months.

14 (17) MIGRATORY CHILD.—The term “migratory
15 child” has the meaning given the term in section
16 1309 of the Elementary and Secondary Education
17 Act of 1965 (20 U.S.C. 6399).

18 (18) OUTLYING AREA.—The term “outlying
19 area” means each of the United States Virgin Is-
20 lands, Guam, American Samoa, the Commonwealth
21 of the Northern Mariana Islands, and the Republic
22 of Palau.

23 (19) POVERTY LINE.—The term “poverty line”
24 means the official poverty line (as defined by the Of-
25 fice of Management and Budget)—

1 (A) adjusted to reflect the percentage
2 change in the Consumer Price Index for All
3 Urban Consumers published by the Bureau of
4 Labor Statistics of the Department of Labor
5 for the most recent 12-month period or other
6 interval for which the data are available; and

7 (B) applicable to a family of the size in-
8 volved.

9 (20) SECONDARY SCHOOL.—The term “sec-
10 ondary school” has the meaning given the term in
11 section 9101 of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 7801).

13 (21) SECRETARY.—The term “Secretary”
14 means the Secretary of Education.

15 (22) STATE.—Except as otherwise provided in
16 this subtitle, the term “State” means each of the 50
17 States, the District of Columbia, the Commonwealth
18 of Puerto Rico, and each of the outlying areas.

19 (23) STATE ADVISORY COUNCIL ON EARLY
20 CHILDHOOD EDUCATION AND CARE.—The term
21 “State Advisory Council on Early Childhood Edu-
22 cation and Care” means the State Advisory Council
23 on Early Childhood Education and Care established
24 under section 642B(b) of the Head Start Act (42
25 U.S.C. 9837b(b)).

1 **SEC. 1113. PROGRAM AUTHORIZATION.**

2 From amounts made available to carry out this sub-
3 title, the Secretary, in consultation with the Secretary of
4 Health and Human Services, shall award grants to States
5 to implement high-quality prekindergarten programs, con-
6 sistent with the purposes of this subtitle described in sec-
7 tion 1111. For each fiscal year, the funds provided under
8 a grant by a State shall equal the allotment determined
9 for the State under section 1114.

10 **SEC. 1114. ALLOTMENTS AND RESERVATIONS OF FUNDS.**

11 (a) RESERVATION.—From the amount made avail-
12 able each fiscal year to carry out this subtitle, the Sec-
13 retary shall—

14 (1) reserve not less than 1 percent and not
15 more than 2 percent for payments to Indian tribes
16 and tribal organizations;

17 (2) reserve $\frac{1}{2}$ of 1 percent for the outlying
18 areas to be distributed among the outlying areas on
19 the basis of their relative need, as determined by the
20 Secretary in accordance with the purposes of this
21 subtitle;

22 (3) reserve $\frac{1}{2}$ of 1 percent for eligible local en-
23 tities that serve children in families who are engaged
24 in migrant or seasonal agricultural labor; and

25 (4) reserve not more than 1 percent or
26 \$30,000,000, whichever amount is less, for national

1 activities, including administration, technical assist-
2 ance, and evaluation.

3 (b) ALLOTMENTS.—

4 (1) IN GENERAL.—From the amount made
5 available each fiscal year to carry out this subtitle
6 and not reserved under subsection (a), the Secretary
7 shall make allotments to States in accordance with
8 paragraph (2) that have submitted an approved ap-
9 plication.

10 (2) ALLOTMENT AMOUNT.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (B), the Secretary shall allot the amount
13 made available under paragraph (1) for a fiscal
14 year among the States in proportion to the
15 number of children who are age 4 who reside
16 within the State and are from families with in-
17 comes at or below 200 percent of the poverty
18 line for the most recent year for which satisfac-
19 tory data are available, compared to the num-
20 ber of such children who reside in all such
21 States for that fiscal year.

22 (B) MINIMUM ALLOTMENT AMOUNT.—No
23 State receiving an allotment under subpara-
24 graph (A) may receive less than $\frac{1}{2}$ of 1 percent

1 of the total amount allotted under such sub-
2 paragraph.

3 (3) REALLOTMENT AND CARRY OVER.—

4 (A) IN GENERAL.—If one or more States
5 do not receive an allotment under this sub-
6 section for any fiscal year, the Secretary may
7 use the amount of the allotment for that State
8 or States, in such amounts as the Secretary de-
9 termines appropriate, for either or both of the
10 following:

11 (i) To increase the allotments of
12 States with approved applications for the
13 fiscal year, consistent with subparagraph
14 (B).

15 (ii) To carry over the funds to the
16 next fiscal year.

17 (B) REALLOTMENT.—In increasing allot-
18 ments under subparagraph (A)(i), the Secretary
19 shall allot to each State with an approved appli-
20 cation an amount that bears the same relation-
21 ship to the total amount to be allotted under
22 subparagraph (A)(i), as the amount the State
23 received under paragraph (2) for that fiscal
24 year bears to the amount that all States re-
25 ceived under paragraph (2) for that fiscal year.

1 (4) STATE.—For purposes of this subsection,
2 the term “State” means each of the 50 States, the
3 District of Columbia, and the Commonwealth of
4 Puerto Rico.

5 (c) FLEXIBILITY.—The Secretary may make minimal
6 adjustments to allotments under this subsection, which
7 shall neither lead to a significant increase or decrease in
8 a State’s allotment determined under subsection (b), based
9 on a set of factors, such as the level of program participa-
10 tion and the estimated cost of the activities specified in
11 the State plan under section 1116(a)(2).

12 **SEC. 1115. STATE ELIGIBILITY CRITERIA.**

13 A State is eligible to receive a grant under this sub-
14 title if the State demonstrates to the Secretary that the
15 State—

16 (1) has established or will establish early learn-
17 ing and development standards that describe what
18 children from birth to kindergarten entry should
19 know and be able to do, are universally designed and
20 developmentally, culturally, and linguistically appro-
21 priate, are aligned with the State’s challenging aca-
22 demic content standards and challenging student
23 academic achievement standards, as adopted under
24 section 1111(b)(1) of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 6311(b)(1)), and

1 cover all of the essential domains of school readi-
2 ness, which address—

3 (A) physical well-being and motor develop-
4 ment;

5 (B) social and emotional development;

6 (C) approaches to learning, including cre-
7 ative arts expression;

8 (D) developmentally appropriate oral and
9 written language and literacy development; and

10 (E) cognition and general knowledge, in-
11 cluding early mathematics and early scientific
12 development;

13 (2) has the ability or will develop the ability to
14 link prekindergarten data with its elementary school
15 and secondary school data for the purpose of col-
16 lecting longitudinal information for all children par-
17 ticipating in the State's high-quality prekindergarten
18 program and any other Federally-funded early child-
19 hood program that will remain with the child
20 through the child's public education through grade
21 12;

22 (3) offers State-funded kindergarten for chil-
23 dren who are eligible children for that service in the
24 State; and

1 (4) has established a State Advisory Council on
2 Early Childhood Education and Care.

3 **SEC. 1116. STATE APPLICATIONS.**

4 (a) IN GENERAL.—To receive a grant under this sub-
5 title, the Governor of a State, in consultation with the In-
6 dian tribes and tribal organizations in the State, if any,
7 shall submit an application to the Secretary at such time,
8 in such manner, and containing such information as the
9 Secretary may reasonably require. At a minimum, each
10 such application shall include—

11 (1) an assurance that the State—

12 (A) will coordinate with and continue to
13 participate in the programs authorized under
14 section 619 and part C of the Individuals with
15 Disabilities Education Act (20 U.S.C. 1419 and
16 1431 et seq.), the Child Care and Development
17 Block Grant Act of 1990 (42 U.S.C. 9858 et
18 seq.), and the maternal, infant, and early child-
19 hood home visiting programs funded under sec-
20 tion 511 of the Social Security Act (42 U.S.C.
21 711) for the duration of the grant;

22 (B) will designate a State-level entity (such
23 as an agency or joint interagency office), se-
24 lected by the Governor, for the administration
25 of the grant, which shall coordinate and consult

1 with the State educational agency if the entity
2 is not the State educational agency; and

3 (C) will establish, or certify the existence
4 of, program standards for all State prekinde-
5 garten programs consistent with the definition
6 of a high-quality prekindergarten program
7 under section 1112;

8 (2) a description of the State's plan to—

9 (A) use funds received under this subtitle
10 and the State's matching funds to provide high-
11 quality prekindergarten programs, in accord-
12 ance with section 1117(d), with open enrollment
13 for all children in the State who—

14 (i) are described in section
15 1112(9)(A); and

16 (ii) are from families with incomes at
17 or below 200 percent of the poverty line;

18 (B) develop or enhance a system for moni-
19 toring eligible local entities that are receiving
20 funds under this subtitle for compliance with
21 quality standards developed by the State and to
22 provide program improvement support, which
23 may be accomplished through the use of a
24 State-developed system for quality rating and
25 improvement;

1 (C) if applicable, expand participation in
2 the State's high-quality prekindergarten pro-
3 grams to children from families with incomes
4 above 200 percent of the poverty line;

5 (D) carry out the State's comprehensive
6 early learning assessment system, or how the
7 State plans to develop such a system, ensuring
8 that any assessments are culturally, develop-
9 mentally, and age-appropriate and consistent
10 with the recommendations from the study on
11 Developmental Outcomes and Assessments for
12 Young Children by the National Academy of
13 Sciences, consistent with section 649(j) of the
14 Head Start Act (42 U.S.C. 9844);

15 (E) develop, implement, and make publicly
16 available the performance measures and targets
17 described in section 1119;

18 (F) increase the number of teachers with
19 bachelor's degrees in early childhood education,
20 or with bachelor's degrees in another closely re-
21 lated field and specialized training and dem-
22 onstrated competency in early childhood edu-
23 cation, including how institutions of higher edu-
24 cation will support increasing the number of
25 teachers with such degrees and training, includ-

1 ing through the use of assessments of prior
2 learning, knowledge, and skills to facilitate and
3 expedite attainment of such degrees;

4 (G) coordinate and integrate the activities
5 funded under this subtitle with Federal, State,
6 and local services and programs that support
7 early childhood education and care, including
8 programs supported under this subtitle, the El-
9 ementary and Secondary Education Act of 1965
10 (20 U.S.C. 6301 et seq.), the Individuals with
11 Disabilities Education Act (20 U.S.C. 1400 et
12 seq.), the Head Start Act (42 U.S.C. 9831 et
13 seq.), the Community Services Block Grant Act
14 (42 U.S.C. 9901 et seq.), the Child Care and
15 Development Block Grant Act of 1990 (42
16 U.S.C. 9858 et seq.), the temporary assistance
17 for needy families program under part A of title
18 IV of the Social Security Act (42 U.S.C. 601 et
19 seq.), the State incentive grant program under
20 section 14006 of the American Recovery and
21 Reinvestment Act of 2009 (Public Law 111–5),
22 Federally funded early literacy programs, the
23 maternal, infant, and early childhood home vis-
24 iting programs funded under section 511 of the
25 Social Security Act (42 U.S.C. 711), health im-

1 provements to child care funded under title
2 XIX of the Social Security Act (42 U.S.C. 1396
3 et seq.), the program under subtitle B of title
4 VII of the McKinney-Vento Homeless Assist-
5 ance Act (42 U.S.S. 11431 et seq.), the Invest-
6 ing In Innovation program under section 14007
7 of the American Recovery and Reinvestment
8 Act of 2009 (Public Law 111–5), programs au-
9 thorized under part E of title IV of the Social
10 Security Act (42 U.S.C. 670 et seq.), the Fos-
11 tering Connections to Success and Increasing
12 Adoptions Act of 2008 (Public Law 110–351),
13 and any other Federal, State, or local early
14 childhood education programs used in the
15 State;

16 (H) award subgrants to eligible local enti-
17 ties, and in awarding such subgrants, facilitate
18 a delivery system of high-quality prekind-
19 ergarten programs that includes diverse pro-
20 viders, such as providers in community-based,
21 public school, and private settings, and consider
22 the system’s impact on options for families;

23 (I) in the case of a State that does not
24 have a funding mechanism for subgranting
25 funds to implement high-quality prekind-

1 garten, use objective criteria in awarding sub-
2 grants to eligible local entities that will imple-
3 ment high-quality prekindergarten programs,
4 including actions the State will take to ensure
5 that eligible local entities will coordinate with
6 local educational agencies or other early learn-
7 ing providers, as appropriate, to carry out ac-
8 tivities to provide children served under this
9 subtitle with a successful transition from pre-
10 school into kindergarten, which activities shall
11 include—

12 (i) aligning curricular objectives and
13 instruction;

14 (ii) providing staff professional devel-
15 opment, including opportunities for joint-
16 professional development on early learning
17 and kindergarten through grade 3 stand-
18 ards, assessments, and curricula;

19 (iii) coordinating family engagement
20 and support services; and

21 (iv) encouraging the shared use of fa-
22 cilities and transportation, as appropriate;

23 (J) use the State early learning and devel-
24 opment standards described in section 1115(1)
25 to address the needs of dual language learners,

1 including by incorporating benchmarks related
2 to English language development;

3 (K) identify barriers, and propose solutions
4 to overcome such barriers, which may include
5 seeking assistance under section 1126, in the
6 State to effectively use and integrate Federal,
7 State, and local public funds and private funds
8 for early childhood education that are available
9 to the State on the date on which the applica-
10 tion is submitted;

11 (L) support articulation agreements (as
12 defined in section 486A of the Higher Edu-
13 cation Act of 1965 (20 U.S.C. 1093a)) between
14 public 2-year and public 4-year institutions of
15 higher education and other credit-bearing pro-
16 fessional development in the State for early
17 childhood teacher preparation programs and
18 closely related fields;

19 (M) ensure that the higher education pro-
20 grams in the State have the capacity to prepare
21 a workforce to provide high-quality prekind-
22 garten programs;

23 (N) support workforce development, in-
24 cluding State and local policies that support
25 prekindergarten instructional staff's ability to

1 earn a degree, certification, or other specializa-
2 tions or qualifications, including policies on
3 leave, substitutes, and child care services, in-
4 cluding non-traditional hour child care;

5 (O) hold eligible local entities accountable
6 for use of funds;

7 (P) ensure that the State's early learning
8 and development standards are integrated into
9 the instructional and programmatic practices of
10 high-quality prekindergarten programs and re-
11 lated programs and services, such as those pro-
12 vided to children under section 619 and part C
13 of the Individuals with Disabilities Education
14 Act (20 U.S.C. 1419 and 1431 et seq);

15 (Q) increase the number of children in the
16 State who are enrolled in high-quality kinder-
17 garten programs and carry out a strategy to
18 implement such a plan;

19 (R) coordinate the State's activities sup-
20 ported by grants under this subtitle with activi-
21 ties in State plans required under the Elemen-
22 tary and Secondary Education Act of 1965 (20
23 U.S.C. 6301 et seq.), the Individuals with Dis-
24 abilities Education Act (20 U.S.C. 1400 et
25 seq.), the Head Start Act (42 U.S.C. 9831 et

1 seq.), the Child Care and Development Block
2 Grant Act of 1990 (42 U.S.C. 9858 et seq.),
3 and the Adult Education and Family Literacy
4 Act (20 U.S.C. 9201 et seq.);

5 (S) encourage eligible local entities to co-
6 ordinate with community-based learning re-
7 sources, such as libraries, arts and arts edu-
8 cation programs, appropriate media programs,
9 family literacy programs, public parks and
10 recreation programs, museums, nutrition edu-
11 cation programs, and programs supported by
12 the Corporation for National and Community
13 Service;

14 (T) work with eligible local entities, in con-
15 sultation with elementary school principals, to
16 ensure that high-quality prekindergarten pro-
17 grams have sufficient and appropriate facilities
18 to meet the needs of children eligible for pre-
19 kindergarten;

20 (U) support local early childhood coordi-
21 nating entities, such as local early childhood
22 councils, if applicable, and help such entities to
23 coordinate early childhood education programs
24 with high-quality prekindergarten programs to

1 ensure effective and efficient delivery of early
2 childhood education program services;

3 (V) support shared services administering
4 entities, if applicable;

5 (W) ensure that the provision of high-quality
6 prekindergarten programs will not lead to a
7 diminution in the quality or supply of services
8 for infants and toddlers or disrupt the care of
9 infants and toddlers in the geographic area
10 served by the eligible local entity, which may in-
11 clude demonstrating that the State will direct
12 funds to provide high-quality early childhood
13 education and care to infants and toddlers in
14 accordance with section 1117(d); and

15 (X) ensure that all high-quality prekindergarten
16 programs the State supports under this
17 Act will conduct criminal history background
18 checks that meet the requirements of section
19 9537 on employees and applicants for employ-
20 ment with unsupervised access to children; and

21 (3) an inventory of the State's higher education
22 programs that prepare individuals for work in a
23 high-quality prekindergarten program, including—

24 (A) certification programs;

25 (B) associate degree programs;

- 1 (C) baccalaureate degree programs
2 (D) masters degree programs; and
3 (E) other programs that lead to a speciali-
4 zation in early childhood education, or a related
5 field.

6 (b) DEVELOPMENT OF APPLICATION.—In developing
7 an application for a grant under this subtitle, a State shall
8 consult with the State Advisory Council on Early Child-
9 hood Education and Care and incorporate such Council's
10 recommendations, where applicable.

11 (c) CONSTRUCTION.—Nothing in this section shall be
12 construed to alter or otherwise affect the rights, remedies,
13 and procedures afforded school employees, local edu-
14 cational agency employees, and the employees of early
15 childhood education programs under Federal, State, or
16 local laws (including applicable regulations or court or-
17 ders) or under the terms of collective bargaining agree-
18 ments, memoranda of understanding, or other agreements
19 between such employees and their employers.

20 **SEC. 1117. STATE USE OF FUNDS.**

21 (a) RESERVATION FOR QUALITY IMPROVEMENT AC-
22 TIVITIES.—

23 (1) IN GENERAL.—A State that receives a
24 grant under this subtitle may reserve for, not more
25 than the first 4 years such State receives such a

1 grant, not more than 20 percent of the grant funds
2 for quality improvement activities that support the
3 elements of high-quality prekindergarten programs.
4 Such quality improvement activities may include
5 supporting teachers, center directors, and principals
6 in a State's high-quality prekindergarten program,
7 licensed or regulated child care, or Head Start pro-
8 grams to enable such teachers or directors to earn
9 a baccalaureate degree in early childhood education,
10 or closely-related field, through activities which may
11 include—

12 (A) expanding or establishing scholarships,
13 counseling, and compensation initiatives to
14 cover the cost of tuition, fees, materials, trans-
15 portation, and release time for such teachers;

16 (B) providing ongoing professional develop-
17 ment opportunities, including regular in-class-
18 room observation by individuals trained in such
19 observation, for such teachers, directors, prin-
20 cipals, and teachers assistants to enable such
21 teachers, directors, principals, and teachers as-
22 sistants to carry out the elements of high-qual-
23 ity prekindergarten programs, which may in-
24 clude activities that address—

- 1 (i) promoting children’s development
2 across all of the essential domains of early
3 learning and development;
- 4 (ii) developmentally appropriate cur-
5 ricula and teacher-child interaction;
- 6 (iii) effective family engagement;
- 7 (iv) providing culturally competent in-
8 struction;
- 9 (v) working with a diversity of chil-
10 dren and families, including children with
11 special needs and dual language learners;
- 12 (vi) childhood nutrition and physical
13 education programs;
- 14 (vii) supporting the implementation of
15 evidence-based curricula;
- 16 (viii) social and emotional develop-
17 ment; and
- 18 (ix) incorporating age-appropriate
19 strategies of positive behavioral interven-
20 tions and supports; and
- 21 (C) providing families with increased op-
22 portunities to learn how best to support their
23 children’s physical, cognitive, social, and emo-
24 tional development during the first five years of
25 life.

1 (2) NOT SUBJECT TO MATCHING.—The amount
2 reserved under paragraph (1) shall not be subject to
3 the matching requirements under section 1120.

4 (3) COORDINATION.—A State that reserves an
5 amount under paragraph (1) shall coordinate the
6 use of such amount with activities funded under sec-
7 tion 658G of the Child Care and Development Block
8 Grant Act of 1990 (42 U.S.C. 9858e) and the Head
9 Start Act (42 U.S.C. 9831 et seq.).

10 (4) CONSTRUCTION.—A State may not use
11 funds reserved under this subsection to meet the re-
12 quirement described in section 1112(9)(G).

13 (b) SUBGRANTS FOR HIGH-QUALITY PREKINDER-
14 GARTEN PROGRAMS.—A State that receives a grant under
15 this subtitle shall award subgrants of sufficient size to eli-
16 gible local entities to enable such eligible local entities to
17 implement high-quality prekindergarten programs for chil-
18 dren who—

19 (1) are described in section 1112(9)(A);

20 (2) reside within the State; and

21 (3) are from families with incomes at or below
22 200 percent of the poverty line.

23 (c) ADMINISTRATION.—A State that receives a grant
24 under this subtitle may reserve not more than 1 percent
25 of the grant funds for administration of the grant, and

1 may use part of that reservation for the maintenance of
2 the State Advisory Council on Early Childhood Education
3 and Care.

4 (d) EARLY CHILDHOOD EDUCATION AND CARE PRO-
5 GRAMS FOR INFANTS AND TODDLERS.—

6 (1) USE OF ALLOTMENT FOR INFANTS AND
7 TODDLERS.—An eligible State may apply to use, and
8 the appropriate Secretary may grant permission for
9 the State to use, not more than 15 percent of the
10 funds made available through a grant received under
11 this subtitle to award subgrants to early childhood
12 education programs to provide, consistent with the
13 State's early learning and development guidelines for
14 infants and toddlers, high-quality early childhood
15 education and care to infants and toddlers who re-
16 side within the State and are from families with in-
17 comes at or below 200 percent of the poverty line.

18 (2) APPLICATION.—To be eligible to use the
19 grant funds as described in paragraph (1), the State
20 shall submit an application to the appropriate Sec-
21 retary at such time, in such manner, and containing
22 such information as the Secretary may require. Such
23 application shall, at a minimum, include a descrip-
24 tion of how the State will—

1 (A) designate a lead agency which shall ad-
2 minister such funds;

3 (B) ensure that such lead agency, in co-
4 ordination with the State's Advisory Council on
5 Early Childhood Education and Care, will col-
6 laborate with other agencies in administering
7 programs supported under this subsection for
8 infants and toddlers in order to obtain input
9 about the appropriate use of such funds and en-
10 sure coordination with programs for infants and
11 toddlers funded under the Child Care and De-
12 velopment Block Grant Act of 1990 (42 U.S.C.
13 9858 et seq.), the Head Start Act (42 U.S.C.
14 9831 et seq.) (including any Early Learning
15 Quality Partnerships established in the State
16 under section 645B of the Head Start Act, as
17 added by section 202), the Race to the Top and
18 Early Learning Challenge program under sec-
19 tion 14006 of Public Law 111-5 (123 Stat.
20 283), the maternal, infant, and early childhood
21 home visiting programs funded under section
22 511 of the Social Security Act (42 U.S.C. 711),
23 and part C of the Individuals with Disabilities
24 Education Act (20 U.S.C. 1431 et seq.);

1 (C) ensure that infants and toddlers who
2 benefit from amounts made available under this
3 subsection will transition to and have the oppor-
4 tunity to participate in a high-quality pre-
5 kindergarten program supported under this
6 subtitle;

7 (D) in awarding subgrants, give preference
8 to early childhood education programs that
9 have a plan to increase services to children with
10 special needs, including children with develop-
11 mental delays or disabilities, children who are
12 dual language learners, homeless children, chil-
13 dren who are in foster care, children of migrant
14 families, children eligible for free or reduced-
15 price lunch under the Richard B. Russell Na-
16 tional School Lunch Act (42 U.S.C. 1751 et
17 seq.), or children in the child welfare system;
18 and

19 (E) give priority to activities carried out
20 under this subsection that will increase access
21 to high-quality early childhood education pro-
22 grams for infants and toddlers in local areas
23 with significant concentrations of low-income
24 families that do not currently benefit from such
25 programs.

1 (3) ELIGIBLE PROVIDERS.—A State may use
2 the grant funds as described in paragraph (1) to
3 serve infants and toddlers only by working with
4 early childhood education program providers that—

5 (A) offer full-day, full-year care, or other-
6 wise meet the needs of working families; and

7 (B) meet high-quality standards, such as—

8 (i) Early Head Start program per-
9 formance standards under the Head Start
10 Act (42 U.S.C. 9831 et seq.); or

11 (ii) high quality, demonstrated, valid,
12 and reliable program standards that have
13 been established through a national entity
14 that accredits early childhood education
15 programs.

16 (4) FEDERAL ADMINISTRATION.—

17 (A) IN GENERAL.—The Secretary of Edu-
18 cation shall bear responsibility for obligating
19 and disbursing funds to support activities under
20 this subsection and ensuring compliance with
21 applicable laws and administrative require-
22 ments, subject to paragraph (3).

23 (B) INTERAGENCY AGREEMENT.—The Sec-
24 retary of Education and the Secretary of
25 Health and Human Services shall jointly ad-

1 minister activities supported under this sub-
2 section on such terms as such Secretaries shall
3 set forth in an interagency agreement. The Sec-
4 retary of Health and Human Services shall be
5 responsible for any final approval of a State's
6 application under this subsection that addresses
7 the use of funds designated for services to in-
8 fants and toddlers.

9 (C) APPROPRIATE SECRETARY.—In this
10 subsection, the term “appropriate Secretary”
11 used with respect to a function, means the Sec-
12 retary designated for that function under the
13 interagency agreement.

14 **SEC. 1118. ADDITIONAL PREKINDERGARTEN SERVICES.**

15 (a) PREKINDERGARTEN FOR 3-YEAR OLDS.—Each
16 State that certifies to the Secretary that the State pro-
17 vides universally available, voluntary, high-quality pre-
18 kindergarten programs for 4-year old children who reside
19 within the State and are from families with incomes at
20 or below 200 percent of the poverty line may use the
21 State's allocation under section 1114(b) to provide high-
22 quality prekindergarten programs for 3-year old children
23 who reside within the State and are from families with
24 incomes at or below 200 percent of the poverty line.

1 (b) SUBGRANTS.—In each State that has a city,
2 county, or local educational agency that provides univer-
3 sally available high-quality prekindergarten programs for
4 4-year old children who reside within the State and are
5 from families with incomes at or below 200 percent of the
6 poverty line the State may use amounts from the State’s
7 allocation under section 1114(b) to award subgrants to eli-
8 gible local entities to enable such eligible local entities to
9 provide high-quality prekindergarten programs for 3-year
10 old children who are from families with incomes at or
11 below 200 percent of the poverty line and who reside in
12 such city, county or local educational agency.

13 **SEC. 1119. PERFORMANCE MEASURES AND TARGETS.**

14 (a) IN GENERAL.—A State that receives a grant
15 under this subtitle shall develop, implement, and make
16 publicly available the performance measures and targets
17 for the activities carried out with grant funds. Such meas-
18 ures shall, at a minimum, track the State’s progress in—

19 (1) increasing school readiness across all do-
20 mains for all categories of children, as described in
21 section 1123(b)(7), including children with disabil-
22 ities and dual language learners;

23 (2) narrowing school readiness gaps between
24 minority and nonminority children, and low-income

1 children and more advantaged children, in prepara-
2 tion for kindergarten entry;

3 (3) decreasing placement for children in ele-
4 mentary school in special education programs and
5 services as described in part B of the Individuals
6 with Disabilities Education Act (20 U.S.C. 1411 et
7 seq.);

8 (4) increasing the number of programs meeting
9 the criteria for high-quality prekindergarten pro-
10 grams across all types of local eligible entities, as de-
11 fined by the State and in accordance with section
12 1112;

13 (5) decreasing the need for grade-to-grade re-
14 tention in elementary school;

15 (6) if applicable, ensuring that high-quality pre-
16 kindergarten programs do not experience instances
17 of chronic absence among the children who partici-
18 pate in such programs;

19 (7) increasing the number and percentage of
20 low-income children in high-quality early childhood
21 education programs that receive financial support
22 through funds provided under this subtitle; and

23 (8) providing high-quality nutrition services,
24 nutrition education, physical activity, and obesity
25 prevention programs.

1 (b) PROHIBITION OF MISDIAGNOSIS PRACTICES.—A
2 State shall not, in order to meet the performance meas-
3 ures and targets described in subsection (a), engage in
4 practices or policies that will lead to the misdiagnosis or
5 under-diagnosis of disabilities or developmental delays
6 among children who are served through programs sup-
7 ported under this subtitle.

8 **SEC. 1120. MATCHING REQUIREMENTS.**

9 (a) MATCHING FUNDS.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), a State that receives a grant under this
12 subtitle shall provide matching funds from non-Fed-
13 eral sources, as described in subsection (c), in an
14 amount equal to—

15 (A) 10 percent of the Federal funds pro-
16 vided under the grant in the first year of grant
17 administration;

18 (B) 10 percent of the Federal funds pro-
19 vided under the grant in the second year of
20 grant administration;

21 (C) 20 percent of the Federal funds pro-
22 vided under the grant in the third year of grant
23 administration;

1 (D) 30 percent of the Federal funds pro-
2 vided under the grant in the fourth year of
3 grant administration;

4 (E) 40 percent of the Federal funds pro-
5 vided under the grant in the fifth year of grant
6 administration;

7 (F) 50 percent of the Federal funds pro-
8 vided under the grant in the sixth year of grant
9 administration;

10 (G) 75 percent of the Federal funds pro-
11 vided under the grant in the seventh year of
12 grant administration; and

13 (H) 100 percent of the Federal funds pro-
14 vided under the grant in the eighth and fol-
15 lowing years of grant administration.

16 (2) REDUCED MATCH RATE.—A State that
17 meets the requirements under subsection (b) may
18 provide matching funds from non-Federal sources at
19 a reduced rate. The full reduced matching funds
20 rate shall be in an amount equal to—

21 (A) 5 percent of the Federal funds pro-
22 vided under the grant in the first year of grant
23 administration;

1 (B) 5 percent of the Federal funds pro-
2 vided under the grant in the second year of
3 grant administration;

4 (C) 10 percent of the Federal funds pro-
5 vided under the grant in the third year of grant
6 administration;

7 (D) 20 percent of the Federal funds pro-
8 vided under the grant in the fourth year of
9 grant administration;

10 (E) 30 percent of the Federal funds pro-
11 vided under the grant in the fifth year of grant
12 administration;

13 (F) 40 percent of the Federal funds pro-
14 vided under the grant in the sixth year of grant
15 administration;

16 (G) 50 percent of the Federal funds pro-
17 vided under the grant in the seventh year of
18 grant administration;

19 (H) 75 percent of the Federal funds pro-
20 vided under the grant in the eighth year of
21 grant administration; and

22 (I) 100 percent of the Federal funds pro-
23 vided under the grant in the ninth and fol-
24 lowing years of the grant administration.

1 (b) REDUCED MATCH RATE ELIGIBILITY.—A State
2 that receives a grant under this subtitle may provide
3 matching funds from non-Federal sources at the full re-
4 duced rate under subsection (a)(2) if the State—

5 (1)(A) offers enrollment in high-quality pre-
6 kindergarten programs to not less than half of chil-
7 dren in the State who are—

8 (i) age 4 on the eligibility determination
9 date; and

10 (ii) from families with incomes at or below
11 200 percent of the poverty line; and

12 (B) has a plan for continuing to expand access
13 to high-quality prekindergarten programs for such
14 children in the State; and

15 (2) has a plan to expand access to high-quality
16 prekindergarten programs to children from moderate
17 income families whose income exceeds 200 percent of
18 the poverty line.

19 (c) NON-FEDERAL RESOURCES.—

20 (1) IN CASH.—A State shall provide the match-
21 ing funds under this section in cash with non-Fed-
22 eral resources which may include State funding,
23 local funding, or contributions from philanthropy or
24 other private sources, or a combination thereof.

1 (2) FUNDS TO BE CONSIDERED AS MATCHING
2 FUNDS.—A State may include, as part of the State’s
3 matching funds under this section, not more than 10
4 percent of the amount of State funds designated for
5 State prekindergarten programs or to supplement
6 Head Start programs under the Head Start Act (42
7 U.S.C. 9831 et seq.) as of the date of enactment of
8 this Act, but may not include any funds that are at-
9 tributed as matching funds, as part of a non-Federal
10 share, or as a maintenance of effort requirement, for
11 any other Federal program.

12 (d) MAINTENANCE OF EFFORT.—

13 (1) IN GENERAL.—If a State reduces its com-
14 bined fiscal effort per student or the aggregate ex-
15 penditures within the State to support early child-
16 hood education programs for any fiscal year that a
17 State receives a grant authorized under this subtitle
18 relative to the previous fiscal year, the Secretary
19 shall reduce support for such State under this sub-
20 title by the same amount as the decline in State and
21 local effort for such fiscal year.

22 (2) WAIVER.—The Secretary may waive the re-
23 quirements of paragraph (1) if—

24 (A) the Secretary determines that a waiver
25 would be appropriate due to a precipitous de-

1 cline in the financial resources of a State as a
2 result of unforeseen economic hardship or a
3 natural disaster that has necessitated across-
4 the-board reductions in State services, including
5 early childhood education programs; or

6 (B) due to the circumstances of a State re-
7 quiring reductions in specific programs, includ-
8 ing early childhood education, if the State pre-
9 sents to the Secretary a justification and dem-
10 onstration why other programs could not be re-
11 duced and how early childhood programs in the
12 State will not be disproportionately harmed by
13 such State action.

14 (e) SUPPLEMENT NOT SUPPLANT.—Grant funds re-
15 ceived under this title shall be used to supplement and
16 not supplant other Federal, State, and local public funds
17 expended on public prekindergarten programs in the
18 State.

19 **SEC. 1121. ELIGIBLE LOCAL ENTITY APPLICATIONS.**

20 (a) IN GENERAL.—An eligible local entity desiring to
21 receive a subgrant under section 1117(b) shall submit an
22 application to the State, at such time, in such manner,
23 and containing such information as the State may reason-
24 ably require.

1 (b) CONTENTS.—Each application submitted under
2 subsection (a) shall include the following:

3 (1) PARENT AND FAMILY ENGAGEMENT.—A de-
4 scription of how the eligible local entity plans to en-
5 gage the parents and families of the children such
6 entity serves and ensure that parents and families of
7 eligible children, as described in clauses (i) and (ii)
8 of section 1116(a)(2)(A), are aware of the services
9 provided by the eligible local entity, which shall in-
10 clude a plan to—

11 (A) carry out meaningful parent and fam-
12 ily engagement, through the implementation
13 and replication of evidence-based or promising
14 practices and strategies, which shall be coordi-
15 nated with parent and family engagement strat-
16 egies supported under the Individuals with Dis-
17 abilities Education Act (20 U.S.C. 1400 et seq.)
18 and part A of title I and title V of the Elemen-
19 tary and Secondary Education Act of 1965 (20
20 U.S.C. 6311 et seq. and 7201 et seq.), if appli-
21 cable, to—

22 (i) provide parents and family mem-
23 bers with the skills and opportunities nec-
24 essary to become engaged and effective
25 partners in their children’s education, par-

1 ticularly the families of dual language
2 learners and children with disabilities,
3 which may include access to literacy serv-
4 ices;

5 (ii) improve child development; and

6 (iii) strengthen relationships among
7 prekindergarten staff and parents and
8 family members; and

9 (B) participate in community outreach to
10 encourage families with eligible children to par-
11 ticipate in the eligible local entity's high-quality
12 prekindergarten program, including—

13 (i) homeless children;

14 (ii) dual language learners;

15 (iii) children in foster care;

16 (iv) children with disabilities; and

17 (v) migrant children.

18 (2) COORDINATION & ALIGNMENT.—A descrip-
19 tion of how the eligible local entity will—

20 (A) coordinate, if applicable, the eligible
21 local entity's activities with—

22 (i) Head Start agencies (consistent
23 with section 642(e)(5) of the Head Start
24 Act (42 U.S.C. 9837(e)(5)), if the local en-
25 tity is not a Head Start agency;

1 (ii) local educational agencies, if the
2 eligible local entity is not a local edu-
3 cational agency;

4 (iii) providers of services under part C
5 of the Individuals with Disabilities Edu-
6 cation Act (20 U.S.C. 1431 et seq.);

7 (iv) programs carried out under sec-
8 tion 619 of the Individuals with Disabil-
9 ities Education Act (20 U.S.C. 1419); and

10 (v) if feasible, other entities carrying
11 out early childhood education programs
12 and services within the area served by the
13 local educational agency.

14 (B) develop a process to promote con-
15 tinuity of developmentally appropriate instruc-
16 tional programs and shared expectations with
17 local elementary schools for children's learning
18 and development as children transition to kin-
19 dergarten;

20 (C) organize, if feasible, and participate in
21 joint training, when available, including transi-
22 tion-related training for school staff and early
23 childhood education program staff;

24 (D) establish comprehensive transition
25 policies and procedures, with applicable elemen-

1 tary schools and principals, for the children
2 served by the eligible local entity that support
3 the school readiness of children transitioning to
4 kindergarten, including the transfer of early
5 childhood education program records, with pa-
6 rental consent;

7 (E) conduct outreach to parents, families,
8 and elementary school teachers and principals
9 to discuss the educational, developmental, and
10 other needs of children entering kindergarten;

11 (F) help parents, including parents of chil-
12 dren who are dual language learners, under-
13 stand and engage with the instructional and
14 other services provided by the kindergarten in
15 which such child will enroll after participation
16 in a high-quality prekindergarten program; and

17 (G) develop and implement a system to in-
18 crease program participation of underserved
19 populations of eligible children, especially home-
20 less children, children eligible for a free or re-
21 duced-price lunch under the Richard B. Russell
22 National School Lunch Act (42 U.S.C. 1751 et
23 seq.), parents of children who are dual language
24 learners, and parents of children with disabil-
25 ities.

1 (3) PROTECTIONS FOR SPECIAL POPU-
2 LATIONS.—A description of how the eligible local en-
3 tity will meet the diverse needs of children in the
4 community to be served, including children with dis-
5 abilities, children whose native language is not
6 English, children with other special needs, children
7 in the State foster care system, and homeless chil-
8 dren. Such description shall demonstrate, at a min-
9 imum, how the entity plans to—

10 (A) ensure the eligible local entity’s high-
11 quality prekindergarten program is accessible
12 and appropriate for children with disabilities
13 and dual language learners;

14 (B) establish effective procedures for pro-
15 viding necessary early screening for learning
16 issues and delays in early literacy and math
17 skill development and intervening services based
18 on these screenings to children with disabilities
19 prior to an eligibility determination by the State
20 or local agency responsible for providing serv-
21 ices under section 619 or part C of the Individ-
22 uals with Disabilities Education Act (20 U.S.C.
23 1419 and 1431 et seq.);

24 (C) establish effective procedures for time-
25 ly referral of children with disabilities to the

1 State or local agency described in subparagraph
2 (B);

3 (D) ensure that the eligible local entity's
4 high-quality prekindergarten program works
5 with appropriate entities to address the elimi-
6 nation of barriers to immediate and continuous
7 enrollment for homeless children; and

8 (E) ensure access to and continuity of en-
9 rollment in high-quality prekindergarten pro-
10 grams for migratory children, if applicable, and
11 homeless children, including through policies
12 and procedures that require—

13 (i) outreach to identify migratory chil-
14 dren and homeless children;

15 (ii) immediate enrollment, including
16 enrollment during the period of time when
17 documents typically required for enroll-
18 ment, including health and immunization
19 records, proof of eligibility, and other docu-
20 ments, are obtained;

21 (iii) continuous enrollment and par-
22 ticipation in the same high-quality pre-
23 kindergarten program for a child, even if
24 the child moves out of the program's serv-
25 ice area, if that enrollment and participa-

1 tion are in the child’s best interest, includ-
2 ing by providing transportation when nec-
3 essary;

4 (iv) professional development for high-
5 quality prekindergarten program staff re-
6 garding migratory children and homeless-
7 ness among families with young children;
8 and

9 (v) in serving homeless children, col-
10 laboration with local educational agency li-
11 aisons designated under section
12 722(g)(1)(J)(ii) of the McKinney-Vento
13 Homeless Assistance Act (42 U.S.C.
14 11432(g)(1)(J)(ii)), and local homeless
15 service providers.

16 (4) ACCESSIBLE COMPREHENSIVE SERVICES.—
17 A description of how the eligible local entity plans to
18 provide accessible comprehensive services, described
19 in section 1112(9)(I), to the children the eligible
20 local entity serves. Such description shall provide in-
21 formation on how the entity will—

22 (A) conduct a data-driven community as-
23 sessment in coordination with members of the
24 community, including parents and community

1 organizations, or use a recently conducted data-
2 driven assessment, which—

3 (i) may involve an external partner
4 with expertise in conducting such needs
5 analysis, to determine the most appro-
6 priate social or other support services to
7 offer through the eligible local entity's on-
8 site comprehensive services to children who
9 participate in high-quality prekindergarten
10 programs; and

11 (ii) shall consider the resources avail-
12 able at the school, local educational agen-
13 cy, and community levels to address the
14 needs of the community and improve child
15 outcomes; and

16 (B) have a coordinated system to facilitate
17 the screening, referral, and provision of services
18 related to health, nutrition, mental health, dis-
19 ability, and family support for children served
20 by the eligible local entity.

21 (5) WORKFORCE.—A description of how the eli-
22 gible local entity plans to support the instructional
23 staff of such entity's high-quality prekindergarten
24 program, which shall, at a minimum, include a plan
25 to provide high-quality professional development, or

1 facilitate the provision of high-quality professional
2 development through an external partner with exper-
3 tise and a demonstrated track record of success,
4 based on scientifically valid research, that will im-
5 prove the knowledge and skills of high-quality pre-
6 kindergarten teachers and staff through activities,
7 which may include—

8 (A) acquiring content knowledge and learn-
9 ing teaching strategies needed to provide effec-
10 tive instruction that addresses the State’s early
11 learning and development standards described
12 under section 1115(1), including professional
13 training to support the social and emotional de-
14 velopment of children;

15 (B) enabling high-quality prekindergarten
16 teachers and staff to pursue specialized training
17 in early childhood development;

18 (C) enabling high-quality prekindergarten
19 teachers and staff to acquire the knowledge and
20 skills to provide instruction and appropriate
21 language and support services to increase the
22 English language skills of dual language learn-
23 ers;

24 (D) enabling high-quality prekindergarten
25 teachers and staff to acquire the knowledge and

1 skills to provide developmentally appropriate in-
2 struction for children with disabilities;

3 (E) promoting classroom management;

4 (F) providing high-quality induction and
5 support for incoming high-quality prekindergarten
6 teachers and staff in high-quality pre-
7 kindergarten programs, including through the
8 use of mentoring programs and coaching that
9 have a demonstrated track record of success;

10 (G) promoting the acquisition of relevant
11 credentials, including in ways that support ca-
12 reer advancement through career ladders; and

13 (H) enabling high-quality prekindergarten
14 teachers and staff to acquire the knowledge and
15 skills to provide culturally competent instruc-
16 tion for children from diverse backgrounds.

17 **SEC. 1122. REQUIRED SUBGRANT ACTIVITIES.**

18 (a) IN GENERAL.—An eligible local entity that re-
19 ceives a subgrant under section 1117(b) shall use
20 subgrant funds to implement the elements of a high-qual-
21 ity prekindergarten program for the children described in
22 section 1117(b).

23 (b) COORDINATION.—

24 (1) LOCAL EDUCATIONAL AGENCY PARTNER-
25 SHIPS WITH LOCAL EARLY CHILDHOOD EDUCATION

1 PROGRAMS.—A local educational agency that re-
2 ceives a subgrant under this subtitle shall provide an
3 assurance that the local educational agency will
4 enter into strong partnerships with local early child-
5 hood education programs, including programs sup-
6 ported through the Head Start Act (42 U.S.C. 9831
7 et seq.).

8 (2) ELIGIBLE LOCAL ENTITIES THAT ARE NOT
9 LOCAL EDUCATIONAL AGENCIES.—An eligible local
10 entity that is not a local educational agency that re-
11 ceives a subgrant under this subtitle shall provide an
12 assurance that such entity will enter into strong
13 partnerships with local educational agencies.

14 **SEC. 1123. REPORT AND EVALUATION.**

15 (a) IN GENERAL.—Each State that receives a grant
16 under this subtitle shall prepare an annual report, in such
17 manner and containing such information as the Secretary
18 may reasonably require.

19 (b) CONTENTS.—A report prepared under subsection
20 (a) shall contain, at a minimum—

21 (1) a description of the manner in which the
22 State has used the funds made available through the
23 grant and a report of the expenditures made with
24 the funds;

1 (2) a summary of the State's progress toward
2 providing access to high-quality prekindergarten pro-
3 grams for children eligible for such services, as de-
4 termined by the State, from families with incomes at
5 or below 200 percent of the poverty line, including
6 the percentage of funds spent on children from fami-
7 lies with incomes—

8 (A) at or below 100 percent of the poverty
9 line;

10 (B) at or below between 101 and 150 per-
11 cent of the poverty line; and

12 (C) at or below between 151 and 200 per-
13 cent of the poverty line;

14 (3) an evaluation of the State's progress toward
15 achieving the State's performance targets, described
16 in section 1119;

17 (4) data on the number of high-quality pre-
18 kindergarten program teachers and staff in the
19 State (including teacher turnover rates and teacher
20 compensation levels compared to teachers in elemen-
21 tary schools and secondary schools), according to the
22 setting in which such teachers and staff work (which
23 settings shall include, at a minimum, Head Start
24 programs, public prekindergarten, and child care
25 programs) who received training or education during

1 the period of the grant and remained in the early
2 childhood education program field;

3 (5) data on the kindergarten readiness of chil-
4 dren in the State;

5 (6) a description of the State's progress in ef-
6 fectively using Federal, State, and local public funds
7 and private funds, for early childhood education;

8 (7) the number and percentage of children in
9 the State participating in high-quality prekind-
10 garten programs, disaggregated by race, ethnicity,
11 family income, child age, disability, whether the chil-
12 dren are homeless children, and whether the children
13 are dual language learners;

14 (8) data on the availability, affordability, and
15 quality of infant and toddler care in the State;

16 (9) the number of operational minutes per week
17 and per year for each eligible local entity that re-
18 ceives a subgrant;

19 (10) the local educational agency and zip code
20 in which each eligible local entity that receives a
21 subgrant operates;

22 (11) information, for each of the local edu-
23 cational agencies described in paragraph (10), on
24 the percentage of the costs of the public early child-
25 hood education programs that is funded from Fed-

1 eral, from State, and from local sources, including
2 the percentages from specific funding programs;

3 (12) data on the number and percentage of
4 children in the State participating in public kinder-
5 garten programs, disaggregated by race, family in-
6 come, child age, disability, whether the children are
7 homeless children, and whether the children are dual
8 language learners, with information on whether such
9 programs are offered—

10 (A) for a full-day; and

11 (B) at no cost to families;

12 (13) data on the number of individuals in the
13 State who are supported with scholarships, if appli-
14 cable, to meet the baccalaureate degree requirement
15 for high-quality prekindergarten programs, as de-
16 fined in section 1112; and

17 (14) information on—

18 (A) the numbers and rates of expulsion,
19 suspension, and similar disciplinary action, of
20 children in the State participating in high-qual-
21 ity prekindergarten programs, provided by any
22 eligible local entity, as defined in section
23 1112(7) of this title;

24 (B) the State's progress in establishing
25 policies on effective behavior management strat-

1 egies and training that promote positive social
2 and emotional development to eliminate expul-
3 sions and extended suspensions of children par-
4 ticipating in high-quality prekindergarten pro-
5 grams; and

6 (C) the State's policies on providing early
7 learning services to children in the State par-
8 ticipating in high-quality prekindergarten pro-
9 grams who have been suspended.

10 (c) SUBMISSION.—A State shall submit the annual
11 report prepared under subsection (a), at the end of each
12 fiscal year, to the Secretary, the Secretary of Health and
13 Human Services, and the State Advisory Council on Early
14 Childhood Education and Care.

15 (d) COOPERATION.—An eligible local entity that re-
16 ceives a subgrant under this subtitle shall cooperate with
17 all Federal and State efforts to evaluate the effectiveness
18 of the program the entity implements with subgrant funds.

19 (e) NATIONAL REPORT.—The Secretary shall compile
20 and summarize the annual State reports described under
21 subsection (c) and shall prepare and submit an annual re-
22 port to Congress that includes a summary of such State
23 reports.

1 **SEC. 1124. PROHIBITION OF REQUIRED PARTICIPATION OR**
2 **USE OF FUNDS FOR ASSESSMENTS.**

3 (a) PROHIBITION ON REQUIRED PARTICIPATION.—A
4 State receiving a grant under this subtitle shall not re-
5 quire any child to participate in any Federal, State, local,
6 or private early childhood education program, including a
7 high-quality prekindergarten program.

8 (b) PROHIBITION ON USE OF FUNDS FOR ASSESS-
9 MENT.—A State receiving a grant under this subtitle and
10 an eligible local entity receiving a subgrant under this sub-
11 title shall not use any grant or subgrant funds to carry
12 out any of the following activities:

13 (1) An assessment that provides rewards or
14 sanctions for individual children, teachers, or prin-
15 cipals.

16 (2) An assessment that is used as the primary
17 or sole method for assessing program effectiveness.

18 (3) Evaluating children, other than for the pur-
19 poses of—

20 (A) improving instruction or the classroom
21 environment;

22 (B) targeting professional development;

23 (C) determining the need for health, men-
24 tal health, disability, or family support services;

1 (D) program evaluation for the purposes of
2 program improvement and parent information;
3 and

4 (E) improving parent and family engage-
5 ment.

6 **SEC. 1125. COORDINATION WITH HEAD START PROGRAMS.**

7 (a) INCREASED ACCESS FOR YOUNGER CHILDREN.—

8 Not later than 1 year after the date of enactment of this
9 Act, the Secretary and the Secretary of Health and
10 Human Services shall develop a process—

11 (1) for use in the event that Head Start pro-
12 grams funded under the Head Start Act (42 U.S.C.
13 9831 et seq.) operate in States or regions that have
14 achieved sustained universal, voluntary access to 4-
15 year old children who reside within the State and
16 who are from families with incomes at or below 200
17 percent of the poverty line to high-quality prekindergarten
18 programs; and

19 (2) for how such Head Start programs will
20 begin converting slots for children who are age 4 on
21 the eligibility determination date to children who are
22 age 3 on the eligibility determination date, or, when
23 appropriate, converting Head Start Programs into
24 Early Head Start programs to serve infants and tod-
25 dlers.

1 (b) COMMUNITY NEED AND RESOURCES.—The proc-
2 ess described in subsection (a) shall—

3 (1) be carried out on a case-by-case basis and
4 shall ensure that sufficient resources and time are
5 allocated for the development of such a process so
6 that no child or cohort is excluded from currently
7 available services; and

8 (2) ensure that any conversion shall be based
9 on community need and not on the aggregate num-
10 ber of children served in a State or region that has
11 achieved sustained, universal, voluntary access to
12 high-quality prekindergarten programs.

13 (c) PUBLIC COMMENT AND NOTICE.—Not fewer than
14 90 days after the development of the proposed process de-
15 scribed in subsection (a), the Secretary and the Secretary
16 of Health and Human Services shall publish a notice de-
17 scribing such proposed process for conversion in the Fed-
18 eral Register providing at least 90 days for public com-
19 ment. The Secretaries shall review and consider public
20 comments prior to finalizing the process for conversion of
21 Head Start slots and programs.

22 (d) REPORTS TO CONGRESS.—Concurrently with
23 publishing a notice in the Federal Register as described
24 in subsection (c), the Secretaries shall provide a report
25 to the Committee on Education and the Workforce of the

1 House of Representatives and the Committee on Health,
2 Education, Labor, and Pensions of the Senate that pro-
3 vides a detailed description of the proposed process de-
4 scribed in subsection (a), including a description of the
5 degree to which Head Start programs are providing State-
6 funded high-quality prekindergarten programs as a result
7 of the grant opportunity provided under this subtitle in
8 States where Head Start programs are eligible for conver-
9 sion described in subsection (a).

10 **SEC. 1126. TECHNICAL ASSISTANCE IN PROGRAM ADMINIS-**
11 **TRATION.**

12 In providing technical assistance to carry out activi-
13 ties under this title, the Secretary shall coordinate that
14 technical assistance, in appropriate cases, with technical
15 assistance provided by the Secretary of Health and
16 Human Services to carry out the programs authorized
17 under the Head Start Act (42 U.S.C. 9831 et seq.), the
18 Child Care and Development Block Grant Act of 1990 (42
19 U.S.C. 9858 et seq.), and the maternal, infant and early
20 childhood home visiting programs assisted under section
21 511 of the Social Security Act (42 U.S.C. 711).

22 **SEC. 1127. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out
24 this subtitle—

25 (1) \$1,300,000,000 for fiscal year 2016;

- 1 (2) 3,250,000,000 for fiscal year 2017;
2 (3) \$5,780,000,000 for fiscal year 2018;
3 (4) \$7,580,000,000 for fiscal year 2019;
4 (5) \$8,960,000,000 for fiscal year 2020; and
5 (6) such sums as may be necessary for each of
6 fiscal years 2021 through 2025.

7 **Subtitle B—Prekindergarten**
8 **Development Grants**

9 **SEC. 1151. PREKINDERGARTEN DEVELOPMENT GRANTS.**

10 (a) IN GENERAL.—From the amounts appropriated
11 under subsection (f), the Secretary of Education, in con-
12 sultation with the Secretary of Health and Human Serv-
13 ices, shall award competitive grants to States that wish
14 to increase the capacity and build the infrastructure with-
15 in the State to offer high-quality prekindergarten pro-
16 grams.

17 (b) ELIGIBILITY.—A State that is not receiving funds
18 under section 1115 may compete for grant funds under
19 this subtitle if the State provides an assurance that the
20 State will, through the support of grant funds awarded
21 under this subtitle, meet the eligibility requirements of
22 section 1115 not later than 3 years after the date the
23 State first receives grant funds under this subtitle.

24 (c) GRANTS.—

1 (1) DURATION.—The Secretary shall award
2 grants to States under this subtitle for a period of
3 not more than 3 years and such grants shall not be
4 renewed.

5 (2) AUTHORITY TO SUBGRANT.—

6 (A) IN GENERAL.—A State receiving a
7 grant under this subtitle may use the grant
8 funds to make subgrants to eligible local enti-
9 ties (defined in section 1112(7)) to carry out
10 activities under the grant.

11 (B) ELIGIBLE LOCAL ENTITIES.—An eligi-
12 ble local entity receiving a subgrant under sub-
13 paragraph (A) shall comply with the require-
14 ments for States receiving a grant under this
15 subtitle, as appropriate.

16 (d) APPLICATION.—

17 (1) IN GENERAL.—A Governor of a State that
18 desires to receive a grant under this subtitle shall
19 submit an application to the Secretary of Education
20 at such time, in such manner, and accompanied by
21 such information as the Secretary may reasonably
22 require, including a description of how the State
23 plans to become eligible for grants under section
24 1115 by not later than 3 years after the date the
25 State first receives grant funds under this subtitle.

1 (2) DEVELOPMENT OF APPLICATION.—In devel-
2 oping an application for a grant under this subtitle,
3 a Governor of a State shall consult with the State
4 Advisory Council on Early Childhood Education and
5 Care, and incorporate their recommendations, where
6 applicable.

7 (e) MATCHING REQUIREMENT.—

8 (1) IN GENERAL.—To be eligible to receive a
9 grant under this subtitle, a State shall contribute for
10 the activities for which the grant was awarded non-
11 Federal matching funds in an amount equal to not
12 less than 20 percent of the amount of the grant.

13 (2) NON-FEDERAL FUNDS.—To satisfy the re-
14 quirement of paragraph (1), a State may use—

15 (A) cash; or

16 (B) an in-kind contribution.

17 (3) FINANCIAL HARDSHIP WAIVER.—The Sec-
18 retary may waive paragraph (1) or reduce the
19 amount of matching funds required under that para-
20 graph for a State that has submitted an application
21 for a grant under this subtitle if the State dem-
22 onstrates, in the application, a need for such a waiv-
23 er or reduction due to extreme financial hardship, as
24 determined by the Secretary of Education.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this sub-
3 title—

4 (1) \$750,000,000 for fiscal year 2016; and

5 (2) such sums as may be necessary for each of
6 fiscal years 2017 through 2025.

