

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 5
OFFERED BY MR. GEORGE MILLER OF
CALIFORNIA**

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:

- Sec. 1. Short title.
- Sec. 2. References.
- Sec. 3. Table of contents.

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DISADVANTAGED**

- Sec. 101. Statement of purpose.
- Sec. 102. Authorization of appropriations.
- Sec. 103. State plans.
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provement; school support and recognition.
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- Sec. 401. 21st Century schools.

TITLE V—WELL-ROUNDED STUDENTS AND ENGAGED FAMILIES

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- Sec. 501. Purpose.
- Sec. 502. Program authorized.
- Sec. 503. Grants to support high-quality charter schools.
- Sec. 504. Facilities Financing Assistance.
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Subtitle B—Fund for the Improvement of Education

- Sec. 511. Fund for the Improvement of Education.

Subtitle C—Family Engagement in Education Programs

- Sec. 521. Family engagement in education programs.

TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

- Sec. 601. Flexibility and accountability.

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- Sec. 901. Background checks.
- Sec. 902. Conforming amendment.

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- Sec. 911. Evaluation authority.

Subtitle C—Keeping All Students Safe

- Sec. 911. Keeping All Students Safe.

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Sec. 931. Protecting Student Athletes from Concussions.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

Sec. 1001. Education for Homeless Children and Youths.

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;

1 “(3) closing the achievement gap between high-
2 and low-performing children, especially between mi-
3 nority and nonminority students and between dis-
4 advantaged children and their more advantaged
5 peers;

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

13 “(5) distributing and targeting resources to
14 support local educational agencies and schools with
15 the greatest need;

16 “(6) improving and maintaining accountability
17 for student achievement and graduation rates, and
18 increasing local flexibility and authority to improve
19 schools; and

20 “(7) ensuring parents have substantial and
21 meaningful opportunities to participate in the edu-
22 cation of their children.”.

23 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

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

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

3 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
4 the purpose of carrying out part A, there are authorized
5 to be appropriated \$30,000,000,000 for fiscal year 2014
6 and such sums as may be necessary for each of the 5 suc-
7 ceeding fiscal years.”;

8 (2) in subsection (c)—

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

11 (B) by striking “2002” and inserting
12 “2014”; and

13 (3) in subsection (d)—

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

16 (B) by striking “2002” and inserting
17 “2014”.

18 **SEC. 103. STATE PLANS.**

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

21 **“SEC. 1111. STATE PLAN.**

22 “(a) PLANS REQUIRED.—

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

1 developed by the State educational agency, in con-
2 sultation with representatives of local educational
3 agencies, teachers, school leaders, specialized in-
4 structional support personnel, early childhood edu-
5 cation providers, parents, community organizations,
6 communities representing underserved populations,
7 and Indian tribes, that satisfies the requirements of
8 this section, and that is coordinated with other pro-
9 grams of this Act, the Individuals with Disabilities
10 Education Act, the Carl D. Perkins Career and
11 Technical Education Act of 2006, the Head Start
12 Act, the Adult Education and Family Literacy Act,
13 and the McKinney-Vento Homeless Assistance Act.

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

17 “(b) COLLEGE AND CAREER READY CONTENT
18 STANDARDS, ASSESSMENTS, AND ACHIEVEMENT STAND-
19 ARDS.—

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

1 “(A) vertically aligned from kindergarten
2 through grade 12; and

3 “(B) developed and implemented to ensure
4 that proficiency in the content standards will
5 signify that a student is on-track to graduate
6 prepared for—

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

13 “(ii) success on relevant State career
14 and technical education standards.

15 “(2) COLLEGE AND CAREER READY CONTENT
16 STANDARDS.—

17 “(A) IN GENERAL.—Each State plan shall
18 demonstrate that, not later than the 2013–2014
19 school year the State educational agency will
20 adopt and implement high-quality, college and
21 career ready content standards that comply
22 with this paragraph.

23 “(B) SUBJECTS.—The State educational
24 agency shall have such high-quality, academic
25 content standards for students in kindergarten

1 through grade 12 for, at a minimum, English
2 language arts, math, and science.

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

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

8 “(I) kindergarten through-grade-
9 12 education experts (including teach-
10 ers and educational leaders); and

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

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

20 “(iii) be either—

21 “(I) validated, including through
22 written affirmation from the State’s
23 public institutions of higher education,
24 to ensure that proficiency in the con-
25 tent standards will signify that a stu-

1 dent is on-track to graduate prepared
2 for—

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

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

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

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

19 “(v) apply to all schools and students
20 in the State.

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

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

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

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

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

14 “(v) address the different proficiency
15 levels of English learners.

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

24 “(i) demonstrate alignment with the
25 State academic content standards;

1 “(ii) are implemented through dis-
2 semination, training, and other means to
3 applicable early care and education pro-
4 grams;

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

8 “(iv) inform teaching practices and
9 professional development and services; and

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

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

19 “(3) HIGH-QUALITY ASSESSMENTS.—

20 “(A) IN GENERAL.—Each State plan shall
21 demonstrate that the State educational agency
22 will adopt and implement high-quality assess-
23 ments in English language arts, math, and
24 science not later than the 2014–2015 school
25 year that comply with this paragraph.

1 “(B) ELEMENTS.—Such assessments
2 shall—

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

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

13 “(iii) be developed as part of a system
14 of assessments providing data (including
15 individual student achievement data and
16 individual student growth data), that shall
17 be used to—

18 “(I) improve teaching, learning,
19 and program outcomes; and

20 “(II) make determinations of in-
21 dividual principal and teacher effec-
22 tiveness for the purposes of evaluation
23 and professional development under
24 title II;

1 “(iv) be used in determining the per-
2 formance of each local educational agency
3 and school in the State in accordance with
4 the State’s accountability system under
5 subsection (c);

6 “(v) provide an accurate measure of—

7 “(I) student achievement at all
8 levels of student performance; and

9 “(II) student academic growth;

10 “(vi) allow for complex demonstra-
11 tions or applications of knowledge and
12 skills including the ability to think criti-
13 cally, solve problems, and communicate ef-
14 fectively;

15 “(vii) be accessible for all students, in-
16 cluding students with disabilities and
17 English learners, by—

18 “(I) incorporating principles of
19 universal design as defined by section
20 3(a) of the Assistive Technology Act
21 of 1998 (29 U.S.C. 3002(a)); and

22 “(II) being interoperable when
23 using any digital assessment, such as
24 computer-based and online assess-
25 ments.

1 “(viii) provide for accommodations,
2 including for computer-based and online
3 assessments, for students with disabilities
4 and English learners to provide a valid and
5 reliable measure of such students’ achieve-
6 ment;

7 “(ix) produce individual student inter-
8 pretive, descriptive, and diagnostic reports
9 that allow parents, teachers, and school
10 leaders to understand and address the spe-
11 cific academic needs of students, and in-
12 clude information regarding achievement
13 on academic assessments, and that are
14 provided to parents, teachers, and school
15 leaders, as soon as is practicable after the
16 assessment is given, in an understandable
17 and uniform format, and to the extent
18 practicable, in a language that parents can
19 understand; and

20 “(x) may be partially delivered in the
21 form of portfolios, projects, or extended
22 performance tasks as long as such assess-
23 ments meet the requirements of this sub-
24 section.

1 “(C) ADMINISTRATION.—Such assessments
2 shall—

3 “(i) be administered to all students,
4 including all subgroups described in sub-
5 section (c)(3)(A), in the same grade level
6 for each content area assessed, except as
7 provided under subparagraph (E),
8 through—

9 “(I) a single summative assess-
10 ment each school year; or

11 “(II) multiple statewide assess-
12 ments over the course of the school
13 year that result in a single summative
14 score that provides valid, reliable, and
15 transparent information on student
16 achievement for each tested content
17 area in each grade level;

18 “(ii) for English language arts and
19 math—

20 “(I) be administered annually, at
21 a minimum, for students in grade 3
22 through grade 8; and

23 “(II) be administered at least
24 once, but not earlier than 11th grade

1 for students in grades 9 through
2 grade 12; and

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

7 “(D) NATIVE LANGUAGE ASSESSMENTS.—
8 Each State educational agency with at least
9 10,000 English learners, at least 25 percent of
10 which speak the same language that is not
11 English, shall adopt and implement native lan-
12 guage assessments for that language consistent
13 with State law. Such assessments shall be for
14 students—

15 “(i) for whom the academic assess-
16 ment in the student’s native language
17 would likely yield more accurate and reli-
18 able information about such student’s con-
19 tent knowledge;

20 “(ii) who are literate in the native lan-
21 guage and have received formal education
22 in such language; or

23 “(iii) who are enrolled in a bilingual
24 or dual language program and the native

1 language assessment is consistent with
2 such program’s language of instruction.

3 “(E) ALTERNATE ASSESSMENTS FOR STU-
4 DENTS WITH THE MOST SIGNIFICANT COG-
5 NITIVE DISABILITIES.—In the case of a State
6 educational agency that adopts alternate
7 achievement standards for students with the
8 most significant cognitive disabilities described
9 in paragraph (4)(D), the State shall adopt and
10 implement high-quality statewide alternate as-
11 sessments aligned to such alternate achievement
12 standards that meet the requirements of sub-
13 paragraphs (B) and (C), so long as the State
14 ensures that in the State the total number of
15 students in each grade level assessed in each
16 subject does not exceed the cap established
17 under subsection (c)(3)(E)(iii)(II).

18 “(F) ENGLISH LANGUAGE PROFICIENCY
19 ASSESSMENTS.—Each State educational agency
20 shall adopt and implement statewide English
21 language proficiency assessments that—

22 “(i) are administered annually and
23 aligned with the State’s English language
24 proficiency standards and academic con-
25 tent standards;

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

2 “(iii) measure proficiency in reading,
3 listening, speaking, and writing in English
4 both individually and collectively;

5 “(iv) assess progress and growth on
6 language and content acquisition; and

7 “(v) allow for the local educational
8 agency to retest a student in the individual
9 domain areas that the student did not
10 pass, unless the student is newly entering
11 a school in the State, or is in the third,
12 fifth, or eighth grades.

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

19 “(i) Each such school that is accred-
20 ited by the State in which it is operating
21 shall use the assessments the State has de-
22 veloped and implemented to meet the re-
23 quirements of this section, or such other
24 appropriate assessment as approved by the
25 Secretary of the Interior.

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

9 “(iii) Each such school that is accred-
10 ited by a tribal accrediting agency or tribal
11 division of education shall use an assess-
12 ment developed by such agency or division,
13 except that the Secretary of the Interior
14 shall ensure that such assessment meets
15 the requirements of this section.

16 “(H) ASSURANCE.—Each State plan shall
17 include an assurance that the State educational
18 agency will conduct an inventory of statewide
19 and local educational agency-wide student as-
20 sessments, including an analysis of assessment
21 purposes, practices, and use, and a description
22 of the actions the State will take to reduce du-
23 plicative assessments.

24 “(I) ACCOMMODATIONS.—Each State plan
25 shall describe the accommodations for English

1 learners and students with disabilities on the
2 assessments used by the State and include evi-
3 dence of their effectiveness in maintaining valid
4 results for the appropriate population.

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 2013–2014 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 career;

22 “(ii) reflect concepts and skills that
23 students should know and understand for
24 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 ademic 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 by the
17 end of the student’s current grade span or
18 within 3 years, whichever occurs first.

19 “(F) MODIFIED ACHIEVEMENT STAND-
20 ARDS.—If a State educational agency has modi-
21 fied achievement standards in accordance with
22 section 200.1(e) of title 34, Code of Federal
23 Regulations, prior to the date of the enactment
24 the Student Success Act, the State educational
25 agency may continue to use such modified

1 achievement standards for the purposes estab-
2 lished as of the day before the date of enact-
3 ment of such Act through not later than the
4 implementation of the assessments under para-
5 graph (3).

6 “(5) RULE OF CONSTRUCTION.—Nothing in
7 paragraph (3) shall be construed to prescribe the
8 use of the academic assessments established pursu-
9 ant to such paragraph for student promotion or
10 graduation purposes.

11 “(c) ACCOUNTABILITY AND SCHOOL IMPROVEMENT
12 SYSTEM.—The State plan shall demonstrate that not later
13 than the 2013–2014 school year, the State educational
14 agency, in consultation with representatives of local edu-
15 cational agencies, teachers, school leaders, parents, com-
16 munity organizations, communities representing under-
17 served populations, and Indian tribes, has developed a sin-
18 gle statewide accountability and school improvement sys-
19 tem (in this subsection known as the ‘accountability sys-
20 tem’) that ensures all students have the knowledge and
21 skills to successfully enter the workforce or postsecondary
22 education without the need for remediation by complying
23 with this subsection as follows:

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

1 “(A) annually measure academic achieve-
2 ment for of all students, including each sub-
3 group described in paragraph (3)(A), in each
4 public school, including each charter school, in
5 the State, including—

6 “(i) student academic achievement in
7 accordance with the academic achievement
8 standards described in subsection (b)(4);

9 “(ii) student growth in accordance
10 with the student growth standards de-
11 scribed in subsection (b)(4)(E); and

12 “(iii) graduation rates in diploma
13 granting schools;

14 “(B) set clear performance and growth
15 targets in accordance with paragraph (2) to im-
16 prove the academic achievement of all students
17 as measured under subparagraph (A) of this
18 paragraph and to close achievement gaps so
19 that all students graduate ready for postsec-
20 ondary education and the workforce;

21 “(C) annually differentiate performance of
22 schools based on the achievement measured
23 under subparagraph (A) and whether the
24 schools meet the performance and growth tar-
25 gets set under paragraph (2), and identify for

1 the purposes under section 1116, at a min-
2 imum—

3 “(i) persistently low-achieving schools
4 that—

5 “(I) have the lowest performance
6 in the local educational agency and
7 the State using current and prior year
8 academic achievement, growth, and
9 graduation rate data;

10 “(II) have a 4-year adjusted co-
11 hort graduation rate at or below 60
12 percent; or

13 “(III) as of the date of enact-
14 ment of the Student Success Act,
15 have been identified under section
16 1003(g);

17 “(ii) schools in need of improvement
18 that have not met one or more of the per-
19 formance targets set under paragraph (2)
20 for any subgroup described in paragraph
21 (3)(A) in the same grade level and subject,
22 for two consecutive years; and

23 “(iii) reward schools that have—

24 “(I) the highest performance in
25 the State for all students and student

1 subgroups described in paragraph
2 (3)(A); or

3 “(II) made the most progress
4 over at least the most recent 2-year
5 period in the State in increasing stu-
6 dent academic achievement and grad-
7 uation rates for all students and stu-
8 dent subgroups described in para-
9 graph (3)(A);

10 “(D) establish improvement indicators to
11 diagnose school challenges and measure school
12 progress within the improvement system de-
13 scribed in section 1116, including factors to
14 measure—

15 “(i) student engagement, including
16 student attendance rates, student discipline
17 data including suspension and expulsion
18 rates, incidents of bullying and harass-
19 ment, and surveys of student engagement;

20 “(ii) student advancement, such as
21 student on-time promotion rates, on-time
22 credit accumulation rates, course failure
23 rates, postsecondary entry rates, and work-
24 force entry rates;

1 “(iii) educator quality, such as teacher
2 attendance, vacancies, turnover, and rates
3 of qualified or effective teachers; and

4 “(iv) academic learning, such as the
5 percentage of students taking a college-
6 preparatory curriculum, and student suc-
7 cess on State or local educational agency
8 end-of-course examinations; and

9 “(E) may establish multiple measures for
10 all students described in paragraph (3)(A), in-
11 cluding as an index, to further differentiate
12 among the categories of schools described in
13 subparagraph (C) and as part of the improve-
14 ment system described in section 1116, which
15 may include indicators that measure—

16 “(i) college and career readiness, such
17 as—

18 “(I) credit accumulation in and
19 completion of a college and career
20 ready course of study aligned with ad-
21 missions requirements set by institu-
22 tions of higher education in the State;

23 “(II) participation and success
24 on Advanced Placement (AP), Inter-
25 national Baccalaureate (IB), SAT,

1 WorkKeys, ASVAB, or State-devel-
2 oped college readiness or career readi-
3 ness assessments; or

4 “(III) college enrollment and per-
5 sistence rates;

6 “(ii) evidence of academic learning,
7 such as—

8 “(I) valid and reliable academic
9 assessments that meet the require-
10 ments of subsection (3) in subjects
11 other than reading and math, such as
12 science, social studies, or writing;

13 “(II) percentage of students suc-
14 cessfully completing rigorous
15 coursework that aligns with State col-
16 lege and career ready standards de-
17 scribed under subsection (b)(2) such
18 as dual enrollment, Advanced Place-
19 ment (AP), or International Bacca-
20 laureate (IB) courses;

21 “(III) assessments developed by
22 local educational agencies that meet
23 the requirements of subsection (3)(b),
24 are aligned with State college and ca-
25 reer ready standards, and are com-

1 parable across all schools within the
2 local educational agency; or

3 “**(IV)** student performance-based
4 assessments that are valid, reliable,
5 and comparable across a local edu-
6 cational agency and meet the require-
7 ments of subsection (3)(b);

8 “**(iii)** Evidence of successful learning
9 conditions, such as the improvement indi-
10 cators described in subparagraph (D); or

11 “**(iv)** Evidence of parent and family
12 engagement.

13 “**(2) GOALS AND TARGETS.—**

14 “**(A) IN GENERAL.—**Each State edu-
15 cational agency shall establish goals and targets
16 for the State accountability and school improve-
17 ment system that comply with this paragraph.
18 Such targets shall be established separately for
19 all elementary school and secondary school stu-
20 dents, economically disadvantaged students,
21 students from major racial and ethnic groups,
22 students with disabilities, and English learners.

23 “**(B) ACHIEVEMENT GOALS.—**Each State
24 educational agency shall set goals that are con-
25 sistent with the academic and growth achieve-

1 ment standards under subsection (b)(4) to en-
2 sure that all students graduate prepared to
3 enter the workforce or postsecondary education
4 without the need for remediation.

5 “(C) PERFORMANCE TARGETS.—Each
6 State educational agency shall set ambitious,
7 but achievable annual performance targets sep-
8 arately for each subgroup of students described
9 in paragraph (3)(A), for each grade level and in
10 English language arts and math, to assist the
11 State educational agency in achieving its aca-
12 demic achievement goals established under sub-
13 paragraph (B) that either—

14 “(i) within 6 years of setting such
15 performance targets, reduce by half the
16 percentage of all students and each sub-
17 group described in paragraph (3)(A), who
18 are not, according to student performance
19 as of the year such targets are set, at the
20 on-target or advanced level of achievement;
21 or

22 “(ii) result in ambitious, but achiev-
23 able annual targets for local educational
24 agencies and schools for all students and
25 each subgroup of students described in

1 paragraph (3)(A) within a specified period
2 of time, approved by the Secretary, such
3 that—

4 “(I) the targets are equally rig-
5 orous as those in subsection (i); and

6 “(II) the targets reflect the
7 progress required for all students and
8 each subgroup of students described
9 in paragraph (3)(A) to reach the on-
10 target or advanced level of achieve-
11 ment within the specified period of
12 time.

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

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

19 “(ii) include targets that ensure all
20 students, including the subgroups of stu-
21 dents described in paragraph (3)(A), meet
22 the growth standards described in sub-
23 section (b)(4)(E).

24 “(E) GRADUATION RATE GOALS AND TAR-
25 GETS.—

1 “(i) GRADUATION GOALS.—Each
2 State educational agency shall set a grad-
3 uation goal of not less than 90 percent.

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

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

23 “(3) FAIR ACCOUNTABILITY.—Each State edu-
24 cational agency shall establish fair and appropriate
25 policies and practices, as a component of the ac-

1 countability system established under this sub-
2 section, to measure school, local educational agency,
3 and State performance under the accountability sys-
4 tem that, at a minimum, comply with this paragraph
5 as follows:

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

18 “(i) All public elementary and sec-
19 ondary school students.

20 “(ii) Economically disadvantaged stu-
21 dents.

22 “(iii) Students from major racial and
23 ethnic groups.

24 “(iv) Students with disabilities.

25 “(v) English learners.

1 “(B) SUBGROUP SIZE.—Each State edu-
2 cational agency shall establish group size re-
3 quirements for performance measurement and
4 reporting under the accountability system
5 that—

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

8 “(ii) does not exceed 15 students;

9 “(iii) yields statistically reliable infor-
10 mation; and

11 “(iv) does not reveal personally identi-
12 fiable information about an individual stu-
13 dent.

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

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

20 “(ii) any school or local educational
21 agency that does not comply with the re-
22 quirement described in clause (i) of this
23 subparagraph may not be considered to
24 have met its goals or performance targets
25 under paragraph (2).

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

8 “(E) STUDENTS WITH THE MOST SIGNIFI-
9 CANT COGNITIVE DISABILITIES.—

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

20 “(I) may include the on-target
21 and advanced scores of students with
22 the most significant cognitive disabili-
23 ties taking alternate assessments
24 under subsection (b)(3)(E) provided
25 that the number and percentage of

1 such students who score at the on-tar-
2 get or advanced level on such alter-
3 nate assessments at the local edu-
4 cational agency and the State levels,
5 respectively, does not exceed the cap
6 established by the Secretary under
7 clause (iii) in the grades assessed and
8 subjects used under the accountability
9 system established under this sub-
10 section; and

11 “(II) may include students with
12 the most significant cognitive disabil-
13 ities, who are assessed using alternate
14 assessments described in subsection
15 (b)(3)(E) and who receive a State-de-
16 fined standards-based alternate di-
17 ploma aligned with alternate achieve-
18 ment standards described in subpara-
19 graph (4)(D) and with completion of
20 the student’s right to a free and ap-
21 propriate public education under the
22 Individuals with Disabilities Edu-
23 cation Act, as graduating with a reg-
24 ular secondary school diploma, pro-
25 vided that the number and percentage

1 of those students who receive a State-
2 defined standards-based alternate di-
3 ploma at the local educational agency
4 and the State levels, respectively, does
5 not exceed the cap established by the
6 Secretary under clause (iii).

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

17 “(I) include all students with the
18 most significant cognitive disabilities;

19 “(II) count at the catch-up level
20 of achievement or as not graduating
21 such students who exceed the cap;

22 “(III) include such students at
23 the catch-up level of achievement or
24 as not graduating in each applicable

1 subgroup at the school, local edu-
2 cational agency, and State level; and

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

8 “(iii) SECRETARIAL DUTIES.—The
9 Secretary shall establish a cap for the pur-
10 poses of this subparagraph which—

11 “(I) shall be based on the most
12 recently available data on—

13 “(aa) the incidence of stu-
14 dents with the most significant
15 cognitive disabilities;

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

22 “(cc) the percentage of stu-
23 dents, including by disability cat-
24 egory, scoring at each achieve-

1 ment level on such alternate as-
2 essments; and

3 “(dd) other factors the Sec-
4 retary deems necessary; and

5 “(II) may not exceed 1 percent of
6 all students in the combined grades
7 assessed.

8 “(4) TRANSITION PROVISIONS.—

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

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

21 “(i) administer assessments that were
22 in existence on the day before the date of
23 enactment of the Student Success Act and
24 beginning not later than the 2014–2015

1 school year, administer high-quality assess-
2 ments described in subsection (b)(3);

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

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

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

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

22 “(II) shall continue to implement
23 school improvement requirements of
24 section 1116 in persistently low
25 achieving schools and schools in need

1 of improvement that were identified as
2 such in the year prior to implementa-
3 tion of new high-quality assessments;
4 and

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

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

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

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

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

21 “(B) a plan to identify and reduce inequi-
22 ties in the allocation of State and local re-
23 sources, including personnel and nonpersonnel
24 resources, between schools that are receiving
25 funds under this title and schools that are not

1 receiving such funds under this title, consistent
2 with the requirements in section 1120A, includ-
3 ing—

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

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

19 “(C) how the State educational agency will
20 ensure that the results of the State assessments
21 described in subsection (b)(3) and the school
22 evaluations described in subsection (c)(1), re-
23 spectively, will be provided to local educational
24 agencies, schools, teachers, and parents prompt-
25 ly, but not later than before the beginning of

1 the school year following the school year in
2 which such assessments, other indicators, or
3 evaluations are taken or completed, and in a
4 manner that is clear and easy to understand;

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

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

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

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

23 “(i) the clear and appropriate guide-
24 lines for individualized education program
25 teams to apply in determining when a stu-

1 dent’s significant cognitive disability justi-
2 fies alternate assessment based on alter-
3 nate achievement standards, which shall
4 include guidelines to ensure—

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

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

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

19 “(IV) the student’s mode of com-
20 munication has been identified and
21 accommodated to the extent possible;
22 and

23 “(V) parents of such students are
24 informed of and understand that their
25 child’s achievement will be based on

1 alternate achievement standards and
2 whether participation in such assess-
3 ments precludes the student from
4 completing the requirements for a reg-
5 ular high school diploma; and

6 “(ii) the procedures the State edu-
7 cational agency will use to ensure and
8 monitor that individualized education pro-
9 gram teams implement the requirements of
10 clause (i); and

11 “(iii) the plan to disseminate informa-
12 tion on and promote use of appropriate ac-
13 commodiations to increase the number of
14 students with the most significant cog-
15 nitive disabilities who are assessed using
16 achievement standards described in sub-
17 paragraphs (B) and (C) of subsection
18 (b)(4);

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

21 “(i) the method for identifying an
22 English learner that shall be used by all
23 local educational agencies in the State;

1 “(ii) the entrance and exit require-
2 ments for students enrolled in limited
3 English proficient classes, which shall—

4 “(I) be based on rigorous English
5 language standards; and

6 “(II) prepare such students to
7 successfully complete the State’s as-
8 sessments; and

9 “(iii) timelines and targets for moving
10 students from the lowest levels of English
11 language proficiency to the State-defined
12 English proficient level, including an assur-
13 ance that—

14 “(I) such targets will be based on
15 student’s initial language proficiency
16 level when first identified as limited
17 English proficient and grade; and

18 “(II) such timelines will ensure
19 students achieve English proficiency
20 by 18 years of age, unless the State
21 has obtained prior approval by the
22 Secretary;

23 “(G) how the State educational agency will
24 assist local educational agencies in improving
25 instruction in all core academic subjects;

1 “(H) how the State educational agency will
2 develop and improve the capacity of local edu-
3 cational agencies to use technology to improve
4 instruction; and

5 “(I) how any State educational agency
6 with a charter school law will support high-
7 quality public charter schools that receive funds
8 under this title by—

9 “(i) ensuring the quality of the au-
10 thorized public chartering agencies in the
11 State by establishing—

12 “(I) a system of periodic evalua-
13 tion and certification of public char-
14 tering agencies using nationally-recog-
15 nized professional standards; or

16 “(II) a statewide, independent
17 chartering agency that meets nation-
18 ally-recognized professional standards;

19 “(ii) including in the procedure estab-
20 lished pursuant to clause (i) requirements
21 for—

22 “(I) the annual filing and public
23 reporting of independently audited fi-
24 nancial statements including disclo-
25 sure of amount and duration of any

1 nonpublic financial and in-kind con-
2 tributions of support, by each public
3 chartering agency, for each school au-
4 thorized by such agency, and by each
5 local educational agency and the
6 State; and

7 “(II) a legally binding charter or
8 performance contract between each
9 charter school and the school’s au-
10 thorized public chartering agency
11 that—

12 “(aa) describes the rights,
13 duties, and remedies of the
14 school and the public chartering
15 agency; and

16 “(bb) bases charter renewal
17 and revocation decisions on an
18 agreed-to school accountability
19 plan which includes financial and
20 organizational indicators, with
21 significant weight given to the
22 student achievement on the
23 achievement goals, performance
24 targets, and growth targets es-
25 tablished pursuant to subpara-

1 graphs (B), (C), and (D) of sub-
2 section (c)(2), respectively, for
3 each student subgroup described
4 in subsection (c)(3)(A), as well as
5 “(iii) developing and implementing, in
6 consultation and coordination with local
7 educational agencies, a system of interven-
8 tion, revocation, or closure for charter
9 schools and public chartering agencies fail-
10 ing to meet the requirements and stand-
11 ards described in clauses (i) and (ii),
12 which, at a minimum provides for—

13 “(I) initial and regular review, no
14 less than once every 3 years, of each
15 public chartering agency; and

16 “(II) intervention, revocation, or
17 closure of any charter school identi-
18 fied for school improvement under
19 section 1116.

20 “(2) ASSURANCES.—Assurances that—

21 “(A) the State educational agency will par-
22 ticipate in biennial State academic assessments
23 of 4th, 8th, and 12th grade reading, mathe-
24 matics, and science under the National Assess-
25 ment of Educational Progress carried out under

1 section 303(b)(2) of the National Assessment of
2 Educational Progress Authorization Act, if the
3 Secretary pays the costs of administering such
4 assessments;

5 “(B) the State educational agency will—

6 “(i) notify local educational agencies
7 and the public of the content and student
8 academic achievement standards and aca-
9 demic assessments developed under this
10 section, and of the authority to operate
11 schoolwide programs; and

12 “(ii) fulfill the State educational agen-
13 cy’s responsibilities regarding local edu-
14 cational agency and school improvement
15 under section 1116;

16 “(C) the State educational agency will en-
17 courage local educational agencies to consoli-
18 date funds from other Federal, State, and local
19 sources for school improvement activities under
20 1116 and for schoolwide programs under sec-
21 tion 1114;

22 “(D) the State educational agency has
23 modified or eliminated State fiscal and account-
24 ing barriers so that schools can easily consoli-
25 date funds from other Federal, State, and local

1 sources for schoolwide programs under section
2 1114;

3 “(E) that State educational agency will co-
4 ordinate data collection efforts to fulfill the re-
5 quirements of this Act and reduce the duplica-
6 tion of data collection to the extent practicable;

7 “(F) the State educational agency will pro-
8 vide the least restrictive and burdensome regu-
9 lations for local educational agencies and indi-
10 vidual schools participating in a program as-
11 sisted under this part;

12 “(G) the State educational agency will in-
13 form local educational agencies in the State of
14 the local educational agency’s authority—

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

16 “(ii) to obtain waivers under part D
17 of title IX; and

18 “(iii) if the State is an Ed-Flex Part-
19 nership State, to obtain waivers under the
20 Education Flexibility Partnership Act of
21 1999;

22 “(H) the State educational agency will
23 work with other agencies, including educational
24 service agencies or other local consortia and
25 comprehensive centers established under the

1 Educational Technical Assistance Act of 2002,
2 and institutions to provide professional develop-
3 ment and technical assistance to local edu-
4 cational agencies and schools;

5 “(I) the State educational agency will en-
6 sure that local educational agencies in the State
7 comply with the requirements of subtitle B of
8 title VII of the McKinney-Vento Homeless As-
9 sistance Act (42 U.S.C. 11717); and

10 “(J) the State educational agency has en-
11 gaged in timely and meaningful consultation
12 with representatives of Indian tribes located in
13 the State in the development of the State plan
14 to serve local educational agencies under its ju-
15 risdiction in order to—

16 “(i) improve the coordination of ac-
17 tivities under this Act;

18 “(ii) meet the purpose of this title;

19 and

20 “(iii) meet the unique cultural, lan-
21 guage, and educational needs of Indian
22 students.

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

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

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

8 “(3) a description of the State’s criteria for
9 identifying local educational agencies that would
10 benefit from training and support related to family
11 engagement in education;

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

17 “(5) an assurance that the State will refer to
18 Statewide Family Engagement Centers, as described
19 in section 5702, those local educational agencies that
20 would benefit from training and support related to
21 family engagement in education; and

22 “(6) a description of the relationship between
23 the State educational agency and Statewide Family
24 Engagement Centers, parent training and informa-
25 tion centers, and community parent resource centers

1 in the State established under sections 671 and 672
2 of the Individuals with Disabilities Education Act.

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

4 “(1) SECRETARIAL DUTIES.—The Secretary
5 shall—

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

8 “(B) appoint individuals to the peer-review
9 process who are representative of parents,
10 teachers, State educational agencies, local edu-
11 cational agencies, and experts and who are fa-
12 miliar with educational standards, assessments,
13 accountability, the needs of low-performing
14 schools, and other educational needs of stu-
15 dents;

16 “(C) approve a State plan within 120 days
17 of its submission unless the Secretary deter-
18 mines that the plan does not meet the require-
19 ments of this section;

20 “(D) if the Secretary determines that the
21 State plan does not meet the requirements of
22 this section immediately notify the State of
23 such determination and the reasons for such de-
24 termination;

1 “(E) not decline to approve a State’s plan
2 before—

3 “(i) offering the State an opportunity
4 to revise its plan;

5 “(ii) providing technical assistance in
6 order to assist the State to meet the re-
7 quirements of this section; and

8 “(iii) providing a hearing; and

9 “(F) have the authority to disapprove a
10 State plan for not meeting the requirements of
11 this part, but shall not have the authority to re-
12 quire a State, as a condition of approval of the
13 State plan, to include in, or delete from, such
14 plan one or more specific elements of the
15 State’s academic content standards or to use
16 specific academic assessment instruments or
17 items.

18 “(2) STATE REVISIONS.—A State plan shall be
19 revised by the State educational agency if the revi-
20 sion is necessary to satisfy the requirements of this
21 section.

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

1 “(A) State plans submitted or resubmitted
2 by a State;

3 “(B) peer review comments;

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

6 “(D) amendments or changes to State
7 plans; and

8 “(E) hearings.

9 “(g) DURATION OF THE PLAN.—

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

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

14 “(B) be periodically reviewed and revised
15 as necessary by the State educational agency to
16 reflect changes in the State’s strategies and
17 programs under this part, including information
18 on progress the State has made in—

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

23 “(A) implementing college- and career-
24 ready content and achievement standards and

1 high-quality assessments described in paragraph
2 (b);

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

5 “(C) improving the capacity and skills of
6 teachers and principals as described in section
7 2112.

8 “(2) ADDITIONAL INFORMATION.—If significant
9 changes are made to a State’s plan, such as the
10 adoption of new State academic content standards
11 and State student achievement standards, new aca-
12 demic assessments, or new performance goals or tar-
13 get, growth goals or targets, or graduation goals or
14 targets, such information shall be submitted to the
15 Secretary for approval.

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

21 “(i) REPORTS.—

22 “(1) ANNUAL STATE REPORT CARD.—

23 “(A) IN GENERAL.—A State that receives
24 assistance under this part shall prepare and
25 disseminate an annual State report card. Such

1 dissemination shall include, at a minimum, pub-
2 licly posting the report card on the home page
3 of the State educational agency's website.

4 “(B) IMPLEMENTATION.—The State report
5 card shall be—

6 “(i) concise; and

7 “(ii) presented in an understandable
8 and uniform format and, to the extent
9 practicable, provided in a language that
10 the parents can understand.

11 “(C) REQUIRED INFORMATION.—The
12 State shall include in its annual State report
13 card—

14 “(i) information, in the aggregate,
15 and disaggregated and cross-tabulated by
16 race, ethnicity, gender, disability status,
17 migrant status, English proficiency, and
18 status as economically disadvantaged, ex-
19 cept that such disaggregation and cross-
20 tabulation shall not be required in a case
21 in which the number of students in a cat-
22 egory is insufficient to yield statistically re-
23 liable information or the results would re-
24 veal personally identifiable information
25 about an individual student on—

1 “(I) student achievement at each
2 achievement level on the State aca-
3 demic assessments described in sub-
4 section (b)(3), including the most re-
5 cent 2-year trend;

6 “(II) student growth on the State
7 academic assessments described in
8 subsection (b)(3), including the most-
9 recent 2-year trend;

10 “(III) the four-year adjusted co-
11 hort rate, the extended-year gradua-
12 tion rate (where applicable), and the
13 graduation rate by type of diploma,
14 including the most recent 2-year
15 trend;

16 “(IV) the State established im-
17 provement indicators under subsection
18 (c)(1)(D);

19 “(V) the percentage of students
20 who did not take the State assess-
21 ments; and

22 “(VI) the most recent 2-year
23 trend in student achievement and stu-
24 dent growth in each subject area and

1 for each grade level, for which assess-
2 ments under this section are required;

3 “(ii) information that provides a com-
4 parison between the actual achievement
5 levels and growth of each group of stu-
6 dents described in subsection (c)(3)(A) and
7 the performance targets and growth tar-
8 gets in subsection (c)(2) for each such
9 group of students on each of the academic
10 assessments and for graduation rates re-
11 quired under this part;

12 “(iii) if a State adopts alternate
13 achievement standards for students with
14 the most significant cognitive disabilities,
15 the number and percentage of students
16 taking the alternate assessments and infor-
17 mation on student achievement at each
18 achievement level and student growth, by
19 grade and subject;

20 “(iv) the number of students who are
21 English learners, and the performance of
22 such students, on the State’s English lan-
23 guage proficiency assessments, including
24 the students’ attainment of, and progress

1 toward, higher levels of English language
2 proficiency;

3 “(v) information on the performance
4 of local educational agencies in the State
5 regarding school improvement, including
6 the number and names of each school iden-
7 tified for school improvement under section
8 1116 and information on the outcomes of
9 the improvement indicators outlined in sec-
10 tion 1111(c)(1)(D);

11 “(vi) the professional qualifications of
12 teachers in the State, the percentage of
13 such teachers teaching with emergency or
14 provisional credentials, and the percentage
15 of classes in the State not taught by quali-
16 fied teachers, in the aggregate and
17 disaggregated by high-poverty compared to
18 low-poverty schools which, for the purpose
19 of this clause, means schools in the top
20 quartile of poverty and the bottom quartile
21 of poverty in the State;

22 “(vii) information on teacher effective-
23 ness, as described in section
24 2112(b)(1)(C), in the aggregate and
25 disaggregated by high-poverty compared to

1 low-poverty schools which, for the purpose
2 of this clause, means schools in the top
3 quartile of poverty and the bottom quartile
4 of poverty in the State;

5 “(viii) a clear and concise description
6 of the State’s accountability system, in-
7 cluding a description of the criteria by
8 which the State educational agency evalu-
9 ates school performance, and the criteria
10 that the State educational agency has es-
11 tablished, consistent with subsection (c), to
12 determine the status of schools with re-
13 spect to school improvement; and

14 “(ix) outcomes related to quality char-
15 ter authorizing standards as described in
16 subsection (d)(1)(I), including, at a min-
17 imum, annual filing as described in sub-
18 section (d)(1)(I)(ii)(I).

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

21 “(A) REPORT CARDS.—A local educational
22 agency that receives assistance under this part
23 shall prepare and disseminate an annual local
24 educational agency report card.

1 “(B) MINIMUM REQUIREMENTS.—The
2 State educational agency shall ensure that each
3 local educational agency collects appropriate
4 data and includes in the local educational agen-
5 cy’s annual report the information described in
6 paragraph (1)(C) as applied to the local edu-
7 cational agency and each school served by the
8 local educational agency, and—

9 “(i) in the case of a local educational
10 agency—

11 “(I) the number and percentage
12 of schools identified for school im-
13 provement under section 1116 and
14 how long the schools have been so
15 identified; and

16 “(II) information that shows how
17 students served by the local edu-
18 cational agency achieved on the state-
19 wide academic assessment compared
20 to students in the State as a whole;

21 “(III) per-pupil expenditures
22 from Federal, State, and local
23 sources, including personnel and non-
24 personnel resources, for each school in
25 the local educational agency, con-

1 sistent with the requirements under
2 section 1120A;

3 “(IV) the number and percentage
4 of secondary school students who have
5 been removed from the 4-year ad-
6 justed cohort by leaver code, and the
7 number and percentage of students
8 from each adjusted cohort that have
9 been enrolled in high school for more
10 than 4 years but have not graduated
11 with a regular diploma; and

12 “(V) information on the number
13 of military-connected students (stu-
14 dents who are a dependent of a mem-
15 ber of the Armed Forces, including re-
16 serve components thereof) served by
17 the local educational agency and how
18 such military-dependent students
19 achieved on the statewide academic
20 assessment compared to all students
21 served by the local educational agency;
22 and

23 “(ii) in the case of a school—

24 “(I) whether the school has been
25 identified for school improvement; and

1 “(II) information that shows how
2 the school’s students achievement on
3 the statewide academic assessments
4 and other improvement indicators
5 compared to students in the local edu-
6 cational agency and the State as a
7 whole.

8 “(C) OTHER INFORMATION.—A local edu-
9 cational agency may include in its annual local
10 educational agency report card any other appro-
11 priate information, whether or not such infor-
12 mation is included in the annual State report
13 card.

14 “(D) DATA.—A local educational agency
15 or school shall only include in its annual local
16 educational agency report card data that are
17 sufficient to yield statistically reliable informa-
18 tion, as determined by the State, and that do
19 not reveal personally identifiable information
20 about an individual student.

21 “(E) PUBLIC DISSEMINATION.—The local
22 educational agency shall publicly disseminate
23 the report cards described in this paragraph to
24 all schools in the school district served by the
25 local educational agency and to all parents of

1 students attending those schools in an acces-
2 sible, understandable, and uniform format and,
3 to the extent practicable, provided in a lan-
4 guage that the parents can understand, and
5 make the information widely available through
6 public means, such as posting on the Internet,
7 distribution to the media, and distribution
8 through public agencies.

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

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

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

6 “(A) information on the State’s progress in
7 developing and implementing

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

10 “(ii) the academic assessments de-
11 scribed in subsection (b)(3);

12 “(iii) the accountability and school im-
13 provement system described in subsection
14 (c); and

15 “(iv) teacher and principal evaluation
16 systems described in section 2112(b)(1);
17 and

18 “(B) the annual State report card under
19 paragraph (1).

20 “(6) REPORT TO CONGRESS.—The Secretary
21 shall transmit annually to the Committee on Edu-
22 cation and the Workforce of the House of Rep-
23 resentatives and the Committee on Health, Edu-
24 cation, Labor, and Pensions of the Senate a report

1 that provides national and State-level data on the in-
2 formation collected under paragraph (4).

3 “(7) PARENTS RIGHT-TO-KNOW.—

4 “(A) ACHIEVEMENT INFORMATION.—At
5 the beginning of each school year, a school that
6 receives funds under this subpart shall provide
7 to each individual parent—

8 “(i) information on the level of
9 achievement and growth of the parent’s
10 child on each of the State academic assess-
11 ments and, as appropriate, other improve-
12 ment indicators adopted in accordance with
13 this subpart; and

14 “(ii) timely notice that the parent’s
15 child has been assigned, or has been
16 taught for four or more consecutive weeks
17 by, a teacher who is not qualified or has
18 been found to be ineffective consistent with
19 the local educational agency evaluation, as
20 described in section 2112(b)(1).

21 “(B) QUALIFICATIONS.—At the beginning
22 of each school year, a local educational agency
23 that receives funds under this part shall notify
24 the parents of each student attending any
25 school receiving funds under this part, informa-

1 tion regarding the professional qualifications of
2 the student’s classroom teachers, including, at a
3 minimum, the following:

4 “(i) Whether the teacher has met
5 State qualification and licensing criteria
6 for the grade levels and subject areas in
7 which the teacher provides instruction.

8 “(ii) Whether the teacher is teaching
9 under emergency or other provisional sta-
10 tus through which State qualification or li-
11 censing criteria have been waived.

12 “(iii) Whether the teacher is currently
13 enrolled in an alternative certification pro-
14 gram.

15 “(iv) Whether the child is provided
16 services by paraprofessionals or specialized
17 instructional support personnel and, if so,
18 their qualifications.

19 “(C) FORMAT.—The notice and informa-
20 tion provided to parents under this paragraph
21 shall be in an understandable and uniform for-
22 mat and, to the extent practicable, provided in
23 a language that the parents can understand.

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

4 “(k) TECHNICAL ASSISTANCE.—The Secretary shall
5 provide a State educational agency, at the State edu-
6 cational agency’s request, technical assistance in meeting
7 the requirements of this section, including the provision
8 of advice by experts in the development of college and ca-
9 reer ready standards, high-quality academic assessments,
10 and goals and targets that are valid and reliable, and other
11 relevant areas.

12 “(l) VOLUNTARY PARTNERSHIPS.—A State may
13 enter into a voluntary partnership with another State to
14 develop and implement the academic assessments and
15 standards required under this section.

16 “(m) DEFINITIONS.—In this section:

17 “(1) ADJUSTED COHORT; EXTENDED-YEAR; EN-
18 TERING COHORT; TRANSFERRED INTO; TRANS-
19 FERRED OUT.—

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

23 “(i) the sum of—

24 “(I) the entering cohort; plus

1 “(II) any students that trans-
2 ferred into the cohort in any of grades
3 9 through 12; minus

4 “(ii) any students that are removed
5 from the cohort as described in subpara-
6 graph (E).

7 “(B) EXTENDED YEAR.—The term ‘ex-
8 tended year’ when used with respect to a grad-
9 uation rate, means the fifth or sixth year after
10 the school year in which the entering cohort, as
11 described in subparagraph (C), is established
12 for the purpose of calculating the adjusted co-
13 hort.

14 “(C) ENTERING COHORT.—The term ‘en-
15 tering cohort’ means the number of first-time
16 9th graders enrolled in a secondary school 1
17 month after the start of the secondary school’s
18 academic year.

19 “(D) TRANSFERRED INTO.—The term
20 ‘transferred into’ when used with respect to a
21 secondary school student, means a student
22 who—

23 “(i) was a first-time 9th grader dur-
24 ing the same school year as the entering
25 cohort; and

1 “(ii) enrolls after the entering cohort
2 is calculated as described in subparagraph
3 (B).

4 “(E) TRANSFERRED OUT.—

5 “(i) IN GENERAL.—The term ‘trans-
6 ferred out’ when used with respect to a
7 secondary school student, means a student
8 who the secondary school or local edu-
9 cational agency has confirmed has trans-
10 ferred to another—

11 “(I) school from which the stu-
12 dent is expected to receive a regular
13 secondary school diploma; or

14 “(II) educational program from
15 which the student is expected to re-
16 ceive a regular secondary school di-
17 ploma.

18 “(ii) CONFIRMATION REQUIRE-
19 MENTS.—

20 “(I) DOCUMENTATION RE-
21 QUIRED.—The confirmation of a stu-
22 dent’s transfer to another school or
23 educational program described in
24 clause (i) requires documentation
25 from the receiving school or program

1 that the student enrolled in the receiv-
2 ing school or program.

3 “(II) LACK OF CONFIRMATION.—

4 A student who was enrolled, but for
5 whom there is no confirmation of the
6 student having transferred out, shall
7 remain in the cohort as a non-grad-
8 uate for reporting and accountability
9 purposes under this section.

10 “(iii) PROGRAMS NOT PROVIDING
11 CREDIT.—A student enrolled in a GED or
12 other alternative educational program that
13 does not issue or provide credit toward the
14 issuance of a regular secondary school di-
15 ploma shall not be considered transferred
16 out.

17 “(F) COHORT REMOVAL.—To remove a
18 student from a cohort, a school or local edu-
19 cational agency shall require documentation to
20 confirm that the student has transferred out,
21 emigrated to another country, or is deceased.

22 “(G) TREATMENT OF OTHER LEAVERS
23 AND WITHDRAWALS.—A student who was re-
24 tained in a grade, enrolled in a GED program,
25 aged-out of a secondary school or secondary

1 school program, or left secondary school for any
2 other reason, including expulsion, shall not be
3 considered transferred out, and shall remain in
4 the adjusted cohort.

5 “(H) SPECIAL RULE.—For those sec-
6 ondary schools that start after grade 9, the en-
7 tering cohort shall be calculated 1 month after
8 the start of the secondary school’s academic
9 year in the earliest secondary school grade at
10 the secondary school.

11 “(2) 4-YEAR ADJUSTED COHORT GRADUATION
12 RATE.—The term ‘4-year adjusted cohort graduation
13 rate’ means the percent obtained by calculating the
14 product of—

15 “(A) the result of—

16 “(i) the number of students who—

17 “(I) formed the adjusted cohort 4
18 years earlier; and

19 “(II) graduate in 4 years or less
20 with a regular secondary school di-
21 ploma; divided by

22 “(ii) the number of students who
23 formed the adjusted cohort for that year’s
24 graduating class 4 years earlier; multiplied
25 by

1 “(B) 100.

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

3 The term ‘extended-year graduation rate’ for a
4 school year is defined as the percent obtained by cal-
5 culating the product of the result of—

6 “(A) the sum of—

7 “(i) the number of students who—

8 “(I) form the adjusted cohort for
9 that year’s graduating class; and

10 “(II) graduate in an extended
11 year with a regular secondary school
12 diploma; or

13 “(III) graduate before exceeding
14 the age for eligibility for a free appro-
15 priate public education (as defined in
16 section 602 of the Individuals with
17 Disabilities Education Act) under
18 State law; divided by

19 “(ii) the result of—

20 “(I) the number of students who
21 form the adjusted cohort for that
22 year’s graduating class; plus

23 “(II) the number of students who
24 transferred in during the extended

1 year defined in paragraph (1)(B),
2 minus

3 “(III) students who transferred
4 out, emigrated, or died during the ex-
5 tended year defined in paragraph
6 (1)(B); multiplied by

7 “(B) 100.

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

14 “(A) an individual student with either a
15 duplicative code or whom has not been assigned
16 a leaver code shall not be removed from the co-
17 hort assigned for the purpose of calculating the
18 adjusted cohort graduation rate; and

19 “(B) the number of students with either a
20 duplicative leaver code or who have not been as-
21 signed a leaver code shall be included in report-
22 ing requirements for the leaver code.

23 “(5) MULTI-TIER SYSTEM OF SUPPORTS.—The
24 term ‘multi-tier system of supports’ means a com-
25 prehensive system of differentiated supports that in-

1 includes evidence-based instruction, universal screen-
2 ing, progress monitoring, formative assessment, and
3 research-based interventions matched to student
4 needs, and educational decision-making using stu-
5 dent outcome data.

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

9 “(7) REGULAR SECONDARY SCHOOL DI-
10 PLOMA.—The term ‘regular secondary school di-
11 ploma’ means the standard secondary school diploma
12 awarded to the preponderance of students in the
13 State that is fully aligned with State standards, or
14 a higher diploma. Such term shall not include
15 GED’s, certificates of attendance, or any lesser di-
16 ploma award.”.

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; and

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.

13 “(B) RESERVATION OF FUNDS.—Notwith-
14 standing the requirements of subsections (b)
15 and (c) of section 1120A, funds reserved under
16 subparagraph (A) may be used to provide
17 homeless children and youths with services not
18 ordinarily provided to other students under this
19 part, including providing transportation pursu-
20 ant to section 722(g)(1)(J)(iii) of such Act.

21 “(C) AMOUNT RESERVED.—The amount of
22 funds reserved under subparagraph (A)(i) shall
23 be determined by an assessment of the numbers
24 and the needs of homeless children and youths
25 in the local educational agency.”.

1 **SEC. 105. ACADEMIC ASSESSMENT AND LOCAL EDU-**
2 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
3 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

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

6 **“SEC. 1116. SCHOOL IMPROVEMENT.**

7 “(a) LOCAL REVIEW.—

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

10 “(A) use the State academic assessments,
11 including measures of student growth, and
12 graduation rates to review, annually, the
13 progress of each school served under this part
14 to determine whether the school is meeting the
15 performance targets, growth targets, and grad-
16 uation targets established under section
17 1111(c)(2);

18 “(B) based on the review conducted under
19 subparagraph (A), determine whether a school
20 served under this part is—

21 “(i) in need of improvement as de-
22 scribed under section 1111(c)(1)(C)(ii); or

23 “(ii) a persistently low-achieving
24 school that meets the State parameters es-
25 tablished under paragraph (2);

1 “(C) publicize and disseminate the results
2 of the local annual review described in subpara-
3 graph (A) to parents, teachers, principals,
4 schools, and the community so that the teach-
5 ers, principals, other staff, and schools can con-
6 tinually refine, in an instructionally useful man-
7 ner, the program of instruction to help all chil-
8 dren served under this part meet the college
9 and career ready achievement standards estab-
10 lished under section 1111(b); and

11 “(D) use the school improvement indica-
12 tors established under section 1111(c)(1)(D),
13 and may include the multiple measures de-
14 scribed under section 1111(c)(1)(E), to diag-
15 nose school challenges and measure school
16 progress in carrying out the school improve-
17 ment activities under this section.

18 “(2) PERSISTENTLY LOW-ACHIEVING
19 SCHOOLS.—The State educational agency shall es-
20 tablish parameters, consistent with section
21 1111(c)(1)(C)(i), to assist local educational agencies
22 in identifying persistently low-achieving schools with-
23 in the local educational agency that—

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

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

7 “(C) shall use graduation rate data, in-
8 cluding prior year data;

9 “(D) shall include schools with 4-year ad-
10 justed cohort graduation rates below 60 percent
11 as persistently low-achieving schools; and

12 “(E) may use data on the improvement in-
13 dicators established under section
14 1111(c)(1)(D) and the multiple measures de-
15 scribed under section 1111(c)(1)(E), except
16 that the local educational agency may not use
17 such indicators to change the schools identified
18 based on the parameters established under sub-
19 paragraphs (A) through (D).

20 “(3) OPPORTUNITY TO REVIEW AND PRESENT
21 EVIDENCE; TIME LIMIT.—

22 “(A) IDENTIFICATION.—Before identifying
23 an elementary school or a secondary school as
24 a school in need of improvement or a persist-
25 ently low-achieving school under paragraph (1),

1 a local educational agency shall provide the
2 school with an opportunity to review the school-
3 level data, including academic assessment data,
4 on which the proposed identification is based.

5 “(B) EVIDENCE.—If the principal of a
6 school proposed as a school in need of improve-
7 ment or a persistently low-achieving school be-
8 lieves, or a majority of the parents of the stu-
9 dents enrolled in such school believe, that the
10 proposed identification is in error for statistical
11 or other substantive reasons, the principal may
12 provide supporting evidence to the local edu-
13 cational agency, which shall consider that evi-
14 dence before making a final determination.

15 “(C) FINAL DETERMINATION.—Not later
16 than 30 days after a local educational agency
17 provides the school with the opportunity to re-
18 view such school-level data, the local edu-
19 cational agency shall make public a final deter-
20 mination on the status of the school with re-
21 spect to identification as a school in need of im-
22 provement or a persistently low-achieving
23 school.

24 “(b) SCHOOL IMPROVEMENT.—

1 “(1) IN GENERAL.—Each school served under
2 this part determined to be a school in need of im-
3 provement pursuant to section 1111(c)(1)(C)(ii) or a
4 persistently low-achieving school pursuant to
5 1111(c)(1)(C)(i), shall form a school improvement
6 team described in paragraph (2) to develop and im-
7 plement a school improvement plan described in
8 paragraph (3) to improve educational outcomes for
9 all students.

10 “(2) SCHOOL IMPROVEMENT TEAM.—

11 “(A) IN GENERAL.—Each school described
12 in paragraph (1) shall form a school improve-
13 ment team, which shall include school leaders,
14 teachers, parents, community members, and
15 specialized instructional support personnel.

16 “(B) SCHOOLS IN NEED OF IMPROVE-
17 MENT.—Each school improvement team for a
18 school in need of improvement may include an
19 external partner and representatives of the local
20 educational agency and the State educational
21 agency.

22 “(C) PERSISTENTLY LOW-ACHIEVING
23 SCHOOLS.—Each school improvement team for
24 a persistently low-achieving school shall include
25 an external partner and representatives of the

1 local educational agency and the State edu-
2 cational agency.

3 “(3) SCHOOL IMPROVEMENT PLAN.—

4 “(A) IN GENERAL.—A school improvement
5 team shall develop, implement, and make pub-
6 licly available a school improvement plan that
7 uses information available under the account-
8 ability and school improvement system estab-
9 lished under section 1111(c), data available
10 under the early warning indicator system estab-
11 lished under subsection (c)(5), and other rel-
12 evant data to identify—

13 “(i) each area in which the school
14 needs support for improvement;

15 “(ii) the type of support required;

16 “(iii) how the school plans to use com-
17 prehensive, evidence-based strategies to ad-
18 dress such needs;

19 “(iv) how the school will measure
20 progress in addressing such needs using
21 the goals and targets and improvement in-
22 dicators established under paragraphs (2)
23 and (1)(D) of section 1111(c), respectively,
24 and identify which of the goals and targets

1 are not currently being met by the school;
2 and

3 “(v) how the school will review its
4 progress and make adjustments and cor-
5 rections to ensure continuous improvement.

6 “(B) PLANNING PERIOD.—The school im-
7 provement team may use a planning period,
8 which shall not be longer than one school year
9 to develop and prepare to implement the school
10 improvement plan.

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

13 “(i) PLANNING AND PREPARATION.—
14 The activities during the planning period,
15 including—

16 “(I) the preparation activities
17 conducted to effectively implement the
18 budgeting, staffing, curriculum, and
19 instruction changes described in the
20 plan; and

21 “(II) how the school improve-
22 ment team engaged parents and com-
23 munity organizations.

24 “(ii) TARGETS.—The performance,
25 growth, and graduation targets that con-

1 tributed to the school’s status as a school
2 in need of improvement or persistently low-
3 achieving school, and the school challenges
4 identified by the school improvement indi-
5 cators under section 1111(c)(1)(D).

6 “(iii) EVIDENCE-BASED, SCHOOL IM-
7 PROVEMENT STRATEGIES.—Evidence-
8 based, school improvement strategies to
9 address the factors and challenges de-
10 scribed in clause (ii), to improve instruc-
11 tion, including in all core academic sub-
12 jects, to improve the achievement of all
13 students and address the needs of students
14 identified at the catch-up level of achieve-
15 ment.

16 “(iv) NEEDS AND CAPACITY ANAL-
17 YSIS.—A description and analysis of the
18 school’s ability and the resources necessary
19 to implement the evidence-based, school
20 improvement strategies identified under
21 clause (iii), including an analysis of—

22 “(I) staffing resources, such as
23 the number, experience, training level,
24 effectiveness, responsibilities, and sta-
25 bility of existing administrative, in-

1 instructional, and non-instructional
2 staff;

3 “(II) budget resources, including
4 how Federal, State, and local funds
5 are being spent for instruction and
6 operations to determine how existing
7 resources can be aligned and used to
8 support improvement;

9 “(III) the school curriculum;

10 “(IV) the use of time, such as
11 the school’s schedule and use of addi-
12 tional learning time; and

13 “(V) any additional resources
14 and staff necessary to effectively im-
15 plement the school improvement ac-
16 tivities identified in the school im-
17 provement plan.

18 “(v) IDENTIFYING ROLES.—The roles
19 and responsibilities of the State edu-
20 cational agency, the local educational agen-
21 cy, the school and, if applicable, the exter-
22 nal partner in the school improvement ac-
23 tivities, including providing interventions,
24 support, and resources necessary to imple-
25 ment improvements.

1 “(vi) PLAN FOR EVALUATION.—The
2 plan for continuous evaluation of the evi-
3 dence-based, school improvement strate-
4 gies, including implementation of and fidel-
5 ity to the school improvement plan, that
6 includes at least quarterly reviews of the
7 effectiveness of such activities.

8 “(D) ADDITIONAL REQUIREMENTS FOR
9 PERSISTENTLY LOW-ACHIEVING SCHOOLS.—For
10 a persistently-low achieving school, the school
11 improvement plan shall, in addition to the re-
12 quirements described in subparagraph (B), de-
13 scribe how the school will—

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

16 “(I) establishing high expecta-
17 tions for all students, which at a min-
18 imum, align with the achievement
19 standards and growth standards
20 under section 1111(b)(4);

21 “(II) improving school climate,
22 including student attendance and
23 school discipline, through the use of
24 school-wide positive behavioral sup-
25 ports and interventions and other evi-

1 dence based approaches to improving
2 school climate;

3 “(III) ensuring that the staff
4 charged with implementing the school
5 improvement plan are engaged in the
6 plan and the school turnaround effort;

7 “(IV) establishing clear—

8 “(aa) benchmarks for imple-
9 mentation of the plan; and

10 “(bb) targets for improve-
11 ment on the indicators under sec-
12 tion 1111(c)(1)(D);

13 “(ii) organize the school to improve
14 teaching and learning, including through—

15 “(I) strategic use of time, such
16 as—

17 “(aa) establishing common
18 planning time for teachers and
19 interdisciplinary teams who share
20 common groups of students;

21 “(bb) redesigning the school
22 calendar year or day, such as
23 through block scheduling, sum-
24 mer learning programs, or in-
25 creasing the number of hours or

1 days, in order to create addi-
2 tional learning time; or

3 “(cc) creating a flexible
4 school period to address specific
5 student academic needs and in-
6 terests such as credit recovery,
7 electives, enrichment activities, or
8 service learning; and

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

15 “(iii) increase teacher and school lead-
16 er effectiveness, as described in section
17 2112(b)(1), including through—

18 “(I) replacing the principal, or
19 demonstrating the principal has the
20 skills, capacity, and record of success
21 to significantly improve student
22 achievement and lead a school turn-
23 around;

24 “(II) screening all existing staff
25 at the school, with the leadership

1 team, through a process that ensures
2 a rigorous and fair review of their ap-
3 plications that shall include—

4 “(aa) the results of teacher
5 and principal evaluations and de-
6 terminations of effectiveness, as
7 described in section 2112(b)(1);
8 and

9 “(bb) a review of individual
10 staff member’s engagement in
11 the school improvement for the
12 school;

13 “(III) improving the recruitment
14 and retention of effective teachers and
15 principals to work in the school;

16 “(IV) professional development
17 activities that respond to student and
18 school-wide needs aligned with the
19 school improvement plan, such as—

20 “(aa) training teachers,
21 leaders, and administrators to-
22 gether with staff from schools
23 making achievement goals and
24 performance targets under the
25 accountability system under sec-

1 tion 1111(c) that serve similar
2 populations and in such schools;

3 “(bb) establishing peer
4 learning and coaching among
5 teachers; or

6 “(cc) facilitating collabora-
7 tion, including through profes-
8 sional communities across subject
9 area and interdisciplinary groups
10 and similar schools;

11 “(V) appropriately identifying
12 teachers for each grade and course;
13 and

14 “(VI) the development of effec-
15 tive leadership structures, supports,
16 and clear decision making processes,
17 such as through developing distribu-
18 tive leadership and leadership teams;

19 “(iv) improve curriculum and instruc-
20 tion, including through—

21 “(I) demonstrating the relevance
22 of the curriculum and learning for all
23 students, including instruction in all
24 core academic subjects, and may in-
25 clude the use of online course-work as

1 long as such course-work meets stand-
2 ards of quality and best practices for
3 online education;

4 “(II) increasing access to rig-
5 orous and advanced course-work, in-
6 cluding adoption and implementation
7 of a college- and career-ready cur-
8 riculum, and evidence-based, engaging
9 instructional materials aligned with
10 such a curriculum, for all students;

11 “(III) increasing access to
12 contextualized learning opportunities
13 aligned with readiness for postsec-
14 ondary education and the workforce,
15 such as providing—

16 “(aa) work-based, project-
17 based, and service-learning op-
18 portunities; or

19 “(bb) a high-quality, college
20 preparatory curriculum in the
21 context of a rigorous career and
22 technical education core;

23 “(IV) regularly collecting and
24 using data to inform instruction, such
25 as—

1 “(aa) through use of forma-
2 tive assessments;

3 “(bb) creating and using
4 common grading rubrics; or

5 “(cc) identifying effective in-
6 structional approaches to meet
7 student needs; and

8 “(V) emphasizing core skills in-
9 struction, such as literacy, across con-
10 tent areas;

11 “(v) provide students with academic
12 and social support to address individual
13 student learning needs, including
14 through—

15 “(I) ensuring access to services
16 and expertise of specialized instruc-
17 tional support personnel;

18 “(II) supporting students at the
19 catch-up level of achievement who
20 need intensive intervention;

21 “(III) increasing personalization
22 of the school experience through
23 learning structures that facilitate the
24 development of student and staff rela-
25 tionships such as—

1 “(aa) implementing grade 9
2 academies or thematic smaller
3 learning communities;

4 “(bb) establishing teams of
5 teachers who work exclusively
6 with small groups of students; or

7 “(cc) creating advisor posi-
8 tions to provide students with
9 study, organizational, and social
10 supports;

11 “(IV) offering extended-learning,
12 credit recovery, mentoring, or tutoring
13 options of sufficient scale to meet stu-
14 dent needs;

15 “(V) providing evidence-based,
16 accelerated learning for students with
17 academic skill levels below grade level;

18 “(VI) coordinating and increas-
19 ing access to integrated services, such
20 as providing special instructional sup-
21 port personnel;

22 “(VII) providing transitional sup-
23 port between grade-spans, including
24 postsecondary planning; and

1 “(VIII) meeting the diverse
2 learning needs of all students through
3 strategies such as multi-tier system of
4 supports and universal design for
5 learning, as described in section
6 5429(b)(21);

7 “(IX) engage families and com-
8 munity partners, including commu-
9 nity-based organizations, organiza-
10 tions representing underserved popu-
11 lations, Indian tribes (as appropriate),
12 organizations assisting parent involve-
13 ment, institutions of higher education,
14 and businesses, in school improvement
15 activities through evidence-based
16 strategies; and

17 “(X) be provided control over
18 governance policies, including flexi-
19 bility regarding staffing and com-
20 pensation, budgeting, student credit
21 attainment, or use of school time, that
22 support the implementation of effec-
23 tive school improvement activities and
24 educational options.

1 “(E) SUBMISSION AND APPROVAL.—The
2 school improvement team shall submit the
3 school improvement plan to the local edu-
4 cational agency or the State educational agency,
5 as determined by the State educational agency
6 based on the local educational agency’s ability
7 to effectively monitor the school improvement
8 activities. Upon receiving the plan, the local
9 educational agency or the State educational
10 agency, as appropriate, shall—

11 “(i) establish a peer review process to
12 assist with review of the school improve-
13 ment plan; and

14 “(ii) promptly review the plan, work
15 with the school improvement team as nec-
16 essary, and approve the plan if the plan
17 meets the requirements of this paragraph.

18 “(F) REVISION OF PLAN.—A school im-
19 provement team may revise the school improve-
20 ment plan as additional information and data is
21 available.

22 “(G) IMPLEMENTATION.—A school with
23 the support and assistance of the local edu-
24 cational agency shall implement the school im-
25 provement plan expeditiously, but not later than

1 the beginning of the next full school year after
2 identification for improvement.

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

5 “(A) IN GENERAL.—

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

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

1 “(I) student achievement, stu-
2 dent growth, and graduation rates
3 against the goals and targets estab-
4 lished under section 1111(c)(2); and

5 “(II) improvement indicators as
6 established under section
7 1111(c)(1)(D).

8 “(B) SCHOOLS IN NEED OF IMPROVE-
9 MENT.—If, after 3 years of implementing its
10 school improvement plan, a school in need of
11 improvement does not meet the goals and tar-
12 gets under section 1111(c)(2) that were identi-
13 fied under the school improvement plan as not
14 being met by the school and the improvement
15 indicators established under section
16 1111(c)(1)(D), then—

17 “(i) the local educational agency shall
18 evaluate school performance and other
19 data, and provide intensive assistance to
20 that school in order to improve the effec-
21 tiveness of the interventions; and

22 “(ii) the State educational agency or
23 the local educational agency, as determined
24 by the State, shall determine whether

1 school shall partner with an external part-
2 ner—

3 “(I) to revise the school improve-
4 ment plan; and

5 “(II) to improve, and as appro-
6 priate, revise, school improvement
7 strategies that meet the requirements
8 of paragraph (3)(B)(iii).

9 “(C) PERSISTENTLY LOW-ACHIEVING
10 SCHOOLS.—If, after 3 years of implementing its
11 school improvement plan, a persistently low-
12 achieving school does not demonstrate progress
13 on the goals and targets under section
14 1111(c)(2) that were identified under the school
15 improvement plan as not being met by the
16 school or the improvement indicators estab-
17 lished under section 1111(c)(1)(D), then—

18 “(i) the local educational agency, in
19 collaboration with the State educational
20 agency, shall determine whether to imple-
21 ment school closure, replacement, or State
22 take-over of such school;

23 “(ii) the local educational agency, and
24 as appropriate the State educational agen-
25 cy, shall develop and implement a plan to

1 assist with the transition of the school
2 under clause (i) that—

3 “(I) is developed in consultation
4 with parents and the community;

5 “(II) addresses the needs of the
6 students at the school by considering
7 strategies such as—

8 “(aa) opening a new school;

9 “(bb) graduating out cur-
10 rent students and closing the
11 school in stages; and

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

21 “(III) provides information about
22 high-quality educational options and
23 transition and support services to stu-
24 dents who attended that school and
25 their parents.

1 “(D) PERSISTENTLY LOW ACHIEVING
2 SCHOOL.—If, after 5 years of implementing its
3 school improvement plan, a persistently low
4 achieving school does not demonstrate progress
5 on the goals and targets under section
6 1111(c)(2) that were identified under the school
7 improvement plan, then the local educational
8 agency, in collaboration with the State edu-
9 cational agency, shall determine whether to im-
10 plement school closure, replacement, or State
11 take-over of such school as required under sub-
12 paragraph “(C).

13 “(c) LOCAL EDUCATIONAL AGENCY RESPONSIBIL-
14 ITIES.—A local educational agency served by this part, in
15 supporting the schools identified as a school in need of
16 improvement or a persistently low-achieving school served
17 by the agency, shall—

18 “(1) address local educational agency-wide fac-
19 tors to improve student achievement by—

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

22 “(i) improving longitudinal data sys-
23 tems;

1 “(ii) regularly analyzing and dissemi-
2 nating usable data to educators, parents,
3 and students;

4 “(iii) building the data and assess-
5 ment literacy of teachers and principals;
6 and

7 “(iv) evaluating at kindergarten entry
8 the kindergarten readiness of children and
9 addressing the educational and develop-
10 ment needs determined by such evaluation;

11 “(B) addressing school transition needs of
12 the local educational agency by—

13 “(i) using kindergarten readiness data
14 to consider improving access to high-qual-
15 ity early education opportunities; and

16 “(ii) providing targeted research-
17 based interventions to middle schools that
18 feed into high schools identified for school
19 improvement under this section;

20 “(C) developing human capital systems
21 that ensure there is a sufficient pool of effective
22 teachers and school leaders to work in schools
23 served by the local educational agency;

24 “(D) developing support for school im-
25 provement plans among key stakeholders such

1 as parents and families, community groups rep-
2 resenting underserved populations, Indian
3 tribes, educators, and teachers;

4 “(E) carrying out administrative duties
5 under this section, including evaluation for
6 school improvement and technical assistance for
7 schools; and

8 “(F) coordinating activities under this sec-
9 tion with other relevant State and local agen-
10 cies, as appropriate;

11 “(2) address time and resources factors to im-
12 prove student achievement by—

13 “(A) ensuring the local educational agency
14 budget calendar is aligned with school staff and
15 budgeting needs; and

16 “(B) targeting resources and support to
17 those schools identified as persistently low-per-
18 forming or as in need of improvement;

19 “(3) address teacher and school leader effective-
20 ness by supporting professional development activi-
21 ties aligned to school improvement activities;

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

1 “(A) ensuring curriculum alignment with
2 the State’s early learning standards and post-
3 secondary education programs;

4 “(B) providing academically rigorous edu-
5 cation options such as—

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

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

18 “(I) an associate’s degree; or

19 “(II) not more than 2 years of
20 transferable credit toward a postsec-
21 ondary degree or credential;

22 “(iii) integrating rigorous academic
23 education with career training, including
24 training that leads to postsecondary cre-
25 dentials for students;

1 “(iv) increasing access to Advanced
2 Placement or International Baccalaureate
3 courses and examinations; or

4 “(v) developing and utilizing innova-
5 tive, high quality distance learning strate-
6 gies to improve student academic achieve-
7 ment; and

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

10 “(5) address student support factors to improve
11 student achievement by—

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

17 “(i) identifying and analyzing the aca-
18 demic risk factors that most reliably pre-
19 dict dropouts by using longitudinal data of
20 past cohorts of students;

21 “(ii) identifying specific indicators of
22 student progress and performance, such as
23 attendance, academic performance in core
24 courses, and credit accumulation, to guide
25 decision making;

1 “(iii) identifying or developing a
2 mechanism for regularly collecting and
3 analyzing data about the impact of inter-
4 ventions on the indicators of student
5 progress and performance; and

6 “(iv) analyzing academic indicators to
7 determine whether students are on track to
8 graduate secondary school in the standard
9 numbers of years; and

10 “(B) identifying and implementing strate-
11 gies for pairing academic support with inte-
12 grated student services and case-managed inter-
13 ventions for students requiring intensive sup-
14 ports which may include partnerships with
15 other external partners;

16 “(6) promote family outreach and engagement
17 in school improvement activities to improve student
18 achievement;

19 “(7) for each school identified for school im-
20 provement, ensure the provision of technical assist-
21 ance as the school develops and implements the
22 school improvement plan throughout the plan’s du-
23 ration; and

24 “(8) identify school improvement strategies that
25 are consistently improving student outcomes and dis-

1 seminate those strategies so that all schools can im-
2 plement them.

3 “(d) STATE EDUCATIONAL AGENCY RESPONSIBIL-
4 ITIES.—A State educational agency served by this part,
5 in supporting schools identified as a school in need of im-
6 provement or a persistently low-achieving school and the
7 local educational agencies serving such schools, shall—

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

11 “(2) provide support and technical assistance,
12 including assistance to school leaders, teachers, and
13 other staff, to assist local educational agencies and
14 schools in using data to support school improvement
15 and in addressing the improvement indicators de-
16 scribed in section 1111(c)(1)(D) and multiple meas-
17 ures described in section 1111(c)(1)(E), where appli-
18 cable;

19 “(3) identify school improvement strategies that
20 are consistently improving student outcomes and dis-
21 seminate those strategies so that all schools can im-
22 plement them;

23 “(4) target resources and support to those
24 schools in the State that are identified as a school
25 in need of improvement or a persistently low-achiev-

1 ing school and to local educational agencies serving
2 such schools;

3 “(5) leverage resources from other funding
4 sources, such as school improvement funds, tech-
5 nology funds, and professional development funds to
6 support school improvement activities;

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

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

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

14 “(A) develop and apply objective criteria to
15 potential external partners that are based on a
16 demonstrated record of effectiveness in school
17 improvement;

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

20 “(C) develop, implement, and publicly re-
21 port on standards and techniques for moni-
22 toring the quality and effectiveness of the serv-
23 ices offered by approved external partners, and
24 for withdrawing approval from external part-

1 ners that fail to improve persistently low-achiev-
2 ing schools; and

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

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

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

16 “(1) to alter or otherwise affect the rights, rem-
17 edies, and procedures afforded school or local edu-
18 cational agency employees under Federal, State, or
19 local laws (including applicable regulations or court
20 orders) or under the terms of collective bargaining
21 agreements, memoranda of understanding, or other
22 agreements between such employees and their em-
23 ployers;

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

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

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

6 “(1) that is an organization such as a nonprofit
7 organization, community-based organization, local
8 education fund, service organization, educational
9 service agency, or institution of higher education;
10 and

11 “(2) that has demonstrated expertise, effective-
12 ness, and a record of success in providing evidence-
13 based strategies and targeted support such as data
14 analysis, professional development, or provision of
15 nonacademic support and integrated student services
16 to local educational agencies, schools, or students
17 that leads to improved teaching, learning, and out-
18 comes for students.”.

19 **SEC. 106. PARENTAL INVOLVEMENT.**

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

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

24 (2) by inserting before subsection (b), as reded-
25 ignated by paragraph (1), the following:

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

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

10 “(2) Communicate effectively by ensuring reg-
11 ular two-way, meaningful communication between
12 family members and local educational agency and
13 school staff in a manner, language, and with tech-
14 nology that family members can understand and ac-
15 cess.

16 “(3) Support student success by fostering con-
17 tinuous collaboration between family members and
18 local educational agency and school staff to support
19 student learning and healthy student development at
20 school and at home.

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

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

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

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

10 “(8) Train and support superintendents, prin-
11 cipals, teachers, and specialized instructional support
12 personnel to fully engage families in the education of
13 their children.”.

14 (b) WRITTEN POLICY.—Section 1118(b)(2), as reded-
15 ignated by subsection (a), is amended—

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

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

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

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

23 “(G) participate in evaluations of the effec-
24 tiveness of family engagement in education
25 strategies and policies; and

1 “(H) participate in developing rec-
2 ommendations for creating a positive school cli-
3 mate and safe and healthy schools.”.

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

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

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

16 “(C) DISTRIBUTION.—Not more than 20
17 percent of the funds reserved under subpara-
18 graph (A) shall be available for local edu-
19 cational agency programming and technical as-
20 sistance to schools served under this part.”.

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

23 (1) by redesignating subparagraphs (B) and (c)
24 as subparagraphs (C) and (D), respectively; and

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

3 “(B) USE OF FUNDS.—Funds reserved
4 under subparagraph (A) may be used for the
5 following:

6 “(i) Increasing capacity through es-
7 tablishment of a dedicated office or dedi-
8 cated office or dedicated personnel within
9 the local educational agency or at the
10 school level for family engagement in edu-
11 cation.

12 “(ii) Supporting schools and nonprofit
13 organizations in providing professional de-
14 velopment on family engagement in edu-
15 cation for school staff, parent leadership
16 training, family literacy and numeracy pro-
17 grams, home visitation programs, family
18 volunteerism programs, and other innova-
19 tive programs that meaningfully engage
20 families.

21 “(iii) Providing technical assistance
22 and training to schools on the implementa-
23 tion and assessment of family engagement
24 in education policies and practices.

1 “(iv) Providing additional support to
2 schools that have been identified for im-
3 provement under section 1116(b) to assist
4 in the implementation of family engage-
5 ment in education coordinators.

6 “(v) Partnering with the Statewide
7 Family Engagement Center and local com-
8 munity-based organizations to identify
9 community resources, services, and sup-
10 ports to remove economic obstacles to fam-
11 ily engagement in education by meeting
12 families’ needs.

13 “(vi) Supporting schools and eligible
14 entities in the development and implemen-
15 tation of research-based practices and pro-
16 grams that emphasize the importance of
17 family engagement in academic success
18 and positive development by addressing
19 factors such as—

20 “(I) successful transitions from
21 early learning to kindergarten through
22 grade 12 settings;

23 “(II) improved understanding of
24 and shared responsibility for student
25 success;

1 “(III) improved understanding
2 and use of student and school data;

3 “(IV) open, effective communica-
4 tion between schools and families;

5 “(V) early warning indicators
6 that a student is at risk of not grad-
7 uating on time;

8 “(VI) improved understanding of
9 State and local accountability systems,
10 academic standards and student as-
11 sessments;

12 “(VII) parent and community ad-
13 vocacy to increase parent participa-
14 tion;

15 “(VIII) improved understanding
16 of the parents’ role in academic, so-
17 cial, and financial preparation for
18 postsecondary education, including ca-
19 reer and technical education.

20 “(vii) Assisting schools in the develop-
21 ment, implementation, and assessment of
22 family engagement in education plans.

23 “(viii) Monitoring and evaluating the
24 family engagement in education in edu-

1 cation policies and practices funded under
2 this section.

3 “(ix) Supporting other activities ap-
4 proved in the local educational agency’s
5 plan for improving family engagement in
6 education.”.

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

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

14 (1) in the matter preceding paragraph (1), by
15 striking “subsection (b)” and inserting “subsection
16 (c)”; and

17 (2) by striking paragraph (1) and inserting the
18 following:

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

20 “(A) provide high-quality curriculum and
21 instruction in a supportive and effective learn-
22 ing environment that enables the children
23 served under this part to meet the State’s stu-
24 dent academic achievement standards, and the

1 ways in which parents and families will support
2 their children’s learning, such as—

3 “(i) monitoring attendance and home-
4 work completion;

5 “(ii) volunteering in their child’s
6 classroom or school; and

7 “(iii) participating, as appropriate, in
8 decisions relating to the education of their
9 children and positive use of extracurricular
10 time; and

11 “(B) engage families in the development of
12 recommendations for student attendance, expect-
13 tations, behavior, and school safety, including
14 the development of reasonable disciplinary poli-
15 cies and interventions, such as the implementa-
16 tion of school-wide positive behavior interven-
17 tions and supports and the phase-out of out-of-
18 school suspension and expulsion and to address
19 bullying and harassment; and”.

20 **SEC. 107. COMPARABLE ALLOCATION OF EXPENDITURES.**

21 (a) AMENDMENT.—Section 1120A(c) of the Elemen-
22 tary and Secondary Education Act of 1965 (20 U.S.C.
23 6321(c)) is amended to read as follows:

24 “(c) COMPARABLE ALLOCATION OF EXPENDI-
25 TURES.—

1 “(1) IN GENERAL.—

2 “(A) COMPARABLE FUNDING.—Not later
3 than 5 full school years after the date of enact-
4 ment the Student Success Act, except as pro-
5 vided in paragraphs (5), (6), and (7), a local
6 educational agency may receive funds under
7 this part for a fiscal year only if, for the pre-
8 ceeding fiscal year, the combined expenditure per
9 pupil of State and local funds, including per-
10 sonnel and nonpersonnel costs, in each school
11 served under this part was at least comparable
12 to the average combined expenditure per pupil
13 of State and local funds, including personnel
14 and nonpersonnel costs, across all schools
15 served by the local educational agency that are
16 not receiving funds under this part.

17 “(B) COMPARABLE FUNDING AMONG
18 TITLE I SCHOOLS.—In any case where all of the
19 schools served by a local educational agency re-
20 ceive support under this part, such agency may
21 receive funds under this part only if, for the
22 preceding fiscal year, the combined expenditure
23 per pupil of State and local funds in each high-
24 er poverty school is at least comparable to the
25 average combined expenditure per pupil of

1 State and local funds across all lower poverty
2 schools.

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

7 “(A) such agency has filed annually with
8 the State educational agency a school-by-school
9 listing of per-pupil expenditures of State and
10 local funds, as described in paragraph (1), for
11 each school served by the agency for the pre-
12 ceding fiscal year; and

13 “(B) the listing described in subparagraph
14 (A) demonstrates comparable allocation of per-
15 pupil expenditures across schools as required by
16 subparagraph (A) or (B) of paragraph (1).

17 “(3) BASIS.—A local educational agency may
18 meet the requirements of paragraphs (1) or (2)
19 across all schools or among schools serving a par-
20 ticular grade span, if the local educational agency
21 compares schools within not more than three grade
22 spans.

23 “(4) REQUIREMENTS.—

24 “(A) REQUIREMENTS OF THE SEC-
25 RETARY.—The Secretary shall issue regulations

1 concerning the responsibilities of State edu-
2 cational agencies and local educational agencies
3 for meeting the requirements of this subsection.

4 “(B) REQUIREMENTS OF STATES.—Each
5 State educational agency receiving funds under
6 this part shall—

7 “(i) create and distribute to local edu-
8 cational agencies, and make available to
9 the public, regulations on the responsibil-
10 ities of local educational agencies for meet-
11 ing the requirements of this subsection;
12 and

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

15 “(C) REQUIREMENTS OF LOCAL EDU-
16 CATIONAL AGENCIES.—Not later than 18
17 months after the date of enactment of the Stu-
18 dent Success Act, each local educational agency
19 receiving funds under this part shall develop
20 and submit to the State educational agency a
21 plan, which shall be made available to the pub-
22 lic, that will ensure comparable allocation of re-
23 sources as described in paragraph (1) not later
24 than 5 full school years after the date of enact-

1 ment of the Student Success Act, including in-
2 formation on—

3 “(i) a timeline and annual bench-
4 marks for making progress toward achiev-
5 ing comparable allocation of resources; and

6 “(ii) how the local educational agency
7 is aligning school improvement efforts de-
8 scribed under section 1116(b) and (c), ef-
9 forts to improve educator supports and
10 working conditions described in section
11 2112(b)(3), and efforts to improve the eq-
12 uitable distribution of teachers and prin-
13 cipals described in section 2112(b)(5), with
14 efforts to improve the comparable alloca-
15 tion of resources as described in this sub-
16 section;

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

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

23 “(A) shall exclude State and local funds
24 expended for the excess costs of providing
25 English language instruction for Limited

1 English Proficient students as determined by
2 the local educational agency;

3 “(B) shall exclude State and local funds
4 expended for the excess costs of providing serv-
5 ices to children with disabilities as determined
6 by the local educational agency;

7 “(C) may exclude capital expenditures; and

8 “(D) may exclude supplemental State or
9 local funds expended in any school attendance
10 area or school for programs that meet the in-
11 tent and purpose of this part.

12 “(7) EXCLUSIONS.—A local educational agency
13 need not include unpredictable or significant changes
14 in student enrollment or personnel assignments that
15 occur after the beginning of a school year in deter-
16 mining the comparable allocation of expenditures
17 under this subsection.

18 “(8) TRANSITIONAL COMPLIANCE.—Beginning
19 on the date of enactment of Student Success Act,
20 for no more than 5 full school years a local edu-
21 cational agency shall be deemed to be in compliance
22 with paragraph (1) and paragraph (4)(C)(i) for any
23 school year, if the teachers hired to fill vacancies for
24 individual schools served under this part, and for the
25 schools not served under this part, improve the com-

1 parable allocation of combined State and local per
2 pupil expenditures compared to the preceding school
3 year.

4 “(9) WAIVER.—A local educational agency may
5 apply to the Secretary to waive the requirement of
6 paragraph (1), for not more than 1 year at a time,
7 if the Secretary determines that the failure to com-
8 ply with such requirement is due to exceptional or
9 uncontrollable circumstances, such as a natural dis-
10 aster or a precipitous and unforeseen decline in the
11 agency’s financial resources.

12 “(10) RULE OF CONSTRUCTION.—Nothing in
13 this section shall be construed to alter or otherwise
14 affect the rights, remedies, and procedures afforded
15 school or local educational agency employees under
16 Federal, State, or local laws (including applicable
17 regulations or court orders) or under the terms of
18 collective bargaining agreements, memoranda of un-
19 derstanding, or other agreements between such em-
20 ployees and their employers.

21 “(11) NO FORCED TRANSFERS.—Nothing in
22 this subsection shall be construed to require a local
23 educational agency to transfer school personnel in
24 order to comply with the requirements of this sub-
25 section.”.

1 **SEC. 108. COORDINATION REQUIREMENTS.**

2 Section 1120B of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 6321(c)) is amended
4 to read as follows:

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

6 “(a) IN GENERAL.—Each local educational agency
7 receiving assistance under this part shall—

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

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

14 “(b) ACTIVITIES.—The activities referred to in sub-
15 section (a) are activities that increase coordination be-
16 tween the local educational agency and a Head Start agen-
17 cy and, if feasible, other entities carrying out early child-
18 hood development programs serving children who will at-
19 tend the schools of the local educational agency, includ-
20 ing—

21 “(1) developing and implementing a systematic
22 procedure for receiving records regarding such chil-
23 dren, transferred with parental consent from a Head
24 Start program or, where applicable, another early
25 childhood development program;

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

7 “(3) conducting meetings involving parents,
8 kindergarten or elementary school teachers, and
9 Head Start teachers or, if appropriate, teachers
10 from other early childhood development programs, to
11 discuss the developmental and other needs of indi-
12 vidual children;

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

17 “(5) linking the educational services provided
18 by such local educational agency with the services
19 provided by local Head Start agencies.

20 “(c) COORDINATION OF REGULATIONS.—The Sec-
21 retary shall work with the Secretary of Health and Human
22 Services to coordinate regulations promulgated under this
23 part with regulations promulgated under the Head Start
24 Act.”.

1 **SEC. 109. RESERVATION OF FUNDS FOR THE OUTLYING**
2 **AREAS AND BUREAU OF INDIAN EDUCATION**
3 **SCHOOLS.**

4 Section 1121(a) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6331(a)) is amended
6 to read as follows:

7 “(a) RESERVATION OF FUNDS.—

8 “(1) IN GENERAL.—From the amount appro-
9 priated for payments to States for any fiscal year
10 under section 1002(a) and 1125A(f), the Secretary
11 shall reserve—

12 “(A) for each fiscal year until the fiscal
13 year described in paragraph (2), a total of 1
14 percent to provide assistance to—

15 “(i) the outlying areas in the amount
16 determined in accordance with subsection
17 (b); and

18 “(ii) the Secretary of the Interior in
19 the amount necessary to make payments
20 pursuant to subsection (d); and

21 “(B) for the fiscal year described in para-
22 graph (2) and each succeeding fiscal year—

23 “(i) 0.50 percent to provide assistance
24 to the outlying areas in the amount deter-
25 mined in accordance with subsection (b);
26 and

1 “(ii) 0.75 percent to provide assist-
2 ance to the Secretary of the Interior in the
3 amount necessary to make payments pur-
4 suant to subsection (d).

5 “(2) DESCRIPTION OF FISCAL YEAR.—A fiscal
6 year described in this paragraph is a fiscal year for
7 which the total amount allocated under this part for
8 each State, after reserving funds in accordance with
9 paragraph (1)(B), would be an amount that is not
10 less than the total amount allocated under this part
11 for such State for fiscal year 2014.”.

12 **SEC. 110. 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. SUPPORTING COLLEGE AND CAREER READY AS-**
18 **SESSMENTS.**

19 “From funds made available to carry out this sub-
20 part, the Secretary shall make grants to States to enable
21 a State—

22 “(1) to pay the costs of the development of col-
23 lege and career ready assessments and standards re-
24 quired by section 1111(b), including—

1 “(A) the costs of working in voluntary
2 partnerships with other States, where applica-
3 ble;

4 “(B) developing high-quality science as-
5 sessments in accordance with section
6 1111(b)(3);

7 “(C) if a State uses alternate assessments
8 aligned with alternate achievement standards
9 for students with the most significant cognitive
10 disabilities, improving the quality and rigor of
11 such assessments to meet the requirements of
12 section 1111(b)(3)(E);

13 “(D) in accordance with section
14 1111(b)(3)(D), developing native language as-
15 sessments; and

16 “(E) improving assessments of English
17 language proficiency necessary to comply with
18 section 1111(b)(3)(F); and

19 “(2) if a State has developed the assessments
20 and standards required by section 1111(b), to ad-
21 minister those assessments or to carry out other ac-
22 tivities described in this subpart and other activities
23 related to ensuring that the State’s schools and local
24 educational agencies are held accountable for results,
25 such as—

1 “(A) developing college and career ready
2 academic content and student achievement
3 standards and aligned assessments that meet
4 the requirements of section 1111(b)(3) in aca-
5 demic subjects for which standards and assess-
6 ments are not required by section 1111(b);

7 “(B) ensuring the continued validity and
8 reliability of State assessments, including
9 through evaluating and addressing the predict-
10 ability of assessment components;

11 “(C) refining State assessments to ensure
12 their continued alignment with the State’s col-
13 lege and career ready content standards and to
14 improve the alignment of curricula and instruc-
15 tional materials;

16 “(D) developing and implementing forma-
17 tive assessments aligned to the college and ca-
18 reer ready standards to support teaching and
19 learning;

20 “(E) strengthening the capacity of local
21 educational agencies and schools to provide all
22 students the opportunity to increase educational
23 achievement, including carrying out professional
24 development activities to support assessment lit-

1 eracy and help teachers and school leaders ef-
2 fectively use data to improve instruction;

3 “(F) supporting the accessibility of State
4 assessment systems for all students, including
5 students with disabilities and English learners,
6 by incorporating principles of universal design
7 for learning, as described in section
8 5429(b)(21);

9 “(G) expanding the range of accommoda-
10 tions available to English learners and students
11 with disabilities, including professional develop-
12 ment activities to increase effective use of ac-
13 commodations; and

14 “(H) improving the dissemination of infor-
15 mation on student achievement and school per-
16 formance to parents and the community.

17 **“SEC. 1132. GRANTS FOR HIGH-QUALITY ASSESSMENTS.**

18 “(a) GRANT PROGRAM AUTHORIZED.—From funds
19 made available to carry out this subpart, the Secretary
20 shall award, on a competitive basis, grants to State edu-
21 cational agencies that have submitted an application at
22 such time, in such manner, and containing such informa-
23 tion as the Secretary may require, which demonstrate to
24 the satisfaction of the Secretary, that the requirements of
25 this section will be met, for the following:

1 “(1) To enable States or consortia of States to
2 collaborate with institutions of higher education,
3 other research institutions, or other organizations to
4 improve the quality, accessibility, validity, and reli-
5 ability of college and career ready assessments de-
6 scribed in section 1111(b)(3).

7 “(2) To measure student academic achievement
8 including the ability to think critically, solve prob-
9 lems, and communicate effectively, for, at a min-
10 imum, the grade in which the student is enrolled
11 using multiple measures of student academic
12 achievement from multiple sources.

13 “(3) To measure student growth over time.

14 “(4) To evaluate student academic achievement
15 through the development of comprehensive academic
16 assessment instruments, such as performance and
17 technology-based academic assessments.

18 “(b) APPLICATION.—Each State educational agency
19 wishing to apply for funds under this section shall include
20 in its State plan under this part such information as the
21 Secretary may require.

22 “(c) ANNUAL REPORT.—Each State educational
23 agency receiving a grant under this section shall submit
24 an annual report to the Secretary describing its activities,
25 and the result of those activities, under the grant.

1 **“SEC. 1133. COMPETENCY-BASED ASSESSMENT AND AC-**
2 **COUNTABILITY DEMONSTRATION AUTHOR-**
3 **ITY.**

4 “(a) DEFINITIONS.—In this part:

5 “(1) COLLEGE AND CAREER READY STAND-
6 ARDS.—The term ‘college and career ready stand-
7 ards’ means the academic content and student aca-
8 demic achievement standards adopted by a State
9 under section 1111(b).

10 “(2) COMPETENCY.—The term ‘competency’
11 means a target for student learning representing key
12 content-specific concepts and higher order skills,
13 such as critical thinking, problem solving, and self
14 directed learning that is—

15 “(A) applied within or across content do-
16 mains; and

17 “(B) aligned with college and career ready
18 content standards as described in section
19 1111(b).

20 “(3) CORE INDICATORS.—The term ‘core indi-
21 cators’ means—

22 “(A) State academic assessments that
23 meet the requirements of section 1111(b)(3)
24 and that provide data that can be compared
25 with data regarding the State academic assess-
26 ments required under section 1111(b)(3); and

1 “(B) graduation rates.

2 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
3 tity’ means a State educational agency or consor-
4 tium of State educational agencies.

5 “(5) MASTERY.—The term ‘mastery’ means a
6 level of knowledge or skill development demonstrated
7 by a student signifying that the student has met a
8 standard and is prepared to progress to a subse-
9 quent standard.

10 “(6) PERFORMANCE ASSESSMENT.—The term
11 ‘performance assessment’ means a multi-step assess-
12 ment that—

13 “(A) includes complex activities with clear
14 criteria, expectations, and processes that enable
15 students to interact with meaningful content;
16 and

17 “(B) measures the depth at which students
18 learn content and apply complex skills to create
19 or refine an original product or solution.

20 “(b) DEMONSTRATION AUTHORITY.—

21 “(1) IN GENERAL.—The Secretary may provide
22 eligible entities, in accordance with paragraph (3),
23 with the authority to incorporate competency-based
24 accountability into the State accountability system

1 required under section 1111(c) in accordance with
2 an application approved under subsection (c).

3 “(2) DEMONSTRATION PERIOD.—Each award of
4 demonstration authority under this part shall be for
5 a period of 3 years.

6 “(3) INITIAL DEMONSTRATION AUTHORITY; EX-
7 PANSION; RENEWAL.—

8 “(A) INITIAL LIMIT.—During the initial 3-
9 year period of demonstration authority under
10 this section, the Secretary may not provide
11 more than 3 eligible entities with the authority
12 described in paragraph (1).

13 “(B) EXPANSION OF DEMONSTRATION AU-
14 THORITY.—After the end of the initial dem-
15 onstration period described in subparagraph
16 (A), the Secretary may provide additional eligi-
17 ble entities with demonstration authority de-
18 scribed in paragraph (1), subject to each of the
19 requirements of this part as applicable, if the
20 Secretary determines that the demonstration
21 authority provided under this part during the
22 initial demonstration period has effectively sup-
23 ported student progress on core indicators
24 among students served by the eligible entities,

1 including subgroups of students described in
2 section 1111(e)(3)(A).

3 “(C) RENEWAL REQUIREMENTS.—The
4 Secretary may renew an award of demonstra-
5 tion authority under this part for additional 2-
6 year periods if the eligible entity demonstrates
7 progress on core indicators.

8 “(c) APPLICATIONS.—To be eligible to participate in
9 the demonstration under this part, an eligible entity shall
10 submit an application to the Secretary at such time, in
11 such manner, and containing such information as the Sec-
12 retary may require, that describes the competency-based
13 accountability system that will be used by the eligible enti-
14 ty, including—

15 “(1) an assurance that the competency-based
16 accountability system will only utilize summative as-
17 sessments for accountability purposes that—

18 “(A) are determined by the Secretary to
19 provide comparable data across the eligible enti-
20 ty, demonstrate inter-rater reliability, and meet
21 the requirements for assessments described in
22 section 1111(b)(3);

23 “(B) have been field-tested;

1 “(C) are aligned to college and career
2 ready standards and State-approved com-
3 petencies;

4 “(D) have been developed in collaboration
5 with stakeholders representing the interests of
6 students with disabilities, English learners, and
7 civil rights organizations in the State, as dem-
8 onstrated through modifications made to the as-
9 sessments resulting from such collaboration;
10 and

11 “(E) incorporate the principles of universal
12 design as defined in section 3(a) of the Assist-
13 ive Technology Act of 1998 (29 U.S.C.
14 3002(a));

15 “(2) how the competency-based accountability
16 system will—

17 “(A) incorporate a system of formative, in-
18 terim, and summative assessments, including
19 the use of performance assessments and other
20 sources of evidence of student learning that de-
21 termine mastery of State-approved com-
22 petencies aligned to college and career ready
23 standards and competencies;

1 “(B) allow students to demonstrate
2 progress toward mastery of such standards and
3 State-approved competencies;

4 “(C) assess mastery of State-approved
5 competencies when students are ready to dem-
6 onstrate mastery of such standards and com-
7 petencies;

8 “(D) provide students with multiple oppor-
9 tunities to demonstrate mastery of such stand-
10 ards and competencies;

11 “(E) ensure that summative assessments
12 comply with the requirements for academic as-
13 sessments, as described in section 1111(b)(3),
14 while engaging and supporting teachers in scor-
15 ing assessments, including the use of high qual-
16 ity professional development, standardized and
17 calibrated scoring rubrics, and other strategies
18 to ensure inter-rater reliability and com-
19 parability of determinations of mastery across
20 the State;

21 “(F) provide educators, students, and par-
22 ents with real-time data to inform instructional
23 practice and continuously improve student per-
24 formance;

1 “(G) be used in conjunction with the ac-
2 countability requirements described in section
3 1111(c) and section 1116 to improve the aca-
4 demic outcomes of persistently low-achieving
5 schools and schools in need of improvement
6 identified under section 1116, and all other
7 schools that fail to meet the school performance
8 targets, established in accordance with section
9 1111(c)(2), for any subgroup described in sec-
10 tion 1111(c)(3)(A);

11 “(H) require not less than 1 year of aca-
12 demic growth within a school year for each stu-
13 dent and assure instructional support and tar-
14 geted intervention are in place for those stu-
15 dents performing below their peers; and

16 “(I) only utilize a student’s individualized
17 education program, as defined in section 602 of
18 the Individuals with Disabilities Education Act,
19 for purposes specifically allowed under such
20 Act;

21 “(3) the eligible entity’s plan to—

22 “(A) ensure that all students, including
23 each student subgroup described in section
24 1111(c)(3)(A)—

1 “(i) are held to the same high stand-
2 ard;

3 “(ii) demonstrate annually, at a min-
4 imum, at least 1 year of academic growth
5 consistent with the requirement in
6 section 1111(b)(4)(E); and

7 “(iii) receive the instructional support
8 needed to attain mastery of college and ca-
9 reer ready standards and State-approved
10 competencies;

11 “(B) train local educational agency and
12 school staff to implement the assessments de-
13 scribed in paragraph (2)(A);

14 “(C) acclimate students to the new assess-
15 ment and accountability systems; and

16 “(D) ensure that each local educational
17 agency has the technological infrastructure to
18 operate the competency-based accountability
19 system described in this section; and

20 “(4) a description of how instruction and pro-
21 fessional development will be enhanced within the
22 competency-based system to personalize the edu-
23 cational experience for each student to ensure all
24 students graduate college and career ready, as deter-

1 mined in accordance with State academic achieve-
2 ment standards under section 1111(b).

3 “(d) PEER REVIEW.—The Secretary shall—

4 “(1) implement a peer review process, which
5 shall include a review team comprised of practi-
6 tioners and experts who are knowledgeable about
7 competency-based learning systems, to inform the
8 awarding of the demonstration authority under this
9 part; and

10 “(2) make publicly available the applications
11 submitted under subsection (c) and the peer com-
12 ments and recommendations on such applications.

13 “(e) DEMONSTRATION AUTHORITY WITHDRAWN.—

14 The Secretary may withdraw the demonstration authority
15 provided to an eligible entity under this part if—

16 “(1) at any point after the first 2 years of the
17 3-year demonstration period described in subsection
18 (b)(2), the Secretary determines that student per-
19 formance for all students served by the eligible enti-
20 ty or any student subgroup described under section
21 1111(c)(3)(A) has declined on core indicators; or

22 “(2) after providing a State with a renewal of
23 demonstration authority under subsection (b)(3), the
24 Secretary makes a determination that student per-
25 formance has declined on core indicators for all stu-

1 dents or any student subgroup described under sec-
2 tion 1111(e)(3)(A) for 2 consecutive years during
3 the State’s participation in the demonstration under
4 this part.

5 “(f) DISSEMINATION OF BEST PRACTICES.—The
6 Secretary shall disseminate best practices on the imple-
7 mentation of competency-based accountability systems, in-
8 cluding on—

9 “(1) the effective use of formative, interim, and
10 summative assessments to inform instruction;

11 “(2) the development of summative assessments
12 that meet the requirements of section 1111(b)(3),
13 can be compared with the State assessments re-
14 quired under section 1111(b)(3), and include assess-
15 ment tasks that determine mastery of State-ap-
16 proved competencies aligned to college and career
17 ready standards; and

18 “(3) the development of standardized and cali-
19 brated scoring rubrics, and other strategies to en-
20 sure inter-rater reliability and comparability of de-
21 terminations of mastery across the State.

22 **“SEC. 1134. FUNDING.**

23 “(a) AUTHORIZATION OF APPROPRIATIONS.—For the
24 purpose of carrying out this subpart, there are authorized
25 to be appropriated \$500,000,000 for fiscal year 2014, and

1 such sums as may be necessary for each of the 5 suc-
2 ceeding fiscal years.

3 “(b) ALLOTMENT OF APPROPRIATED FUNDS.—

4 “(1) IN GENERAL.—From amounts made avail-
5 able for each fiscal year under subsection (a), the
6 Secretary shall—

7 “(A) reserve one-half of 1 percent for the
8 Bureau of Indian Affairs;

9 “(B) reserve one-half of 1 percent for the
10 outlying areas; and

11 “(C) from the remainder, allocate to each
12 State an amount equal to—

13 “(i) \$3,000,000; and

14 “(ii) with respect to any amounts re-
15 maining after the allocation is made under
16 clause (i), an amount that bears the same
17 relationship to such total remaining
18 amounts as the number of students ages 5
19 through 17 in the State (as determined by
20 the Secretary on the basis of the most re-
21 cent satisfactory data) bears to the total
22 number of such students in all States.

23 “(2) REMAINDER.—Any amounts remaining for
24 a fiscal year after the Secretary carries out para-
25 graph (1) shall be made available as follows:

1 “(A)(i) To award funds under sections
2 1132 and 1133 to States according to the qual-
3 ity, needs, and scope of the State application
4 under that section.

5 “(ii) In determining the grant amount
6 under clause (i), the Secretary shall ensure that
7 a State’s grant shall include an amount that
8 bears the same relationship to the total funds
9 available under this paragraph for the fiscal
10 year as the number of students ages 5 through
11 17 in the State (as determined by the Secretary
12 on the basis of the most recent satisfactory
13 data) bears to the total number of such stu-
14 dents in all States.

15 “(B) Any amounts remaining after the
16 Secretary awards funds under subparagraph
17 (A) shall be allocated to each State that did not
18 receive a grant under such subparagraph, in an
19 amount that bears the same relationship to the
20 total funds available under this subparagraph
21 as the number of students ages 5 through 17
22 in the State (as determined by the Secretary on
23 the basis of the most recent satisfactory data)
24 bears to the total number of such students in
25 all States.

1 **“SEC. 1135. STATE DEFINED.**

2 “In this section, the term ‘State’ means each of the
3 50 States, the District of Columbia, and the Common-
4 wealth of Puerto Rico.”.

5 (b) CONFORMING AMENDMENT.—Subpart 1 of part
6 A of title VI (20 U.S.C. 7301 et seq.) is repealed.

7 **TITLE II—TEACHERS AND**
8 **LEADERS**

9 **SEC. 201. GREAT TEACHERS AND LEADERS.**

10 Title II (20 U.S.C. 6601 et seq.) is amended to read
11 as follows:

12 **“TITLE II—GREAT TEACHERS**
13 **AND LEADERS**

14 **“SEC. 2001. PURPOSE.**

15 “The purpose of this title is to help States and local
16 educational agencies support teachers and school leaders
17 to improve student achievement for all students, including
18 English learners and students with disabilities, by—

19 “(1) promoting and enhancing the teaching pro-
20 fession;

21 “(2) supporting the development of effective of
22 teachers and school leaders;

23 “(3) recruiting, rewarding, and retaining effec-
24 tive teachers and other school leaders and fostering
25 excellent instructional teams, especially in high-need

1 local educational agencies, schools, fields, and sub-
2 jects;

3 “(4) providing teachers with the knowledge,
4 skills, data, support, and collaborative opportunities
5 needed to be effective in the classroom and to the
6 meet the diverse learning needs of their students;

7 “(5) providing all students with access to effec-
8 tive teachers and school leaders; and

9 “(6) improving the management of the edu-
10 cation workforce in States and local educational
11 agencies.

12 **“SEC. 2002. DEFINITIONS.**

13 “In this title:

14 “(1) CAREER LADDERS.—The term ‘career lad-
15 ders’ means promotion and professional growth op-
16 portunities, beyond moving into administration, for
17 teachers who have been rated as at least effective by
18 a teacher evaluation system that meets the require-
19 ments of section 2112(b)(1), including teacher lead-
20 ers, instructional or curriculum specialists, and
21 teacher mentors, who help improve teaching and
22 learning in a school or local educational agency.

23 “(2) HIGH-NEED FIELD.—The term ‘high-need
24 field’ refers to the fields of special education, bilin-
25 gual education, and English language acquisition.

1 “(3) HIGH-NEED SUBJECT.—The term ‘high-
2 need subject’ means mathematics, science, and any
3 other content area—

4 “(A) that is designated by a State edu-
5 cational agency or the Secretary as a teacher
6 shortage area; or

7 “(B) with respect to which a local edu-
8 cational agency determines, based on the needs
9 assessment required under section 2122(a)(2),
10 that, in the schools or a subset of schools of the
11 agency, there is a shortage of teachers who
12 have been rated by a State-approved teacher
13 and principal evaluation that meets the require-
14 ments of section 2112(b)(1) as at least effec-
15 tive.

16 “(4) HIGH-NEED LOCAL EDUCATIONAL AGEN-
17 CY.—The term ‘high-need local educational agency’
18 means a local educational agency—

19 “(A)(i) that serves not fewer than 10,000
20 children from families with incomes below the
21 poverty line; or

22 “(ii) for which not less than 20 percent of
23 the children served by the agency are from fam-
24 ilies with incomes below the poverty line; and

1 “(B)(i) for which there is a high percent-
2 age of teachers not teaching in the academic
3 subjects or grade levels that the teachers were
4 trained to teach; or

5 “(ii) for which there is a high percentage
6 of teachers with emergency, provisional, or tem-
7 porary certification or licensing.

8 “(5) QUALIFIED TEACHER.—The term ‘quali-
9 fied teacher’ means a teacher who meets the min-
10 imum qualifications to teach in a State and—

11 “(A) when used with respect to a middle
12 school or high school teacher who is entering
13 the profession in a State for the first time,
14 means that the teacher—

15 “(i) holds at least a bachelor’s degree;

16 “(ii) has demonstrated to the State,
17 content knowledge in the content area that
18 the teacher will teach as determined—

19 “(I) by passing a rigorous State
20 assessment; or

21 “(II) by successful completion of
22 an academic major, a graduate de-
23 gree, or coursework equivalent to an
24 undergraduate academic major in the

1 content area that the teacher will
2 teach;

3 “(iii) if required by the State to dem-
4 onstrate teaching skills by passing a State
5 teacher performance assessment, has
6 passed such assessment;

7 “(iv) has successfully completed a tra-
8 ditional or alternative teacher preparation
9 program; and

10 “(v) at the State’s discretion, may be
11 enrolled in an alternative teacher prepara-
12 tion program, and—

13 “(I) be on track to successful
14 completion of such program; and

15 “(II) be supervised by a mentor
16 teacher who has been consistently
17 rated in the highest rating categories
18 by a teacher evaluation system that
19 meets the requirements of section
20 2112(b)(1);

21 “(B) when used with respect to an elemen-
22 tary school teacher who is entering the profes-
23 sion in a State for the first time, means that
24 the teacher—

25 “(i) holds at least a bachelor’s degree;

1 “(ii) has demonstrated to the State,
2 content knowledge and teaching skills in
3 reading, writing, mathematics, science, and
4 other areas of the elementary school cur-
5 riculum—

6 “(I) by passing a rigorous pass-
7 ing a rigorous State assessment or
8 State-required test in reading, writ-
9 ing, mathematics, science, and other
10 areas of the basic elementary school
11 curriculum; or

12 “(II) by successful completion of
13 an academic major, a graduate de-
14 gree, or coursework equivalent to an
15 undergraduate academic major in the
16 content areas that the teacher will
17 teach;

18 “(iii) if required by the State to dem-
19 onstrate teaching skills by passing a State
20 teacher performance assessment, has
21 passed such assessment;

22 “(iv) has successfully completed a tra-
23 ditional or alternative teacher preparation
24 program;

1 “(v) at the State’s discretion, may be
2 enrolled in an alternative teacher prepara-
3 tion program; and

4 “(I) be on track to successful
5 completion of such program; and

6 “(II) be supervised by a mentor
7 teacher who has been consistently
8 rated in the highest rating categories
9 by a teacher evaluation system that
10 meets the requirements of section
11 2112(b)(1); and

12 “(C) means any teacher who is highly
13 qualified as defined in section 9101(23) or sec-
14 tion 602(10) of the Individuals with Disabilities
15 Education Act, as such section was in effect on
16 the day before the date of enactment of the
17 Student Success Act.

18 “(6) INDUCTION.—The term ‘induction’ means
19 a program for new teachers and new principals, as
20 appropriate, during at least their first 2 years of
21 practice, that is designed to increase effectiveness
22 and retention of new teachers and new principals,
23 and that includes—

24 “(A) high-quality mentoring;

1 “(B) development of skills and knowledge
2 in areas needed for new teachers, including,
3 content knowledge and pedagogy, instructional
4 strategies for teaching students with diverse
5 learning needs, classroom management (includ-
6 ing strategies that improve the school-wide cli-
7 mate for learning, which may include positive
8 behavioral interventions and supports), forma-
9 tive assessment of student learning, and the
10 analysis and use of student assessment data to
11 improve instruction;

12 “(C) frequent, structured time for collabo-
13 ration and professional development with teach-
14 ers and principals in the same field, grade, or
15 subject area, and opportunities to draw directly
16 on the expertise of other school and local edu-
17 cational agency staff, staff of high-performing
18 pathways, and other organizations that provide
19 high-quality induction supports;

20 “(D) regular and structured observation
21 and feedback by mentors, school leaders, or
22 teachers who have been consistently rated in
23 the highest rating categories by a teacher eval-
24 uation system that meets the requirements of
25 section 2112(b)(1); and

1 “(E) where feasible, team teaching, re-
2 duced teaching load and activities designed to
3 ensure that teachers have appropriate teaching
4 tools and instructional materials for their class-
5 room.

6 “(7) MENTORING.—The term ‘mentoring’
7 means the mentoring of new teachers and principals,
8 as appropriate, so as to increase the effectiveness
9 and retention of those teachers and principals
10 through a program tat—

11 “(A) includes clear criteria for the selec-
12 tion of teacher and principal mentors that take
13 into account a candidate’s effectiveness as a
14 teacher or principals and that individuals ability
15 to facilitate adult learning;

16 “(B) provides high-quality training for the
17 mentors on how to support new teachers and
18 principals effectively;

19 “(C) provides regularly scheduled time for
20 collaboration and for examination of student
21 work and achievement data, and on-going op-
22 portunities for mentors and mentees to observe
23 each other’s practice; and

1 “(D) matches, when possible, each mentee
2 with a mentor who is in the same field, grade,
3 or subject area as the mentee.

4 “(8) PROFESSIONAL DEVELOPMENT.—The
5 term ‘professional development’ means coordinated
6 and aligned activities with evidence of increasing ef-
7 fectiveness of educators, which may include teachers,
8 principals, other school leaders, specialized instruc-
9 tional support personnel, paraprofessionals, early
10 childhood educators, and other school staff that—

11 “(A) fosters collective responsibility for im-
12 proved student performance;

13 “(B) is comprised of professional learning
14 that—

15 “(i) aligns with State academic con-
16 tent and achievement standards and early
17 learning standards, as appropriate, with
18 local educational agency and school im-
19 provement goals and plans, including those
20 identified under section 1116, and with
21 school instructional materials;

22 “(ii) is aligned to a State-approved
23 teacher and principal evaluation system the
24 meets the requirements of section
25 2112(b)(1) ;

1 “(iii) is conducted among educators at
2 the school and facilitated by trained school
3 principals and school-based professional
4 development coaches, mentors, master
5 teachers, or other teacher leaders;

6 “(iv) supports family engagement in
7 their children’s education;

8 “(v) primarily occurs frequently and
9 during significant blocks of time among es-
10 tablished teams of teachers, principals, and
11 other instructional staff members where
12 the teams of educators engage in a contin-
13 uous cycle of improvement that—

14 “(I) defines a clear set of educa-
15 tor learning goals based on the rig-
16 orous analysis of data and individual
17 evaluations under section 2112(b)(1)
18 and improves content knowledge, ped-
19 agogical skills, and the ability to ana-
20 lyze and use data;

21 “(II) achieves the educator learn-
22 ing goals based identified under sub-
23 clause (I) by implementing coherent,
24 sustained, and evidence-based learning
25 strategies, such as lesson study and

1 the development of formative assess-
2 ments, that improve instructional ef-
3 fectiveness and student achievement;

4 “(III) provides job-embedded
5 coaching or other forms of assistance
6 to support the transfer of new knowl-
7 edge and skills to the classroom;

8 “(IV) regularly assesses the ef-
9 fectiveness of the professional develop-
10 ment in achieving identified learning
11 goals, improving teaching, and assist-
12 ing all students in meeting chal-
13 lenging State academic achievement
14 standards;

15 “(V) informs ongoing improve-
16 ments in teaching and student learn-
17 ing;

18 “(VI) may support joint profes-
19 sional development activities for
20 school staff and early childhood edu-
21 cators that address the transition to
22 elementary school, including issues re-
23 lated to school readiness across all
24 major domains of early learning; and

1 “(VII) may be supported by ex-
2 ternal assistance with relevant exper-
3 tise, including content expertise; and

4 “(C) may be supplemented by activities
5 such as courses, workshops, institutes, net-
6 works, and conferences that—

7 “(i) address the learning goals and
8 objectives established for professional de-
9 velopment by educators at the school level;

10 “(ii) advance the ongoing school-based
11 professional development; and

12 “(iii) are provided for by for-profit
13 and non-profit entities outside the school
14 such as universities, education service
15 agencies, technical assistance providers,
16 networks of content-area specialists, and
17 other education organizations and associa-
18 tions.

19 “(9) SCHOOL LEADER.—The term ‘school lead-
20 er’ means a principal, an assistant principal, or an
21 individual who is—

22 “(A) is and employee or officer of a school;

23 and

1 “(B) is responsible for the managerial op-
2 erations and instructional leadership of that
3 school.

4 “(10) SCHOOL LEADERSHIP TEAM.—The term
5 ‘school leadership team’ means a group that includes
6 the principal, other school leaders, and teachers at
7 a school who work together to develop school plans
8 or goals for the school.

9 “(11) STATE TEACHER PERFORMANCE ASSESS-
10 MENT.—The term ‘State-teacher performance as-
11 sessment’ means a rigorous assessment used to
12 measure teacher performance that is developed and
13 approved in collaboration with teachers, and admin-
14 istered by the State and—

15 “(A) is based on professional teaching
16 standards;

17 “(B) are aligned to State academic content
18 and achievement and early learning standards;

19 “(C) is used to document the effectiveness
20 of a teacher’s—

21 “(i) curriculum planning;

22 “(ii) instruction of students, including
23 appropriate supports for students who are
24 English learners and students who are
25 children with disabilities; and

1 “(iii) assessment of students, includ-
2 ing analysis of evidence of student learn-
3 ing;

4 “(D) is validated based on professional as-
5 sessment standards;

6 “(E) is regularly monitored to ensure the
7 quality, reliability, validity, fairness, consist-
8 ency, and objectivity of the evaluators’ deter-
9 minations;

10 “(F) is reliably scored by trained eval-
11 uators with appropriate oversight of the process
12 to ensure consistency; and

13 “(G) the results of which are used to sup-
14 port continuous improvement of educator prac-
15 tice.

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

20 “(A) teaches alongside a mentor teacher,
21 who is the teacher of record, for at least one
22 year;

23 “(B) receives concurrent instruction in the
24 teaching of the content area in which the teach-
25 er will become certified or licensed;

1 “(C) receives concurrent instruction in ef-
2 fective teaching skills; and

3 “(D) attains full State teacher certification
4 or licensure, and becomes qualified prior to, or
5 upon, completion of the program.

6 “(13) EVIDENCE OF CLASSROOM PRACTICE.—
7 The term ‘evidence of classroom practice’ means evi-
8 dence gathered through multiple formats and from
9 multiple sources that demonstrate effective teaching
10 skills and—

11 “(A) shall include—

12 “(i) multiple classroom observations
13 based on rigorous teacher performance
14 standards or rubrics and conducted by
15 trained personnel consistent with section
16 2112(b)(1);

17 “(ii) information on the teacher’s suc-
18 cessful use of data to improve instruction
19 and raise student achievement;

20 “(iii) student work, lesson plans, feed-
21 back provided to students and teacher de-
22 veloped classroom assessments;

23 “(iv) demonstration of professional re-
24 sponsibility; and

1 “(B) may include, but which shall have a
2 weight that is less than the weight assigned to
3 the requirements described in subparagraph
4 (A)—

5 “(i) videos of teacher practice;

6 “(ii) teacher portfolios; and

7 “(iii) parent, student, and peer feed-
8 back.

9 “(14) EVIDENCE OF SCHOOL LEADERSHIP.—

10 The term ‘evidence of school leadership’ means evi-
11 dence gathered through multiple formats and from
12 multiple sources that shall include an evaluation
13 of—

14 “(A) data on student learning gains, in-
15 cluding evidence of student learning;

16 “(B) gains in student achievement, includ-
17 ing passage of required exams for course pro-
18 gression, credit accumulation, completion of
19 promotion standards, and graduation rates;

20 “(C) increases in student attendance rates;

21 “(D) percentage of effective teachers on
22 staff;

23 “(E) retention rates of effective teachers
24 rated by a teacher evaluation that meets the re-
25 quirements of section 2112(b)(1) to those

1 teachers rated below effective by such an eval-
2 uation;

3 “(F) evidence of successful use of teacher
4 evaluation and alignment to effective profes-
5 sional development, including support for teach-
6 ers to improve effectiveness status;

7 “(G) demonstration of instructional leader-
8 ship, including use of data and assessment to
9 inform decision-making;

10 “(H) improvement of teacher effectiveness
11 of teachers in the school;

12 “(I) demonstration of effective fiscal man-
13 agement, where applicable;

14 “(J) evidence of effective community and
15 parent engagement;

16 “(K) improved teacher attendance rates;

17 “(L) establishment of learning commu-
18 nities where principals and teachers—

19 “(i) share a school mission and goals
20 with an explicit vision of quality teaching
21 and learning that guides all instructional
22 decisions;

23 “(ii) commit to improving student
24 outcomes and performances;

1 “(iii) set a continuous cycle of collec-
2 tive inquiry and improvement;

3 “(iv) foster a culture of collaboration
4 where teachers and principals work to-
5 gether on a regular basis to analyze and
6 improve teaching and learning; and

7 “(v) support and share leadership;
8 and

9 “(M) develop and maintain a positive
10 school culture where students, teachers and
11 other staff are motivated to collaborate and
12 work together to achieve goals.

13 “(15) EVIDENCE OF STUDENT LEARNING.—The
14 term ‘evidence of student learning’ means data that
15 shall be based on multiple, valid and reliable indica-
16 tors of student academic growth towards State con-
17 tent and achievement standards, which shall be
18 based significantly on—

19 “(A) student learning gains on the State
20 student academic assessments under section
21 1111(c) and, for grades and subjects not cov-
22 ered by the State’s student academic assess-
23 ments, another valid and reliable assessment of
24 student academic achievement, as long as the
25 assessment is used consistently by the local

1 educational agency for the grade or class for
2 which the assessment is administered; and

3 “(B) other evidence of student learning
4 that is comparable across schools within an
5 local educational agency such as—

6 “(i) formative and summative assess-
7 ments;

8 “(ii) objective performance-based as-
9 sessments; and

10 “(iii) representative samples of stu-
11 dent work, including progress towards per-
12 formance standards and evidence of stu-
13 dent growth.

14 “(16) MENTOR PRINCIPAL.—The term ‘mentor
15 principal’ means an individual with—

16 “(A) Strong instructional leadership skills
17 in an elementary school or secondary school set-
18 ting;

19 “(B) Strong verbal and written commu-
20 nication skills, which may be demonstrated by
21 performance on appropriate assessments; and

22 “(C) Knowledge and skills to—

23 “(i) establish and maintain a profes-
24 sional learning community that effectively
25 utilizes data to improve the school culture

1 and personalize instruction to increase stu-
2 dent achievement;

3 “(ii) create and maintain a learning
4 culture within the school that provides a
5 climate conducive to the development of all
6 members of the school community, includ-
7 ing one of continuous learning for adults
8 tied to student learning and other school
9 goals;

10 “(iii) engage in continuous profes-
11 sional development, utilizing a combination
12 of academic study, developmental simula-
13 tion exercises, self-reflection, mentorship
14 and internship;

15 “(iv) understand youth development
16 appropriate to the age level served by the
17 school and from this knowledge sets high
18 expectations and standards for the aca-
19 demic, social, emotional and physical devel-
20 opment of all students; and

21 “(v) actively engage the community to
22 create shared responsibility for student
23 academic performance and successful de-
24 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 2014, 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 2014.—Notwithstanding
2 paragraph (1), for fiscal year 2014, no State shall
3 receive less than 90 percent of the State’s allocation
4 under this part for fiscal year 2013, 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 2014 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) a description of how, within 3 years of the
13 date of enactment of the Student Success Act, each
14 local educational agency in the State that receives a
15 subgrant under subpart 2 shall implement either a
16 State model teacher and principal evaluation system
17 or a State-approved teacher and principal evaluation
18 system that, at a minimum—

19 “(A) is designed primarily to—

20 “(i) increase student learning and im-
21 prove instruction for students;

22 “(ii) inform professional development
23 for teachers and principals and support
24 interventions for students; and

25 “(iii) using the results of a teacher’s
26 or principal’s evaluation, provide on-going

1 and timely, individual and meaningful
2 feedback, and substantive support to the
3 teacher or principal;

4 “(B) is developed, implemented, and
5 adopted in collaboration with teachers, prin-
6 cipals, and other education stakeholders and
7 through the State or local process for deter-
8 mining terms and conditions of employment in
9 the State or local educational agency;

10 “(C) includes—

11 “(i) meaningful weight on multiple
12 measures of teacher and principal perform-
13 ance, including—

14 “(I) in the case of teachers, evi-
15 dence of classroom practice; and

16 “(II) in the case of principals,
17 evidence of school leadership;

18 “(ii) meaningful weight on evidence of
19 student learning;

20 “(iii) meaningful weight on contribu-
21 tions to student growth including higher
22 order thinking skills, citizenship, and social
23 and emotional development; and

24 “(iv) differentiated levels of teacher
25 and principal performance that are clearly

1 articulated using not less than 3 rating
2 categories, which are aligned with the
3 State’s standards and criteria for defining
4 each of the rating categories required;

5 “(D) provides results that are comparable
6 and consistent across all teachers and principals
7 within a local educational agency consistent
8 with section 2301, including using standards
9 and rubrics for conducting evaluations (includ-
10 ing for the information in described in subpara-
11 graph (C)) that reflect the ages and grades
12 being taught and consistent within individual
13 grade levels and subject areas in each local edu-
14 cational agency;

15 “(E) evaluates, annually, each teacher and
16 principal in the local educational agency and
17 takes into consideration the experience and per-
18 formance level of the teacher or principal;

19 “(F) uses evaluation results to inform—

20 “(i) professional improvement plans
21 for teachers and principals, which shall be
22 developed in collaboration with teachers
23 and principals, that are appropriate to the
24 level of the individual being evaluated, in-

1 cluding support and timelines to carry out
2 each plan;

3 “(ii) comprehensive support, men-
4 toring, interventions and timelines to carry
5 out each plan; and

6 “(iii) personnel decisions; and

7 “(G) establishes appropriate training for
8 evaluators and staff being evaluated includ-
9 ing—

10 “(i) a clear articulation of the evalua-
11 tion system and the process, systems, rat-
12 ings, and the implications of the results
13 provided to teachers and principals;

14 “(ii) how the system provides teachers
15 and principals the opportunity and assist-
16 ance to improve consistent with subpara-
17 graph (F)(i); and

18 “(iii) how to identify working condi-
19 tions that affect teaching and learning,
20 such as facilities and resources, and school
21 climate and safety, and isolating educator
22 impact on student outcomes from these
23 factors;

24 “(2) a description of how the State educational
25 agency will ensure that within 4 years of the date

1 of enactment of the Student Success Act, each local
2 educational agency in the State that receives a
3 subgrant under subpart 2 makes public the results
4 of the evaluation system described in paragraph (1),
5 in accordance with the accountability requirements
6 of subpart 4;

7 “(3) a description of how, within 2 years of the
8 date of enactment of the Student Success Act, each
9 local educational agency in the State that receives a
10 subgrant under subpart 2 shall conduct an annual
11 assessment of educator support and working condi-
12 tions that—

13 “(A) evaluates supports for teachers, lead-
14 ers, and other school personnel, such as—

15 “(i) teacher and principal perceptions
16 of availability of high-quality professional
17 development and instructional materials
18 and opportunities for collaboration;

19 “(ii) timely availability of data on stu-
20 dent academic achievement and growth;

21 “(iii) the presence of high-quality in-
22 structional leadership; and

23 “(iv) opportunities for professional
24 growth such as career ladders and men-
25 toring and induction programs;

1 “(B) evaluates working conditions for
2 teachers, leaders and other school personnel,
3 such as—

4 “(i) school climate;

5 “(ii) school safety;

6 “(iii) class size;

7 “(iv) availability and use of common
8 planning time and opportunities to collabo-
9 rate; and

10 “(v) community engagement;

11 “(C) is developed with for teachers, leaders
12 and other school personnel, parents, students,
13 and the community;

14 “(D) develops and implements an plan
15 with the groups described in subparagraph (C)
16 and with, at a minimum, annual benchmarks to
17 address the results of the assessment carried
18 described in this paragraph; and

19 “(E) publicly reports on the results of the
20 evaluations described in subparagraph (A) and
21 (B) and the plan described in subparagraph
22 (C);

23 “(4) a description of the educator supports the
24 State has developed to assist in the implementation
25 of new college- and career-ready standards, including

1 the State’s plan for making those supports available
2 to its local educational agencies and for prioritizing
3 the introduction of those supports, in conjunction
4 with the appropriate local educational agency, into
5 the State’s lowest performing schools;

6 “(5) a description of how a State will develop
7 and implement a plan for the equitable distribution
8 of teachers and principals that—

9 “(A) ensures teachers and principals who
10 have been rated in the lowest rating categories,
11 as such categories are defined by the State
12 under the State-approved teacher and principal
13 evaluation system under paragraph (1)(C)(iii),
14 within each local educational agency and among
15 the local educational agencies within the State,
16 so that low-income and minority students are
17 not taught at higher rates than are other stu-
18 dents by teachers not deemed qualified and who
19 are rated in the lowest evaluation rating cat-
20 egories or assigned to schools administered by
21 principals who have been rated in the lowest
22 evaluation rating categories at higher rates
23 than other students;

24 “(B) includes—

1 “(i) percentage of teachers by evalua-
2 tion rating category for schools in the top
3 quartile of poverty against the schools in
4 the bottom quartile of poverty;

5 “(ii) percentage of teachers by evalua-
6 tion rating category for schools in the top
7 quartile in percentage of minority students
8 against the bottom quartile of percentage
9 of minority students;

10 “(iii) specific and measurable goals
11 and strategies to close gaps identified in
12 the plan; and

13 “(C) before the teacher and principal eval-
14 uation system is established under this part,
15 uses a combined measure of indicators such as
16 a composite to carry out the plan described in
17 this paragraph—

18 “(i) shall include—

19 “(I) the percentage of first year
20 teachers; and

21 “(II) the percentage of qualified
22 teachers; and

23 “(ii) may include—

24 “(I) with respect middle schools
25 and high schools, the percentage of

1 core academic courses taught by
2 teachers who have met State licensure
3 requirements for such courses;

4 “(II) the percentage of teachers
5 whose licensure exam scores fall one
6 standard deviation above passing
7 score of teachers within the State;

8 “(III) the percent of teachers
9 with more than 10 absences over the
10 course of the school year; and

11 “(IV) the percentage of teachers
12 hired after the first day of school;

13 “(6) the State definition of teacher-of-record,
14 how local educational agencies report to the State on
15 the teacher-of-record, and how the definition is used,
16 including for evaluation, compensation, teacher prep-
17 aration evaluation, and to ensure equitable distribu-
18 tion of effective and highly effective teachers;

19 “(7) a description of how the State will estab-
20 lish and maintain a data system that within 3 years
21 after the date of enactment of the Student Success
22 Act—

23 “(A) supports data sharing among local
24 educational agencies and a teacher and leader
25 preparation program described in section

1 200(6)(A)(IV) of the Higher Education Act of
2 1965, as amended by section 202 of the Stu-
3 dent Success Act, on the program’s graduates’
4 students’ achievement and growth, including on
5 the information provided in the evidence of stu-
6 dent learning definition; and

7 “(B) publically reports the percentage of
8 teachers and leaders in each rating category, as
9 defined by the State in paragraph (1)(C)(iii), by
10 preparation program;

11 “(8) a description of the State’s plan to—

12 “(A) implement the plan within the re-
13 quired timelines, including annual benchmarks
14 for implementation; and

15 “(B) report annually to the Secretary on
16 its progress implementing the plan and meeting
17 annual benchmarks outlined under subpara-
18 graph (A);

19 “(9) the State’s definition of, or standards and
20 criteria for—

21 “(A) a qualified teacher;

22 “(B) each rating category under paragraph
23 (1)(C)(iii); and

1 “(C) additional definitions related to the
2 requirements under the teacher and principal
3 evaluation system under paragraph (1);

4 “(10) a description of how the State will, on a
5 regular basis, evaluate how well the results of local
6 educational agency’s teacher and principal evalua-
7 tion systems align with the results produced by the
8 state’s statewide measure of evidence of student
9 learning;

10 “(11) a description of any performance meas-
11 ures in addition to those described in subpart 4 that
12 the State will use to measure the performance of the
13 State and of each local educational agency that re-
14 ceives a subgrant under subpart 2; and

15 “(12) a description of how the State will carry
16 out the activities outlined in section 2113.

17 “(c) COMPLIANCE AND DISAPPROVAL.—If the Sec-
18 retary finds that a State’s application does not comply in
19 whole or in part with the requirements of this subpart,
20 the Secretary shall—

21 “(1) notify the State regarding the specific pro-
22 visions in the application that do not comply with
23 the requirements of this subpart;

1 “(2) request any additional information needed
2 to determine whether the application will comply
3 with the requirements of this subpart; and

4 “(3) before disapproving the application, give
5 the State notice and an opportunity for a hearing.

6 **“SEC. 2113. STATE USES OF FUNDS.**

7 “(a) IN GENERAL.—A State that receives a grant
8 under this subpart shall use—

9 “(1) 90 percent of the grant funds to award
10 subgrants under subpart 2 to local educational agen-
11 cies with approved applications under section 2122;

12 “(2) not more than 5 percent of the grant
13 funds, to plan and administer the activities of the
14 State under this subpart, including the awarding of
15 the subgrants under subpart 2 and the monitoring
16 and enforcement of the requirements for the sub-
17 grants, including—

18 “(A) developing model teacher and prin-
19 cipal evaluation systems that local educational
20 agencies could adopt at their discretion;

21 “(B) implementing the plan for equitable
22 distribution described in section 2112(b)(5);

23 “(C) reviewing the teacher and principal
24 evaluation system that meets the requirements

1 of section 2112(b)(1) used by each local edu-
2 cational agency in the State, including—

3 “(i) providing technical assistance to
4 local educational agencies on the develop-
5 ment and implementation of such system;

6 “(ii) the role of teachers, school lead-
7 ers, and other school personnel in the de-
8 velopment and implementation of such sys-
9 tem;

10 “(iii) opportunities for teachers and
11 principals to provide feedback on the qual-
12 ity and usefulness of such system; and

13 “(iv) evaluating the reliability of such
14 systems; and

15 “(D) reviewing the assessment of educator
16 support and working conditions described in
17 section 2112(b)(3), including—

18 “(i) how the assessment was con-
19 ducted;

20 “(ii) how the plan was developed; and

21 “(iii) implementation of the associated
22 improvement plan described in subpara-
23 graph (D) of section 2112(b)(3);

24 “(3) developing, based on the assessment de-
25 scribed in section 2112(b)(3), educator supports to

1 assist with the implementation of new college- and
2 career-ready standards, particularly in the State’s
3 lowest performing schools;

4 “(4) at least 2 percent of the grant funds to—

5 “(A) develop, with appropriate stake-
6 holders, a State plan, based on an analysis of
7 relevant data (including data on projected
8 workforce needs), to—

9 “(i) improve the effectiveness prin-
10 cipals and, at the State’s discretion, other
11 school leaders; and

12 “(ii) ensure the equitable distribution
13 of principals consistent with section
14 2112(b)(5);

15 “(B) implement activities to carry out the
16 State plan, which may include such activities
17 as—

18 “(i) developing, periodically reviewing,
19 and revising State policies and standards
20 related to principals and, at the State’s
21 discretion, other school leaders so that
22 those policies and standards—

23 “(I) reflect the best practices
24 identified in schools with effective
25 principals;

1 “(II) focus on raising student
2 achievement in subjects that con-
3 tribute to a well-rounded education,
4 especially in high-need and low-per-
5 forming schools and among the low-
6 est-performing subgroups in the
7 State, and on improving teacher effec-
8 tiveness; and

9 “(III) are designed to improve
10 preparation, certification or licensure,
11 and evaluation for all principals, in-
12 cluding those in high-need and low-
13 performing schools; and

14 “(C) activities designed to recruit, support,
15 and retain effective and highly effective prin-
16 cipals for high-need and low-performing schools,
17 such as—

18 “(i) strengthening principal prepara-
19 tion programs to ensure that they are
20 highly selective include in-depth residency
21 for at least one-year or field-based experi-
22 ence in a high-need or low-performing
23 school, and provide induction or other sup-
24 port for at least the first year of a prin-
25 cipal’s service, including coaching from a

1 mentor principal in instructional leadership
2 and organizational management;

3 “(ii) provide training in school and
4 personnel management, including manage-
5 ment of the organization, staff and re-
6 sources, developing a school climate and
7 instructional program, developing effective
8 relationships with community and parents,
9 and using student-level and school level-
10 data to inform decision-making;

11 “(iii) training on child development,
12 improving instruction and closing achieve-
13 ment gaps;

14 “(iv) providing compensation incen-
15 tives to attract, retain, and reward effec-
16 tive principals and other school leaders for
17 high-need and low-performing schools;

18 “(v) developing teacher career ladders
19 with a performance-based selection process
20 that distribute school leadership respon-
21 sibilities and develop a pipeline of individ-
22 uals who gain the experience necessary to
23 become an effective principal; and

24 “(vi) activities to improve the effec-
25 tiveness of school superintendents, prin-

1 cipal supervisors, human resources direc-
2 tors, and other local educational agency
3 managers; and

4 “(5) use any remaining funds reserved at the
5 State level to—

6 “(A) carry out any other activities de-
7 signed to help the State make progress toward
8 carrying out the purposes of this title and
9 showing improvement on the performance meas-
10 ures described in subpart 4 and any additional
11 measures described in the State’s application,
12 including activities designed to—

13 “(i) align the State’s professional
14 teaching standards, teacher and principal
15 certification or licensure requirements,
16 teacher-preparation programs, and profes-
17 sional-development requirements with kin-
18 dergarten-through-grade-12 academic con-
19 tent and achievement standards that build
20 toward college-and-career-readiness;

21 “(ii) reform teacher and school leader
22 compensation, including by modifying poli-
23 cies and practices and providing technical
24 assistance to local educational agencies, in
25 order to enable those agencies to recruit,

1 reward, and retain effective teachers and
2 school leaders in high-need schools, fields,
3 subjects, and areas;

4 “(iii) support the training of teachers,
5 principals, and other school leaders in
6 meeting the diverse learning needs of their
7 students, including through universal de-
8 sign for learning, as described in section
9 5429(b)(21), and multi-tiered system of
10 supports and language acquisition instruc-
11 tion;

12 “(iv) support the training of teachers,
13 principals, and other school leaders in ef-
14 fectively integrating technology (including
15 technology for students with disabilities)
16 into curricula and instruction and in how
17 to use technology for on-line communica-
18 tion and for collaboration and data anal-
19 ysis;

20 “(v) strengthen human resource sys-
21 tems in local educational agencies to re-
22 cruit, train, hire, and place individuals who
23 are or are most likely to be highly effective
24 teachers and principals, provide highly ef-
25 fective teachers and principals with sup-

1 port and development opportunities fo-
2 cused on increasing student achievement,
3 and retain highly effective teachers and
4 principals over time by creating school en-
5 vironments that enable excellent teaching
6 including through strategies such as dis-
7 tributed leadership, time for collaboration
8 and use of student data for job-embedded
9 professional development;

10 “(vi) develop and provide professional
11 development, including through joint pro-
12 fessional development opportunities, for
13 early-childhood educators, teachers, prin-
14 cipals, specialized instructional support
15 personnel, and other school leaders;

16 “(vii) develop and implement policies
17 and practices that position the State to be
18 a competitive applicant for grants under
19 part B of this title;

20 “(viii) support the training of teach-
21 ers, principals, and other school leaders on
22 how to accelerate the learning of students
23 who are performing below grade level; and

24 “(ix) provide professional development
25 for teachers, principals and other school

1 administrators in early elementary grades
2 that includes specialized knowledge about
3 child development and learning, develop-
4 mentally-appropriate curricula and teach-
5 ing practices, meaningful family engage-
6 ment and collaboration with early care and
7 education programs;

8 “(B) provide technical assistance, as nec-
9 essary, to each local educational agency that re-
10 ceives a subgrant under subpart 2, in order to
11 help the local educational agency improve per-
12 formance on the measures described in subpart
13 4;

14 “(C) establish policies and practices to en-
15 sure the quality of the data reported under this
16 part and the effectiveness of the methods used
17 to analyze those data; and

18 “(D) develop and disseminate the State re-
19 port card required under subpart 4, and use the
20 information in the report card to guide efforts
21 under this title.

22 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-
23 ceived under this subpart shall be used to supplement, and
24 not supplant, non-Federal funds that would otherwise be
25 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 2014.—For fiscal year 2014,
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 2013, 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 2015 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 education agency will use to ad-
22 dress the needs identified under the assessment;

23 “(C) the local educational agency’s current
24 system for evaluating teachers and principals,
25 and whether that system is consistent with the

1 definitions the State has developed in the
2 State’s application under section 2112(b)(1);

3 “(D) the local educational agency’s plan
4 for using the subgrant under this subpart, and
5 other local, State, and Federal funds, to ensure
6 the equitable distribution of teachers and prin-
7 cipals, within the local educational agency so
8 that low-income and minority students are not
9 taught at higher rates than are other students
10 by teachers not deemed qualified and who are
11 rated in the lowest teacher evaluation rating
12 categories or assigned to schools administered
13 by principals who have been rated in the lowest
14 principal evaluation rating categories at higher
15 rates than other students within the local edu-
16 cational agency;

17 “(E) the local educational agency’s plan
18 for using the subgrant under this subpart to
19 support teachers in meeting the diverse learning
20 needs of all their students, including through
21 universal design for learning, as described in
22 section 5429(b)(21), and multi-tiered system of
23 supports and language acquisition; and

24 “(F) a description of the educator supports
25 the local educational agency will provide to as-

1 sist with the implementation of new college- and
2 career-ready standards and early learning
3 standards, including the local educational agen-
4 cy’s plan for prioritizing the introduction of
5 those supports in its lowest performing schools;

6 “(G) a description of how the local edu-
7 cation agency will, as appropriate, involve in the
8 delivery of activities and services under this
9 part, external providers that have demonstrated
10 expertise and experience in using evidence-
11 based strategies and programs to deliver evi-
12 dence-based professional development and to
13 raise the quality of teaching and school leader-
14 ship; and

15 “(2) an assurance that, within 5 years of re-
16 ceiving a subgrant under this subpart, the local edu-
17 cational agency will—

18 “(A) conduct a second needs assessment,
19 with the involvement of teachers, principals,
20 and other stakeholders, as applicable, in the
21 areas set forth in subpart 4 and identified in
22 plans under section 1116, as applicable, par-
23 ticularly the needs of schools receiving funds
24 under title I; and

1 “(B) submit a revised application to the
2 State, consistent with the requirements of this
3 section.

4 **“SEC. 2123. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.**

5 “(a) USE OF FUNDS.—Subject to the requirements
6 of the State consistent with section 2112(a), a local edu-
7 cational agency that receives a subgrant under this sub-
8 part shall, directly, or with other local educational agen-
9 cies or the State educational agency, use the subgrant
10 funds for activities designed to increase academic achieve-
11 ment for all students, including English learners and stu-
12 dents with disabilities, by increasing the number and per-
13 centage of its teachers and principals who have been rated
14 by the local educational agency’s teacher and principal
15 evaluation system as at least effective, and to ensure the
16 equitable distribution of those teachers and principals who
17 have been rated at least effective, through activities that—

18 “(1) develop and implement, or improve, a
19 teacher and principal evaluation system that, at a
20 minimum, meets the requirements described in sec-
21 tion 2112(b)(1);

22 “(2) provide meaningful feedback to teachers
23 and principals on evaluation results, and use those
24 results in making decisions about professional devel-
25 opment and retention;

1 “(3) recruit teachers who are qualified and
2 teachers and principals who have been rated, or are
3 likely to be rated, by the evaluation system as at
4 least effective, especially teachers and principals who
5 are needed for high-need and low-performing schools
6 and high-need fields and subjects, including teachers
7 and principals who come from underrepresented
8 backgrounds;

9 “(4) implement the assessment of educator sup-
10 port and working conditions in accordance with sec-
11 tion 2112(b)(3);

12 “(5) implement the local educational agency’s
13 plan for ensuring the equitable distribution of teach-
14 ers and principals who have been rated by the teach-
15 er and principal evaluation system as at least effec-
16 tive;

17 “(6) develop and implement an induction pro-
18 gram that is designed to increase the effectiveness of
19 new teachers and retain effective teachers, especially
20 in high-need and low-performing schools, such as a
21 program that provides reduced teaching assignments
22 for new teachers, training for instructional coaches
23 or mentors who will participate in induction activi-
24 ties, access to on-line support systems, and frequent

1 feedback to promote continuous learning and in-
2 structional improvement;

3 “(7) reduce class size for kindergarten through
4 third grade by an amount and to a level consistent
5 with what research has found to improve student
6 academic achievement at a minimum in the schools
7 in the lowest quartile of poverty in the local edu-
8 cational agency;

9 “(8) improve within-school equity in the dis-
10 tribution of teachers who have been rated at least ef-
11 fective so that low-income and minority students are
12 not taught at higher rates than are other students
13 by teachers rated in one of the two lowest evaluation
14 rating categories;

15 “(9) plan and administer activities carried out
16 under this subpart, including other activities to im-
17 prove effectiveness and the equity of distribution as
18 required in accordance with the local educational
19 agency’s needs assessments under subsection (a)(2);

20 “(10) develop a plan of action for providing ad-
21 ditional academic supports, opportunities, or re-
22 sources that ensure an appropriate opportunity to
23 learn to any student assigned in any subject, for two
24 consecutive years, to teachers rated in the lowest

1 category under the local educational agency’s teach-
2 er evaluation system; and

3 “(11) develop a plan of action to ensure that no
4 student in a school in either the bottom quartile of
5 poverty in the local educational agency or a low-per-
6 forming school is assigned in any subject, for two
7 consecutive years, to a teacher rated in the lowest
8 category under the local educational agency’s teach-
9 er evaluation system.

10 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-
11 ceived under this subpart shall be used to supplement, and
12 not supplant, non-Federal funds that would otherwise be
13 used for activities authorized under this subpart.

14 “(c) RULE OF CONSTRUCTION.—Nothing in this sub-
15 part shall be construed to require a local educational agen-
16 cy to transfer school personnel in order to comply with
17 the requirements of this part.

18 **“Subpart 3—National Leadership Activities**

19 **“SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.**

20 “From the funds made available under section 2101
21 for this subpart for any fiscal year, the Secretary may to
22 reserve up to 3 percent for research, development, tech-
23 nical assistance, outreach, and dissemination activities,
24 carried out either directly or through grants, contracts,
25 or cooperative agreements. Such activities may include—

1 “(1) activities to strengthen teacher and prin-
2 cipal evaluation, including establishing a national
3 center to gather, provide benchmarks on, and dis-
4 seminate best practices and provide technical assist-
5 ance on teacher and principal evaluation so as to
6 support States and local educational agencies in de-
7 veloping robust and reliable evaluation systems that
8 take student growth into account;

9 “(2) development and dissemination of model
10 surveys on the quality of educator support and work-
11 ing conditions consistent with section 2112(b)(3);

12 “(3) direct assistance to nonprofit organizations
13 to enhance their support for local educational agen-
14 cies and schools, including to community-based orga-
15 nizations that can support multiple local educational
16 agencies in strengthening their teacher and principal
17 pipelines and human-resource practices and provide
18 high-quality, sustained professional development tar-
19 geted to low-performing schools;

20 “(4) activities to support development of a lead-
21 ership academy to train school leaders in effective
22 school management and instructional leadership,
23 with a primary focus on turning around low-per-
24 forming schools, including—

1 “(A) effective management of the organiza-
2 tion, staff, and resources;

3 “(B) developing a school climate and in-
4 structional program and related evidence-based
5 professional development aligned to the needs of
6 the students and school;

7 “(C) effective relationships with commu-
8 nity and parents; and

9 “(D) using student-level and school level-
10 data to inform decision-making; and

11 “(5) activities to strengthen evaluation of su-
12 perintendents including developing model evalua-
13 tions.

14 **“Subpart 4—Accountability**

15 **“SEC. 2141. EQUITY ACCOUNTABILITY.**

16 “(a) STATE REQUIREMENTS.—

17 “(1) IN GENERAL.—Each State that receives a
18 grant under subpart 1 shall—

19 “(A) in a case in which the comparisons
20 conducted under section 2112(b)(5) of the
21 State plan indicate the inequalities described in
22 paragraph (2) with respect to high-poverty and
23 high-minority local educational agencies—

24 “(i) in consultation with the local edu-
25 cational agencies in the State, established

1 2, 4 and 5 year improvement goals that
2 will substantially reduce or eliminate the
3 inequities in the schools of such high-pov-
4 erty and high-minority local educational
5 agencies; and

6 “(ii) establish a support plan to assist
7 such high-poverty and high-minority local
8 educational agencies meet such improve-
9 ment goals; and

10 “(B) in a case in which a high-poverty and
11 high-minority local educational agency has not
12 achieved the 2-year improvement goals estab-
13 lished under subparagraph (A)(i), use 2.5 per-
14 cent of the grant funds received under subpart
15 2 to carry out the activities described in sub-
16 paragraph (A).

17 “(2) INEQUALITIES.—The inequalities described
18 in this paragraph are as follows:

19 “(A) Before the teacher and principal eval-
20 uation systems that meets the requirements of
21 section 2112(b)(1) is established under this
22 part by the local educational agencies in the
23 State, students in high poverty and high minor-
24 ity local educational agencies in the State were
25 being taught at higher rates by teachers rated

1 in the lowest two quartiles based on the com-
2 bined measure established under section
3 2112(b)(5)(C) compared to students in low pov-
4 erty and low minority local educational agencies
5 in the State.

6 “(B) Once the evaluation systems are es-
7 tablished, students in high poverty and high mi-
8 nority local educational agencies are being
9 taught at higher rates by teachers rated in one
10 of the two lowest rating categories under such
11 evaluation systems, as compared to students in
12 low poverty and low minority local educational
13 agencies.

14 “(b) LOCAL EDUCATIONAL AGENCY REQUIRE-
15 MENTS.—

16 “(1) IN GENERAL.—Subject to paragraph (3), a
17 high-poverty or high-minority local educational agen-
18 cy described in paragraph (2) and with respect to
19 which a State established improvement goals under
20 subsection (a)(1)(A)(i), shall—

21 “(A) in a case in which the local edu-
22 cational agency fails to meet its 2 year improve-
23 ment goals established under such subsection,
24 use all funds made available through the

1 subgrant to carry out the activities described in
2 section 2112(b)(5);

3 “(B) in a case in which the local edu-
4 cational agency fails to meet its 4 year improve-
5 ment goals established under such subsection—

6 “(i) receive a subgrant from the State
7 under subpart 2 equal to not more than 50
8 percent of the subgrant received by the
9 local educational agency in the preceding
10 year under such subpart; and

11 “(ii) make non-Federal contributions
12 in an amount equal to not less than the
13 Federal funds provided under the
14 subgrant; and

15 “(C) in a case in which the local edu-
16 cational agency fails to meet its 5 year improve-
17 ment goals established under such subsection,
18 the local educational agency shall be prohibited
19 from receiving a subgrant subpart 2.

20 “(2) DESCRIPTION OF LOCAL EDUCATIONAL
21 AGENCIES.—A local educational agency described in
22 this paragraph is a local educational agency that—

23 “(A) before the evaluation system is estab-
24 lished under this part, students in high poverty
25 and high minority schools are being taught at

1 higher rates by teachers rated in the lowest two
2 quartiles based on the combined measure estab-
3 lished under section 2112(b)(5)(C) compared to
4 students in low poverty and low minority
5 schools; and

6 “(B) once the evaluation system is estab-
7 lished, that students in high poverty and high
8 minority schools are being taught at higher
9 rates by teachers rated in one of the two lowest
10 rating categories under the local educational
11 agency’s evaluation system comparable to stu-
12 dents in low poverty and low minority schools.

13 “(3) EXCEPTION.—Paragraph (1) shall not
14 apply to high poverty and high minority schools
15 where students are being taught at higher rates by
16 teachers rated in one of the two lowest rating cat-
17 egories under the local educational agency’s evalua-
18 tions system compared to students in low poverty
19 and low minority schools in the local educational
20 agency if the performance of the high poverty or
21 high minority school’s students, including each
22 group of students described in section
23 1111(b)(2)(C)(v)(II), on the State’s annual student
24 academic assessments has exceeded the statewide av-

1 erage performance for students overall in that sub-
2 ject for at least the previous 2 years.

3 “(4) INAPPLICABILITY.—This section shall not
4 apply to a local education agency that does not have
5 more than one building for each grade span.

6 “(5) TRANSITIONAL COMPLIANCE.—Beginning
7 on the date of enactment of the Student Success
8 Act, for no more than 4 full school years a local edu-
9 cational agency shall be deemed to be in compliance
10 with this section for any school year, if the teachers
11 hired to fill vacancies in local education agencies
12 served under this part, improve the equity in dis-
13 tribution of teachers rated in the highest rating cat-
14 egories between students served by high poverty or
15 high minority schools and students served by low
16 poverty or low minority schools as described in para-
17 graph (2).

18 “(6) WAIVER.—A local education agency may
19 apply to the Secretary for a temporary waiver of the
20 requirements of this section in the case of a natural
21 disaster or unpredictable or significant personnel as-
22 signments that occur after the beginning of a school
23 year that would affect determination of compliance
24 with this section.

1 “(7) RULES OF CONSTRUCTION.—Nothing in
2 this section shall be construed to require a local edu-
3 cation agency to transfer school personnel in order
4 to comply with this section.

5 **“Subpart 5—Public Reporting**

6 **“SEC. 2151. PUBLIC REPORTING.**

7 “(a) IN GENERAL.—

8 “(1) STATE REPORT CARD.—Each State that
9 receives a grant under subpart 1 shall annually sub-
10 mit to the Secretary, and make public, a State re-
11 port card on program performance and results under
12 the grant, in a manner prescribed by the Secretary
13 and containing, analyzing, and updating the infor-
14 mation required under subsection (b).

15 “(2) LOCAL EDUCATIONAL AGENCY REPORT.—
16 Each local educational agency that receives a
17 subgrant under subpart 2 shall annually submit to
18 the State, and make public—

19 “(A) a report on the local educational
20 agency’s program performance and results
21 under the subgrant, in a manner prescribed by
22 the State or the Secretary, containing, ana-
23 lyzing, and updating the information required
24 under subsection (c); and

1 “(B) the notifications to parents described
2 in subsection (d).

3 “(3) PRIVACY.—Information required under
4 this subpart shall be collected, reported, and dis-
5 seminated in a manner that protects the privacy of
6 individuals.

7 “(b) STATE REPORT CARD REQUIREMENTS.—Each
8 State described in subsection (a)(1) shall report the fol-
9 lowing information in accordance with such subsection:

10 “(1) With respect to the State overall and for
11 each local educational agency State, disaggregated
12 by poverty quartile and minority quartile—

13 “(A) the number and percentage of teach-
14 ers and principals, for each grant year, who—

15 “(i) are classified as qualified;

16 “(ii) are rated at each level under a
17 local educational agency’s evaluation sys-
18 tem consistent with the requirements of
19 section 2112(b)(1);

20 “(iii) have taught for less than one
21 full school year; and

22 “(iv) have demonstrated content
23 knowledge in the subject or subjects the
24 teachers are assigned to teach;

1 “(B) with respect to middle and high
2 schools, the percentage of core academic
3 courses taught by teachers who have met State
4 licensure requirements for that course;

5 “(C) information required under equitable
6 distribution plans for the State and each local
7 educational agency under sections 2112(b)(5)
8 and 2123(a), respectively;

9 “(D) staff retention rates differentiated by
10 performance levels as rated under the local edu-
11 cational agency’s evaluation system; and

12 “(E) any other performance measures the
13 State is using to measure the performance of
14 local educational agencies that receive a
15 subgrant under subpart 2.

16 “(2) Results of the data collection reporting
17 under section 2112(b)(7).

18 “(3) Progress towards meeting the equitable
19 distribution requirements under section 2112(b)(5).

20 “(4) Results of the assessment of educator sup-
21 port and working conditions described in section
22 2112(b)(3).

23 “(5) Results of the needs assessment required
24 under subpart 2 by each school in the State and

1 compared to the rubric which was used to conduct
2 the needs assessment.

3 “(c) LOCAL EDUCATIONAL AGENCY REPORT CARD
4 REQUIREMENTS.—Each local educational described in
5 subsection (a)(2) shall report the following information,
6 for each grant year, in accordance with such subsection:

7 “(1) With respect to the local educational agen-
8 cy overall and for schools in the agency by poverty
9 quartile and minority quartile—

10 “(A) the number and percentage of teach-
11 ers and principals, for each grant year, who—

12 “(i) are classified as qualified;

13 “(ii) are rated at each level under a
14 local educational agency’s evaluation sys-
15 tem consistent with the requirements of
16 section 2112(b)(1);

17 “(iii) have taught for less than one
18 full school year; and

19 “(iv) have demonstrated content
20 knowledge in the subject or subjects the
21 teachers are assigned to teach; and

22 “(B) with respect to middle school and
23 high school, the percentage of core academic
24 courses taught by teachers who have met State
25 licensure requirements for that course.

1 “(d) PARENTS’ RIGHT TO KNOW.—Each local edu-
2 cational agency that receives a subgrant under subpart 2
3 shall ensure that each school served by the local edu-
4 cational agency provides, on an annual basis and at the
5 beginning of the school year—

6 “(1) written notification to the parent of each
7 student who has, for 2 consecutive years, been as-
8 signed a teacher rated in the lowest rating category
9 on the local educational agency’s evaluation system,
10 that such student has been so assigned; and

11 “(2) a description of—

12 “(A) the supports the school and local edu-
13 cational agency will offer the student to com-
14 pensate for the teacher assignment;

15 “(B) the local educational agency’s plan
16 for ensuring this assignment pattern does not
17 continue; and

18 “(C) the teacher’s qualified status based
19 on the definition under section 2002(5), includ-
20 ing whether the teacher meets the status based
21 on the requirement in subparagraph (A)(v) of
22 such section.

1 **“PART B—TEACHER AND LEADER INNOVATION**
2 **FUND**

3 **“SEC. 2201. TEACHER AND LEADER INNOVATION FUND.**

4 “The purpose of this part is to support States and
5 local educational agencies in improving the effectiveness
6 of their teachers and school leaders, especially those teach-
7 ers and school leaders working in high-need schools, by
8 creating the conditions needed to identify, recruit, pre-
9 pare, retain, reward, and advance effective teachers, prin-
10 cipals, and school leadership teams in such schools.

11 **“SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) IN GENERAL.—There are authorized to be ap-
13 propriated \$950,000,000 for fiscal year 2014 and such
14 sums as may be necessary for each of the 5 succeeding
15 fiscal years to carry out this part.

16 “(b) CONTINUATION.—From the funds made avail-
17 able under subsection (a), the Secretary may reserve funds
18 to continue funding the Teacher Incentive Fund author-
19 ized under the fourth, fifth, and sixth provisos of the ‘In-
20 novation and Improvement Account’ under title III of
21 Public Law 109–149, in accordance with the terms and
22 conditions of such Fund that were in effect on the day
23 before the enactment of the Student Success Act.

24 **“SEC. 2203. GRANTS.**

25 “(a) IN GENERAL.—From the funds made available
26 under section 2202 and not reserved under subsection (b)

1 of such section, for each fiscal year, the Secretary shall
2 award grants, on a competitive basis, to eligible entities
3 to carry out the purpose of this part.

4 “(b) ELIGIBLE ENTITY.—In this part, the term ‘eli-
5 gible entity’ means—

6 “(1) a State educational agency or a consor-
7 tium of such agencies;

8 “(2) a high-need local educational agency or a
9 consortium of such agencies;

10 “(3) one or more of the entities described in
11 paragraphs (1) and (2) in partnership with one or
12 more institutions of higher education, nonprofit or-
13 ganization,; or educational service agencies; or

14 “(4) an entity described in paragraph (1) in
15 partnership with 1or more local educational agencies
16 at least one of which is a high-need local educational
17 agency.

18 “(c) DURATION.—The Secretary shall award a grant
19 under this part to an eligible entity for an initial period
20 of not more than 3 years, and may renew the grant for
21 up to an additional 2 years if the Secretary finds that the
22 eligible entity is achieving the objectives of the grant and
23 has shown improvement against baseline measures on per-
24 formance indicators.

1 **“SEC. 2204. APPLICATIONS.**

2 “(a) IN GENERAL.—Each eligible entity that desires
3 a grant under this part shall submit an application to the
4 Secretary at such time, in such manner, and containing
5 such information and assurances as the Secretary may
6 reasonably require.

7 “(b) CONTENTS.—Each application submitted under
8 this section shall contain—

9 “(1) a description of—

10 “(A) how the eligible entity will differen-
11 tiate levels of teacher and principal performance
12 by effectiveness, and the criteria it will use to
13 determine that differentiation, which shall in-
14 clude the use of evidence of student learning as
15 a significant factor, as well as other measures;
16 and

17 “(B) how that differentiation will be—

18 “(i) consistent with the teacher and
19 principal evaluation system that meets the
20 requirements of section 2112(b)(1); and

21 “(ii) used by the local educational
22 agency served by the eligible entity to
23 make decisions about professional develop-
24 ment and retention;

25 “(2) a description of the rigorous performance
26 standards that the eligible entity has established, or

1 will establish, within 2 years of the date of enact-
2 ment of Student Success Act, that will be used to
3 evaluate performance;

4 “(3) a plan, developed with appropriate stake-
5 holders, setting forth the activities to be imple-
6 mented under the grant and how those activities will
7 be aligned with the results of—

8 “(A) an analysis of workforce data (includ-
9 ing teacher and principal surveys) that identi-
10 fies strengths and weaknesses in the working
11 conditions provided to teachers, school leaders,
12 and other school personnel and the current and
13 future staffing needs within the State or local
14 educational agency;

15 “(B) a public review of any State or local
16 educational agency statutes, policies, and prac-
17 tices, including employment policies and prac-
18 tices that pose a barrier to staffing schools,
19 particularly high-need schools, with teachers
20 and principals who have been rated in the high-
21 est rating categories;

22 “(C) an analysis of the effectiveness and
23 the cost-effectiveness of applicable State or local
24 educational agency policies and practices re-

1 lated to increasing teacher and principal effec-
2 tiveness;

3 “(D) an analysis of the alignment of the
4 policies and practices reviewed and analyzed
5 under subparagraphs (B) and (C) with the goal
6 of ensuring that educators are prepared to help
7 all students achieve to college-and-career-ready
8 standards; and

9 “(E) as applicable, an analysis of the ex-
10 tent to which the local educational agency’s
11 human capital strategies, including career ad-
12 vancement opportunities, salary schedules (in-
13 cluding incentives for graduate credit and ad-
14 vanced degrees), and incentives, reward actions,
15 and strategies that improve instruction and stu-
16 dent learning; and

17 “(4) evidence of involvement and support for
18 the proposed grant activities from—

19 “(A) in the case of an application from an
20 eligible entity that includes a local educational
21 agency or a consortium of such agencies, a local
22 school board, teachers union (where there is a
23 designated exclusive representative for the pur-
24 pose of collective bargaining), teachers, prin-
25 cipals, and other stakeholders; and

1 “(B) in the case of an application from a
2 State educational agency or consortium of such
3 agencies, the State board of education, State
4 agency for higher education, any participating
5 local educational agency, and other stake-
6 holders.

7 “(c) **SELECTION CRITERION.**—In making grants
8 under this part, the Secretary shall consider the extent
9 to which the eligible entity’s activities that are carried out
10 through a grant under part A or through State and local
11 funds are aligned with the entity’s plan under subsection
12 (b)(3) and the purpose of this part.

13 “(d) **PRIORITY.**—The Secretary shall give priority to
14 applications that address particular needs in improving
15 the effectiveness of the education workforce in high-need
16 schools or the needs of local educational agencies to fill
17 positions in high-need fields and subjects.

18 **“SEC. 2205. USE OF FUNDS.**

19 “(a) **IN GENERAL.**—A eligible entity under this
20 part—

21 “(1) shall use its grant funds for activities to—

22 “(A) improve the use of teacher and prin-
23 cipal effectiveness information, which shall in-
24 clude, once a local educational agency has
25 adopted an evaluation system as described in

1 section 2112(b)(1), using such evaluation re-
2 sults in consequential decisionmaking, including
3 in—

4 “(i) paying bonuses and increased sal-
5 aries, if the eligible entity uses an increas-
6 ing share of non-Federal funds to pay the
7 bonuses and increased salaries each year of
8 the grant, to highly effective teachers or
9 principals who work in high-need schools;

10 “(ii) activities under sections 2112
11 and 2122;

12 “(iii) reforming the local educational
13 agency’s system of compensating teachers
14 and principals; and

15 “(iv) developing and implementing a
16 human capital system; and

17 “(B) improve teacher and school-leader
18 compensation and career-development systems,
19 which may include instituting performance pay,
20 career advancement systems (such as career
21 ladders or incentives for assuming additional
22 roles and responsibilities intended to improve
23 student academic achievement), or market-
24 based compensation for a high-need school; and

25 “(2) may use its grant funds for activities to—

1 “(A) help ensure that high-need and low-
2 performing schools are staffed more effectively
3 and efficiently, such as through—

4 “(i) the implementation or use of ear-
5 lier hiring timelines;

6 “(ii) more effective recruitment strate-
7 gies (including strategies for recruiting
8 candidates from underrepresented groups);

9 “(iii) more selective screening; and

10 “(iv) data systems for tracking at-
11 tendance, teacher and principal evaluation
12 results, tenure decisions, participation in
13 professional development, and the results
14 of that participation;

15 “(B) recruit, prepare, support, and evalu-
16 ate principals who serve in high-need or low-
17 performing schools; and

18 “(C) recruit and retain teachers and lead-
19 ers in rural and remote areas.

20 “(b) STATE GRANTEES.—A State educational agency
21 that is a grantee under this part shall use its grant funds
22 for activities to—

23 “(1) modify State policies and practices, as
24 needed, to enable local educational agencies to carry
25 out their activities under subsection (a);

1 “(2) develop and implement improvements to
2 the State’s certification or licensure requirements,
3 which shall include using teacher and principal eval-
4 uation results in certification or licensure decisions
5 (such as by making them a significant factor in the
6 granting of a full certification or license); and

7 “(3) implement a human capital system, includ-
8 ing pre-service programs providing teachers and
9 principals to schools within the State, that increases
10 the numbers of highly effective teachers and prin-
11 cipals, particularly in high-need schools by—

12 “(A) identifying, recruiting, training, hir-
13 ing, and placing individuals who are or are
14 most likely to be highly effective teachers and
15 principals;

16 “(B) distributing highly effective teachers
17 and principals strategically to high need
18 schools;

19 “(C) providing highly effective teachers
20 and principals with support and development
21 opportunities focused on increasing student
22 achievement; and

23 “(D) retaining highly effective teachers
24 and principals over time by creating school en-
25 vironments that enable excellent teaching in-

1 including through strategies such as distributed
2 leadership, time for collaboration and use of
3 student data for internal professional develop-
4 ment.

5 **“PART C—GENERAL PROVISIONS**

6 **“SEC. 2301. PROHIBITION AGAINST INTERFERENCE WITH**
7 **STATE AND LOCAL LAWS AND AGREEMENTS.**

8 “Nothing in this title shall be construed to alter or
9 otherwise affect the rights, remedies, and procedures af-
10 fforded to school or local educational agency employees
11 under Federal, State, or local laws (including applicable
12 regulations or court orders as well as requirements that
13 local educational agencies negotiate and or meet and con-
14 fer in good faith) or under the terms of collective bar-
15 gaining agreements, memoranda of understanding, or
16 other agreements between such employers and their em-
17 ployees.

18 **“SEC. 2302. PROTECTING THE INTEGRITY OF EVALUATION**
19 **SYSTEMS.**

20 “No State or local educational agency receiving fund-
21 ing under this title shall publicly report personally identifi-
22 able information included in an individual teacher or prin-
23 cipal evaluation, including information that can be used
24 to distinguish an individual’s identity when combined with
25 other personal or identifying information.”.

1 **SEC. 202. HEA CONFORMING AMENDMENTS.**

2 (a) QUALIFIED TEACHER.—The Higher Education
3 Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

4 (1) in section 200 (20 U.S.C. 1021)—

5 (A) by amending paragraph (13) to read
6 as follows:

7 “(13) QUALIFIED.—The term ‘qualified’ has
8 the meaning given the term ‘qualified teacher’ in
9 section 2002(5), as amended by section 201 of the
10 Student Success Act.

11 “(B) in paragraph (17)(B)(ii), by striking
12 ‘highly qualified’ and inserting ‘qualified’; and

13 “(C) in paragraph (22)(D)(i), by striking
14 ‘highly qualified’ and inserting ‘qualified.’”;

15 (2) in section 201(3) (20 U.S.C. 1022(3)), by
16 striking “highly qualified teachers” and inserting
17 “qualified teachers”;

18 (3) in section 202 (20 U.S.C. 1022)—

19 (A) in subsection (b)(6)(H), by striking
20 “highly qualified teachers” and inserting
21 “qualified teachers”;

22 (B) in subsection (d)—

23 (i) in paragraph (1)—

24 (I) in subparagraph (A)(i)(I), by
25 striking “highly qualified” and insert-
26 ing “qualified”; and

1 (II) in subparagraph (B)(iii), by
2 striking “highly qualified” and insert-
3 ing “qualified”; and

4 (ii) in paragraph (5), by striking
5 “highly qualified teachers” and inserting
6 “qualified teachers”; and

7 (C) in subsection (e)(2)(C)(iii)(IV), by
8 striking “highly qualified teacher, as defined in
9 section 9101,” and inserting “qualified teacher,
10 as defined in section 2002(5), as amended by
11 section 201 of the Student Success Act”;

12 (4) in section 204(a)(4) (20 U.S.C. 1022c) by
13 striking “highly qualified teachers” each place it ap-
14 pears and inserting “qualified teachers”;

15 (5) in section 205(b)(1)(I) (20 U.S.C.
16 1022d(b)(1)(I)), by striking “highly qualified teach-
17 ers” and inserting “qualified teachers”;

18 (6) in section 207(a)(1) (20 U.S.C.
19 1022f(a)(1)), by striking “highly qualified teachers”
20 and inserting “qualified teachers”;

21 (7) in section 208(b) (20 U.S.C. 1022g(b)), by
22 striking “highly qualified” each place it appears and
23 inserting “qualified”;

1 (8) in section 242(b) (20 U.S.C. 1033a), by
2 striking “highly qualified” each place it appears and
3 inserting “qualified”;

4 (9) in section 251(b) (20 U.S.C. 1034(b)), by
5 striking “highly qualified” each place it appears and
6 inserting “qualified”; and

7 (10) in section 258(d)(1) (20 U.S.C.
8 1036(d)(1)), by striking “highly qualified” and in-
9 serting “qualified”.such partner institution.

10 (c) DEFINITIONS.—Section 200 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1021) is amended—

12 (1) by amending paragraph (6) to read as fol-
13 lows:

14 “(6) ELIGIBLE PARTNERSHIP.—Except as oth-
15 erwise provided in section 251, the term ‘eligible
16 partnership’ means an entity that—

17 “(A) shall include—

18 “(i) a high-need local educational
19 agency;

20 “(ii)(I) a high-need school or a con-
21 sortium of high-need schools served by the
22 high-need local educational agency; or

23 “(II) as applicable, a high-need early
24 childhood education program; or

25 “(iii)(I) the following entities—

1 “(aa) a partner institution.

2 “(bb) a school, department, or
3 program of education within such
4 partner institution, which may include
5 an existing teacher professional devel-
6 opment program with proven out-
7 comes within a 4-year institution of
8 higher education that provides inten-
9 sive and sustained collaboration be-
10 tween faculty and local educational
11 agencies consistent with the require-
12 ments of this title; and

13 “(cc) a school or department of
14 arts and sciences within such partner
15 institution; or

16 “(II) an entity operating a program
17 that provides alternative routes to State
18 certification of teachers that has a teacher
19 preparation program—

20 “(aa) whose graduates exhibit
21 strong performance on State-deter-
22 mined qualifying assessments for new
23 teachers through demonstrating that
24 80 percent or more of the graduates
25 of the program who intend to enter

1 the field of teaching have passed all of
2 the applicable State qualification as-
3 sessments for new teachers, which
4 shall include an assessment of each
5 prospective teacher's subject matter
6 knowledge in the content area in
7 which the teacher intends to teach;
8 and

9 “(bb) that requires each student
10 in the program to meet high academic
11 standards or demonstrate a record of
12 success, as determined by the institu-
13 tion (including prior to entering and
14 being accepted into a program), and
15 participate in intensive clinical experi-
16 ence, and each student in the program
17 is preparing to become a qualified
18 teacher; and

19 “(B) may include any of the following:

20 “(i) The Governor of the State.

21 “(ii) The State educational agency.

22 “(iii) The State board of education.

23 “(iv) The State agency for higher edu-
24 cation.

25 “(v) A business.

1 “(vi) A public or private nonprofit
2 educational organization.

3 “(vii) An educational service agency.

4 “(viii) A teacher organization.

5 “(ix) A high-performing local edu-
6 cational agency, or a consortium of such
7 local educational agencies, that can serve
8 as a resource to the partnership.

9 “(x) A charter school (as defined in
10 section 5210).

11 “(xi) A school or department within a
12 partner institution that focuses on psy-
13 chology and human development.

14 “(xii) A school or department within a
15 partner institution with comparable exper-
16 tise in the disciplines of teaching, learning,
17 and child and adolescent development.

18 “(xiii) An entity operating a program
19 that provides alternative routes to State
20 certification of teachers.

21 “(xiv) A school, department, or pro-
22 gram of education within a partner institu-
23 tion.

24 “(xv) A school or department of arts
25 and sciences within a partner institution.”;

1 (2) by amending paragraph (10) to read as fol-
2 lows:

3 “(10) HIGH-NEED LOCAL EDUCATIONAL AGEN-
4 CY.—The term “high-need local educational agency
5 has the meaning given such term in section 2002(4),
6 as amended by section 201 of the Student Success
7 Act.”;

8 (3) by amending paragraph (14) to read as fol-
9 lows:

10 “(14) INDUCTION PROGRAM.—The term ‘induc-
11 tion program’ has the meaning given the term ‘in-
12 duction’ in section 2002(6), as amended by section
13 201 of the Student Success Act.”; and

14 (4) by amending paragraph (21) to read as fol-
15 lows:

16 “(21) TEACHER MENTORING.—The term
17 ‘teacher mentoring’ has the meaning given the term
18 ‘mentoring’ in section 2002(7), as amended by sec-
19 tion 201 of the Student Success Act.”.

20 (d) PURPOSE.—Section 201 of the Higher Education
21 Act of 1965 (20 U.S.C. 1022) is amended—

22 (1) by striking “and” at the end of paragraph
23 (3);

24 (2) by striking the period and inserting “; and”
25 at the end of paragraph (4); and

1 (3) by inserting at the end the following:

2 “(5) improve teacher effectiveness.”.

3 (e) PARTNERSHIP GRANTS.—Section 202 of the
4 Higher Education Act of 1965 (20 U.S.C. 1022a) is
5 amended—

6 (1) in subsection (b)(6)—

7 (A) in subparagraph (E)(ii), by striking
8 “student academic” and inserting “college-and-
9 career ready student academic”;

10 (B) in subparagraph (H)—

11 (i) in the matter preceding clause (i),
12 by inserting “or alternative route entity”
13 after “partner institution”;

14 (ii) in clause (i), by striking “that in-
15 corporate” and all that follows through
16 “instruction” and inserting “consistent
17 with part A of title IV of the Elementary
18 and Secondary Education Act of 1965”;

19 (iii) in clause (i), insert “and other
20 educators, including mutli-tiered systems
21 of support and universal design for learn-
22 ing, as described in section 5429(b)(21)”
23 after “secondary school teachers”;

24 (iv) in clause (ii), insert “ and writing
25 instruction” after “reading”; and

1 (v) after clause (ii) insert the fol-
2 lowing:

3 “(iii) provide high-quality professional
4 development activities to strengthen the in-
5 structional and leadership skills of elemen-
6 tary school and secondary school principals
7 and district superintendents, if the partner
8 institution has a principal preparation pro-
9 gram;”;

10 (C) by redesignating subparagraphs (I)
11 through (K) as subparagraphs (J) through (L),
12 respectively; and

13 (D) by inserting after subparagraph (H),
14 the following:

15 “(I) how the partnership will prepare
16 teachers to use data to analyze student per-
17 formance and adjust teaching practices to im-
18 prove student achievement;” and

19 (2) in subsection (d)(6)(A), by striking “that
20 incorporate the essential components of literacy in-
21 struction” and inserting “aligned with part A of title
22 IV of the Elementary and Secondary Education Act
23 of 1965”.

24 (f) ADMINISTRATIVE PROVISIONS.—Section
25 203(b)(2)(A) of the Higher Education Act of 1965 (20

1 U.S.C. 1022b(b)(2)(A)) is amended by inserting “or alter-
2 native route entity” after “institution of higher education

3 (g) ACCOUNTABILITY AND EVALUATION.—Section
4 204(a) of the Higher Education Act of 1965 (20 U.S.C.
5 1022c) is amended—

6 (1) by redesignating paragraphs (3) and (4) as
7 paragraphs (4) and (5), respectively; and

8 (2) by inserting after paragraph (2), the fol-
9 lowing:

10 “(3) teachers rated as at least effective by a
11 teacher evaluation system that meets the require-
12 ments of section 2112(b)(1), as amended by section
13 201 of the Student Success Act;”.

14 (h) INFORMATION ON PREPARATION PROGRAMS.—
15 Section 205(b)(1) of the Higher Education Act of 1965
16 (20 U.S.C. 1022d(b)) is amended—

17 (1) in the matter preceding subparagraph (A),
18 by striking “teacher preparation program” and in-
19 serting “teacher and school leader preparation pro-
20 gram”; and

21 (2) by adding at the end the following:

22 “(M) Within 3 years of the date of enact-
23 ment of the Student Success Act, information
24 on the impact of each program’s graduates on
25 the student achievement of the students that

1 such graduates teach, if that information is
2 available.

3 “(N) The percentage of each program’s
4 graduates who teach in a high-need school.

5 “(O) The percentage of each program’s
6 graduates who are prepared to teach a high-
7 need subject.

8 “(P) The percentage of each program’s
9 graduates who become effective and highly ef-
10 fective teachers or principals according to such
11 graduates’ ratings by the local educational
12 agency’s teacher evaluation system that meets
13 the requirements of section 2112(b)(1) of the
14 Elementary and Secondary Education Act of
15 1965, as amended by section 201 of the Stu-
16 dent Success Act.

17 “(Q) The 3-year retention rate of each
18 program’s graduates who become effective and
19 highly effective teachers or principals according
20 to such graduates’ ratings by such system.”.

1 **TITLE III—LANGUAGE INSTRU-**
2 **CTION FOR LIMITED ENGLISH**
3 **PROFICIENT AND IMMIGRANT**
4 **STUDENTS**

5 **SEC. 301. LANGUAGE INSTRUCTION.**

6 Title III (20 U.S.C. 6801 et seq.) is amended—

7 (1) in section 3001, by striking “fiscal year
8 2002” and inserting “fiscal year 2014” each place
9 it appears;

10 (2) by striking “No Child Left Behind Act of
11 2001” and inserting “Student Success Act” each
12 place it appears;

13 (3) in section 3244, by striking “2002 through
14 2008” and inserting “2014 through 2020”;

15 (4) by striking “adequate yearly progress” and
16 inserting “progress” each place it appears;

17 (5) in sections 3102(8)(B), 3113(b)(5)(B), and
18 3116(b)(3)(B), by striking “, as described in section
19 1111(b)(2)(B)”;

20 (6) in section 3122(a)(3)(A)(iii), by striking “as
21 described in section 1111(b)(2)(B)”;

22 (7) by repealing section 3122;

23 (8) in section 3111(b)(2)(D), by striking “an-
24 nual measurable achievement objectives pursuant to

1 section 3122” and inserting “performance targets
2 described in section 1111(c)”;

3 (9) in sections 3113(b), 3116(b), 3121(d)(3),
4 and 3302(b), by striking “annual measurable
5 achievement objectives described in section 3122”
6 and inserting “performance targets described in sec-
7 tion 1111(c)” each place it appears;

8 (10) in section 3122, by striking “annual meas-
9 urable achievement objectives” and inserting “per-
10 formance targets” each place it appears;

11 (11) by striking “section 1111(b)(7)” and in-
12 serting “section 1111(b)(3)(F)” each place it ap-
13 pears; and

14 (12) by striking “section 1111(b)(1)” and in-
15 serting “section 1111(b)(4)” each place it appears.

16 **TITLE IV—21ST CENTURY**
17 **SCHOOLS**

18 **SEC. 401. 21ST CENTURY SCHOOLS.**

19 Title IV (20 U.S.C. 7101 et seq.) is amended to read
20 as follows:

1 “TITLE IV—21ST CENTURY SCHOOLS

2 “PART A—21ST CENTURY LEARNING PARTNERSHIPS

3 **“SEC. 4001. PURPOSE.**

4 “The purpose of this part is to provide opportunities
5 for communities to establish or expand activities through
6 learning partnerships that—

7 “(1) provide opportunities for academic enrich-
8 ment, increased academic achievement, and student
9 success in schools by providing students with addi-
10 tional learning time for more expansive, relevant and
11 rigorous learning opportunities, including opportuni-
12 ties to catch students up in their coursework, and
13 help students accelerate their learning;

14 “(2) provide a broad array of additional serv-
15 ices, programs and activities for a well-rounded edu-
16 cation, including youth development activities, art,
17 music, outdoor and recreation programs, technology
18 education programs, and character education pro-
19 grams that are designed to reinforce and compliment
20 the regular academic program for participating stu-
21 dents;

22 “(3) provide teachers and staff in learning part-
23 nerships with increased opportunities to work col-
24 laboratively, and to participate in professional plan-
25 ning and professional development, within and

1 across grades and subjects to improve teaching and
2 learning;

3 “(4) provide students with safe learning envi-
4 ronments and additional resources to increase stu-
5 dent engagement in school; and

6 “(5) offer families of students served by part-
7 nerships opportunities for literacy development and
8 related educational development.

9 **“SEC. 4002. ALLOTMENT TO STATES.**

10 “(a) RESERVATION.—From the funds appropriated
11 under section 4009 for any fiscal year, the Secretary shall
12 reserve not more than 1 percent for payments to the out-
13 lying areas and the Bureau of Indian Affairs, to be allot-
14 ted in accordance with their respective needs for assistance
15 under this part, as determined by the Secretary, to enable
16 the outlying areas and the Bureau to carry out the pur-
17 pose of this part.

18 “(b) STATE ALLOTMENTS.—

19 “(1) DETERMINATION.—From the funds appro-
20 priated under section 4009 for any fiscal year and
21 remaining after the Secretary makes reservations
22 under subsection (a), the Secretary shall allot to
23 each State for the fiscal year an amount that bears
24 the same relationship to the remainder as the
25 amount the State received under subpart 2 of part

1 A of title I for the preceding fiscal year bears to the
2 amount all States received under that subpart for
3 the preceding fiscal year, except that no State shall
4 receive less than an amount equal to one-half of 1
5 percent of the total amount made available to all
6 States under this subsection.

7 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
8 State does not receive an allotment under this part
9 for a fiscal year, the Secretary shall reallocate the
10 amount of the State’s allotment to the remaining
11 States in accordance with this subsection.

12 **“SEC. 4003. STATE ACTIVITIES.**

13 “(a) IN GENERAL.—A State educational agency may
14 use not more than 5 percent of the amount made available
15 to the State under section 4002(b) for—

16 “(1) the administrative costs of carrying out its
17 responsibilities under this part; and

18 “(2) providing technical assistance as described
19 in subsection (b) to learning partnerships;

20 “(b) TECHNICAL ASSISTANCE.—

21 “(1) IN GENERAL.—The technical assistance
22 described in this paragraph includes the following:

23 “(A) Assisting learning partnerships who
24 are prioritized in section 4005(g) including
25 rural and urban schools by—

1 “(i) informing those learning partner-
2 ships that are prioritized in section
3 4005(g) that they have a priority for com-
4 peting for grants under section 4005;

5 “(ii) providing technical assistance to
6 the learning partnership for the develop-
7 ment of the applications described in sec-
8 tion 4005(b), including assisting the learn-
9 ing partnership in identifying which ele-
10 mentary schools and secondary schools to
11 serve;

12 “(iii) providing technical assistance to
13 the learning partnership if they do not re-
14 ceive a grant under section 4005 so that
15 they may re-compete in following competi-
16 tions;

17 “(B) Assisting each learning partnership
18 that receives an award under section 4005 to
19 plan and implement additional learning time
20 with such funds, including assisting the learn-
21 ing partnership in—

22 “(i) determining how to implement
23 additional learning time in the schools the
24 learning partnership intends to serve based

1 on the results of the needs assessment de-
2 scribed in section 4005(b)(2)(C)(i);

3 “(ii) identifying additional community
4 partners, which may include multicounty
5 public entities, and resources that may be
6 utilized to implement the additional learn-
7 ing time;

8 “(iii) strengthening the existing part-
9 nerships of the learning partnership, iden-
10 tifying appropriate roles for each of the
11 partners in the implementation of addi-
12 tional learning time in schools served by
13 the learning partnership, and ensuring
14 that the partnership is effective in main-
15 taining strong communication, information
16 sharing, and joint planning and implemen-
17 tation;

18 “(C) Identifying best practices for profes-
19 sional development for teachers and staff in
20 learning partnerships receiving funding under
21 this part to implement the authorized activities
22 described in section 4006.

23 “(D) Identifying best practices for using
24 additional learning time to improve academic
25 enrichment, and student academic achievement

1 in schools, and providing technical assistance to
2 the learning partnership in using such best
3 practices to implement and improve additional
4 learning time initiatives.

5 “(E) Providing guidance on how to provide
6 programs that are age appropriate and address
7 the varying needs of students in elementary (in-
8 cluding preschool), middle, and diploma grant-
9 ing schools.

10 “(2) SUBGRANTS FOR TECHNICAL ASSIST-
11 ANCE.—A State educational agency may use a por-
12 tion of the funds described in paragraph (1) to
13 award subgrants to entities including intermediaries,
14 educational service agencies or other public entities
15 with demonstrated expertise in additional learning
16 time capacity building, or evaluation to carry out the
17 technical assistance described in subparagraph (A).

18 **“SEC. 4004. STATE APPLICATION.**

19 “(a) IN GENERAL.—In order to receive an allotment
20 under section 4002(b) for any fiscal year, a State edu-
21 cational agency shall submit to the Secretary, at such time
22 and in such manner as the Secretary may require, an ap-
23 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 improvement and persistently low-achieving
13 schools;

14 “(B) schools with a high number or per-
15 centage of students that are eligible for free or
16 reduced price lunch under the Richard B. Rus-
17 sell School Lunch Act (42 U.S.C. 1751 et seq.);

18 “(4) describes the peer review process as de-
19 scribed in section 4005(e) and the selection criteria
20 the State educational agency will use to evaluate ap-
21 plications from, and select, learning partnerships to
22 receive awards under section 4005;

23 “(5) describes the steps the State educational
24 agency will take to ensure that activities and pro-

1 grams carried out by learning partnerships using
2 such awards—

3 “(A) implement evidence-based strategies;
4 and

5 “(B) ensure learning partnerships have the
6 capacity to implement high-quality additional
7 learning time activities that are different from
8 methods which have been proven ineffective
9 during the regular school day;

10 “(6) describes how the State educational agency
11 will use the indicators under section 4007(a)(3) to
12 measure the performance, on an annual basis, of
13 learning partnerships, and

14 “(A) use outcomes from multiple indicators
15 and not rely on one indicator in isolation; and

16 “(B) provide ongoing technical assistance
17 and training and dissemination of promising
18 practices;

19 “(7) provides an assurance that the State edu-
20 cational agency will set up a process to allow learn-
21 ing partnerships who receive an award under section
22 4005 and who operate a proven and effective pro-
23 gram based on the measures of performance de-
24 scribed in paragraph (6) to recompete in their last
25 year of funding for an additional 5-year 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 stu-
5 dent will receive and how the number of
6 hours are appropriate based on the needs
7 assessment described in clause (i) and the
8 requirements of (ii);

9 “(iv) the grade or grade spans (in-
10 cluding preschool) to be served by the
11 learning partnerships using award funds;

12 “(v) how students participating in the
13 activities will travel safely to and from the
14 additional learning time center and home,
15 as applicable; and

16 “(vi) a description of how the learning
17 partnership will ensure that staff employed
18 by the learning partnership will coordinate
19 to develop and implement activities de-
20 scribed in this subparagraph using, in
21 part, the data described in subparagraph
22 (F).

23 “(D) SELECTION OF SCHOOLS.—A descrip-
24 tion of the process, considerations, and criteria
25 the learning partnership will use to select

1 schools to implement additional learning time
2 programs and activities that shall take into ac-
3 count the priorities described in section
4 4005(g);

5 “(E) FACILITY ASSURANCE.—An assur-
6 ance that the activities described in subpara-
7 graph (C) will take place in a safe and easily
8 accessible facility and a description of how the
9 learning partnership will disseminate informa-
10 tion about the facility to the parents and com-
11 munity in a manner that is understandable and
12 accessible;

13 “(F) DATA SHARING.—An assurance that
14 relevant student level data will be shared within
15 the learning partnership consistent with the re-
16 quirements of section 444 of the General Edu-
17 cation Provisions Act so that the activities de-
18 scribed in subparagraph (C)(i) are aligned ac-
19 cording to subparagraph (C)(ii).

20 “(G) PROFESSIONAL DEVELOPMENT AC-
21 TIVITIES.—A description of how the learning
22 partnership will provide professional develop-
23 ment to the staff employed by the learning
24 partnership.

1 “(H) PUBLIC RESOURCES.—An identifica-
2 tion of Federal, State, and local programs that
3 will be combined or coordinated with the addi-
4 tional learning time program to make the most
5 effective use of public resources.

6 “(I) SUPPLEMENT, NOT SUPPLANT.—An
7 assurance that funds under this section will be
8 used to increase the level of State, local, and
9 other non-Federal funds that would, in the ab-
10 sence of funds under this part, be made avail-
11 able for programs and activities authorized
12 under this part, and in no case supplant Fed-
13 eral, State, local, or non-Federal funds;

14 “(J) EXPERIENCE.—A description of past
15 performance and record of effectiveness of the
16 community based organization within the part-
17 nership in providing the activities described in
18 subparagraph (C).

19 “(K) CONTINUATION AFTER FEDERAL
20 FUNDING.—A description of a preliminary plan
21 for how the additional learning time will con-
22 tinue when funding under this part ends.

23 “(L) CAPACITY.—An assurance that the
24 learning partnership has the capacity to collect

1 the data relevant to the indicators described
2 under section 4007(a)(3).

3 “(M) NOTICE OF INTENT.—An assurance
4 that the community of the learning partnership
5 will be given notice of an intent to submit an
6 application and that the application and any
7 waiver request will be available for public review
8 after submission of the application.

9 “(N) OTHER INFORMATION AND ASSUR-
10 ANCES.—Such other information and assur-
11 ances as the State educational agency may rea-
12 sonably require.

13 “(c) APPROVAL OF CERTAIN APPLICATIONS.—The
14 State educational agency may approve an application
15 under this section for a program to be located in a facility
16 other than an elementary school or secondary school only
17 if the program will be at least as available and accessible
18 to the students to be served as if the program were located
19 in an elementary school or secondary school.

20 “(d) NON-FEDERAL MATCH.—

21 “(1) IN GENERAL.—A State educational agency
22 shall require a learning partnership to match funds
23 awarded under this part, except that such match
24 may not exceed the amount of the grant award and
25 may not be derived from other Federal funds.

1 “(2) SLIDING SCALE.—The amount of a match
2 under paragraph (1) shall be established based on a
3 sliding fee scale that takes into account—

4 “(A) the relative poverty of the population
5 to be targeted by the learning partnership; and

6 “(B) the ability of the learning partnership
7 to obtain such matching funds.

8 “(3) IN-KIND CONTRIBUTIONS.—Each State
9 educational agency shall permit the community-
10 learning partnership to provide all or any portion of
11 such match in the form of in-kind contributions.

12 “(e) PEER REVIEW.—In reviewing local applications
13 under this section, a State educational agency shall use
14 a peer review process or other methods of assuring the
15 quality of such applications.

16 “(f) DURATION OF AWARDS.—Grants under this sec-
17 tion may be awarded for a period of 5 years. Learning
18 partnerships that receive funding under this section and
19 who operate a proven and effective program based on the
20 measures of performance established in section 4004(a)(6)
21 shall be allowed to re compete in their last year of funding
22 for an additional 5 year grant.

23 “(g) PRIORITY.—In awarding grants under this part,
24 a State educational agency shall give priority to applica-
25 tions proposing to target services to—

1 “(1) students (including preschool students)
2 who attend schools in need of improvement and per-
3 sistently low-achieving schools; and

4 “(2) learning partnerships that propose to serve
5 schools with a high percentage or number of stu-
6 dents that are eligible for free and reduced price
7 lunch under the Richard B. Russell National School
8 Lunch Act (42 U.S.C. 1751 et seq.);

9 **“SEC. 4006. LOCAL ACTIVITIES.**

10 “(a) AUTHORIZED ACTIVITIES.—

11 “(1) IN GENERAL.—Each learning partnership
12 that receives an award under section 4005 shall use
13 the award funds to implement additional learning
14 time activities that are consistent with section
15 4005(b)(2).

16 “(2) PLANNING PERIOD.—Each learning part-
17 nership may use funds under this section for a plan-
18 ning period of not longer than 6 months to develop
19 an implementation plan described in section
20 4005(b)(2)(A) to carry out the additional learning
21 time activities.

22 **“SEC. 4007. REPORTING.**

23 “(a) REPORT BY LEARNING PARTNERSHIPS.—Each
24 learning partnership shall, not later than 1 year after the
25 first day of the first school year in which the additional

1 learning time is implemented, prepare and submit to the
2 State educational agency a report—

3 “(1) containing a detailed description of the ad-
4 ditional learning time activities that were carried out
5 under this part;

6 “(2) with respect to each school served by the
7 partnership—

8 “(A) on the actual expenses associated
9 with, carrying out the additional learning time
10 programs and activities in the first school year;
11 and

12 “(B) a description of how the additional
13 learning time programs and activities were im-
14 plemented and whether such programs and ac-
15 tivities were carried out during non-school
16 hours or periods when school is not in session
17 or added to expand the school day, school week,
18 or school year schedule; and

19 “(3) containing measures of performance, ag-
20 gregated and disaggregated, on the following indica-
21 tors—

22 “(A) student academic achievement as
23 measured by—

24 “(i) high-quality State academic as-
25 sessments; and

1 “(ii) student growth in accordance
2 with student growth standards;

3 “(B) for diploma granting schools served
4 by the learning partnerships, graduation rates;

5 “(C) student attendance;

6 “(D) performance on a set of comprehen-
7 sive school performance indicators that may in-
8 clude—

9 “(i) as appropriate, rate of earned on-
10 time promotion from grade-to-grade;

11 “(ii) for high schools served by the
12 learning partnerships, the percentage of
13 students taking a college preparatory cur-
14 riculum, or student rates of enrollment,
15 persistence, and attainment of an associate
16 or baccalaureate degree;

17 “(iii) the percentage of student sus-
18 pensions and expulsions;

19 “(iv) indicators of school readiness for
20 entering kindergartners;

21 “(v) evidence of increased parent and
22 family engagement and support for chil-
23 dren’s learning;

24 “(vi) evidence of increased student en-
25 gagement in school, which may include

1 completing of assignments and coming to
2 class prepared;

3 “(vii) evidence of mastery of non-aca-
4 demic skills which may include problem
5 solving, learning to work in teams, and so-
6 cial and civic responsibility;

7 “(viii) improved personal attitude,
8 which may include initiative, self-con-
9 fidence, self-esteem and sense of self-effi-
10 cacy; and

11 “(ix) development of social skills,
12 which may include behavior, communica-
13 tion, relationships with peers and adults.

14 “(b) REPORT BY STATE EDUCATIONAL AGENCY.—
15 A State Educational Agency that receives funds under this
16 part shall annually prepare and submit to the Secretary
17 a report that contains all reports submitted by learning
18 partnerships under the jurisdiction of the agency, aggre-
19 gated and disaggregated, provided under subsection (a).

20 “(c) PUBLICATION AND AVAILABILITY OF THE RE-
21 PORT.—The Secretary shall publish and make widely
22 available to the public, including through a website or
23 other means, a summary of the reports received under
24 subsection (b).

1 **“SEC. 4008. DEFINITIONS.**

2 “In this part:

3 “(1) LEARNING PARTNERSHIP.—The term
4 ‘learning partnership’ means—

5 “(A) a local educational agency, a consor-
6 tium of local educational agencies, or an edu-
7 cational service agency and one or more local
8 educational agencies, in a partnership with 1 or
9 more community-based organizations or other
10 public or private entities; or

11 “(B) a community-based organization, or
12 other public or private entity, in a partnership
13 with a local educational agency, a consortium of
14 local educational agencies, or an educational
15 service agency and one or more local edu-
16 cational agencies.

17 “(2) ADDITIONAL LEARNING TIME.—The term
18 ‘additional learning time’ means—

19 “(A) time added during non-school hours
20 or periods when school is not in session, such
21 as before or after school or during summer re-
22 cess for activities that—

23 “(i) provide opportunities for student
24 academic enrichment, including hands-on,
25 experiential and project-based learning op-
26 portunities for subjects including English,

1 reading or language arts, mathematics,
2 science, foreign languages, civics and gov-
3 ernment, economics, arts, history, geog-
4 raphy, health education, physical edu-
5 cation, environmental literacy, and activi-
6 ties such as tutoring and service learning
7 that—

8 “(I) assist students in meeting
9 State and local academic achievement
10 standards in core academic subjects,

11 “(II) use evidence-based skill
12 training approaches and active forms
13 of learning to promote healthy devel-
14 opment, and engage students in learn-
15 ing;

16 “(III) align and coordinate with
17 the regular school day and school year
18 curriculum;

19 “(IV) align to school improve-
20 ment plans developed pursuant to sec-
21 tion 1116, as applicable; and

22 “(V) align to the learning needs
23 of individual students at the school
24 served by the learning partnership;

1 “(ii) provide students with opportuni-
2 ties for personal and social development;

3 “(iii) serve the learning needs and in-
4 terests of all students, including those who
5 already meet or exceed student academic
6 achievement standards as measured by
7 high-quality State academic assessments,
8 and especially those who may not be
9 achieving at grade level in the traditional
10 classroom setting;

11 “(iv) are developmentally and age ap-
12 propriate; and

13 “(v) involve a broad group of stake-
14 holders (including educators, parents, stu-
15 dents, and community partners) in car-
16 rying out additional learning time pro-
17 grams and activities described in this sub-
18 paragraph; or

19 “(B) time added to expand the school day,
20 school week, or school year schedule, that—

21 “(i) increases the total number of
22 school hours for the school year at a school
23 based on evidence supporting the amount
24 of additional learning time needed to

1 achieve the objectives described in clause
2 (ii);

3 “(ii) is used to redesign the school’s
4 program and schedule—

5 “(I) to support innovation in
6 teaching, in order to improve the aca-
7 demic achievement of students aligned
8 to the school improvement plan, if ap-
9 plicable, especially those students who
10 may not be achieving at grade level, in
11 reading or language arts, mathe-
12 matics, science, history and civics, and
13 other core academic subjects;

14 “(II) to improve the performance
15 of all students, including those stu-
16 dents who are struggling to meet col-
17 lege and career ready standards or
18 State early learning standards, as ap-
19 propriate, and those students who al-
20 ready meet or exceed college and ca-
21 reer ready standards as measured by
22 high-quality State academic assess-
23 ments;

24 “(III) for additional subjects and
25 enrichment activities that reflect stu-

1 dent interest, connect to effective
2 community partners, and contribute
3 to a well-rounded education, which
4 may include music and the arts,
5 health education, physical education,
6 service learning, and experiential and
7 work-based learning opportunities
8 (such as community service, learning
9 apprenticeships, internships, and job
10 shadowing);

11 “(IV) to advance student learn-
12 ing by providing a learning environ-
13 ment and supporting learning activi-
14 ties that engage students, develop so-
15 cial skills, and cultivate positive per-
16 sonal attitude; and

17 “(V) for teachers and staff in
18 learning partnerships to collaborate,
19 and plan, within and across grades
20 and subjects;

21 “(iii) provides school-wide services
22 that are—

23 “(I) aligned to school improve-
24 ment plans developed pursuant to sec-
25 tion 1116, as applicable; and

1 “(II) aligned to individual stu-
2 dent achievement needs as identified
3 by the school-site staff at the school
4 served by the community-learning
5 partnership; and
6 “(iv) involve a broad group of stake-
7 holders (including educators, parents, stu-
8 dents and community partners) in plan-
9 ning and carrying out additional learning
10 time programs and activities described in
11 this subparagraph.

12 **“SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out
14 this part \$1,200,000,000 for fiscal year 2014 and such
15 sums as may be necessary for each succeeding fiscal year.

16 “PART B—GRANTS TO SUPPORT STUDENT SAFETY,
17 HEALTH, AND SUCCESS

18 **“SEC. 4201. PURPOSE.**

19 ““The purposes of this part are—
20 “(1) to support local educational agencies and
21 schools in providing comprehensive systems of learn-
22 ing supports to students and their families so that
23 students receive their education in safe environments
24 and graduate from school college and career ready;

1 “(2) to enhance the ability of local educational
2 agencies and schools to leverage resources within
3 schools and within communities to improve instruc-
4 tion, strengthen programs, and identify gaps in ex-
5 isting programs for students;

6 “(3) to ensure the academic, behavioral, emo-
7 tional, health, mental health, and social needs of all
8 students, including students from low income fami-
9 lies, students with disabilities, English learners, and
10 youth who are involved in or who are identified by
11 evidence-based risk assessment methods as being at
12 high risk of becoming involved in juvenile delin-
13 quency or criminal street gangs;

14 “(4) to support programs and activities that
15 prevent violence in and around schools (including
16 bullying and harassment), that prevent the illegal
17 use of alcohol, tobacco, and drugs by students, and
18 provide resources to foster a safe and drug-free
19 learning environment to support student academic
20 achievement; and

21 “(5) to enhance partnerships between schools,
22 parents, and communities, and better support family
23 and community engagement in education.

1 **“SEC. 4202. RESERVATIONS AND ALLOTMENTS.**

2 “(a) IN GENERAL.—From the amount made avail-
3 able under section 4210 to carry out this part for each
4 fiscal year, the Secretary—

5 “(1) shall reserve 1 percent of such amount for
6 grants to Guam, American Samoa, the United
7 States Virgin Islands, to be allotted in accordance
8 with the Secretary’s determination of their respec-
9 tive needs and to carry out programs described in
10 this part; and

11 “(2) shall reserve 1 percent of such amount for
12 the Secretary of the Interior to carry out programs
13 described in this part for Indian youth.

14 “(b) STATE ALLOTMENTS.—Except as provided in
15 subsection (a), the Secretary shall, for each fiscal year,
16 allot among the States—

17 “(1) one-half of the remainder not reserved
18 under subsection (a) according to the ratio between
19 the school-aged population of each State and the
20 school-aged population of all the States; and

21 “(2) one-half of such remainder according to
22 the ratio between the amount each State received
23 under section 1124A for the preceding year and the
24 sum of such amounts received by all the States.

25 “(c) MINIMUM.—For any fiscal year, no State shall
26 be allotted under this subsection an amount that is less

1 than one-half of 1 percent of the total amount allotted
2 to all the States under this subsection.

3 “(d) REALLOTMENT OF UNUSED FUNDS.—

4 “(1) REALLOTMENT FOR FAILURE TO APPLY.—

5 If any State does not apply for an allotment under
6 this part for a fiscal year, the Secretary shall reallocate
7 the amount of the State’s allotment to the remaining
8 States in accordance with this section.

9 “(2) REALLOTMENT OF UNUSED FUNDS.—The
10 Secretary may reallocate any amount of any allotment
11 to a State if the Secretary determines that the State
12 will be unable to use such amount within 2 years of
13 such allotment. Such reallocations shall be made on
14 the same basis as allotments are made under sub-
15 section (b).

16 **“SEC. 4203. STATE APPLICATIONS.**

17 “(a) APPLICATION.—To receive a grant under this
18 part, a State educational agency shall submit to the Sec-
19 retary an application at such time and in such manner
20 as the Secretary may require, and containing the informa-
21 tion described in subsection (b).

22 “(b) CONTENTS.—Each application submitted under
23 subsection (a) shall include the following:

24 “(1) An assurance that the State educational
25 agency will review existing resources and programs

1 across the State and coordinate any new plans and
2 resources under this part with such existing pro-
3 grams and resources.

4 “(2) A description of how the State educational
5 agency will identify and eliminate State barriers to
6 the coordination and integration of programs, initia-
7 tives, and funding streams so that local educational
8 agencies can provide comprehensive continuums of
9 learning supports.

10 “(3) A description of the State educational
11 agency’s comprehensive school safety plan, which
12 shall address bullying and harassment, provide for
13 evidence-based and promising practices related to ju-
14 venile delinquency and criminal street gang activity
15 prevention and intervention, address school-spon-
16 sored, off-premises, overnight field trips, disaster
17 preparedness, and crisis and emergency manage-
18 ment; and any other issues determined necessary by
19 the State educational agency (existing plans may be
20 used to satisfy the requirements of this section if
21 such existing plans include the information required
22 by this section, or can be modified to do so, and are
23 submitted to the Secretary with such modifications)
24 which—

1 “(A) shall be submitted to the Secretary
2 not later than 1 year after the enactment of the
3 Student Success Act;

4 “(B) shall be developed in consultation
5 with public safety and community partners, in-
6 cluding police, fire, emergency medical services,
7 emergency management agencies, parents, and
8 other such organizations;

9 “(C) shall be made available to the public
10 in a manner that is understandable and acces-
11 sible; and

12 “(D) the State educational agency shall re-
13 quire all local educational agencies to adopt the
14 plan within 1 year of approval (existing plans
15 may be used to satisfy the requirements of this
16 section if such existing plans are approved by
17 the State educational agency and include the in-
18 formation required by this section, or can be
19 modified to do so).

20 “(4) A description of how grant funds will be
21 used to identify best practices for professional devel-
22 opment for sustainable comprehensive program de-
23 velopment.

24 “(5) A description of how the State educational
25 agency will monitor the implementation of activities

1 under this part, and provide technical assistance to
2 local eligible entities.

3 “(6) A description of how the State educational
4 agency will ensure subgrants to eligible entities will
5 facilitate school-community planning and effective
6 service coordination, integration, and provision at
7 the local level to achieve high performance standards
8 based on the system developed in paragraph (7).

9 “(7) A description of how the State educational
10 agency will develop a system for reporting and meas-
11 uring eligible entity performance, and assist eligible
12 entities in developing and implementing systems for
13 measuring performance based on the indicators in
14 section 4208(a)(3).

15 “(8) An assurance that the State educational
16 agency will set up a process to allow local eligible en-
17 tities who receive an award under section 4206 and
18 who operate a proven and effective program based
19 on the measures of performance described in para-
20 graph (7) to recompete in their last year of funding
21 for an additional 5-year cycle.

22 “(9) A description of the steps the State edu-
23 cational agency will take to ensure that activities
24 and programs carried out by local eligible entities
25 will implement evidence based strategies.

1 “(10) A description of how the number of youth
2 involved in juvenile delinquency and criminal justice
3 systems will not increase as a results of activities
4 funded under this grant.

5 “(c) APPROVAL PROCESS.—

6 “(1) DEEMED APPROVAL.—An application sub-
7 mitted by a State pursuant to this section shall un-
8 dergo peer review by the Secretary and shall be
9 deemed to be approved by the Secretary unless the
10 Secretary makes a written determination, prior to
11 the expiration of the 120-day period beginning on
12 the date on which the Secretary received the applica-
13 tion, that the application is not in compliance with
14 this subpart.

15 “(2) DISAPPROVAL.—The Secretary shall not
16 finally disapprove the application, except after giving
17 the State educational agency and the chief executive
18 officer of the State notice and an opportunity for a
19 hearing.

20 “(3) NOTIFICATION.—If the Secretary finds
21 that the application is not in compliance, in whole or
22 in part, with this subpart, the Secretary shall—

23 “(A) give the State educational agency and
24 the chief executive officer of the State notice
25 and an opportunity for a hearing; and

1 “(B) notify the State educational agency
2 and the chief executive officer of the State of
3 the finding of noncompliance, and in such noti-
4 fication, shall—

5 “(i) cite the specific provisions in the
6 application that are not in compliance; and

7 “(ii) request additional information,
8 only as to the noncompliant provisions,
9 needed to make the application compliant.

10 “(4) RESPONSE.—If the State educational
11 agency and the chief executive officer of the State
12 respond to the Secretary’s notification described in
13 paragraph (3)(B) during the 45-day period begin-
14 ning on the date on which the agency received the
15 notification, and resubmit the application with the
16 requested information described in paragraph
17 (3)(B)(ii), the Secretary shall approve or disapprove
18 such application prior to the later of—

19 “(A) the expiration of the 45-day period
20 beginning on the date on which the application
21 is resubmitted; or

22 “(B) the expiration of the 120-day period
23 described in paragraph (1).

24 “(5) FAILURE TO RESPOND.—If the State edu-
25 cational agency and the chief executive officer of the

1 State do not respond to the Secretary’s notification
2 described in paragraph (3)(B) during the 45-day pe-
3 riod beginning on the date on which the agency re-
4 ceived the notification, such application shall be
5 deemed to be disapproved.

6 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion shall be construed to prohibit local educational agen-
8 cies or individual schools from incorporating additional
9 elements to the State-developed comprehensive school
10 safety plan to improve student and school safety reflective
11 of the individual agency or school community.

12 **“SEC. 4204. STATE USE OF FUNDS.**

13 “(a) **95 PERCENT OF FUNDS.**—Each State edu-
14 cational agency that receives a grant under this part shall
15 reserve not less than 95 percent of the grant amount, for
16 each fiscal year to award subgrants to local eligible entities
17 in accordance with section 4206.

18 “(b) **5 PERCENT OF FUNDS.**—A State educational
19 agency shall use not more than 5 percent, of which not
20 more than 1 percent may be used for administration of
21 a grant received under this subpart or may subgrant a
22 portion of such funds to educational service agencies, or
23 other public entities with demonstrated expertise to carry
24 out the following activities:

1 “(1) Identify and eliminate State barriers to
2 the coordination and integration of programs, initia-
3 tives, and funding streams so that local educational
4 agencies can provide comprehensive continuums of
5 learning supports.

6 “(2) Assist local eligible entities who are
7 prioritized in section 4205(b) including those eligible
8 entities that plan to serve rural and urban schools
9 by—

10 “(A) informing those local eligible entities
11 that they have a priority for competing for
12 grants;

13 “(B) providing technical assistance to the
14 local eligible entities for the development of the
15 applications described in section 4206;

16 “(C) providing technical assistance to the
17 local eligible entities if they do not receive a
18 grant under section 4206 so that they may re-
19 compete in following competitions;

20 “(3) Identify best practices for professional de-
21 velopment and capacity building for local educational
22 agencies for the delivery of a comprehensive system
23 of learning supports for teachers, administrators,
24 and specialized instructional support personnel in
25 schools that are served by the eligible entity receiv-

1 ing funding under this part to implement the au-
2 thorized activities described in section 4207.

3 “(4) Reporting and evaluation activities.

4 **“SEC. 4205. GENERAL SUBGRANT REQUIREMENTS.**

5 “(a) IN GENERAL.—A State educational agency shall
6 use grant funds received under this part to award sub-
7 grants to eligible entities.

8 “(b) ABSOLUTE PRIORITY.—In awarding subgrants
9 to local eligible entities, the State educational agency shall
10 give priority to—

11 “(1) local eligible entities that propose to serve
12 a high percentage or number of students that are el-
13 ible for free or reduced price lunch under the Rich-
14 ard B. Russell National School Lunch Act (42
15 U.S.C. 1751 et seq.); and

16 “(2) local eligible entities proposing to serve
17 students who attend schools in need of improvement
18 and persistently low-achieving schools;

19 “(c) COMPETITIVE PRIORITY.—In awarding sub-
20 grants to local eligible entities, the State educational agen-
21 cy shall give competitive priority to—

22 “(1) in the case of local eligible entities that in-
23 tend to implement programs described in section
24 4207(2)(A), local eligible entities that serve schools
25 that implement, or have plans to implement discipli-

1 nary policies that are research based and focus on
2 multi-tiered systems of support; and

3 “(2) in the case of eligible entities that intend
4 to implement programs described in section
5 4207(2)((C), eligible entities proposing to serve geo-
6 graphic areas most in need of these services and
7 that commit to working with local Promise Coordi-
8 nating Councils.

9 “(d) DURATION OF SUBGRANT.—A State educational
10 agency shall award under this part subgrants to eligible
11 local entities for 5 years.

12 “(e) RENEWAL.—

13 “(1) IN GENERAL.—A State educational agency
14 may renew a subgrant awarded under this part for
15 a period of 5 years.

16 “(2) RENEWAL APPLICATION.—To renew a
17 subgrant, an eligible entity shall submit an applica-
18 tion to the Secretary every 5 years as long as the
19 eligible entity can demonstrate that they operate a
20 proven and effective program based on performance
21 on the indicators in section 4208(a)(3).

22 **“SEC. 4206. LOCAL ELIGIBLE ENTITY APPLICATION.**

23 “(a) IN GENERAL.—A local eligible entity that seeks
24 a grant under this part shall submit an application to the
25 State at such time, in such manner, and containing such

1 information as the State may require, including the infor-
2 mation described in subsection (b).

3 “(b) CONTENTS.—An application submitted under
4 subsection (a) shall include the following:

5 “(1) The results of a comprehensive needs as-
6 sessment (which shall include incident data, and
7 teacher, parent, or community surveys) and assets
8 assessment which shall include a comprehensive
9 analysis of the following—

10 “(A) the safety of the schools served by the
11 local eligible entity (which shall include a com-
12 prehensive analysis of incidents and prevalence
13 of bullying and harassment at schools served by
14 the local eligible entity);

15 “(B) the incidence and prevalence of drug,
16 alcohol and substance abuse at schools served
17 by the local eligible entity;

18 “(C) the needs of youth in the community
19 with respect to evidence-based and promising
20 practices related to juvenile delinquency and
21 criminal street gang activity prevention and
22 intervention, including an assessment of the
23 number of youth who are involved or at-risk of
24 involvement in juvenile delinquency and crimi-

1 nal street gang activity and the number of
2 chronically truant youth;

3 “(D) the number of specialized instruc-
4 tional support personnel employed by schools
5 served by the local eligible entity and the serv-
6 ices provided by those personnel;

7 “(E) the prevalence of student health (in-
8 cluding mental health, physical fitness, and nu-
9 trition) needs at schools served by the local eli-
10 gible entity;

11 “(F) existing programs and services in-
12 tended to provide a comprehensive system of
13 support within schools served by local eligible
14 entities, including the support of school govern-
15 ance and leadership for the programs and serv-
16 ices;

17 “(G) resources available in the community,
18 including public agencies and nonprofit organi-
19 zations, that could be leveraged by schools
20 served by the local eligible entity to create com-
21 prehensive systems of support within the
22 schools;

23 “(H) school discipline data including in-
24 school suspensions, out-of-school suspensions,
25 expulsion, school-based arrests, referrals to law

1 enforcement, and referrals to alternative
2 schools; and

3 “(I) additional needs identified by the local
4 eligible entity.

5 “(2) A description of the methodology used in
6 conducting the needs assessment described in (1);

7 “(3) A description of the plan to implement
8 grant funds (taking into account the cultural and
9 linguistic needs of the community) which shall in-
10 clude the following components:

11 “(A) A description of the services (taking
12 into account the cultural and linguistic needs of
13 the community) that will be provided by the
14 local eligible entity which shall include preven-
15 tion, intervention, and systematic efforts to ad-
16 dress student learning needs as identified and
17 prioritized by the needs assessment in para-
18 graph (1).

19 “(B) A description of how existing re-
20 sources, services, and programs will be coordi-
21 nated and integrated with new resources, serv-
22 ices, and programs to create a comprehensive
23 system of learning supports that is aligned with
24 school improvement plans required under sec-
25 tion 1116, as applicable.

1 “(C) A description of the partners within
2 the eligible entity and their roles as they relate
3 to the implementation of the comprehensive sys-
4 tem of learning supports that will be imple-
5 mented to address the needs outlined in the
6 needs and assets assessment described in sub-
7 section (b)(1).

8 “(D) A description of how the grant will be
9 used to enhance administrator’s, teacher’s, and
10 specialized instructional support personnel’s
11 identification and response to student learning
12 needs for providing learning supports through
13 professional development, and how school ca-
14 pacity will be enhanced to handle problems fac-
15 ing students such as those identified in the
16 needs assessment.

17 “(E) A description of how the eligible enti-
18 ty will identify the financial savings from de-
19 ferred or eliminated costs, or other benefits as
20 a result of the programs or activities imple-
21 mented by the eligible entities (in the case of an
22 eligible entity who implements programs de-
23 scribed in section 4207(2)(C), a comparative
24 analysis of potential savings from criminal jus-

1 tice costs, public assistance costs, and other
2 costs avoided by such programs).

3 “(F) A description of how the local eligible
4 entity will measure performance based on the
5 indicators described in section 4208(a)(3).

6 “(G) A description of the process for peri-
7 odically reviewing the needs of students and as-
8 sets within the school and community, and in-
9 volving more community partners as applicable,
10 and how data on performance on the indicators
11 described in section 4208(a)(3) will be used to
12 provide feedback on progress, and institu-
13 tionalize support mechanisms to maintain and
14 continually improve activities including when
15 grant funds end.

16 “(c) SPECIAL RULE.—A local eligible entity may
17 use—

18 “(1) an existing needs assessment to satisfy the
19 requirements of subsection (b)(1), if the assessment
20 includes the information required by such sub-
21 section, or can be modified to do so; and

22 “(2) an existing plan to satisfy the require-
23 ments of subsection (b)(3), if the plan meets the re-
24 quirements of such subsection and is approved by
25 the State educational agency.

1 **“SEC. 4207. LOCAL ELIGIBLE ENTITY USE OF FUNDS.**

2 “A local eligible entity that receives a subgrant under
3 this part shall use such funds to carry out the following
4 activities:

5 “(1) Implement a comprehensive plan as de-
6 scribed in section 4206(b)(3).

7 “(2) Programs and activities that address the
8 needs of the schools served by the eligible entity as
9 identified by the needs and assets assessment in sec-
10 tion 4206(b)(1), which may include—

11 “(A) violence prevention programs, includ-
12 ing—

13 “(i) programs to provide safe passage
14 to and from school;

15 “(ii) programs to prevent and appro-
16 priately respond to incidents of bullying
17 and harassment (including professional de-
18 velopment for teachers and other school
19 personnel);

20 “(iii) programs that promote positive
21 school environments for learning and re-
22 duce the need for suspensions, expulsions,
23 referral to law enforcement, and other
24 practices that remove students from in-
25 struction;

1 “(iv) conflict resolution and restora-
2 tive practice and mediation programs;

3 “(v) activities that involve families,
4 community sectors (which may include ap-
5 propriately trained seniors) and a variety
6 of providers in setting clear expectations
7 against violence and appropriate con-
8 sequences of violence;

9 “(vi) professional development and
10 training for, and involvement of, school
11 personnel, specialized instructional per-
12 sonnel, parents, and interested community
13 members in prevention, education, early
14 identification and intervention, mentoring,
15 or rehabilitation referral, as related to vio-
16 lence prevention;

17 “(vii) reporting criminal offenses com-
18 mitted on school property;

19 “(viii) emergency intervention services
20 following traumatic crisis events, such as
21 shooting, or a major accident that has dis-
22 rupted the learning environment;

23 “(ix) establishing and maintaining a
24 school safety hotline;

1 “(x) programs to train school per-
2 sonnel to identify warning signs of youth
3 suicide and to create an action plan to help
4 youth at risk of suicide; or

5 “(xi) programs that respond to the
6 needs of students who are faced with do-
7 mestic violence or child abuse;

8 “(B) drug and alcohol abuse prevention
9 programs, including—

10 “(i) age appropriate and develop-
11 mentally based activities that—

12 “(I) address the consequences of
13 violence and illegal use of drugs, as
14 appropriate;

15 “(II) promote a sense of indi-
16 vidual responsibility and teach stu-
17 dents that most people do not illegally
18 use drugs;

19 “(III) teach students to recognize
20 social and peer pressure to use drugs
21 illegally and the skills for resisting il-
22 legal drug use; and

23 “(IV) teach students about the
24 dangers of emerging drugs;

1 “(ii) activities that involve families,
2 community sectors (which may include ap-
3 propriately trained seniors) and a variety
4 of providers in setting clear expectations
5 against illegal use of drugs and appro-
6 priate consequences for illegal use of
7 drugs;

8 “(iii) dissemination of drug prevention
9 information to schools and communities;

10 “(iv) professional development and
11 training for, and involvement of, school
12 personnel, specialized instructional support
13 personnel, parents, and interested commu-
14 nity members in prevention, education,
15 early identification and intervention, men-
16 toring, or rehabilitation referral, as related
17 to drug prevention; or

18 “(v) community wide planning and or-
19 ganizing to reduce illegal drug use;

20 “(C) evidence-based and promising prac-
21 tices related to juvenile delinquency and crimi-
22 nal street gang activity prevention and interven-
23 tion for youth who are involved in, or at risk of
24 involvement in, juvenile delinquency or street
25 gang activity (that shall involve multiple com-

1 community partners within the local eligible entity
2 through coordination with a local Promise Co-
3 ordinating Council);

4 “(D) recruiting, hiring, and maintaining
5 specialized instructional support personnel or
6 providing additional specialized instructional
7 support services, including comprehensive ca-
8 reer counseling, with priority given to the high-
9 est need schools to be served by the eligible en-
10 tity;

11 “(E) implementing multi-tiered systems of
12 support including positive behavior supports;

13 “(F) support services to address the behav-
14 ioral, emotional, physical health, mental health
15 and social needs of students, including—

16 “(i) social and emotional learning pro-
17 grams;

18 “(ii) mentoring programs;

19 “(iii) physical fitness, health edu-
20 cation, and nutrition education programs;
21 and

22 “(iv) programs to purchase automated
23 external defibrillators and providing train-
24 ing in the use of these defibrillators;

1 “(G) services and programs to support
2 education of pregnant and parenting teens;

3 “(H) programs that enable schools to pre-
4 pare for, respond to, and recover from disas-
5 ters, crises and emergencies that threaten safe-
6 ty or disrupt teaching and learning; or

7 “(I) other services consistent with this sec-
8 tion.

9 **“SEC. 4208. ACCOUNTABILITY AND TRANSPARENCY.**

10 “(a) LOCAL ACCOUNTABILITY AND TRANS-
11 PARENCY.—On an annual basis, each local eligible entity
12 shall report to the public and the State such information
13 as the State may reasonably require, including—

14 “(1) the number of students, aggregated and
15 disaggregated by subgroup as described in section
16 1111(e)(3)(A) who were served by the programs and
17 activities in this part;

18 “(2) the programs and services provided under
19 this Act;

20 “(3) outcomes resulting from activities and
21 services funded under this part, aggregated and
22 disaggregated by subgroup as described in section
23 1111(e)(3)(A) on the following indicators—

1 “(A) student academic achievement as
2 measured by State academic assessments and
3 student growth over time;

4 “(B) for diploma granting schools, gradua-
5 tion rates;

6 “(C) student attendance;

7 “(D) suspensions and expulsions;

8 “(E) performance on a set of other indica-
9 tors that shall be based on the activities and
10 services implemented based on the results of the
11 needs assessment described in section
12 4206(b)(1) and may include—

13 “(i) the frequency, seriousness, and
14 incidence of violence, including bullying
15 and harassment, and drug related offenses
16 resulting in suspensions and expulsions;

17 “(ii) the incidence and prevalence, age
18 of onset, perception of health risk, and per-
19 ception of social disapproval of drug use
20 and violence by youth in schools and com-
21 munities;

22 “(iii) the safety of passage to and
23 from school;

24 “(iv) as appropriate, rate of earned
25 on-time promotion from grade to grade;

1 “(v) for diploma granting schools, the
2 percentage of students taking a college
3 preparatory curriculum, or student rates of
4 enrollment, persistence, and attainment of
5 an associate or baccalaureate degree;

6 “(vi) academic and developmental
7 transitions, including from elementary to
8 middle school and middle school to high
9 school;

10 “(vii) referrals to school resource per-
11 sonnel;

12 “(viii) evidence of increased parent
13 and family engagement and support for
14 children’s learning;

15 “(ix) evidence of increased student en-
16 gagement in school, which may include
17 completing of assignments and coming to
18 class prepared and on-time;

19 “(x) student health, including mental
20 health and the amelioration of risk factors;
21 and

22 “(F) other outcome areas as determined by
23 the State educational agency.

24 “(b) STATE ACCOUNTABILITY AND TRANS-
25 PARENCY.—On an annual basis, each State educational

1 agency that receives funds under this part shall annually
2 prepare and submit to the Secretary a report that contains
3 all reports submitted by local eligible entities under the
4 jurisdiction of the agency provided under (a).

5 “(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds
6 provided under this part shall be used to supplement, and
7 not supplant, other Federal, State, or local funds that
8 would, in the absence of such grant funds, be made avail-
9 able for comprehensive systems of learning supports and
10 students participating in programs under this part.

11 “(d) PUBLICATION AND AVAILABILITY OF RE-
12 PORT.—The Secretary shall publish and make widely
13 available to the public, including through a website or
14 other means, a summary of the reports received under (b).

15 **“SEC. 4209. DEFINITIONS.**

16 “(a) For purposes of this part—

17 “(1) INCIDENT DATA.—The term ‘incident
18 data’ means data from incident reports by school of-
19 ficials including, but not limited to, truancy rates;
20 the frequency, seriousness, and incidence of violence
21 and drug-related offenses resulting in suspensions
22 and expulsions; the incidence of bullying and harass-
23 ment, and the incidence and prevalence of drug use
24 and violence by students in schools.

1 “(2) COMPREHENSIVE SYSTEM OF LEARNING
2 SUPPORTS.—The term ‘comprehensive system of
3 learning supports’ means the multifaceted, and cohe-
4 sive resources, strategies, and practices that provide
5 class-room based or school-wide interventions to ad-
6 dress the academic, behavioral, emotional, physical
7 health, mental health, and social needs of students
8 and families to improve student learning, teacher in-
9 struction and school management.

10 “(3) LOCAL ELIGIBLE ENTITY.—The term
11 ‘local eligible entity’ means a consortium consisting
12 of community representatives that—

13 “(A) shall include—

14 “(i) a local educational agency;

15 “(ii) not less than 1 other community
16 partner organization; and

17 “(B) may include a broad array of commu-
18 nity partners, including a community based or-
19 ganization, a child and youth serving organiza-
20 tion, an institution of higher education, a foun-
21 dation, a business, a local government, includ-
22 ing a local governmental agency serving chil-
23 dren and youth such as a child welfare and ju-
24 venile justice agency; students, and parents;

1 and may include representatives from multiple
2 jurisdictions.

3 “(4) MULTI-TIERED SYSTEM OF SUPPORT.—
4 For purposes of this Act, the term ‘multi-tiered sys-
5 tem of support’ means a comprehensive system of
6 differentiated supports that includes evidence-based
7 instruction, universal screening, progress monitoring,
8 formative assessments, research-based interventions
9 matched to student needs and educational decision-
10 making using student outcome data.

11 “(5) BULLYING.—The term ‘bullying’—

12 “(A) means conduct, including electronic
13 communication, that adversely affects the abil-
14 ity of 1 or more students to participate in and
15 benefit from the school’s educational programs
16 or activities by placing the student (or stu-
17 dents) in reasonable fear of physical harm; and

18 “(B) includes conduct that is based on—

19 “(i) a student’s actual or perceived—

20 “(I) race;

21 “(II) color;

22 “(III) national origin;

23 “(IV) sex;

24 “(V) disability

25 “(VI) sexual orientation;

1 “(VII) gender identity; or

2 “(VIII) religion;

3 “(ii) any other distinguishing charac-
4 teristics that may be defined by a State or
5 local educational agency; or

6 “(iii) association with a person or
7 group with 1 or more of the actual or per-
8 ceived characteristics listed in clause (i) or
9 (ii).

10 “(6) HARASSMENT.—The term ‘harassment’—

11 “(A) means conduct, including electronic
12 communication, that adversely affects the abil-
13 ity of 1 or more students to participate in and
14 benefit from the school’s educational programs
15 or activities because the conduct, as reasonably
16 perceived, is so severe, persistent, or persuasive;
17 and

18 “(B) includes conduct that is based on—

19 “(i) a student’s actual or perceived—

20 “(I) race;

21 “(II) color;

22 “(III) national origin;

23 “(IV) sex;

24 “(V) disability

25 “(VI) sexual orientation;

1 “(VII) gender identity; or

2 “(VIII) religion;

3 “(ii) any other distinguishing charac-
4 teristics that may be defined by a State or
5 local educational agency; or

6 “(iii) association with a person or
7 group with 1 or more of the actual or per-
8 ceived characteristics listed in clause (i) or
9 (ii).

10 “(7) JUVENILE DELINQUENCY AND CRIMINAL
11 STREET GANG ACTIVITY PREVENTION AND INTER-
12 VENTION.—The term ‘juvenile delinquency and
13 criminal street gang activity prevention and inter-
14 vention’ means the provision of programs and re-
15 sources to children and families who have not yet
16 had substantial contact with criminal justice or juve-
17 nile justice systems or to youth who are involved in,
18 or who are identified by evidence-based risk assess-
19 ment methods as being at high risk of continued in-
20 volvement in, juvenile delinquency or criminal street
21 gangs, that—

22 “(A) are designed to reduce potential juve-
23 nile delinquency and criminal street gang activ-
24 ity risks; and

1 “(B) are evidence-based or promising edu-
2 cational, health, mental health, school-based,
3 community-based, faith-based, parenting, job
4 training, social opportunities and experiences,
5 or other programs, for youth and their families,
6 that have been demonstrated to be effective in
7 reducing juvenile delinquency and criminal
8 street gang activity risks.

9 “(8) PROMISE COORDINATING COUNCILS.—
10 The members of a PROMISE Coordinating Council
11 shall be representatives of public and private sector
12 entities and individuals that—

13 “(A) shall include, to the extent possible,
14 at least one representative from each of the fol-
15 lowing:

16 “(i) the local chief executive’s office;

17 “(ii) a local educational agency;

18 “(iii) a local health agency or pro-
19 vider;

20 “(iv) a local mental health agency or
21 provider, unless the representative under
22 clause (iii)) also meets the requirements of
23 this subparagraph;

24 “(v) a local public housing agency;

25 “(vi) a local law enforcement agency;

- 1 “(vii) a local child welfare agency;
- 2 “(viii) a local juvenile court;
- 3 “(ix) a local juvenile prosecutor’s of-
- 4 fice;
- 5 “(x) a private juvenile residential care
- 6 entity;
- 7 “(xi) a local juvenile public defender’s
- 8 office;
- 9 “(xii) a State juvenile correctional en-
- 10 tity;
- 11 “(xiii) a local business community
- 12 representative; and
- 13 “(xiv) a local faith-based community
- 14 representative;
- 15 “(B) shall include two representatives from
- 16 each of the following:
- 17 “(i) parents who have minor children,
- 18 and who have an interest in the local juve-
- 19 nile or criminal justice systems;
- 20 “(ii) youth between the ages of 15
- 21 and 24 who reside in the jurisdiction of the
- 22 unit or Tribe; and
- 23 “(iii) members from nonprofit commu-
- 24 nity-based organizations that provide effec-
- 25 tive delinquency prevention and interven-

1 tion to youth in the jurisdiction of the eli-
2 gible entity; and

3 “(C) may include other members, as ap-
4 propriate.

5 “(9) SPECIALIZED INSTRUCTIONAL SUPPORT
6 PERSONNEL.—The term ‘specialized instructional
7 support personnel’ means school counselors, school
8 social workers, school psychologists, school nurses,
9 and other qualified professionals involved in pro-
10 viding assessment, diagnosis, counseling, edu-
11 cational, therapeutic, medical, and other necessary
12 services (including related services as that term is
13 defined in section 602 of the Individuals with Dis-
14 abilities in Education Act) as part of a comprehen-
15 sive program to meet student needs.

16 **“SEC. 4210. AUTHORIZATION OF APPROPRIATIONS.**

17 “‘There are authorized to be appropriated to carry out
18 this part \$350,000,000 for fiscal year 2014 and such sums
19 as may be necessary for each succeeding fiscal year.’”.

1 **TITLE V—WELL-ROUNDED STU-**
2 **DENTS AND ENGAGED FAMI-**
3 **LIES**

4 **Subtitle A—Public Charter Schools**

5 **SEC. 501. PURPOSE.**

6 Section 5201 (20 U.S.C. 7221) is amended to read
7 as follows:

8 **“SEC. 5201. PURPOSE.**

9 “It is the purpose of this subpart to—

10 “(1) provide financial assistance for the plan-
11 ning, program design, and initial implementation of
12 charter schools;

13 “(2) expand the number of high-quality charter
14 schools available to students across the Nation;

15 “(3) evaluate the impact of such schools on stu-
16 dent achievement, families, and communities, and
17 share best practices between charter schools and
18 other public schools;

19 “(4) encourage States to provide support to
20 charter schools for facilities financing in an amount
21 more nearly commensurate to the amount the States
22 have typically provided for traditional public schools;

23 “(5) improve student services to increase oppor-
24 tunities for students with disabilities, English lan-
25 guage learners, and other traditionally underserved

1 students to attend charter schools and meet chal-
2 lenging State academic achievement standards;

3 “(6) support efforts to strengthen the charter
4 school authorizing process to improve performance
5 management, including transparency, monitoring,
6 and evaluation of such schools; and

7 “(7) ensure quality, accountability and trans-
8 parency in the operations and performance of all au-
9 thorized public chartering agencies, including State
10 and local educational agencies, and charter
11 schools.”.

12 **SEC. 5202. PROGRAM AUTHORIZED.**

13 Section 5202 (20 U.S.C. 7221a) is amended to read
14 as follows:

15 **“SEC. 5202. PROGRAM AUTHORIZED.**

16 “(a) IN GENERAL.—This subpart authorizes the Sec-
17 retary to carry out a charter school program that supports
18 charter schools that serve elementary school and sec-
19 ondary school students by—

20 “(1) supporting the startup, replication, and ex-
21 pansion of charter schools;

22 “(2) assisting charter schools in accessing cred-
23 it to acquire and renovate facilities for school use;
24 and

1 “(3) carrying out national activities to sup-
2 port—

3 “(A) charter school development;

4 “(B) the dissemination of best practices of
5 charter schools for all schools; and

6 “(C) the evaluation of the impact of the
7 program on schools participating in the pro-
8 gram.

9 “(b) FUNDING ALLOTMENT.—From the amount
10 made available under section 5211 for a fiscal year, the
11 Secretary shall—

12 “(1) reserve 12.5 percent to support charter
13 school facilities assistance under section 5204;

14 “(2) reserve not more than 2.5 percent to carry
15 out technical assistance, best practices, and evalua-
16 tion under section 5205(a);

17 “(3) reserve not more than 5 percent to carry
18 out grants to eligible applicants under section
19 5205(b); and

20 “(4) use the remaining amount after the Sec-
21 retary reserves funds under paragraphs (1) and (2)
22 to carry out section 5203.

23 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
24 ent of a grant or subgrant under this subpart, as such
25 subpart was in effect on the day before the date of enact-

1 ment of the Student Success Act, shall continue to receive
2 funds in accordance with the terms and conditions of such
3 grant or subgrant.”.

4 **SEC. 503. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
5 **SCHOOLS.**

6 Section 5203 (20 U.S.C. 7221b) is amended to read
7 as follows:

8 **“SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
9 **SCHOOLS.**

10 “(a) IN GENERAL.—From the amount reserved
11 under section 5202(b)(3), the Secretary shall award
12 grants to State entities having applications approved pur-
13 suant to subsection (f) to enable such entities to—

14 “(1) award subgrants to eligible applicants
15 for—

16 “(A) opening new charter schools;

17 “(B) replicating high-quality charter school
18 models; or

19 “(C) expanding high-quality charter
20 schools; and

21 “(2) provide technical assistance to eligible ap-
22 plicants and authorized public chartering agencies in
23 carrying out the activities described in paragraph (1)
24 and work with authorized public chartering agencies
25 in the State to improve authorizing quality.

1 “(b) STATE USES OF FUNDS.—

2 “(1) IN GENERAL.—A State entity receiving a
3 grant under this section shall—

4 “(A) use 90 percent of the grant funds to
5 award subgrants to eligible applicants, in ac-
6 cordance with the quality charter school pro-
7 gram described in the entity’s application ap-
8 proved pursuant to subsection (f), for the pur-
9 poses described in subparagraphs (A) through
10 (C) of subsection (a)(1); and

11 “(B) reserve 10 percent of such funds to
12 carry out the activities described in subsection
13 (a)(2), of which not more than 30 percent may
14 be used for administrative costs which may in-
15 clude technical assistance.

16 “(2) CONTRACTS AND GRANTS.—A State entity
17 may use a grant received under this section to carry
18 out the activities described in subparagraphs (A)
19 and (B) of paragraph (1) directly or through grants,
20 contracts, or cooperative agreements.

21 “(c) PROGRAM PERIODS; PEER REVIEW; DIVERSITY
22 OF PROJECTS.—

23 “(1) PROGRAM PERIODS.—

1 “(A) GRANTS.—A grant awarded by the
2 Secretary to a State entity under this section
3 shall be for a period of not more than 5 years.

4 “(B) SUBGRANTS.—A subgrant awarded
5 by a State entity under this section shall be for
6 a period of not more than 5 years, of which an
7 eligible applicant may use not more than 18
8 months for planning and program design.

9 “(2) PEER REVIEW.—The Secretary, and each
10 State entity receiving a grant under this section,
11 shall use a peer review process to review applications
12 for assistance under this section.

13 “(3) DIVERSITY OF PROJECTS.—Each State en-
14 tity receiving a grant under this section shall award
15 subgrants under this section in a manner that, to
16 the extent possible, ensures that such subgrants—

17 “(A) are distributed throughout different
18 areas, including urban, suburban, and rural
19 areas; and

20 “(B) will assist charter schools rep-
21 resenting a variety of educational approaches.

22 “(d) LIMITATIONS.—

23 “(1) GRANTS.—A State entity may not receive
24 more than 1 grant under this section for a 5-year
25 period.

1 “(2) SUBGRANTS.—An eligible applicant may
2 not receive more than 1 subgrant under this section
3 per charter school for a 5-year period.

4 “(e) APPLICATIONS.—A State entity desiring to re-
5 ceive a grant under this section shall submit an application
6 to the Secretary at such time and in such manner as the
7 Secretary may require. The application shall include the
8 following:

9 “(1) DESCRIPTION OF PROGRAM.—A descrip-
10 tion of the entity’s objectives in opening and initially
11 operating a quality charter school program under
12 this section and how the objectives of the program
13 will be carried out, including a description—

14 “(A) of how the entity will—

15 “(i) support both new charter school
16 startup and the expansion and replication
17 of high-quality charter school models;

18 “(ii) inform eligible charter schools,
19 developers, and authorized public char-
20 tering agencies of the availability of funds
21 under the program;

22 “(iii) work with eligible applicants to
23 ensure that the applicants access all Fed-
24 eral funds that they are eligible to receive,
25 and help the charter schools supported by

1 the applicants and the students attending
2 the charter schools—

3 “(I) participate in the Federal
4 programs in which the schools and
5 students are eligible to participate;
6 and

7 “(II) receive the commensurate
8 share of Federal funds the schools
9 and students are eligible to receive
10 under such programs;

11 “(iv) in the case in which the entity is
12 not a State educational agency—

13 “(I) work with the State edu-
14 cational agency and the charter
15 schools in the State to maximize char-
16 ter school participation in Federal and
17 State programs for charter schools;
18 and

19 “(II) work with the State edu-
20 cational agency to adequately operate
21 the entity’s program under this sec-
22 tion, where applicable;

23 “(v) ensure eligible applicants that re-
24 ceive a subgrant under the entity’s pro-
25 gram are prepared to continue to operate

1 the charter schools receiving the subgrant
2 funds once the funds have expired;

3 “(vi) support charter schools partici-
4 pating in the entity’s program and that are
5 in local educational agencies with large
6 numbers of schools that must comply with
7 the requirements of section 1116(b);

8 “(vii) work with charter schools to
9 promote inclusion of all students and sup-
10 port all students once they are enrolled to
11 promote retention;

12 “(viii) work with charter schools on
13 recruitment practices, including efforts to
14 engage groups that may otherwise have
15 limited opportunities to participate in char-
16 ter schools;

17 “(ix) share best and promising prac-
18 tices between charter schools and other
19 public schools;

20 “(x) ensure the charter schools they
21 support can meet the educational needs of
22 their students, including students with dis-
23 abilities and English language learners;
24 and

1 “(xi) support efforts to increase qual-
2 ity initiatives, including meeting the qual-
3 ity authorizing elements described in para-
4 graph (2)(E);

5 “(B) of the extent to which the entity—

6 “(i) is able to meet and carry out the
7 priorities listed in subsection (f)(2); and

8 “(ii) is working to develop or
9 strengthen a cohesive statewide system to
10 support the opening of new charter schools
11 a replica of high-quality charter school
12 models, and expanding high-quality charter
13 schools;

14 “(C) how the entity will carry out the
15 subgrant competition, including—

16 “(i) a description of the application
17 each eligible applicant desiring to receive a
18 subgrant will submit, including—

19 “(I) a description of the roles
20 and responsibilities of eligible appli-
21 cants, partner organizations, and
22 management organizations, including
23 the administrative and contractual
24 roles and responsibilities;

1 “(II) a description of the quality
2 controls agreed to between the eligible
3 applicant and the authorized public
4 chartering agency involved, such as a
5 contract or performance agreement,
6 and how a school’s performance on
7 the State’s academic accountability
8 system will be a primary factor for re-
9 newal;

10 “(III) a description of how the el-
11 igible applicant will solicit and con-
12 sider input from parents and other
13 members of the community on the
14 planning, implementation, and oper-
15 ation of each charter school receiving
16 funds under the entity’s program; and

17 “(IV) for each year of the grant,
18 planned activities and expenditures
19 for use of funds received under this
20 section for the purposes of opening
21 and initially operating a new charter
22 school, replicating a high-quality char-
23 ter school model and initially oper-
24 ating such school, or expansion of a
25 high-quality charter school and ini-

1 tially operating such school while en-
2 suring financial sustainability of the
3 school following the grant period; and
4 “(ii) a description of how the entity
5 will review applications; and

6 “(D) in the case of an entity that partners
7 with an outside organization to carry out the
8 entity’s quality charter school program, in
9 whole or in part, of the roles and responsibil-
10 ities of this partner.

11 “(2) ASSURANCES.—Assurances, including a
12 description of how the assurances will be met,
13 that—

14 “(A) each charter school receiving funds
15 under the entity’s program will have a high de-
16 gree of autonomy over budget and operations;

17 “(B) the entity will support charter schools
18 in meeting the educational needs of their stu-
19 dents as described in paragraph (1)(A)(x);

20 “(C) the entity will ensure that the author-
21 ized public chartering agency of any charter
22 school that receives funds under the entity’s
23 program—

24 “(i) ensures that the charter school is
25 meeting the obligations under this Act,

1 part B of the Individuals with Disabilities
2 Education Act, title VI of the Civil Rights
3 Act of 1964, section 504 of the Rehabilita-
4 tion Act of 1973, the Age Discrimination
5 Act of 1975, the Americans with Disabil-
6 ities Act of 1990, section 444 of the Gen-
7 eral Education Provisions Act (commonly
8 known as the ‘Family Educational Rights
9 and Privacy Act of 1974’), and title IX of
10 the Education Amendments of 1972; and

11 “(ii) adequately monitors and helps
12 ensure each charter school, with respect to
13 recruitment and enrollment is meeting the
14 needs of all students, including students
15 with disabilities and English language
16 learners;

17 “(D) the entity will provide adequate tech-
18 nical assistance to eligible applicants to—

19 “(i) meet the objectives described in
20 clauses (vii) and (viii) of paragraph (1)(A)
21 and paragraph (2)(B); and

22 “(ii) recruit and enroll traditionally
23 underserved students, including students
24 with disabilities and English language

1 learners, to promote an inclusive education
2 environment;

3 “(E) the entity will promote quality au-
4 thorizing, such as through providing technical
5 assistance, to support all authorized public
6 chartering agencies in the State to improve the
7 monitoring of their charter schools in compli-
8 ance with quality charter authorizing standards
9 described in section 1111(d)(1)(I);

10 “(F) the entity will work to ensure that
11 charter schools are included with the traditional
12 public school system in decision-making about
13 the public school system in the State; and

14 “(G) the entity will ensure that each char-
15 ter school in the State make publicly available,
16 consistent with the dissemination requirements
17 of the annual State report card, the information
18 parents need to make informed decisions about
19 the educational options available to their chil-
20 dren, including information on the educational
21 program, student support services, and annual
22 performance and enrollment.

23 “(3) REQUESTS FOR WAIVERS.—A request and
24 justification for waivers of any Federal statutory or
25 regulatory provisions that the entity believes are nec-

1 essary for the successful operation of the charter
2 schools that will receive funds under the entity’s pro-
3 gram under this section, and a description of any
4 State or local rules, generally applicable to public
5 schools, that will be waived, or otherwise not apply
6 to such schools.

7 “(f) SELECTION CRITERIA; PRIORITY.—

8 “(1) SELECTION CRITERIA.—The Secretary
9 shall award grants to State entities under this sec-
10 tion on the basis of the quality of the applications
11 submitted under subsection (e), after taking into
12 consideration—

13 “(A) the degree of flexibility afforded by
14 the State’s public charter school law and how
15 the entity will work to maximize the flexibility
16 provided to charter schools under the law;

17 “(B) the ambitiousness of the entity’s ob-
18 jectives for the quality charter school program
19 carried out under this section;

20 “(C) the quality of the strategy for assess-
21 ing achievement of those objectives;

22 “(D) the likelihood that the eligible appli-
23 cants receiving subgrants under the program
24 will meet those objectives and improve edu-
25 cational results for students;

1 “(E) the proposed number of new charter
2 schools to be opened, and the number of high-
3 quality charter schools to be replicated or ex-
4 panded under the program;

5 “(F) the entity’s plan to—

6 “(i) adequately monitor the eligible
7 applicants receiving subgrants under the
8 entity’s program;

9 “(ii) work with the authorized public
10 chartering agencies involved to avoid dupli-
11 cation of work for the charter schools and
12 authorized public chartering agencies;

13 “(iii) provide adequate technical as-
14 sistance, as described in the entity’s appli-
15 cation under subsection (e), for the eligible
16 applicants receiving subgrants under the
17 entity’s program under this section; and

18 “(iv) support quality authorizing ef-
19 forts in the State, consistent with quality
20 charter school authorizing standards de-
21 scribed in section 1111(d)(1)(H).

22 “(2) PRIORITY.—In awarding grants under this
23 section, the Secretary shall give priority to State en-
24 tities to the extent that they meet the following cri-
25 teria:

1 “(A) The State entity is located in a State
2 that allows appeals of authorized public char-
3 tering agency, including State and local edu-
4 cational agency, decisions pertaining to grant-
5 ing, renewal, or revocation of charter agree-
6 ments.

7 “(B) The State entity is located in a State
8 that does not impose any limitation on the
9 number or percentage of charter schools that
10 may exist or the number or percentage of stu-
11 dents that may attend charter schools in the
12 State.

13 “(C) The State entity is located in a State
14 that ensures equitable financing, as compared
15 to traditional public schools, for charter schools
16 and students in a prompt manner.

17 “(D) The State entity is located in a State
18 that uses charter schools and best practices
19 from charter schools to help improve struggling
20 schools and local educational agencies.

21 “(E) The State entity partners with an or-
22 ganization that has a demonstrated record of
23 success in developing management organiza-
24 tions to support the development of charter
25 schools in the State.

1 “(F) The State entity demonstrates quality
2 policies and practices to support and monitor
3 charter schools through factors, including—

4 “(i) the proportion of high-quality
5 charter schools in the State; and

6 “(ii) the proportion of charter schools
7 enrolling, at a rate similar to traditional
8 public schools, traditionally underserved
9 students, including students with disabili-
10 ties and English language learners.

11 “(G) The entity has taken steps to ensure
12 that all authorized public chartering agencies
13 implement best practices for quality charter
14 school authorizing as described in section
15 1111(d)(1)(I).

16 “(g) LOCAL USES OF FUNDS.—An eligible applicant
17 receiving a subgrant under this section shall use such
18 funds to carry out activities to open and initially operate
19 new charter schools, replicate high-quality charter school
20 models and initially operate such schools, or expand exist-
21 ing high-quality charter schools and initially operate such
22 schools to ensure strong school starts, as submitted annu-
23 ally by the eligible applicant according to subparagraph
24 (e)(1)(C)(IV)..

1 “(h) REPORTING REQUIREMENTS.—Each State enti-
2 ty receiving a grant under this section shall submit to the
3 Secretary, at the end of the third year of the 5-year grant
4 period and at the end of such grant period, a report on—

5 “(1) the number of students served and, if ap-
6 plicable, how many new students were served during
7 each year of the grant period;

8 “(2) the number of subgrants awarded under
9 this section to carry out each of the following—

10 “(A) the opening of new charter schools;

11 “(B) the replication of high-quality charter
12 school models; and

13 “(C) the expansion of high-quality charter
14 schools;

15 “(3) the progress the entity made toward meet-
16 ing the priorities described in subsection (f)(2), as
17 applicable;

18 “(4) how the entity met the objectives of the
19 quality charter school program described in the enti-
20 ty’s application under subsection (e);

21 “(5) how the entity complied with, and ensured
22 that eligible applicants complied with, the assurances
23 described in the entity’s application; and

24 “(6) how the entity worked with authorized
25 public chartering agencies, including how the agen-

1 cies worked with the management company or lead-
2 ership of the schools in which the subgrants were
3 awarded.

4 “(i) STATE ENTITY DEFINED.—For purposes of this
5 section, the term ‘State entity’ means—

6 “(1) a State educational agency; or

7 “(2) a State charter school board.”.

8 **SEC. 504. FACILITIES FINANCING ASSISTANCE.**

9 Section 5204 (20 U.S.C. 7221e) is amended to read
10 as follows:

11 **“SEC. 5204. FACILITIES FINANCING ASSISTANCE.**

12 “(a) GRANTS TO ELIGIBLE ENTITIES.—

13 “(1) IN GENERAL.—From the amount reserved
14 under section 5202(b)(1), the Secretary shall award
15 not less than 3 grants to eligible entities that have
16 applications approved under subsection (d) to dem-
17 onstrate innovative methods of assisting charter
18 schools to address the cost of acquiring, con-
19 structing, and renovating facilities by enhancing the
20 availability of loans or bond financing.

21 “(2) ELIGIBLE ENTITY DEFINED.—For pur-
22 poses of this section, the term ‘eligible entity’
23 means—

24 “(A) a public entity, such as a State or
25 local governmental entity;

1 “(B) a private nonprofit entity; or

2 “(C) a consortium of entities described in
3 subparagraphs (A) and (B).

4 “(b) GRANTEE SELECTION.—

5 “(1) EVALUATION OF APPLICATION.—The Sec-
6 retary shall evaluate each application submitted
7 under subsection (d), and shall determine whether
8 the application is sufficient to merit approval.

9 “(2) DISTRIBUTION OF GRANTS.—The Sec-
10 retary shall award at least one grant to an eligible
11 entity described in subsection (a)(2)(A), at least one
12 grant to an eligible entity described in subsection
13 (a)(2)(B), and at least one grant to an eligible entity
14 described in subsection (a)(2)(C), if applications are
15 submitted that permit the Secretary to do so without
16 approving an application that is not of sufficient
17 quality to merit approval.

18 “(c) GRANT CHARACTERISTICS.—Grants under sub-
19 section (a) shall be of a sufficient size, scope, and quality
20 so as to ensure an effective demonstration of an innovative
21 means of enhancing credit for the financing of charter
22 school acquisition, construction, or renovation.

23 “(d) APPLICATIONS.—

24 “(1) IN GENERAL.—To receive a grant under
25 subsection (a), an eligible entity shall submit to the

1 Secretary an application in such form as the Sec-
2 retary may reasonably require.

3 “(2) CONTENTS.—An application submitted
4 under paragraph (1) shall contain—

5 “(A) a statement identifying the activities
6 proposed to be undertaken with funds received
7 under subsection (a), including how the eligible
8 entity will determine which charter schools will
9 receive assistance, and how much and what
10 types of assistance charter schools will receive;

11 “(B) a description of the involvement of
12 charter schools in the application’s development
13 and the design of the proposed activities;

14 “(C) a description of the eligible entity’s
15 expertise in capital market financing;

16 “(D) a description of how the proposed ac-
17 tivities will leverage the maximum amount of
18 private-sector financing capital relative to the
19 amount of government funding used and other-
20 wise enhance credit available to charter schools,
21 including how the entity will offer a combina-
22 tion of rates and terms more favorable than the
23 rates and terms that a charter school could re-
24 ceive without assistance from the entity under
25 this section;

1 “(E) a description of how the eligible enti-
2 ty possesses sufficient expertise in education to
3 evaluate the likelihood of success of a charter
4 school program for which facilities financing is
5 sought;

6 “(F) a description of how the eligible enti-
7 ty will encourage energy-efficient school build-
8 ing practices;

9 “(G) in the case of an application sub-
10 mitted by a State governmental entity, a de-
11 scription of the actions that the entity has
12 taken, or will take, to ensure that charter
13 schools within the State receive the funding the
14 charter schools need to have adequate facilities;
15 and

16 “(H) such other information as the Sec-
17 retary may reasonably require.

18 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
19 entity receiving a grant under this section shall use the
20 funds deposited in the reserve account established under
21 subsection (f) to assist one or more charter schools to ac-
22 cess private sector capital to accomplish one or both of
23 the following objectives:

24 “(1) The acquisition (by purchase, lease, dona-
25 tion, or otherwise) of an interest (including an inter-

1 est held by a third party for the benefit of a charter
2 school) in improved or unimproved real property
3 that is necessary to commence or continue the oper-
4 ation of a charter school.

5 “(2) The construction of new facilities, includ-
6 ing predevelopment costs, or the renovation, repair,
7 or alteration of existing facilities, necessary to com-
8 mence or continue the operation of a charter school.

9 “(f) RESERVE ACCOUNT.—

10 “(1) USE OF FUNDS.—To assist charter schools
11 to accomplish the objectives described in subsection
12 (e), an eligible entity receiving a grant under sub-
13 section (a) shall, in accordance with State and local
14 law, directly or indirectly, alone or in collaboration
15 with others, deposit the funds received under sub-
16 section (a) (other than funds used for administrative
17 costs in accordance with subsection (g)) in a reserve
18 account established and maintained by the eligible
19 entity for this purpose. Amounts deposited in such
20 account shall be used by the eligible entity for one
21 or more of the following purposes:

22 “(A) Guaranteeing, insuring, and rein-
23 suring bonds, notes, evidences of debt, loans,
24 and interests therein, the proceeds of which are

1 used for an objective described in subsection
2 (e).

3 “(B) Guaranteeing and insuring leases of
4 personal and real property for an objective de-
5 scribed in subsection (e).

6 “(C) Facilitating financing by identifying
7 potential lending sources, encouraging private
8 lending, and other similar activities that di-
9 rectly promote lending to, or for the benefit of,
10 charter schools.

11 “(D) Facilitating the issuance of bonds by
12 charter schools, or by other public entities for
13 the benefit of charter schools, by providing
14 technical, administrative, and other appropriate
15 assistance (including the recruitment of bond
16 counsel, underwriters, and potential investors
17 and the consolidation of multiple charter school
18 projects within a single bond issue).

19 “(2) INVESTMENT.—Funds received under this
20 section and deposited in the reserve account estab-
21 lished under paragraph (1) shall be invested in obli-
22 gations issued or guaranteed by the United States or
23 a State, or in other similarly low-risk securities.

24 “(3) REINVESTMENT OF EARNINGS.—Any earn-
25 ings on funds received under subsection (a) shall be

1 deposited in the reserve account established under
2 paragraph (1) and used in accordance with such
3 subsection.

4 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
5 eligible entity may use not more than 2.5 percent of the
6 funds received under subsection (a) for the administrative
7 costs of carrying out its responsibilities under this section
8 (excluding subsection (k)).

9 “(h) AUDITS AND REPORTS.—

10 “(1) FINANCIAL RECORD MAINTENANCE AND
11 AUDIT.—The financial records of each eligible entity
12 receiving a grant under subsection (a) shall be main-
13 tained in accordance with generally accepted ac-
14 counting principles and shall be subject to an annual
15 audit by an independent public accountant.

16 “(2) REPORTS.—

17 “(A) GRANTEE ANNUAL REPORTS.—Each
18 eligible entity receiving a grant under sub-
19 section (a) annually shall submit to the Sec-
20 retary a report of its operations and activities
21 under this section.

22 “(B) CONTENTS.—Each annual report
23 submitted under subparagraph (A) shall in-
24 clude—

1 “(i) a copy of the most recent finan-
2 cial statements, and any accompanying
3 opinion on such statements, prepared by
4 the independent public accountant review-
5 ing the financial records of the eligible en-
6 tity;

7 “(ii) a copy of any report made on an
8 audit of the financial records of the eligible
9 entity that was conducted under paragraph
10 (1) during the reporting period;

11 “(iii) an evaluation by the eligible en-
12 tity of the effectiveness of its use of the
13 Federal funds provided under subsection
14 (a) in leveraging private funds;

15 “(iv) a listing and description of the
16 charter schools served during the reporting
17 period, including the amount of funds used
18 by each school, the type of project facili-
19 tated by the grant, and the type of assist-
20 ance provided to the charter schools;

21 “(v) a description of the activities car-
22 ried out by the eligible entity to assist
23 charter schools in meeting the objectives
24 set forth in subsection (e); and

1 “(vi) a description of the characteris-
2 tics of lenders and other financial institu-
3 tions participating in the activities under-
4 taken by the eligible entity under this sec-
5 tion (excluding subsection (k)) during the
6 reporting period.

7 “(C) SECRETARIAL REPORT.—The Sec-
8 retary shall review the reports submitted under
9 subparagraph (A) and shall provide a com-
10 prehensive annual report to Congress on the ac-
11 tivities conducted under this section (excluding
12 subsection (k)).

13 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
14 OBLIGATION.—No financial obligation of an eligible entity
15 entered into pursuant to this section (such as an obliga-
16 tion under a guarantee, bond, note, evidence of debt, or
17 loan) shall be an obligation of, or guaranteed in any re-
18 spect by, the United States. The full faith and credit of
19 the United States is not pledged to the payment of funds
20 which may be required to be paid under any obligation
21 made by an eligible entity pursuant to any provision of
22 this section.

23 “(j) RECOVERY OF FUNDS.—

1 “(1) IN GENERAL.—The Secretary, in accord-
2 ance with chapter 37 of title 31, United States
3 Code, shall collect—

4 “(A) all of the funds in a reserve account
5 established by an eligible entity under sub-
6 section (f)(1) if the Secretary determines, not
7 earlier than 2 years after the date on which the
8 eligible entity first received funds under this
9 section (excluding subsection (k)), that the eli-
10 gible entity has failed to make substantial
11 progress in carrying out the purposes described
12 in subsection (f)(1); or

13 “(B) all or a portion of the funds in a re-
14 serve account established by an eligible entity
15 under subsection (f)(1) if the Secretary deter-
16 mines that the eligible entity has permanently
17 ceased to use all or a portion of the funds in
18 such account to accomplish any purpose de-
19 scribed in subsection (f)(1).

20 “(2) EXERCISE OF AUTHORITY.—The Secretary
21 shall not exercise the authority provided in para-
22 graph (1) to collect from any eligible entity any
23 funds that are being properly used to achieve one or
24 more of the purposes described in subsection (f)(1).

1 “(3) PROCEDURES.—The provisions of sections
2 451, 452, and 458 of the General Education Provi-
3 sions Act shall apply to the recovery of funds under
4 paragraph (1).

5 “(4) CONSTRUCTION.—This subsection shall
6 not be construed to impair or affect the authority of
7 the Secretary to recover funds under part D of the
8 General Education Provisions Act.

9 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

10 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
11 PROGRAM.—In this subsection, the term ‘per-pupil
12 facilities aid program’ means a program in which a
13 State makes payments, on a per-pupil basis, to char-
14 ter schools to provide the schools with financing—

15 “(A) that is dedicated solely for funding
16 charter school facilities; or

17 “(B) a portion of which is dedicated for
18 funding charter school facilities.

19 “(2) GRANTS.—

20 “(A) IN GENERAL.—From the amount re-
21 served under section 5202(b)(1) remaining
22 after the Secretary makes grants under sub-
23 section (a), the Secretary shall make grants, on
24 a competitive basis, to States to pay for the
25 Federal share of the cost of establishing or en-

1 hancing, and administering per-pupil facilities
2 aid programs.

3 “(B) PERIOD.—The Secretary shall award
4 grants under this subsection for periods of not
5 more than 5 years.

6 “(C) FEDERAL SHARE.—The Federal
7 share of the cost described in subparagraph (A)
8 for a per-pupil facilities aid program shall be
9 not more than—

10 “(i) 90 percent of the cost, for the
11 first fiscal year for which the program re-
12 ceives assistance under this subsection;

13 “(ii) 80 percent in the second such
14 year;

15 “(iii) 60 percent in the third such
16 year;

17 “(iv) 40 percent in the fourth such
18 year; and

19 “(v) 20 percent in the fifth such year.

20 “(D) STATE SHARE.—A State receiving a
21 grant under this subsection may partner with 1
22 or more organizations to provide up to 50 per-
23 cent of the State share of the cost of estab-
24 lishing or enhancing, and administering the per-
25 pupil facilities aid program.

1 “(E) MULTIPLE GRANTS.—A State may
2 receive more than 1 grant under this sub-
3 section, so long as the amount of such funds
4 provided to charter schools increases with each
5 successive grant.

6 “(3) USE OF FUNDS.—

7 “(A) IN GENERAL.—A State that receives
8 a grant under this subsection shall use the
9 funds made available through the grant to es-
10 tablish or enhance, and administer, a per-pupil
11 facilities aid program for charter schools in the
12 State of the applicant.

13 “(B) EVALUATIONS; TECHNICAL ASSIST-
14 ANCE; DISSEMINATION.—From the amount
15 made available to a State through a grant
16 under this subsection for a fiscal year, the State
17 may reserve not more than 5 percent to carry
18 out evaluations, to provide technical assistance,
19 and to disseminate information.

20 “(C) SUPPLEMENT, NOT SUPPLANT.—
21 Funds made available under this subsection
22 shall be used to supplement, and not supplant,
23 State, and local public funds expended to pro-
24 vide per pupil facilities aid programs, oper-

1 ations financing programs, or other programs,
2 for charter schools.

3 “(4) REQUIREMENTS.—

4 “(A) VOLUNTARY PARTICIPATION.—No
5 State may be required to participate in a pro-
6 gram carried out under this subsection.

7 “(B) STATE LAW.—

8 “(i) IN GENERAL.—To be eligible to
9 receive a grant under this subsection, a
10 State shall establish or enhance, and ad-
11 minister, a per-pupil facilities aid program
12 for charter schools in the State, that—

13 “(I) is specified in State law; and

14 “(II) provides annual financing,
15 on a per-pupil basis, for charter
16 school facilities.

17 “(ii) SPECIAL RULE.—A State that is
18 required under State law to provide its
19 charter schools with access to adequate fa-
20 cility space may be eligible to receive a
21 grant under this subsection if the State
22 agrees to use the funds to develop a per-
23 pupil facilities aid program consistent with
24 the requirements of this subsection.

1 “(5) APPLICATIONS.—To be eligible to receive a
2 grant under this subsection, a State shall submit an
3 application to the Secretary at such time, in such
4 manner, and containing such information as the Sec-
5 retary may require.”.

6 **SEC. 505. NATIONAL ACTIVITIES.**

7 Section 5205 (20 U.S.C. 7221d) is amended to read
8 as follows:

9 **“SEC. 5205. NATIONAL ACTIVITIES.**

10 “(a) TECHNICAL ASSISTANCE, BEST PRACTICES,
11 AND EVALUATION.—From the amount reserved under sec-
12 tion 5202(b)(2), the Secretary shall—

13 “(1) disseminate technical assistance to State
14 entities in awarding subgrants under section 5203,
15 and eligible entities and States receiving grants
16 under section 5204;

17 “(2) disseminate best practices; and

18 “(3) in partnership with the Institute for Edu-
19 cation Sciences, as appropriate—

20 “(A) develop relevant program perform-
21 ance metrics, including student outcome data,
22 for State entities, eligible entities, and schools
23 that receive funds under section 5203 and eligi-
24 ble applicants and charter schools that receive
25 funds under section 5205(b);

1 “(B) assist such State entities, eligible ap-
2 plicants, and charter schools in collecting and
3 submitting data on such performance metrics to
4 the Secretary;

5 “(C) evaluate the program performance of
6 and conduct related research to—

7 “(i) determine which policies and
8 practices implemented using funds received
9 under section 5203 and 5205(b) have the
10 greatest impact on student achievement

11 “(ii) determine which charter school
12 models funded under this title lead to
13 measurably improved student outcomes on
14 statewide assessments;

15 “(iii) examine the transfer of best and
16 promising practices between charter
17 schools funded under this title and other
18 public schools;

19 “(iv) ensure the inclusion of all stu-
20 dent subgroups as described in section
21 1111(c)(3) in charter schools funded under
22 this title; and

23 “(v) drive continuous improvement;
24 and

1 “(D) disseminate the findings of the re-
2 search, evaluation and data collection described
3 in this section.

4 “(b) GRANTS TO ELIGIBLE APPLICANTS.—

5 “(1) IN GENERAL.—The Secretary shall make
6 grants, on a competitive basis, to eligible applicants
7 for the purpose of carrying out the activities de-
8 scribed in section 5202(a)(1), subparagraphs (A)
9 through (C) of section 5203(a)(1), and section
10 5203(g).

11 “(2) TERMS AND CONDITIONS.—Except as oth-
12 erwise provided in this subsection, grants awarded
13 under this subsection shall have the same terms and
14 conditions as grants awarded to State entities under
15 section 5203.

16 “(3) ELIGIBLE APPLICANT DEFINED.—For pur-
17 poses of this subsection, the term ‘eligible applicant’
18 means an eligible applicant that desires to open a
19 charter school in—

20 “(A) a State that did not apply for a grant
21 under section 5203;

22 “(B) a State that did not receive a grant
23 under section 5203; or

1 “(C) a State that received a grant under
2 section 5203 and is in the 4th or 5th year of
3 the grant period for such grant.

4 “(c) CONTRACTS AND GRANTS.—The Secretary may
5 carry out any of the activities described in this section di-
6 rectly or through grants, contracts, or cooperative agree-
7 ments.”.

8 **SEC. 506. RECORDS TRANSFER.**

9 Section 5208 (20 U.S.C. 7221g) is amended—

10 (1) by inserting “as quickly as possible and”
11 before “to the extent practicable”; and

12 (2) by striking “section 602” and inserting
13 “section 602(14)”.

14 **SEC. 507. DEFINITIONS.**

15 Section 5210 (20 U.S.C. 7221i) is amended—

16 (1) in paragraph (1)—

17 (A) by striking “and” at the end of sub-
18 paragraph (K);

19 (B) by striking the period at the end of
20 subparagraph (L) and inserting “; and”; and

21 (C) by adding at the end, the following:

22 “(M) may serve prekindergarten or post
23 secondary students.”;

24 (2) in paragraph (3)(B), by striking “under
25 section 5203(d)(3)”;

1 (3) by inserting at the end the following:

2 “(5) EXPANSION OF A HIGH-QUALITY CHARTER
3 SCHOOL.—The term ‘expansion of a high-quality
4 charter school’ means significantly increasing the en-
5 rollment of or adding more grades to a high-quality
6 charter school.

7 “(6) HIGH-QUALITY CHARTER SCHOOL.—The
8 term ‘high-quality charter school’ means a charter
9 school that—

10 “(A) shows evidence of increasing aca-
11 demic achievement for all students and student
12 subgroups as described in section 1111(c)(3),
13 including—

14 “(i) the percentage of students in on-
15 target and advanced levels of achievement
16 on the State academic assessments re-
17 quired under section 1111(b)(3) compared
18 to demographically similar schools in the
19 State;

20 “(ii) an average student academic,
21 longitudinal growth from one school year
22 to the next school year, if available and as
23 determined by the State, on the State aca-
24 demic assessments required under section

1 1111(b)(3) that exceeds such growth in de-
2 mographically similar schools in the State;

3 “(iii) in the case of a charter school
4 that is a secondary school—

5 “(I) a graduation rate that is
6 above the graduation rate for demo-
7 graphically similar schools in the
8 State; and

9 “(II) attendance, retention, and
10 postsecondary enrollment rates that
11 are above such rates for demographi-
12 cally similar schools in the State; and

13 “(iv) closing achievement gaps among
14 student subgroups as described in section
15 1111(c)(3) and all students served by the
16 charter school; and

17 “(B) has no significant issues in the areas
18 of student safety, school discipline, including
19 high rates of suspensions and expulsions, finan-
20 cial management, or statutory or regulatory
21 compliance, including quality charter school au-
22 thorizing standards described in section
23 1111(d)(1)(I).

24 “(7) HIGH-QUALITY CHARTER SCHOOL
25 MODEL.—The term ‘high-quality charter school

1 model' means a high-quality charter school that pos-
2 sesses the capability, including sustainable financing,
3 to open another school campus under an existing
4 charter agreement.”.

5 **SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 5211 (20 U.S.C. 7221j) is amended to read
7 as follows:

8 **“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

9 “There are authorized to be appropriated to carry out
10 this subpart \$300,000,000 for fiscal year 2014 and each
11 of the 5 succeeding fiscal years.”.

12 **SEC. 509. CONFORMING AMENDMENTS.**

13 (a) REPEAL.—Subpart 2 of part B of title V (20
14 U.S.C. 7223 et seq.) is repealed.

15 (b) TABLE OF CONTENTS.—The table of contents in
16 section 2 is amended—

17 (1) by striking the item relating to section 5203
18 and inserting the following:

“Sec. 5203. Grants to support high-quality charter schools.”;

19 (2) by striking the item relating to section 5204
20 and inserting the following:

“Sec. 5204. Facilities Financing Assistance.”; and

21 (3) by striking subpart 2 of part B of title V.

1 **Subtitle B—Fund for the**
2 **Improvement of Education**

3 **SEC. 511. FUND FOR THE IMPROVEMENT OF EDUCATION.**

4 (a) IN GENERAL.—Part D of title V (20 U.S.C. 7241
5 et seq.) is amended to read as follows:

6 “PART D—A WELL-ROUNDED EDUCATION

7 “SUBPART 1—GRANTS TO SUPPORT STEM EDUCATION

8 “**SEC. 5401. PURPOSE.**

9 “The purpose of this subpart is to improve student
10 academic achievement in STEM subjects by—

11 “(1) improving instruction in such subjects
12 from preschool through grade 12;

13 “(2) improving student engagement in, and in-
14 creasing student access to, courses in such subjects;

15 “(3) improving the quality and effectiveness of
16 classroom instruction by recruiting, training, and
17 supporting effective teachers and providing robust
18 tools and supports for students and teachers in such
19 subjects;

20 “(4) implementing and integrating college and
21 career ready standards, described in section
22 1111(b)(2), in STEM subjects and assessments
23 aligned with those standards;

1 “(5) closing student achievement gaps, and pre-
2 paring more students for postsecondary education
3 and careers, in such subjects; and

4 “(6) Recognizing that STEM subjects are di-
5 verse and that STEM education programs must ex-
6 pose students to content and skills in a host of con-
7 stantly changing and evolving content areas.

8 **“SEC. 5402. GRANTS; ALLOTMENTS.**

9 “(a) RESERVATIONS.—

10 “(1) IN GENERAL.—From the amounts appro-
11 priated under section 5410 for a fiscal year, the Sec-
12 retary shall reserve—

13 “(A) \$35,000,000 for a STEM Master
14 Teachers Corps program under section 5405;

15 “(B) 3 percent to carry out activities de-
16 scribed in section 5405 and technical assistance
17 to States, including technical assistance with
18 implementation of programs consistent with the
19 purpose of this part; and

20 “(C) if funds are not awarded by formula,
21 as described in subsection (c)(1), 5 percent for
22 State capacity-building grants in accordance
23 with paragraph (2).

24 “(2) CAPACITY-BUILDING GRANTS.—

1 “(A) IN GENERAL.—In any year for which
2 funding is distributed competitively, as de-
3 scribed in subsection (b)(1), the Secretary may
4 award 1 capacity-building grant to each eligible
5 entity that does not receive a grant under sub-
6 section (b), on a competitive basis, to enable
7 such States to become more competitive in fu-
8 ture years.

9 “(B) DURATION.—Grants awarded under
10 subparagraph (A) shall be for a period of 1
11 year.

12 “(b) COMPETITIVE GRANTS.—

13 “(1) IN GENERAL.—For each fiscal year for
14 which the amount appropriated to carry out this Act
15 is less than \$250,000,000, the Secretary shall award
16 grants, on a competitive basis, to eligible entities to
17 enable such eligible entities to carry out the activi-
18 ties described in this Act.

19 “(2) DURATION.—Grants awarded under this
20 subsection shall be for a period of not more than 3
21 years.

22 “(3) RENEWAL.—

23 “(A) IN GENERAL.—If an eligible entity
24 demonstrates progress, as measured by the
25 metrics reported in section 5406(a)(5), the Sec-

1 retary may renew a grant for an additional 2-
2 year period.

3 “(B) REDUCED FUNDING.—Grant funds
4 awarded under subparagraph (A) shall be
5 awarded at a reduced amount.

6 “(c) FORMULA GRANTS.—

7 “(1) IN GENERAL.—For each fiscal year for
8 which the amount appropriated to carry out this Act
9 is equal to or more than \$250,000,000, the Sec-
10 retary shall award grants to States, based on the
11 formula described in paragraph (2).

12 “(2) DISTRIBUTION OF FUNDS.—The Secretary
13 shall allot to each State—

14 “(A) an amount that bears the same rela-
15 tionship to 35 percent of the excess amount as
16 the number of individuals ages 5 through 17 in
17 the State, as determined by the Secretary on
18 the basis of the most recent satisfactory data,
19 bears to the number of those individuals in all
20 such States, as so determined; and

21 “(B) an amount that bears the same rela-
22 tionship to 65 percent of the excess amount as
23 the number of individuals ages 5 through 17
24 from families with incomes below the poverty
25 line, in the State, as determined by the Sec-

1 retary on the basis of the most recent satisfac-
2 tory data, bears to the number of those individ-
3 uals in all such States, as so determined.

4 “(3) FUNDING MINIMUM.—No State receiving
5 an allotment under this subsection may receive less
6 than one-half of 1 percent of the total amount allot-
7 ted under paragraph (1) for a fiscal year.

8 “(4) REALLOTMENT OF UNUSED FUNDS.—If a
9 State does not successfully apply for or receive an
10 allotment under this subsection for a fiscal year, the
11 Secretary shall reallot the amount of the State’s al-
12 lotment to the remaining States in accordance with
13 this subsection.

14 **“SEC. 5403. APPLICATIONS.**

15 “(a) IN GENERAL.—Each eligible entity desiring a
16 grant under this Act, whether through a competitive grant
17 under section 5402(b) or through an allotment under sec-
18 tion 5402(c), shall submit an application to the Secretary
19 at such time, in such manner, and accompanied by such
20 information as the Secretary may require.

21 “(b) CONTENTS.—At a minimum, an application sub-
22 mitted under subsection (a) shall include the following:

23 “(1) A description of how grant funds will be
24 used by the eligible entity.

1 “(2) A description of how the eligible entity has
2 involved a variety of stakeholders in the development
3 of the application and a description of how the State
4 or eligible entity will continue to involve stakeholders
5 in any education reform efforts related to STEM
6 subject instruction.

7 “(3) A description of the steps the eligible enti-
8 ty will take to ensure that programs implemented by
9 the subgrantees use evidence-based strategies, en-
10 sure high-quality curricula, and provide high-quality
11 professional development.

12 “(4) An assurance that the eligible entity, in
13 making awards under section 5404(c), will give pri-
14 ority to subgrantees that—

15 “(A) propose to serve students in schools
16 in need of improvement and persistently low
17 achieving schools; or

18 “(B) propose to serve schools with a high
19 percentage or number of students that are eligi-
20 ble for free or reduced price lunch under the
21 Richard B. Russell National School Lunch Act
22 (42 U.S.C. 1751 et seq.).

23 “(5) A description of how the eligible entity’s
24 activities and subgrants will be coordinated with
25 other Federal, State, and local programs and activi-

1 ties, including career and technical education pro-
2 grams authorized under the Carl D. Perkins Career
3 and Technical Education Act of 2006 (20 U.S.C.
4 2301 et seq.).

5 “(6) A review of the industry and business
6 workforce needs in the State in jobs that require
7 knowledge or training in STEM subject areas and a
8 description of how that review will inform efforts to
9 improve education in STEM subjects.

10 “(7) A description of how the eligible entity will
11 allocate funds in a manner that will provide services
12 to both elementary schools and secondary schools.

13 “(8) A description of the technical assistance
14 that the eligible entity will provide to subgrantees to
15 support the activities undertaken by the sub-
16 grantees, including—

17 “(A) activities to employ multi-tiered sys-
18 tems of support to provide early intervening
19 services and to increase student achievement in
20 STEM subjects;

21 “(B) activities to ensure increased access
22 for students who are traditionally underrep-
23 resented in STEM subject fields (including fe-
24 male students, minority students, students who
25 are limited English proficient, students who are

1 children with disabilities, and students from
2 low-income families) to high-quality courses and
3 other learning experiences;

4 “(C) implementing evidence-based pro-
5 grams of instruction based on college and ca-
6 reer ready standards and high-quality assess-
7 ments in the identified subjects; and

8 “(D) developing curricula consistent with
9 the principles of universal design for learning as
10 defined in section 103 of the Higher Education
11 Act of 1965.

12 “(9) A description of the key data metrics that
13 will be used and reported annually under section
14 5406(a)(5), that shall include—

15 “(A) student academic achievement on
16 mathematics and science State academic assess-
17 ments and student growth; and

18 “(B) for diploma granting schools, gradua-
19 tion rates.

20 “(10) Assurances that the eligible entity will
21 monitor implementation of approved subgrantee
22 plans.

23 **“SEC. 5404. AUTHORIZED ACTIVITIES.**

24 “(a) **REQUIRED ACTIVITIES.**—Each eligible entity
25 that receives a grant under this Act shall use not more

1 than 5 percent of the grant funds to carry out each of
2 the following activities:

3 “(1) Providing technical assistance to sub-
4 grantees as described in section 5403(b)(7) and
5 technical assistance to subgrantees that are
6 prioritized in section 5404(d), including subgrantees
7 that serve low-capacity rural and urban areas by—

8 “(A) informing those subgrantees that they
9 have a priority for competing for grants under
10 section 5404(b); and

11 “(B) providing subgrantees who do not re-
12 ceive a grant under section 5404(e) technical
13 assistance so that they may re-compete in fol-
14 lowing competitions.

15 “(2) Identifying and supporting high-quality
16 professional development and other comprehensive
17 systems of support for teachers and school leaders to
18 promote high-quality instruction and instructional
19 leadership in the identified subjects, aligned to col-
20 lege and career ready standards where applicable.

21 “(3) Disseminating information, including mak-
22 ing publicly available on the websites of the State
23 educational agency, on promising practices to im-
24 prove student achievement in STEM subject areas.

1 “(b) PERMISSIBLE ACTIVITIES.—Each eligible entity
2 that receives a grant under this Act may use the grant
3 funds to carry out 1 or more of the following activities:

4 “(1) Recruiting qualified teachers and instruc-
5 tional leaders who are trained in identified subjects,
6 including teachers who have transitioned into the
7 teaching profession from a career in a STEM field.

8 “(2) Providing induction and mentoring serv-
9 ices to new teachers in identified subjects.

10 “(3) Developing instructional supports, such as
11 curricula and assessments, which shall be evidence-
12 based and aligned with State academic standards
13 and may include online education.

14 “(4) Training personnel of subgrantees to use
15 data systems to continuously improve student
16 achievement in STEM subjects and use the data to
17 better target curriculum and instruction to meet the
18 needs of each student.

19 “(c) SUBGRANTS.—

20 “(1) IN GENERAL.—Each eligible entity that re-
21 ceives a grant under this Act shall award subgrants,
22 on a competitive basis, to eligible subgrantees.

23 “(2) MINIMUM SUBGRANT.—An eligible entity
24 shall award subgrants under this subsection that are
25 of sufficient size and scope to support high-quality,

1 evidence-based, effective programs that are con-
2 sistent with the purpose of this Act.

3 “(3) SUBGRANTEE APPLICATION.—Each sub-
4 grantee desiring a subgrant under this subsection
5 shall submit an application to the eligible entity at
6 such time, in such manner, and accompanied by
7 such information as the eligible entity may require,
8 including, at a minimum:

9 “(A) A description of the needs identified
10 by the subgrantee, based on a needs assessment
11 which shall include—

12 “(i) data for elementary school and
13 secondary school grades, as applicable and
14 to the extent that such data are available,
15 on—

16 “(I) student achievement in
17 science and mathematics, including
18 such data collected in accordance with
19 the State academic assessments;

20 “(II) science and mathematics
21 teacher evaluation results or ratings;

22 “(III) student access to mathe-
23 matics and science courses needed to
24 enroll in credit-bearing coursework at

1 institutions of higher education in the
2 State;

3 “(IV) access to science and
4 mathematics courses for student pre-
5 kindergarten through grade 12 at-
6 tending schools prioritized under sec-
7 tion 5404(d);

8 “(V) the percentage of students
9 successfully—

10 “(aa) completing Advanced
11 Placement (AP) or International
12 Baccalaureate (IB) courses in
13 science and mathematics sub-
14 jects; or

15 “(bb) completing rigorous
16 postsecondary education courses
17 in science and mathematics sub-
18 jects;

19 “(VI) rates of college remediation
20 in mathematics; and

21 “(VII) teacher shortages and
22 teacher distribution among the local
23 educational agencies and schools
24 served by the subgrantee in science
25 and mathematics subjects; and

1 “(ii) an analysis of the implementa-
2 tion of any multi-tiered systems of support
3 that have been employed by the local edu-
4 cational agency served by the subgrantee
5 to address the learning needs of students
6 in any STEM subjects.

7 “(B) A description of the activities that
8 the subgrantee will carry out based on the find-
9 ings of the needs assessment described in sub-
10 paragraph (A), and how such activities will im-
11 prove teaching and student academic achieve-
12 ment in the identified subjects, in a manner
13 consistent with evidence-based research.

14 “(C) A description of how the subgrantee
15 will use funds provided under this subsection to
16 serve students and teachers in schools
17 prioritized under section 5404(d).

18 “(D) A description of how funds provided
19 under this subsection will be coordinated with
20 other Federal, State, and local programs and
21 activities, including career and technical edu-
22 cation programs authorized under the Carl D.
23 Perkins Career and Technical Education Act of
24 2006 (20 U.S.C. 2301 et seq.).

1 “(E) If the subgrantee is working with
2 outside partners, a description of how such out-
3 side partners will be involved in improving in-
4 struction and increasing access to high-quality
5 learning experiences in the identified subjects.

6 “(4) SUBGRANTEE USE OF FUNDS.—

7 “(A) REQUIRED USE OF FUNDS.—Each
8 subgrantee that receives a subgrant under this
9 subsection shall use the subgrant funds to carry
10 out activities for students from preschool
11 through grade 12, consistent with the analysis
12 and the activities described in the subgrantee’s
13 application, which shall include—

14 “(i) high-quality teacher and instruc-
15 tional leader recruitment, support, evalua-
16 tion, and professional development in the
17 identified subjects;

18 “(ii) professional development, which
19 may include development and support for
20 instructional coaches, to enable teachers
21 and instructional leaders to increase stu-
22 dent achievement in identified subjects,
23 through—

24 “(I) implementation of classroom
25 assessments; and

- 1 “(II) differentiation of instruc-
- 2 tion in identified subjects for all stu-
- 3 dents, including for students with dis-
- 4 abilities and students who are English
- 5 learners;
- 6 “(iii) activities to—
- 7 “(I) improve the content knowl-
- 8 edge of teachers; and
- 9 “(II) facilitate professional col-
- 10 laboration, which may include pro-
- 11 viding time for such collaborations;
- 12 “(iv) training to principals and teach-
- 13 ers in implementing STEM subject initia-
- 14 tives, particularly in the areas of—
- 15 “(I) utilizing data;
- 16 “(II) assessing the quality of
- 17 STEM subject instruction; and
- 18 “(III) providing time and support
- 19 for teachers to plan STEM subject in-
- 20 struction;
- 21 “(v) the development, adoption, and
- 22 improvement of high-quality curricula, as-
- 23 sessments, materials, and instructional
- 24 supports that—

1 “(I) are aligned with State aca-
2 demic standards; and

3 “(II) the subgrantee will use to
4 improve student academic achieve-
5 ment in identified subjects; and

6 “(vi) the development or improvement,
7 and implementation, of multi-tiered sys-
8 tems of support to provide early inter-
9 vening services and to increase student
10 achievement in 1 or more of the identified
11 subjects.

12 “(B) PERMISSIBLE USE OF FUNDS.—In
13 addition to the required activities described in
14 subparagraph (A), each subgrantee that re-
15 ceives a subgrant under this subsection, may
16 also use the subgrant funds to—

17 “(i) support the participation of low-
18 income students in nonprofit competitions
19 and out-of-school activities related to
20 STEM (such as robotics, science research,
21 invention, mathematics, and technology
22 competitions), including—

23 “(I) the purchase of parts and
24 supplies needed to participate in such
25 competitions;

1 “(II) incentives and stipends for
2 teachers and instructional leaders who
3 are involved in assisting students and
4 preparing students for such competi-
5 tions, if such activities fall outside the
6 regular duties and responsibilities of
7 such teachers and instructional lead-
8 ers; and

9 “(III) paying expenses associated
10 with the participation of low-income
11 students in such local, regional, or na-
12 tional competitions;

13 “(ii) improve the laboratories of
14 schools served by the subgrantee and pro-
15 vide instrumentation as part of a com-
16 prehensive program to enhance the quality
17 of STEM instruction, including—

18 “(I) purchase, rental, or leasing
19 of equipment, instrumentation, and
20 other scientific educational materials;

21 “(II) maintenance, renovation,
22 and improvement of laboratory facili-
23 ties;

24 “(III) professional development
25 and training for teachers;

1 “(IV) development of instruc-
2 tional programs designed to integrate
3 the laboratory experience with class-
4 room instruction and to be consistent
5 with college and career ready content
6 standards in STEM subjects;

7 “(V) training in laboratory safety
8 for school personnel;

9 “(VI) design and implementation
10 of hands-on laboratory experiences to
11 encourage the interest of students, es-
12 pecially students who are traditionally
13 underrepresented in STEM subject
14 fields (including female students, mi-
15 nority students, students who are lim-
16 ited English proficient, students who
17 are children with disabilities, and stu-
18 dents from low-income families) in
19 STEM subjects and help prepare such
20 students to pursue postsecondary
21 studies in these fields; and

22 “(VII) assessment of the activi-
23 ties funded under this subparagraph;

24 “(iii) broaden secondary school stu-
25 dents’ access to, and interest in, careers

1 that require academic preparation in 1 or
2 more identified subjects;

3 “(iv) integrate instruction in the iden-
4 tified subjects with instruction in reading,
5 English language arts, or other core and
6 noncore academic subjects;

7 “(v) develop and implement a STEAM
8 curriculum, which means the integration of
9 instruction in the identified subjects with
10 instruction in the arts and design; or

11 “(vi) establish or access online or dis-
12 tance learning programs for STEM subject
13 teachers using evidence-based curricula.

14 “(C) LIMITATION.—Each subgrantee that
15 receives a subgrant under this subsection shall
16 not expend more than 15 percent of the
17 subgrant funds on the activities described in
18 subparagraph (B).

19 “(D) MATCHING FUNDS.—

20 “(i) IN GENERAL.—A State or eligible
21 entity may require an eligible subgrantee
22 receiving a subgrant under this subsection
23 to demonstrate that such subgrantee has
24 obtained a commitment from 1 or more
25 outside partners to match, using non-Fed-

1 eral funds, a portion of the amount of
2 subgrant funds, in an amount determined
3 by the State or eligible entity.

4 “(ii) REQUIRED MINIMUM.—Notwith-
5 standing clause (i), if an eligible sub-
6 grantee partners with an outside partner
7 that is a for-profit entity, such subgrantee
8 shall obtain matching funds from the out-
9 side partner in an amount equal to not less
10 than 15 percent of the amount of the
11 subgrant.

12 “(d) PRIORITY.—In awarding grants under this part,
13 an eligible entity shall give priority to subgrantees pro-
14 posing to target services to—

15 “(1) students in schools in need of improvement
16 and persistently low-achieving schools; or

17 “(2) schools with a high percentage of students
18 that are eligible for free or reduced price lunch
19 under the Richard B. Russell National School Lunch
20 Act (42 U.S.C. 1751 et seq.).

21 **“SEC. 5405. NATIONAL COORDINATION.**

22 “From the amount reserved under section
23 5402(a)(1)(B), the Secretary shall consult with the Direc-
24 tor of the National Science Foundation and other Federal
25 agencies conducting STEM education programs to en-

1 hance such programs and to improve coordination across
2 agencies, such as—

3 “(1) clarifying the appropriate roles for the De-
4 partment of Education and the National Science
5 Foundation in the execution of summer workshops,
6 institutes, or partnerships to improve STEM edu-
7 cation in elementary and secondary schools; or

8 “(2) integrating afterschool, out-of-school, and
9 informal education efforts conducted across Federal
10 agencies into strategies for enhancing and improving
11 STEM education.

12 **“SEC. 5406. STEM MASTER TEACHER CORPS PROGRAM.**

13 “(a) GRANTS AUTHORIZED.—From the funds re-
14 served under section 5402(a)(1)(A), the Secretary shall
15 award 1 or more grants, on a competitive basis, to entities
16 described in subsection (b)(1) to enable such entities to
17 establish and operate a one-time STEM master teacher
18 corps program.

19 “(b) STEM MASTER TEACHER CORPS.—The term
20 ‘STEM master teacher corps’ (referred to in this section
21 as the ‘corps’) means a one-time program—

22 “(1) that establishes the viability of creating a
23 long-term national-level master teacher corps as a
24 means to recognize and reward accomplished STEM
25 educators;

1 “(2) operated by 1 or more State educational
2 agencies, or a consortium of local educational agen-
3 cies, acting in partnership with 1 or more outside
4 partners that have a demonstrated record of success
5 in improving the effectiveness of STEM teachers or
6 increasing the retention of such teachers;

7 “(3) that selects a group of highly rated teach-
8 ers (through a process, and for a duration, deter-
9 mined by the entity described in paragraph (1)), as
10 members of the corps, that constitutes not less than
11 5 percent and not more than 10 percent of elemen-
12 tary school, middle school, and high school teachers
13 who teach STEM subjects and who—

14 “(A) teach in a participating high-need
15 school in the region served by the entity de-
16 scribed in paragraph (1); or

17 “(B) agree to teach in a participating
18 high-need school in the region served by the en-
19 tity described in paragraph (1) if accepted as a
20 member of the corps; and

21 “(4) that aims to attract, improve, and retain
22 teachers who teach STEM subjects and to increase
23 student achievement in such subjects, including by—

24 “(A) providing instructional leadership re-
25 sponsibilities for corps members in their

1 schools, local educational agencies, or States,
2 such as mentoring beginning STEM teachers
3 and leading professional development activities
4 for teachers not participating in the corps;

5 “(B) providing corps members with re-
6 search-based professional development on in-
7 structional leadership and effective teaching
8 methods for STEM subjects, including coordi-
9 nating with out-of-school-time and afterschool
10 programs to provide engaging STEM programs;

11 “(C) providing each teacher who is a corps
12 member with a salary supplement of not less
13 than \$10,000 per year, in recognition of such
14 teacher’s teaching accomplishments, leadership,
15 and increased responsibilities, for each year
16 such teacher serves as a member of the corps;
17 and

18 “(D) building a community of practice
19 among corps members to enable such members
20 to network, collaborate, and to share best prac-
21 tices and resources with each other.

22 “(c) DURATION.—Grants awarded under this section
23 shall be for a period of not more than 3 years, after which
24 the program under this subsection shall end.

1 “(d) APPLICATION.—Each entity described in sub-
2 section (b)(1) desiring a grant under this section shall
3 submit an application to the Secretary at such time, in
4 such manner, and accompanied by such information as the
5 Secretary may require.

6 “(e) MATCHING FUNDS.—The Secretary may require
7 a grantee under this section to provide non-Federal
8 matching funds in an amount equal to the amount of
9 grant funds awarded under this section.

10 **“SEC. 5407. REPORTING REQUIREMENTS.**

11 “(a) ELIGIBLE ENTITY REPORTS.—Each State edu-
12 cational agency receiving an award under section 5403
13 shall report annually to the Secretary regarding the State
14 educational agency’s progress in addressing the purposes
15 of this Act. Such report shall include, at a minimum, a
16 description of—

17 “(1) the professional development activities pro-
18 vided under the award, including types of activities
19 and entities involved in providing professional devel-
20 opment to classroom teachers and other program
21 staff;

22 “(2) the types of programs and, for children
23 from preschool to kindergarten entry, program set-
24 tings, funded under the award;

1 “(3) the ages and demographic information that
2 is not individually identifiable of children served by
3 the programs funded under the award;

4 “(4) student performance on data metrics iden-
5 tified under section 5403(b)(8) used for STEM ini-
6 tiatives; and

7 “(5) the outcomes of programs and activities
8 provided under the award.

9 “(b) **ELIGIBLE SUBGRANTEE REPORTS.**—Each eligi-
10 ble entity receiving a subgrant under section 5404(c) shall
11 report annually to the State educational agency regarding
12 the eligible entity’s progress in addressing the purposes
13 of this Act. Such report shall include, at a minimum, a
14 description of—

15 “(1) how the subgrant funds were used; and

16 “(2) student performance on relevant program
17 metrics, as identified in the State education agency’s
18 implementation plan under section 5403(b)(8).

19 **“SEC. 5408. SUPPLEMENT NOT SUPPLANT.**

20 “Funds received under this Act shall be used to sup-
21 plement, and not supplant, funds that would otherwise be
22 used for activities authorized under this Act.

23 **“SEC. 5409. MAINTENANCE OF EFFORT.**

24 “A State that receives funds under this Act for a fis-
25 cal year shall maintain the fiscal effort provided by the

1 State for the subjects supported by the funds under this
2 Act at a level equal to or greater than the level of such
3 fiscal effort for the preceding fiscal year.

4 **“SEC. 5410. DEFINITIONS.**

5 “In this Act:

6 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
7 tity’ means a State educational agency in partner-
8 ship with—

9 “(A) another State educational agency;

10 “(B) a consortium of State educational
11 agencies; or

12 “(C) the State agencies that oversee
13 childcare programs, state-funded prekindergarten,
14 and part C of Individuals with Disabilities
15 Education Act.

16 “(2) ELIGIBLE SUBGRANTEE.—The term ‘eligible
17 subgrantee’ means—

18 “(A) a local educational agency;

19 “(B) 1 or more local educational agencies
20 providing early learning programs, or 1 or more
21 public or private early learning programs, serving
22 children from preschool through kindergarten
23 entry, such as a Head Start agency, a
24 child care program, or a State-funded pre-kindergarten
25 program, as appropriate;

1 “(C) an educational service agency serving
2 more than 1 local educational agency;

3 “(D) a consortium of local educational
4 agencies; or

5 “(E) any of the entities described in sub-
6 paragraphs (A) through (D) working in part-
7 nership with an outside partner.

8 “(3) MULTI-TIERED SYSTEM OF SUPPORT.—

9 For purposes of this Act, the term ‘multi-tiered sys-
10 tem of support’ means a comprehensive system of
11 differentiated supports that includes evidence-based
12 instruction, universal screening, progress monitoring,
13 formative assessments, research-based interventions
14 matched to student needs and educational decision-
15 making using student outcome data.

16 “(4) OUTSIDE PARTNER.—The term ‘outside
17 partner’ means an entity that has expertise and a
18 demonstrated record of success in improving student
19 learning and engagement in the STEM subjects, in-
20 cluding any of the following:

21 “(A) A nonprofit or community-based or-
22 ganization, such as an Indian tribe.

23 “(B) A business.

24 “(C) A nonprofit cultural organization,
25 such as a museum or learning center.

1 “(D) An institution of higher education.

2 “(E) An educational service agency.

3 “(F) Another appropriate entity.

4 “(5) STEM SUBJECTS.—The term ‘STEM
5 Subjects’ means the subjects of science, technology,
6 engineering, and mathematics, including other aca-
7 demic subjects that build on or are integrated with
8 these subjects, such as statistics, computer science,
9 and environmental literacy, the arts and design, or
10 other subjects a State identifies as important to the
11 workforce of the State.

12 **“SEC. 5411. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out
14 this subpart \$500,000,000 for fiscal year 2014 and such
15 sums as may be necessary for subsequent fiscal years.

16 “SUBPART 2—GRANTS TO SUPPORT COMPREHENSIVE
17 LITERACY EDUCATION

18 **“SEC. 5421. PURPOSES.**

19 “The purposes of this part are—

20 “(1) to improve student literacy and academic
21 achievement, including the ability to problem solve,
22 communicate effectively, and acquire new knowledge
23 and skills;

24 “(2) to assist State educational agencies and
25 local educational agencies in the development, co-

1 ordination, and implementation of comprehensive lit-
2 eracy plans that promote high-quality evidence based
3 instruction in alignment with State early learning
4 and college- and career-ready standards from pre-
5 school through grade 12;

6 “(3) to identify and support students reading
7 and writing significantly below grade level by pro-
8 viding evidence-based, intensive interventions to help
9 the students acquire the language and literacy skills
10 the students need to stay on track for graduation;

11 “(4) to support State educational agencies and
12 local educational agencies in improving reading,
13 writing, and literacy-based academic achievement for
14 children and students, especially children and stu-
15 dents who are low-income, are English learners, are
16 migratory, are children with disabilities, are Indian
17 or Alaskan Native, are neglected or delinquent, are
18 homeless, are in the custody of the child welfare sys-
19 tem, or have dropped out of school;

20 “(5) to provide assistance to local educational
21 agencies in order to provide educators with ongoing,
22 job-embedded professional development and other
23 support focusing on imparting and employing—

24 “(A) the characteristics of effective lan-
25 guage and literacy instruction;

1 “(B) the special knowledge and skills nec-
2 essary to teach and support literacy develop-
3 ment effectively across the developmental span
4 and age span;

5 “(C) the essential components of reading
6 instruction; and

7 “(D) the essential components of writing
8 instruction;

9 “(6) to evaluate whether the professional devel-
10 opment activities and approaches are effective in
11 building knowledge and skills of educators and their
12 use of appropriate and effective practices.

13 “(7) to support State educational agencies and
14 local educational agencies in using age appropriate
15 and developmentally appropriate instructional mate-
16 rials and strategies that assist teachers as the teach-
17 ers work with students to develop reading and writ-
18 ing competencies appropriate to the students’ grade
19 and skill levels;

20 “(8) to support efforts to link and align college
21 and career-ready standards and evidence-based
22 teaching practices and instruction in early childhood
23 education programs serving children from preschool
24 through kindergarten entry;

1 “(9) strengthening coordination among schools,
2 early literacy programs, family literacy programs, ju-
3 venile justice programs, public libraries, and outside-
4 of-school programs that provide children and youth
5 with strategies, curricula, interventions, and assess-
6 ments designed to advance early and continuing lan-
7 guage and literacy development in ways appropriate
8 for each context; and

9 “(10) to engage the participation of parents in
10 supporting their child’s communication and literacy
11 development.

12 **“SEC. 5422. PROGRAM AUTHORIZED.**

13 “(a) IN GENERAL.—The Secretary is authorized—

14 “(1) to award State planning grants in accord-
15 ance with section 5423; and

16 “(2) to award State implementation grants in
17 accordance with section 5424 to enable the State
18 educational agency to—

19 “(A) carry out the State activities de-
20 scribed in section 5425;

21 “(B) award subgrants to eligible entities in
22 accordance with section 5426; and

23 “(C) award subgrants to eligible entities in
24 accordance with section 5427.

25 “(b) AWARDS TO STATE EDUCATIONAL AGENCIES.—

1 “(1) AMOUNTS LESS THAN \$250,000,000.—If the
2 amount appropriated under section 5430 for a fiscal
3 year is less than \$250,000,000, then the Secretary
4 shall—

5 “(A) reserve not more than 5 percent to
6 award planning grants, on a competitive basis,
7 to State educational agencies, in accordance
8 with section 5423; and

9 “(B) use the amount not reserved under
10 subparagraphs (A) to make awards, on a com-
11 petitive basis, to State educational agencies
12 serving States that have applications approved
13 under section 5424(b) to enable the State edu-
14 cational agencies to carry out sections 5424 and
15 5425.

16 “(2) AMOUNTS EQUAL TO OR EXCEEDING
17 \$250,000,000.—

18 “(A) IN GENERAL.—If the amount appro-
19 priated under section 5430 for a fiscal year
20 equals or exceeds \$250,000,000, then the Sec-
21 retary shall—

22 “(i) reserve a total of 1 percent of
23 such amount for—

24 “(I) allotments for the United
25 States Virgin Islands, Guam, Amer-

1 ican Samoa, and the Commonwealth
2 of the Northern Mariana Islands, to
3 be distributed among such outlying
4 areas on the basis of their relative
5 need, as determined by the Secretary
6 in accordance with the purposes of
7 this Act; and

8 “(II) the Secretary of the Inte-
9 rior for programs under sections
10 5423, 5424, 5425, 5426, and 5427 in
11 schools operated or funded by the Bu-
12 reau of Indian Education;

13 “(ii) reserve not more than 5 percent
14 to award planning grants, to State edu-
15 cational agencies serving States, in accord-
16 ance with section 5423;

17 “(iii) reserve not more than 3 percent
18 for national activities, such as evaluations,
19 training, and technical assistance, to the
20 Department of Education to support com-
21 prehensive literacy reform at the State
22 level; and

23 “(iv) use the amount not reserved
24 under clauses (i), and (ii) to make awards,
25 from allotments under subparagraph (C),

1 to State educational agencies serving
2 States that have applications approved
3 under section 5424 and that are not re-
4 ceiving an allotment under clause (i)(I), to
5 enable the State educational agencies to
6 carry out sections 5424 and 5425.

7 “(B) SPECIAL RULES.—

8 “(i) PROPORTIONAL DIVISION.—In
9 each fiscal year, the amount reserved
10 under subparagraph (A)(i) shall be divided
11 between the uses described in subclauses
12 (I) and (II) of subparagraph (A)(i) in the
13 same proportion as the amount reserved
14 under section 1121(a) of the Elementary
15 and Secondary Education Act of 1965 (20
16 U.S.C. 6331(a)) is divided between the
17 uses described in paragraphs (1) and (2)
18 of such section 1121(a) for such fiscal
19 year.

20 “(ii) CONSULTATION.—A State edu-
21 cational agency that receives an allotment
22 under this paragraph shall engage in time-
23 ly and meaningful consultation with rep-
24 resentatives of Indian tribes located in the
25 State in order to improve the coordination

1 and quality of activities designed to de-
2 velop effective approaches to achieve the
3 purposes of this Act consistent with the
4 cultural, language, and educational needs
5 of Indian students.

6 “(C) STATE ALLOTMENT FORMULA.—The
7 Secretary shall allot the amount made available
8 under subparagraph (A)(iv) for a fiscal year
9 among the States not receiving an allotment
10 from the reservation under subparagraph
11 (A)(i)(I) in proportion to the number of chil-
12 dren, from preschool through age 17, who re-
13 side within the State and are from families with
14 incomes below the poverty line for the most re-
15 cent fiscal year for which satisfactory data are
16 available, compared to the number of such chil-
17 dren who reside in all such States for that fiscal
18 year.

19 “(3) MINIMUM AWARD AMOUNT.—Notwith-
20 standing paragraphs (1) and (2), no State edu-
21 cational agency receiving an award under this sec-
22 tion for a fiscal year may receive less than one-
23 fourth of 1 percent of the total amount appropriated
24 under section 5430 for the fiscal year, except as pro-
25 vided under paragraph (2)(A)(i).

1 “(c) PEER REVIEW.—The Secretary shall convene a
2 peer review panel to evaluate the application for each
3 grant awarded to a State educational agency under sec-
4 tions 5423 and 5424 and shall make a copy of the peer
5 review comments available to the public.

6 “(d) SUPPLEMENT NOT SUPPLANT.—Award funds
7 provided under this Act shall supplement, and not sup-
8 plant, other Federal, State, or local funds that would, in
9 the absence of such award funds, be made available for
10 literacy instruction and support of children and students
11 participating in programs assisted under this Act.

12 “(e) MAINTENANCE OF EFFORT.—Each State edu-
13 cational agency that receives an award under sections
14 5423 and 5424, and each eligible entity that receives a
15 subgrant under section 5426 or 5427, shall maintain for
16 the fiscal year for which the grant or subgrant is received
17 and for each subsequent fiscal year the expenditures of
18 the State educational agency or eligible entity, respec-
19 tively, for literacy instruction at a level not less than the
20 level of such expenditures maintained by the State edu-
21 cational agency or eligible entity, respectively, for the fis-
22 cal year preceding such fiscal year for which the grant
23 or subgrant is received.

24 **“SEC. 5423. STATE PLANNING GRANTS.**

25 “(a) PLANNING GRANTS AUTHORIZED.—

1 “(1) IN GENERAL.—From any amounts made
2 available under paragraph (1)(A) or (2)(A)(ii) of
3 section 5422(b), the Secretary may award planning
4 grants to State educational agencies to enable the
5 State educational agencies to develop or improve a
6 comprehensive planning to carry out activities that
7 improve literacy for children and students from pre-
8 school through grade 12.

9 “(2) GRANT PERIOD.—A planning grant award-
10 ed under this section shall be for a period of not
11 more than 1 year.

12 “(3) NONRENEWABILITY.—The Secretary shall
13 not award a State educational agency more than 1
14 planning grant under this section.

15 “(4) LIMITATION.—A State educational agency
16 may not receive a planning grant under this section
17 at the same time it is receiving an implementation
18 grant under section 5424.

19 “(b) APPLICATION.—

20 “(1) IN GENERAL.—Each State educational
21 agency desiring a planning grant under this section
22 shall submit an application to the Secretary at such
23 time, in such manner, and accompanied by such in-
24 formation as the Secretary may require.

1 “(2) EXISTING PLAN.—An existing federally
2 funded State literacy plan can be used to meet the
3 requirements of this subsection.

4 “(c) REQUIRED ACTIVITIES.—A State educational
5 agency receiving planning grant funds under this section
6 shall carry out each of the following activities:

7 “(1) Reviewing reading, writing, or other lit-
8 eracy resources and programs, such as school library
9 programs, high-quality distance learning programs,
10 and data across the State to identify any literacy
11 needs and gaps in the State.

12 “(2) Forming or designating a State literacy
13 leadership team which shall execute the following
14 functions:

15 “(A) Creating a comprehensive State lit-
16 eracy plan that—

17 “(i) is designed to improve language,
18 reading, writing, and academic achieve-
19 ment for children and students, especially
20 those reading below grade level;

21 “(ii) includes a needs assessment and
22 an implementation plan, including an anal-
23 ysis of child and student literacy data to
24 identify baseline and benchmark levels of
25 literacy and early literacy skills in order to

1 monitor progress and improvement, and a
2 plan to improve literacy levels among all
3 children and students;

4 “(iii) ensures high quality strategies
5 and instruction in early literacy develop-
6 ment (which includes communication, read-
7 ing, and writing) in early childhood edu-
8 cation programs serving children from pre-
9 school through kindergarten entry and in
10 kindergarten through grade 12 programs;

11 “(iv) provides for activities designed
12 to improve literacy achievement for stu-
13 dents who—

14 “(I) read or write below grade
15 level;

16 “(II) attend schools in need of
17 improvement and persistently low-
18 achieving schools; and

19 “(III) attend schools with a high
20 percentage or number of students that
21 are eligible for free or reduced price
22 lunch under the Richard B. Russell
23 National School Lunch Act (42
24 U.S.C. 1751 et seq.); and

25 “(v) is submitted to the Secretary.

1 “(B) Providing recommendations to guide
2 the State educational agency in the State edu-
3 cational agency’s process of strengthening State
4 literacy standards and embedding State literacy
5 standards with the State’s college and career
6 ready standards, academic achievement stand-
7 ards, and early learning standards.

8 “(C) Providing recommendations to guide
9 the State educational agency in the State edu-
10 cational agency’s process of measuring, assess-
11 ing, and monitoring progress in literacy at the
12 school, local educational agency, and State lev-
13 els.

14 “(D) Identifying criteria for high quality
15 professional development providers, which pro-
16 viders may include qualified teachers within the
17 State, for the State educational agency and
18 local educational agencies.

19 “(E) Advising the State educational agen-
20 cy on how to help ensure that local educational
21 agencies and schools provide timely and appro-
22 priate data to teachers to inform and improve
23 instruction.

24 “(F) Providing recommendations to guide
25 the State educational agency in the State edu-

1 cational agency’s planning process of building
2 educators’ capacity to provide high-quality lit-
3 eracy instruction.

4 “(3) REPORTING REQUIREMENT.—Not later
5 than 1 year after a State educational agency receives
6 a planning grant under this section, the State edu-
7 cational agency shall submit a report to the Sec-
8 retary on the State educational agency’s perform-
9 ance of the activities described in this subsection.

10 **“SEC. 5424. STATE IMPLEMENTATION GRANTS.**

11 “(a) IMPLEMENTATION GRANTS AUTHORIZED.—

12 “(1) IN GENERAL.—From awards made avail-
13 able under paragraph (1)(B) or (2)(A)(iv) of section
14 5422(b), the Secretary shall, on a competitive basis
15 or through allotments, respectively, award implemen-
16 tation grants to State educational agencies to enable
17 the State educational agencies—

18 “(A) to implement a comprehensive lit-
19 eracy plan that meets the criteria in section
20 5423(c)(2)(A) for programs serving children
21 from preschool through kindergarten entry
22 through grade 12 programs;

23 “(B) to carry out State activities under
24 section 5425; and

1 “(C) to award subgrants under sections
2 5426 and 5427.

3 “(2) LIMITATION.—The Secretary shall not
4 award a implementation grant under this section to
5 a State for any year for which the State has received
6 a planning grant under section 5423.

7 “(3) DURATION OF GRANTS.—An implementa-
8 tion grant under this section shall be awarded for a
9 period of not more than 5 years.

10 “(4) RENEWALS.—

11 “(A) IN GENERAL.—Implementation
12 grants under this section may be renewed.

13 “(B) CONDITIONS.—In order to be eligible
14 to have an implementation grant renewed under
15 this paragraph, the State educational agency
16 shall demonstrate to the satisfaction of the Sec-
17 retary that—

18 “(i) the State educational agency has
19 complied with the terms of the grant, in-
20 cluding using the funds to—

21 “(I) increase access to high-qual-
22 ity professional development;

23 “(II) use developmentally appro-
24 priate curricula and teaching mate-
25 rials; and

1 “(III) use developmentally appro-
2 priate classroom-based instructional
3 assessments and developmentally ap-
4 propriate screening and diagnostic as-
5 sessments; and

6 “(ii) with respect to students in kin-
7 dergarten through grade 12, during the pe-
8 riod of the grant there has been significant
9 progress in student achievement, as meas-
10 ured by the metrics described in section
11 5424(b)(2)(C).

12 “(b) STATE APPLICATIONS.—

13 “(1) IN GENERAL.—A State educational agency
14 that desires to receive an implementation grant
15 under this section shall submit an application to the
16 Secretary at such time, in such manner, and con-
17 taining such information as the Secretary may re-
18 quire. The State educational agency shall collaborate
19 with all State agencies responsible for administering
20 early childhood education programs, and the State
21 agency responsible for administering child care pro-
22 grams, in the State in writing and implementing the
23 early learning portion of the grant application under
24 this subsection.

1 “(2) CONTENTS.—An application described in
2 paragraph (1) shall include the following:

3 “(A) A description of the members of the
4 State literacy leadership team and a description
5 of how the State educational agency has devel-
6 oped a comprehensive State literacy plan, as de-
7 scribed in section 5423(c)(2)(A).

8 “(B) An implementation plan that includes
9 a description of how the State educational agen-
10 cy will—

11 “(i) carry out the State activities de-
12 scribed in section 5425;

13 “(ii) assist eligible entities with—

14 “(I) providing strategic and in-
15 tensive literacy instruction based on
16 scientifically valid research for stu-
17 dents who are reading and writing
18 below grade level, including through
19 the use of multi-tiered systems of sup-
20 port, including addressing the literacy
21 needs of children and youth with dis-
22 abilities or developmental delays and
23 English learners in early childhood
24 education programs serving children
25 from preschool through kindergarten

1 entry and programs serving students
2 from preschool through grade 12;

3 “(II) providing training to par-
4 ents, as appropriate, so that the par-
5 ents can participate in the literacy re-
6 lated activities described in sections
7 5426 and 5427 to assist in the lan-
8 guage and literacy development of
9 their children;

10 “(III) selecting and using read-
11 ing and writing assessments;

12 “(IV) providing classroom-based
13 instruction that is supported by one-
14 to-one and small group work;

15 “(V) using curricular materials
16 and instructional tools, which may in-
17 clude technology, to improve instruc-
18 tion and literacy achievement;

19 “(VI) providing for high-quality
20 professional development; and

21 “(VII) using the principles of
22 universal design for learning, as de-
23 scribed in section 5429(b)(21);

24 “(iii) ensure that local educational
25 agencies in the State have leveraged and

1 are effectively leveraging the resources
2 needed to implement effective literacy in-
3 struction, and have the capacity to imple-
4 ment literacy initiatives effectively;

5 “(iv) continually coordinate and align
6 the activities assisted under this section
7 and sections 5426 and 5427 with reading,
8 writing, and other literacy resources and
9 programs across the State and locally that
10 serve children and students and their fami-
11 lies and promote literacy instruction and
12 learning, including strengthening partner-
13 ships among schools, libraries, local youth-
14 serving agencies, and programs, in order to
15 improve literacy for all children and youth;
16 and

17 “(v) ensure that funds provided under
18 this section are awarded in a manner that
19 will provide services to all grade levels, in-
20 cluding proportionally to middle schools
21 and high schools.

22 “(C) A description of the key data metrics
23 that will be used and reported annually under
24 section 5428(b)(1)(E), that shall include—

1 “(i) student academic achievement on
2 the English language arts State academic
3 assessments and student growth over time;

4 “(ii) for diploma granting schools,
5 graduation rates;

6 “(D) An assurance that the State edu-
7 cational agency will use implementation grant
8 funds under this section for literacy programs
9 as follows:

10 “(i) Not less than 10 percent of such
11 grant funds shall be used for State and
12 local programs and activities pertaining to
13 learners from preschool through kinder-
14 garten entry.

15 “(ii) 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 the grades of
19 kindergarten through grade 5.

20 “(iii) Not less than 40 percent of such
21 implementation grant funds shall be used
22 for State and local programs and activities,
23 allocated equitably among grades 6
24 through 12.

1 “(iv) Not more than 10 percent of
2 such implementation grant funds shall be
3 used for the State activities described in
4 section 5425.

5 “(E) An assurance that the State edu-
6 cational agency shall give priority to awarding
7 a subgrant to an eligible entity—

8 “(i) under section 5426 based on the
9 number or percentage of children younger
10 than the age of kindergarten entry and the
11 number of students from kindergarten
12 through 17 who are—

13 “(I) served by the eligible entity;
14 and

15 “(II) from families with income
16 below the poverty line, based on the
17 most recent satisfactory data provided
18 to the Secretary by the Bureau of the
19 Census for determining eligibility
20 under section 1124(c)(1)(A) of the El-
21 ementary and Secondary Education
22 Act of 1965 (20 U.S.C.
23 6333(c)(1)(A)); and

24 “(ii) under section 5427, that pro-
25 poses to serve—

1 “(I) a high number or percentage
2 of students served by the eligible enti-
3 ty that are reading and writing below
4 grade level according to State assess-
5 ments;

6 “(II) students that attend schools
7 in need of improvement and persist-
8 ently low-achieving schools; and

9 “(III) students that attend
10 schools with a high percentage or
11 number of students that are eligible
12 for free or reduced price lunch under
13 the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1751 et
15 seq.).

16 “(c) APPROVAL OF APPLICATIONS.—

17 “(1) IN GENERAL.—The Secretary, in consulta-
18 tion with the peer review panel established under
19 paragraph (2), shall evaluate State educational
20 agency applications under subsection (b) based on
21 the responsiveness of the applications to the applica-
22 tion requirements under such subsection.

23 “(2) PEER REVIEW.—The Secretary shall con-
24 vene a peer review panel in accordance with section
25 5422(e) to evaluate applications for each implemen-

1 tation grant awarded to a State educational agency
2 under this section.

3 “(3) EARLY LEARNING.—In order for a State
4 educational agency’s application under this section
5 to be approved by the Secretary, the application
6 shall contain an assurance that the State agencies
7 responsible for administering early childhood edu-
8 cation programs and services, including the State
9 agency responsible for administering child care pro-
10 grams and the State Advisory Council on Early
11 Childhood Education and Care established under
12 section 642B(b) of the Head Start Act (42 U.S.C.
13 9837b(b)), approves of, and will be extensively con-
14 sulted in the implementation of related activities and
15 services consistent with section 5426 with respect to,
16 the early learning portion of the application.

17 **“SEC. 5425. STATE ACTIVITIES.**

18 “(a) REQUIRED ACTIVITIES.—A State educational
19 agency shall use funds made available under section
20 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv)
21 to carry out the activities proposed in a State’s plan con-
22 sistent with section 5424(b)(2), including the following ac-
23 tivities:

1 “(1) Carrying out the assurances and activities
2 provided in the State application under section
3 5424(b)(2).

4 “(2) In consultation with the State literacy
5 leadership team, providing technical assistance or
6 engaging qualified providers to provide technical as-
7 sistance to eligible entities to enable the eligible enti-
8 ties to design and implement a literacy program
9 under sections 5426 and 5427.

10 “(3) Providing technical assistance to eligible
11 entities that are prioritized in section 5424(b)(2)(E),
12 including eligible entities that serve low-capacity
13 rural and urban areas by—

14 “(A) informing those eligible entities that
15 they have a priority for competing for grants
16 under section 5426 and 5427; and

17 “(B) providing eligible entities who do not
18 receive a grant under section 5426 and 5427
19 technical assistance so that they may re-com-
20 pete in following competitions.

21 “(4) Continuing to consult with the State lit-
22 eracy leadership team and continuing to coordinate
23 with institutions of higher education in the State—

24 “(A) in order to provide recommendations
25 to strengthen and enhance preservice courses

1 for students preparing, at institutions of higher
2 education in the State, to teach children from
3 preschool through grade 12 in explicit, system-
4 atic, and intensive instruction in evidence-based
5 literacy methods; and

6 “(B) by following up reviews completed by
7 the State literacy leadership team with rec-
8 ommendations to ensure that such institutions
9 offer courses that meet the highest standards.

10 “(5) Reviewing and updating, in collaboration
11 with teachers, statewide educational and professional
12 organizations representing teachers, and statewide
13 educational and professional organizations rep-
14 resenting institutions of higher education, State li-
15 censure and certification standards in the area of lit-
16 eracy instruction in early childhood education
17 through grade 12.

18 “(6) Making publicly available, including on the
19 State educational agency’s website, information on
20 promising instructional practices to improve student
21 literacy achievement.

22 “(b) PERMISSIVE ACTIVITIES.—After carrying out
23 activities described in subsection (a), a State educational
24 agency may use remaining funds made available under
25 section 5422(a)(2)(A) and described in section

1 5424(b)(2)(D)(iv) to carry out 1 or more of the following
2 activities:

3 “(1) Training the personnel of eligible entities
4 to use data systems that track student literacy
5 achievement.

6 “(2) Developing literacy coach training pro-
7 grams and training literacy coaches.

8 “(3) Building public support among local edu-
9 cational agency personnel, early childhood education
10 programs, and the community for comprehensive lit-
11 eracy instruction for children and students from pre-
12 school through grade 12.

13 **“SEC. 5426. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-
14 PORT OF PRESCHOOL THROUGH KINDER-
15 GARTEN ENTRY LITERACY.**

16 “(a) SUBGRANTS.—

17 “(1) IN GENERAL.—A State educational agen-
18 cy, in consultation with the State agencies respon-
19 sible for administering early childhood education
20 programs and services, including the State agency
21 responsible for administering child care programs
22 and the State Advisory Council on Early Childhood
23 Education and Care established under section
24 642B(b) of the Head Start Act (42 U.S.C.
25 9837b(b)), shall use implementation grant funds

1 provided under section 5422(a)(2)(B) to award sub-
2 grants, on a competitive basis, to eligible entities to
3 enable the eligible entities to support high-quality
4 early literacy initiatives for children from preschool
5 through kindergarten entry.

6 “(2) DURATION.—The term of subgrant under
7 this section shall be for 5 years.

8 “(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant
9 awarded under this section shall be of sufficient size and
10 scope to allow the eligible entity to carry out high-quality
11 early literacy initiatives for children from preschool
12 through kindergarten entry.

13 “(c) LOCAL APPLICATIONS.—An eligible entity desir-
14 ing to receive a subgrant under this section shall submit
15 an application to the State educational agency, at such
16 time, in such manner, and containing such information as
17 the State educational agency may require. Such applica-
18 tion shall include a description of—

19 “(1) how the subgrant funds will be used to en-
20 hance the language and literacy aspects of school
21 readiness of children, from preschool through kin-
22 dergarten entry, in early childhood education pro-
23 grams, including an analysis of the data used to
24 identify how funds will be used to improve language
25 and literacy;

1 “(2) the programs assisted under the subgrant,
2 including demographic and socioeconomic informa-
3 tion on the children enrolled in the programs;

4 “(3) a budget for the eligible entity that
5 projects the cost of developing and implementing lit-
6 eracy initiatives to carry out the activities described
7 in subsection (e);

8 “(4) how, if the eligible entity is requesting a
9 planning period, the eligible entity will use that plan-
10 ning period to prepare for successful implementation
11 of a plan to support the development of learning and
12 literacy consistent with the purposes of this Act;

13 “(5) the literacy initiatives, if any, in place and
14 how these initiatives will be coordinated and inte-
15 grated with activities supported under this section;

16 “(6) how the subgrant funds will be used to
17 prepare and provide ongoing assistance to staff in
18 the programs, through high-quality professional de-
19 velopment;

20 “(7) how the subgrant funds will be used to
21 provide services, incorporate activities, and select
22 and use literacy instructional materials that meet
23 the diverse developmental and linguistic needs of
24 children, including English learners and children
25 with disabilities and developmental delays, and that

1 are based on scientifically valid research on child de-
2 velopment and learning for children from preschool
3 through kindergarten entry;

4 “(8) how the subgrant funds will be used to
5 provide screening assessments, diagnostic assess-
6 ments, classroom-based instructional assessments,
7 and assessments of developmental progress;

8 “(9) how families and caregivers will be in-
9 volved, as appropriate, in supporting their children’s
10 literacy development, instruction, and assessment;

11 “(10) how the subgrant funds will be used to
12 help children, particularly children experiencing dif-
13 ficulty with oral and written language, to make the
14 transition from early childhood education to formal
15 classroom instruction;

16 “(11) how the activities assisted under the
17 subgrant will be coordinated with literacy instruction
18 at the kindergarten through grade 5 level;

19 “(12) how the subgrant funds will be used—

20 “(A) to evaluate the success of the activi-
21 ties assisted under the subgrant in enhancing
22 the early language and literacy development of
23 children from preschool through kindergarten
24 entry; and

1 “(B) to evaluate data for program im-
2 provement; and

3 “(13) such other information as the State edu-
4 cational agency may require.

5 “(d) APPROVAL OF LOCAL APPLICATIONS.—The
6 State educational agency, in consultation with the State
7 agencies responsible for administering early childhood
8 education programs, including the State agency respon-
9 sible for administering child care programs and the State
10 Advisory Council on Early Childhood Education and Care
11 established under section 642B(b) of the Head Start Act
12 (42 U.S.C. 9837b(b)), shall—

13 “(1) select applications for funding under this
14 section based on the quality of the applications sub-
15 mitted, including the relationship between literacy
16 activities proposed and the research base or data
17 supporting such activities, as appropriate, and the
18 recommendations of—

19 “(A) the State literacy leadership team;
20 and

21 “(B) other experts in the area of early lit-
22 eracy; and

23 “(2) place priority for funding programs based
24 on the criteria in section 5424(b)(2)(E)(i).

25 “(e) LOCAL USES OF FUNDS.—

1 “(1) IN GENERAL.—An eligible entity that re-
2 ceives a subgrant under this section shall use the
3 subgrant funds consistent with the application pro-
4 posed in subsection (c) to carry out the following ac-
5 tivities:

6 “(A) Enhancing and improving early child-
7 hood education programs to ensure that chil-
8 dren in such programs are provided with high-
9 quality oral language and literature- and print-
10 rich environments in which to develop early lit-
11 eracy skills.

12 “(B) Providing high-quality professional
13 development.

14 “(C) Acquiring, providing training for, and
15 implementing screening assessments, diagnostic
16 assessments, and classroom-based instructional
17 assessments.

18 “(D) Selecting, developing, and imple-
19 menting a multi-tiered system of support.

20 “(E) Integrating evidence-based instruc-
21 tional materials, activities, tools, and measures
22 into the programs offered by the eligible entity
23 to improve development of early learning lan-
24 guage and literacy skills.

1 “(F) Training providers and personnel to
2 support, develop, and administer high-quality
3 early learning literacy initiatives that—

4 “(i) utilize data—

5 “(I) to inform instructional de-
6 sign; and

7 “(II) to assess literacy needs;
8 and

9 “(ii) provide time and support for per-
10 sonnel to meet to plan literacy instruction.

11 “(G) Providing for family literacy services,
12 as appropriate, and partnering with families to
13 support their child’s learning.

14 “(H) Annually collecting, summarizing,
15 and reporting to the State educational agency
16 data—

17 “(i) to document and monitor, for the
18 purpose of improving or increasing early
19 literacy and language skills development
20 pursuant to activities carried out under
21 this section;

22 “(ii) to stimulate and accelerate im-
23 provement by identifying the programs
24 served by the eligible entity that produce
25 significant gains in skills development; and

1 “(iii) for all subgroups of students
2 and categories of students that—

3 “(I) utilizes a variety of data;
4 and

5 “(II) is consistent across the
6 State.

7 “(2) LIMITATION.—An eligible entity that re-
8 ceives a subgrant under this section shall not use
9 more than 10 percent of the subgrant funds to pur-
10 chase curricula and assessment materials.

11 “(f) PROHIBITION.—The use of assessment items
12 and data on any assessment authorized under this section
13 to provide rewards or sanctions for individual children,
14 early childhood educators, teachers, program directors, or
15 principals is prohibited.

16 **“SEC. 5427. CONSEQUENCES OF INSUFFICIENT PROGRESS,**
17 **REPORTING REQUIREMENTS, AND CON-**
18 **FLICTS OF INTEREST.**

19 “(a) CONSEQUENCES OF INSUFFICIENT
20 PROGRESS.—

21 “(1) CONSEQUENCES FOR GRANT RECIPI-
22 ENTS.—If the Secretary determines that a State
23 educational agency receiving an award under section
24 5422(b) or an eligible entity receiving a subgrant
25 under section 5426 or 5427 is not making signifi-

1 cant progress in meeting the purposes of this Act
2 and the key metrics identified by the State edu-
3 cational agency under section 5424(b)(2)(C) after
4 the submission of a report described in subsection
5 (b), then the Secretary may withhold, in whole or in
6 part, further payments under this Act in accordance
7 with section 455 of the General Education Provi-
8 sions Act (20 U.S.C. 1234d) or take such other ac-
9 tion authorized by law as the Secretary determines
10 necessary, including providing technical assistance
11 upon request of the State educational agency or eli-
12 gible entity, respectively.

13 “(2) CONSEQUENCES FOR SUBGRANT RECIPI-
14 ENTS.—

15 “(A) IN GENERAL.—A State educational
16 agency receiving an award under section
17 5422(b) may refuse to award subgrant funds to
18 an eligible entity under section 5426 or 5427 if
19 the State educational agency finds that the eli-
20 gible entity is not making significant progress
21 in meeting the purposes of this Act, after—

22 “(i) affording the eligible entity no-
23 tice, a period for correction, and an oppor-
24 tunity for a hearing; and

1 “(ii) providing technical assistance to
2 the eligible entity.

3 “(B) FUNDS AVAILABLE.—Subgrant funds
4 not awarded under subparagraph (A) shall be
5 redirected to an eligible entity serving similar
6 children and students in the same area or re-
7 gion as the eligible entity not awarded the
8 subgrant funds, to the greatest extent prac-
9 ticable.

10 “(b) REPORTING REQUIREMENTS.—

11 “(1) STATE EDUCATIONAL AGENCY REPORTS.—
12 Each State educational agency receiving an award
13 under section 5422(b) shall report annually to the
14 Secretary regarding the State educational agency’s
15 progress in addressing the purposes of this Act.
16 Such report shall include, at a minimum, a descrip-
17 tion of—

18 “(A) the professional development activi-
19 ties provided under the award, including types
20 of activities and entities involved in providing
21 professional development to classroom teachers
22 and other program staff, such as school librar-
23 ians;

1 “(B) the instruction, strategies, activities,
2 curricula, materials, and assessments used in
3 the programs funded under the award;

4 “(C)(i) the types of programs and, for chil-
5 dren from preschool to kindergarten entry, pro-
6 gram settings, funded under the award; and

7 “(ii) the ages and demographic information
8 that is not individually identifiable of children
9 served by the programs funded under the
10 award;

11 “(D) the experience and qualifications of
12 the program staff who provide literacy instruc-
13 tion under the programs funded under the
14 award, including the experience and qualifica-
15 tions of those staff working with children with
16 disabilities or developmental delays and with
17 English learners and children from preschool to
18 kindergarten entry;

19 “(E) key data metrics identified under sec-
20 tion 5424(b)(2)(C) used for literacy initiatives;

21 “(F) student performance on relevant pro-
22 gram metrics, as identified in the State edu-
23 cation agency’s implementation plan under sec-
24 tion 5424(b)(2)(C); and

1 “(G) the outcomes of programs and activi-
2 ties provided under the award.

3 “(2) **ELIGIBLE ENTITY REPORTS.**—Each eligi-
4 ble entity receiving a subgrant under section 5426 or
5 5427 shall report annually to the State educational
6 agency regarding the eligible entity’s progress in ad-
7 dressing the purposes of this Act. Such report shall
8 include, at a minimum, a description of—

9 “(A) how the subgrant funds were used;
10 and

11 “(B) 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).

15 “(c) **CONFLICTS OF INTEREST.**—The Secretary shall
16 ensure that each member of the peer review panel de-
17 scribed in section 5422(c) and each member of a State
18 literacy leadership team participating in a program or ac-
19 tivity assisted under this Act does not stand to benefit
20 financially from a grant or subgrant awarded under this
21 Act.

22 **“SEC. 5428. DEFINITIONS.**

23 “(a) **IN GENERAL.**—Unless otherwise specified, the
24 terms used in this Act have the meanings given the terms

1 in section 9101 of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 7801).

3 “(b) OTHER TERMS.—In this Act:

4 “(1) CHARACTERISTICS OF EFFECTIVE LIT-
5 ERACY STRATEGIES AND INSTRUCTION.—The term
6 ‘characteristics of effective literacy strategies and in-
7 struction’ means—

8 “(A) for children from preschool through
9 kindergarten entry—

10 “(i) providing high quality profes-
11 sional development opportunities for early
12 childhood educators, teachers, and school
13 leaders in—

14 “(I) literacy development;

15 “(II) language development;

16 “(III) English language acquisi-
17 tion (as appropriate); and

18 “(IV) effective language and lit-
19 eracy instruction and teaching strate-
20 gies aligned to State standards;

21 “(ii) reading aloud to children, engag-
22 ing children in shared reading experiences,
23 discussing reading with children, and mod-
24 eling age and developmentally appropriate
25 reading strategies;

1 “(iii) encouraging children’s early at-
2 tempts at communication, reading, writing,
3 and drawing, and talking about the mean-
4 ing of the reading, writing, and drawing
5 with others;

6 “(iv) creating conversation rich class-
7 rooms and using oral modeling techniques
8 to build oral language skills;

9 “(v) multiplying opportunities for chil-
10 dren to use language with peers and
11 adults;

12 “(vi) providing strategic and explicit
13 instruction in the identification of speech
14 sounds, letters, and letter-sound cor-
15 respondence;

16 “(vii) integrating oral and written lan-
17 guage;

18 “(viii) stimulating vocabulary develop-
19 ment;

20 “(ix) using differentiated instructional
21 approaches or teaching strategies, includ-
22 ing—

23 “(I) individual and small group
24 instruction or interactions; and

1 “(II) professional development,
2 curriculum development, and class-
3 room instruction;

4 “(x) applying the principles of uni-
5 versal design for learning, as described in
6 section 5429(b)(21);

7 “(xi) using age-appropriate screening
8 assessments, diagnostic assessments, form-
9 ative assessments, and summative assess-
10 ments to identify individual learning needs,
11 to inform instruction, and to monitor—

12 “(I) student progress and the ef-
13 fects of instruction over time; and

14 “(II) for children between the
15 ages of preschool and kindergarten
16 entry, progress and development with-
17 in established norms;

18 “(xii) coordinating the involvement of
19 families, early childhood education pro-
20 gram staff, principals, other school leaders,
21 and teachers in the reading and writing
22 achievement of children served under this
23 Act;

24 “(xiii) using a variety of age and de-
25 velopmentally appropriate, high quality

1 materials for language development, read-
2 ing, and writing;

3 “(xiv) encouraging family literacy ex-
4 periences and practices, and educating
5 teachers, public librarians, and parents
6 and other caregivers about literacy develop-
7 ment and child literacy development; and

8 “(xv) using strategies to enhance chil-
9 dren’s—

10 “(I) motivation to communicate,
11 read, and write; and

12 “(II) engagement in self-directed
13 learning;

14 “(B) for students in kindergarten through
15 grade 3—

16 “(i) providing high quality profes-
17 sional development opportunities, for
18 teachers, literacy coaches, literacy special-
19 ists, English as a second language special-
20 ists (as appropriate), school librarians, and
21 principals, on literacy development, lan-
22 guage development, English language ac-
23 quisition, and effective literacy instruction
24 that—

1 “(I) aligns to State standards as
2 well as local curricula and instruc-
3 tional assessments; and

4 “(II) addresses literacy develop-
5 ment opportunities across the cur-
6 ricula;

7 “(ii) providing age appropriate direct
8 and explicit instruction;

9 “(iii) providing strategic, systematic,
10 and explicit instruction in phonological
11 awareness, phonic decoding, vocabulary,
12 reading fluency, and reading comprehen-
13 sion;

14 “(iv) making available and using di-
15 verse texts at the reading, development,
16 and interest level of students;

17 “(v) providing multiple opportunities
18 for students to write individually and col-
19 laboratively with instruction and feedback;

20 “(vi) using differentiated instructional
21 approaches, including individual, small
22 group, and classroom-based instruction
23 and discussion;

24 “(vii) using oral modeling techniques
25 and opportunities for students to use lan-

1 guage with the students’ peers and adults
2 to build student language skills;

3 “(viii) providing time and opportuni-
4 ties for systematic and intensive instruc-
5 tion, intervention, and practice to supple-
6 ment regular instruction, which can be
7 provided inside and outside the classroom
8 as well as during and outside regular
9 school hours;

10 “(ix) providing instruction in uses of
11 print materials and technological resources
12 for research and for generating and pre-
13 senting content and ideas;

14 “(x) using screening assessments, di-
15 agnostic assessments, formative assess-
16 ments, and summative assessments to
17 identify student learning needs, to inform
18 instruction, and to monitor student
19 progress and the effects of instruction over
20 time;

21 “(xi) coordinating the involvement of
22 families, caregivers, teachers, principals,
23 other school leaders, and teacher literacy
24 teams in the reading and writing achieve-
25 ment of children served under this Act;

1 “(xii) encouraging family literacy ex-
2 periences and practices; and

3 “(xiii) using strategies to enhance stu-
4 dents’—

5 “(I) motivation to read and
6 write; and

7 “(II) engagement in self-directed
8 learning; and

9 “(C) for students in grades 4 through
10 12—

11 “(i) providing high quality profes-
12 sional development opportunities for teach-
13 ers, literacy coaches, literacy specialists,
14 English as a second language specialists
15 (as appropriate), school librarians, and
16 principals, including professional develop-
17 ment on literacy development, language de-
18 velopment, and effective literacy instruc-
19 tion embedded in schools and aligned to
20 State standards;

21 “(ii) providing direct and explicit com-
22 prehension instruction;

23 “(iii) providing direct and explicit in-
24 struction that builds academic vocabulary
25 and strategies and knowledge of text struc-

1 ture for reading different kinds of texts
2 within and across core academic subjects;

3 “ (iv) making available and using di-
4 verse texts at the reading, development,
5 and interest level of the students;

6 “ (v) providing multiple opportunities
7 for students to write with clear purposes
8 and critical reasoning appropriate to the
9 topic and purpose and with specific in-
10 struction and feedback from teachers and
11 peers;

12 “ (vi) using differentiated instructional
13 approaches;

14 “ (vii) using strategies to enhance stu-
15 dents’—

16 “ (I) motivation to read and
17 write; and

18 “ (II) engagement in self-directed
19 learning;

20 “ (viii) providing for text-based learn-
21 ing across content areas;

22 “ (ix) providing systematic, strategic,
23 and individual and small group instruction,
24 including intensive supplemental interven-
25 tion for students reading significantly

1 below grade level, which may be provided
2 inside and outside the classroom as well as
3 during and outside regular school hours;

4 “(x) providing instruction in the uses
5 of technology and multimedia resources for
6 classroom research and for generating and
7 presenting content and ideas;

8 “(xi) using screening assessments, di-
9 agnostic assessments, formative assess-
10 ments, and summative assessments to
11 identify learning needs, inform instruction,
12 and monitor student progress and the ef-
13 fects of instruction;

14 “(xii) coordinating the involvement of
15 families and caregivers, to the extent fea-
16 sible and appropriate as determined by the
17 Secretary, to improve reading, writing, and
18 academic achievement; and

19 “(xiii) coordinating the involvement of
20 school librarians, teachers, principals,
21 other school leaders, teacher literacy
22 teams, and English as a second language
23 specialists (as appropriate), that analyze
24 student work and plan or deliver instruc-
25 tion over time.

1 “(2) CLASSROOM-BASED INSTRUCTIONAL AS-
2 SESSMENT.—The term ‘classroom-based instruc-
3 tional assessment’ means an assessment, for children
4 between preschool through grade 3, that—

5 “(A) is valid and reliable for the age and
6 population of children being assessed;

7 “(B) is used to evaluate children’s develop-
8 mental progress and learning, including system-
9 atic observations by teachers of children per-
10 forming tasks, including academic and literacy
11 tasks, that are part of their daily classroom ex-
12 perience; and

13 “(C) is used to improve classroom instruc-
14 tion.

15 “(3) COMPREHENSIVE LITERACY INSTRU-
16 TION.—The term ‘comprehensive literacy instruc-
17 tion’ means instruction that—

18 “(A) involves the characteristics of effec-
19 tive literacy instruction; and

20 “(B) is designed to support the essential
21 components of reading instruction and the es-
22 sential components of writing instruction.

23 “(4) DEVELOPMENTAL DELAY.—The term ‘de-
24 velopmental delay’ has the meaning given the term

1 in section 632 of the Individuals with Disabilities
2 Education Act (20 U.S.C. 1432).

3 “(5) DIAGNOSTIC ASSESSMENT.—The term ‘di-
4 agnostic assessment’ means an assessment that—

5 “(A) is valid, reliable, and based on sci-
6 entifically valid research on language, literacy,
7 and English language acquisition;

8 “(B) is used for the purposes of—

9 “(i) identifying a student’s specific
10 areas of strengths and weaknesses in oral
11 language and literacy;

12 “(ii) determining any difficulties that
13 the student may have in oral language and
14 literacy and the potential cause of such dif-
15 ficulties; and

16 “(iii) helping to determine possible lit-
17 eracy intervention strategies and related
18 special needs of the student; and

19 “(C) in the case of young children, is con-
20 ducted after a screening assessment that identi-
21 fies potential risks or a lack of school prepared-
22 ness, including oral language and literacy devel-
23 opment, or delayed development.

24 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means—

1 “(A) when used with respect to children
2 from preschool through kindergarten entry—

3 “(i) 1 or more local educational agen-
4 cies providing early childhood education
5 programs, or 1 or more public or private
6 early childhood education programs, serv-
7 ing children from preschool through kin-
8 dergarten entry (such as a Head Start pro-
9 gram, a child care program, a State-funded
10 prekindergarten program, a public library
11 program, or a family literacy program),
12 that has a demonstrated record of pro-
13 viding effective literacy instruction for the
14 age group such agency or program pro-
15 poses to serve under section 5426; or

16 “(ii) 1 or more entities described in
17 clause (i) acting in partnership with 1 or
18 more public agencies or private nonprofit
19 organizations that have a demonstrated
20 record of effectiveness—

21 “(I) in improving the early lit-
22 eracy development of children from
23 preschool through kindergarten entry;
24 and

1 “(II) in providing professional
2 development aligned with the activities
3 described in section 5426(e)(1); or

4 “(B) when used with respect to students in
5 kindergarten through grade 12—

6 “(i) that is—

7 “(I) a local educational agency;

8 “(II) a consortium of local edu-
9 cational agencies; or

10 “(III) or a local educational
11 agency or consortium of local edu-
12 cational agencies that may act in
13 partnership with 1 or more public
14 agencies or private nonprofit organi-
15 zations, which agencies or organiza-
16 tions shall have a demonstrated record
17 of effectiveness, consistent with the
18 purposes of their participation, in im-
19 proving literacy achievement of stu-
20 dents from kindergarten through
21 grade 12 and in providing professional
22 development described in section
23 5427(a)(3)(B);

24 “(ii) that—

1 “(I) is among, or consists of, the
2 local educational agencies in the State
3 with the highest numbers or percent-
4 ages of students reading or writing
5 below grade level, based on the most
6 currently available State academic as-
7 sessment data;

8 “(II) has jurisdiction over a sig-
9 nificant number or percentage of
10 schools that are identified for school
11 improvement under section 1116; or

12 “(iii) has the highest numbers or per-
13 centages of children who are counted under
14 section 1124(c) of the Elementary and
15 Secondary Education Act (20 U.S.C.
16 6333(c)), in comparison to other local edu-
17 cational agencies in the State.

18 “(7) ENGLISH LANGUAGE ACQUISITION.—

19 “(A) IN GENERAL.—The term ‘English
20 language acquisition’ means the process by
21 which a non-native English speaker acquires
22 proficiency in speaking, listening, reading, and
23 writing the English language.

24 “(B) INCLUSIONS FOR ENGLISH LEARNERS
25 IN SCHOOL.—For an English language learner

1 in school, such term includes not only the social
2 language proficiency needed to participate in
3 the school environment, but also the academic
4 language proficiency needed to acquire literacy
5 and academic content and demonstrate the stu-
6 dent’s learning.

7 “(8) ESSENTIAL COMPONENTS OF READING IN-
8 STRUCTION.—The term ‘essential components of
9 reading instruction’ means developmentally appro-
10 pate, contextually explicit, systematic instruction,
11 and frequent practice, in reading across content
12 areas.

13 “(9) ESSENTIAL COMPONENTS OF WRITING IN-
14 STRUCTION.—The term ‘essential components of
15 writing instruction’ means developmentally appro-
16 pate and contextually explicit instruction, and fre-
17 quent practice, in writing across content areas.

18 “(10) FAMILY LITERACY SERVICES.—The term
19 ‘family literacy services’ means literacy services pro-
20 vided on a voluntary basis that are of sufficient in-
21 tensity in terms of hours and duration and that inte-
22 grate all of the following activities:

23 “(A) Interactive literacy activities between
24 or among parents and their children, including
25 parent literacy training.

1 “(B) Training for parents regarding how
2 to be the primary teacher for their children and
3 full partners in the education of their children.

4 “(C) Parent literacy training that leads to
5 economic self-sufficiency.

6 “(D) An age-appropriate education to pre-
7 pare children for success in school and life ex-
8 periences.

9 “(11) FORMATIVE ASSESSMENT.—The term
10 ‘formative assessment’ means a process that—

11 “(A) is teacher-generated or selected by
12 teachers and students during instructional
13 learning;

14 “(B) is embedded within the learning ac-
15 tivity and linked directly to the current unit of
16 instruction; and

17 “(C) provides feedback to adjust ongoing
18 teaching and learning to improve students’
19 achievement of intended instructional outcomes.

20 “(12) HIGH-QUALITY PROFESSIONAL DEVELOP-
21 MENT.—The term ‘high-quality professional develop-
22 ment’ means professional development that—

23 “(A) is job-embedded, ongoing, and based
24 on scientifically valid research;

1 “(B) is sustained, intensive, and class-
2 room-focused;

3 “(C) is designed to increase the knowledge
4 and expertise of teachers, early childhood edu-
5 cators and administrators, principals, other
6 school leaders, and other program staff in ap-
7 plying—

8 “(i) the characteristics of effective lit-
9 eracy instruction;

10 “(ii) the essential components of read-
11 ing instruction;

12 “(iii) the essential components of writ-
13 ing instruction; and

14 “(iv) instructional strategies and prac-
15 tices that are appropriate to the age, devel-
16 opment, and needs of children and improve
17 student learning, including strategies and
18 practices consistent with the principles of
19 universal design for learning, as described
20 in section 5429(b)(21);

21 “(D) includes and supports teachers in ef-
22 fectively administering age appropriate and de-
23 velopmentally appropriate assessments, and
24 analyzing the results of such assessments for
25 the purposes of planning, monitoring, adapting,

1 and improving effective classroom instruction or
2 teaching strategies to improve student literacy;

3 “(E) for educators working with students
4 in kindergarten through grade 12—

5 “(i) supports the characteristics of ef-
6 fective literacy instruction through core
7 academic subjects, and through career and
8 technical education subjects where such ca-
9 reer and technical education subjects pro-
10 vide for the integration of core academic
11 subjects; and

12 “(ii) includes explicit instruction in
13 discipline-specific thinking and how to read
14 and interpret discipline-specific text struc-
15 tures and features;

16 “(F) includes instructional strategies uti-
17 lizing one-to-one, small group, and classroom-
18 based instructional materials and approaches
19 based on scientifically valid research on literacy;

20 “(G) provides ongoing instructional lit-
21 eracy coaching—

22 “(i) to ensure high-quality implemen-
23 tation of effective practices of literacy in-
24 struction that are content-centered, inte-
25 grated across the curricula, collaborative,

1 and embedded in the school, classroom, or
2 other setting; and

3 “(ii) that uses student data to im-
4 prove instruction;

5 “(H) includes and supports teachers in set-
6 ting high reading and writing achievement goals
7 for all students and provides the teachers with
8 the instructional tools and skills to help stu-
9 dents reach such goals; and

10 “(I) is differentiated for educators working
11 with children from preschool through kinder-
12 garten entry, students in kindergarten through
13 grade 5, and students in grades 6 through 12,
14 and, as appropriate, by student grade or stu-
15 dent need.

16 “(13) LITERACY COACH.—The term ‘literacy
17 coach’ means a professional—

18 “(A) who—

19 “(i) has previous teaching experience
20 and—

21 “(I) a master’s degree with a
22 concentration in reading and writing
23 education;

24 “(II) demonstrated proficiency in
25 teaching reading or writing in a core

1 academic subject consistent with the
2 characteristics of effective literacy in-
3 struction; or

4 “(III) in the case of a literacy
5 coach for children from preschool
6 through kindergarten entry, a con-
7 centration, credential, or significant
8 experience in child development and
9 early literacy development; and

10 “(ii) is able to demonstrate the ability
11 to help teachers—

12 “(I) apply research on how stu-
13 dents become successful readers, writ-
14 ers, and communicators;

15 “(II) apply multiple forms of as-
16 sessment to guide instructional deci-
17 sionmaking and use data to improve
18 literacy instruction;

19 “(III) improve student writing
20 and reading in and across content
21 areas such as mathematics, science,
22 social studies, and language arts;

23 “(IV) develop and implement dif-
24 ferentiated instruction and teaching
25 approaches to serve the needs of the

1 full range of learners, including
2 English learners and children with
3 disabilities;

4 “(V) apply principles of universal
5 design for learning, as described in
6 section 5429(b)(21);

7 “(VI) employ best practices in
8 engaging principals, early childhood
9 educators and administrators, teach-
10 ers, and other professionals sup-
11 porting literacy instruction to change
12 school cultures to better encourage
13 and support literacy development and
14 achievement; and

15 “(VII)(aa) for children from pre-
16 school through kindergarten entry, set
17 developmentally appropriate expecta-
18 tions for language; and

19 “(bb) for all children, set literacy
20 development and high reading and
21 writing achievement goals and select,
22 acquire, and use instructional tools
23 and skills to help the children reach
24 such goals; and

1 “(B) whose role with teachers and profes-
2 sionals supporting literacy instruction is—

3 “(i) to provide high-quality profes-
4 sional development;

5 “(ii) to work cooperatively and col-
6 laboratively with principals, teachers, and
7 other professionals in employing strategies
8 to help teachers identify and support stu-
9 dent language and literacy needs and teach
10 literacy across content areas and develop-
11 mental domains; and

12 “(iii) to work cooperatively and col-
13 laboratively with other professionals in em-
14 ploying strategies to help teachers teach
15 literacy across content areas so that the
16 teachers can meet the needs of all stu-
17 dents, including children with disabilities,
18 English learners, and students who are
19 reading at or above grade level.

20 “(14) 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, evi-
25 dence-based interventions matched to student needs

1 and educational decisionmaking using student out-
2 come data.

3 “(15) READING.—The term ‘reading’ means a
4 complex system of deriving meaning from print that
5 requires, in ways that are developmentally, content,
6 and contextually appropriate, all of the following:

7 “(A) PHONEMES.—The skills and knowl-
8 edge to understand how phonemes, or speech
9 sounds, are connected to print.

10 “(B) ACCURACY, FLUENCY, AND UNDER-
11 STANDING.—The ability to read accurately, flu-
12 ently, and with understanding.

13 “(C) READING COMPREHENSION.—The use
14 of background knowledge and vocabulary to
15 make meaning from a text.

16 “(D) ACTIVE STRATEGIES.—The develop-
17 ment and use of appropriate active strategies to
18 interpret and construct meaning from print.

19 “(16) SCIENTIFICALLY VALID RESEARCH.—The
20 term ‘scientifically valid research’ has the meaning
21 given the term in section 200 of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1021).

23 “(17) SCREENING ASSESSMENT.—The term
24 ‘screening assessment’ means an assessment that—

1 “(A) is valid, reliable, and based on sci-
2 entifically valid research on literacy and English
3 language acquisition; and

4 “(B) is a procedure designed as a first
5 step in identifying children who may be at high
6 risk for delayed development or academic fail-
7 ure and in need of further diagnosis of the chil-
8 dren’s need for special services or additional lit-
9 eracy instruction.

10 “(18) STATE.—The term ‘State’ has the mean-
11 ing given the term in section 103 of the Higher
12 Education Act of 1965 (20 U.S.C. 1003).

13 “(19) STATE LITERACY LEADERSHIP TEAM.—

14 “(A) IN GENERAL.—The term ‘State lit-
15 eracy leadership team’ means a team that—

16 “(i) is appointed and coordinated by
17 the State educational agency;

18 “(ii) assumes the responsibility to
19 guide the development and implementation
20 of a statewide, comprehensive literacy plan;

21 “(iii) is composed of not less than 11
22 individuals; and

23 “(iv) shall include—

1 “(I) not less than 3 individuals
2 who have literacy expertise in one of
3 each of the areas of—
4 “(aa) preschool through
5 school entry, such as the State
6 Head Start collaboration direc-
7 tor;
8 “(bb) kindergarten entry
9 through grade 5; and
10 “(cc) grades 6 through 12;
11 “(II) a school principal;
12 “(III) teachers and administra-
13 tors with expertise in literacy and spe-
14 cial education;
15 “(IV) teachers and administra-
16 tors with expertise in teaching the
17 English language to English learners;
18 “(V) a representative from the
19 State educational agency who oversees
20 literacy initiatives; and
21 “(VI) a representative from high-
22 er education who is actively involved
23 in research, development, or teacher
24 preparation in literacy instruction and

1 intervention based on scientifically
2 valid research.

3 “(B) INCLUSION OF A PREEXISTING PART-
4 NERSHIP.—If, before the date of enactment of
5 the Student Success Act, a State educational
6 agency established a consortium, partnership,
7 or any other similar body that was considered
8 a literacy partnership for purposes of subpart 1
9 or 2 of part B of title I of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C.
11 6361 et seq., 6371 et seq.) and that includes
12 the individuals required under subparagraph
13 (A)(iv), such consortium, partnership, or body
14 may be considered a State literacy leadership
15 team for purposes of subparagraph (A).

16 “(20) SUMMATIVE ASSESSMENT.—The term
17 ‘summative assessment’ means an assessment that—

18 “(A) is valid, reliable, and based on sci-
19 entifically valid research on literacy and English
20 language acquisition; and

21 “(B) measures—

22 “(i) for children from preschool
23 through kindergarten entry, how the chil-
24 dren have progressed over time relative to
25 developmental norms; and

1 “(ii) for students in kindergarten
2 through grade 12, what the students have
3 learned over time, relative to academic con-
4 tent standards.

5 “(21) UNIVERSAL DESIGN FOR LEARNING.—
6 The term ‘universal design for learning’ has the
7 meaning given the term in section 103 of the Higher
8 Education Act of 1965 (20 U.S.C. 1003).

9 “(22) WRITING.—The term ‘writing’ means—
10 “(A) composing meaning in print or
11 through other media, including technologies, to
12 communicate and to create new knowledge in
13 ways appropriate to the context of the writing
14 and the literacy development stage of the writ-
15 er;

16 “(B) composing ideas individually and col-
17 laboratively in ways that are appropriate for a
18 variety of purposes, audiences, and occasions;

19 “(C) choosing vocabulary, tone, genre, and
20 conventions, such as spelling and punctuation,
21 suitable to the purpose, audience, and occasion;
22 and

23 “(D) revising compositions for clarity of
24 ideas, coherence, logical development, and preci-
25 sion of language use.

1 **“SEC. 5429. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this subpart \$500,000,000 for fiscal year 2014 and such
4 sums as may be necessary for subsequent fiscal years.

5 “SUBPART 3—A WELL-ROUNDED EDUCATION

6 **“SEC. 5431. PROGRAM AUTHORIZED.**

7 “From the amount appropriated each fiscal year to
8 carry out this subpart, the Secretary—

9 “(1) shall—

10 “(A) reserve not less than 5 percent for
11 national activities under section 5438; and

12 “(B) of the funds remaining after the Sec-
13 retary reserves funds under subparagraph
14 (A)—

15 “(i) use at least 30 percent to award
16 grants to eligible entities under this sub-
17 part to carry out proven practices, strate-
18 gies, or programs in American history,
19 civic education, and geography;

20 “(ii) use at least 10 percent to award
21 grants to eligible entities under this sub-
22 part to carry out proven practices, strate-
23 gies, or programs in economic and finan-
24 cial literacy education and entrepreneur-
25 ship education;

1 “(iii) use at least 20 percent to award
2 grants to eligible entities under this sub-
3 part to carry out proven practices, strate-
4 gies, or programs in foreign language edu-
5 cation;

6 “(iv) use at least 20 percent to award
7 grants to eligible entities under this sub-
8 part to carry out proven practices, strate-
9 gies, or programs in arts education; and

10 “(v) use at least 10 percent to award
11 grants to eligible entities under this sub-
12 part to carry out proven practices, strate-
13 gies, or programs in Javits gifted and tal-
14 ented education; and

15 “(2) may use the funds remaining after the
16 Secretary reserves and uses funds under paragraph
17 (1) to award grants to eligible entities under this
18 subpart to carry out any of the proven practices,
19 strategies, or programs described in clauses (i)
20 through (v) of paragraph (1)(B).

21 **“SEC. 5432. ELIGIBLE ENTITY DEFINED.**

22 “‘In this subpart, an eligible entity means a State
23 educational agency, local educational agency, or an edu-
24 cational service agency with a local educational agency
25 that is in partnership with one or more of the following:

1 “(1) An institution of higher education.

2 “(2) A nonprofit organization with dem-
3 onstrated expertise in the content areas described in
4 section 5431(1)(B).

5 “(3) A library or museum.

6 **“SEC. 5433. GRANT PRIORITY, DURATION, AND SIZE AND**
7 **SCOPE REQUIREMENTS.**

8 “(a) PRIORITY.—In awarding grants under this sub-
9 part, the Secretary shall give priority to—

10 “(1) eligible entities proposing to serve schools
11 in need of improvement or persistently low achieving
12 schools; and

13 “(2) eligible entities proposing to serve a high
14 percentage and number of children from families
15 with incomes below the poverty line according to the
16 most recent census data approved by the Secretary.

17 “(b) DURATION.—The Secretary shall award grants
18 under this subpart for a period of 5 years.

19 “(c) SUFFICIENT SIZE AND SCOPE.—In awarding
20 grants under this subpart, the Secretary shall ensure that
21 grants are of sufficient size and scope.

22 **“SEC. 5434. SUPPLEMENT, NOT SUPPLANT.**

23 “Funds received under this subpart shall be used to
24 supplement, not supplant, Federal and non-Federal funds
25 available to support child and youth services.

1 **“SEC. 5435. APPLICATION REQUIREMENTS.**

2 “(a) IN GENERAL.—To receive a grant under one or
3 more of the grant programs described in clauses (i)
4 through (v) of section 5431(1)(B), an eligible entity shall
5 submit an application to the Secretary at such time, in
6 such manner, and containing the information that the Sec-
7 retary may require, including the information described in
8 subsection (c).

9 “(b) MULTIPLE APPLICATIONS.—An eligible entity
10 may apply for one or more grant programs under this sub-
11 part, and may use a consolidated application to apply for
12 more than one grant program under this subpart .

13 “(c) APPLICATION REQUIREMENTS.— An application
14 submitted under subsection (a) shall contain the following:

15 “(1) A description of the promising or proven
16 practice, strategy, or program that the applicant
17 proposes to implement in a content area listed in
18 clauses (i) through (v) of section 5431(1)(B).

19 “(2) A description of how the proposed practice,
20 strategy, or program is evidence-based and will im-
21 prove teaching practices as well as student achieve-
22 ment or student academic growth especially with
23 high-need student populations.

24 “(3) A description of how the proposed practice,
25 strategy, or program fits into the State or local edu-

1 cational agency’s overall strategy that students have
2 access to a well-rounded education.

3 “(4) A description of how the proposed practice,
4 strategy, or program will be aligned with school im-
5 provement plans.

6 “(5) A description of how the activities will ade-
7 quately address the needs of students with disabil-
8 ities and English learners.

9 “(6) A description of the applicant’s plan for
10 data collection, analysis, and dissemination of results
11 and outcomes, including an assurance that the appli-
12 cant will make this information publicly available
13 and accessible to educators, researchers, and other
14 experts.

15 “(7) A description of how the applicant will
16 provide for the completion of an independent evalua-
17 tion of the project (including through the use of
18 formative and summative evaluation methodologies)
19 during the grant period to assess its impact on stu-
20 dent achievement, student academic growth, student
21 engagement, and other program goals, including its
22 potential for replication and expansion.

23 “(8) If the applicant proposes to expand an ex-
24 isting practice, strategy, or program with at least
25 moderate evidence, a description of how the appli-

1 cant proposes to reach additional participants in
2 such practice, strategy, or program.

3 “(d) PEER REVIEW.—The Secretary shall establish
4 a peer-review process to assist in review of applications
5 submitted under this section.

6 **“SEC. 5436. USES OF FUNDS.**

7 “(a) IN GENERAL.—Each eligible entity that receives
8 a grant under this subpart shall carry out one or more
9 of the following:

10 “(1) Plan, develop, expand, or improve prac-
11 tices, strategies, and programs in the applicable con-
12 tent area.

13 “(2) Develop and implement instructional mate-
14 rials, assessments (including performance-based as-
15 sessments), and curriculum, aligned with State
16 standards in a content area listed in clauses (i)
17 through (v) of section 5431(1)(B), which embed
18 principles of universal design for learning, as de-
19 scribed in section 5429(b)(21), to support students
20 with diverse learning needs including English learn-
21 ers and students with disabilities.

22 “(3) Develop and implement professional devel-
23 opment for teachers in the applicable content area in
24 order to improve classroom practices.

1 “(4) Align practices, strategies, and programs
2 with postsecondary programs for the continuation of
3 instruction in the academic subject for which the
4 program strategy or practice proposes to increase
5 student achievement or student growth.

6 “(5) Supporting the use of open educational re-
7 sources or other innovative uses of technology that
8 are designed to serve students at all levels of
9 achievement.

10 “(6) Support efforts to expand access to ad-
11 vanced coursework, especially for high-need students.

12 “(7) In the case of an eligible entity that is a
13 State educational agency, the eligible entity may also
14 provide technical assistance to local programs within
15 the State.

16 “(b) PROGRAM SPECIFIC REQUIREMENTS FOR GEOG-
17 RAPHY GRANTS.—In addition to meeting the requirements
18 of subsection (a), an eligible entity receiving a grant de-
19 scribed in section 5431(1)(B)(i) may use the grant to—

20 “(1) carry out local, field-based activities for
21 teachers and students to improve their knowledge of
22 the concepts and tools of geography while enhancing
23 understanding of their home region; and

24 “(2) apply geographic information systems and
25 technology to the teaching of geography; and

1 “(3) using internet or distance-learning tech-
2 nology.

3 “(c) PROGRAM SPECIFIC REQUIREMENTS FOR ECO-
4 NOMIC, FINANCIAL LITERACY, AND ENTREPRENEURSHIP
5 EDUCATION GRANTS.—In addition to meeting the require-
6 ments of subsection (a), an eligible entity receiving a grant
7 described in section 5431(1)(B)(ii)—

8 “(1) may use the grant to—

9 “(A) carry out programs to teach personal
10 financial management skills;

11 “(B) carry out programs to teach the basic
12 principles involved with earning, spending, sav-
13 ing, investing, credit, and insurance; and

14 “(C) implement financial and economic lit-
15 eracy activities and sequences of study within,
16 or coordinated with, core academic subjects;
17 and

18 “(2) is strongly encouraged to—

19 “(A) include interactions with the local
20 business community to the fullest extent pos-
21 sible to reinforce the connection between eco-
22 nomic and financial literacy; and

23 “(B) work with private businesses to ob-
24 tain matching contributions for Federal funds

1 and assist recipients in working toward self-suf-
2 ficiency.

3 “(d) PROGRAM SPECIFIC REQUIREMENTS FOR FOR-
4 EIGN LANGUAGE GRANTS.—In addition to meeting the re-
5 quirements of subsection (a), an eligible entity receiving
6 a grant described in section 5431(1)(B)(iii) may use the
7 grant to carry out the following activities:

8 “(1) Developing and implementing intensive
9 summer foreign language programs for professional
10 development.

11 “(2) Linking nonnative English speakers in the
12 community with the schools in order to promote two-
13 way language learning.

14 “(3) Promoting the sequential study of a for-
15 eign language for students, beginning in elementary
16 schools.

17 “(4) Making effective use of technology, such as
18 computer-assisted instruction, language laboratories,
19 or distance learning, to promote foreign language
20 study.

21 “(5) Developing and implementing, high quality
22 dual language programs.

23 “(6) Promoting innovative activities, such as
24 foreign language immersion, partial foreign language
25 immersion, or content-based instruction.

1 “(7) Providing opportunities for maximum for-
2 eign language exposure for students domestically,
3 such as the creation of immersion environments in
4 the classroom and school, on weekend or summer ex-
5 periences, and special tutoring and academic sup-
6 port.

7 “(8) providing for the possibility for multiple
8 entry points for studying the foreign language.

9 “(9) Creating partnerships with elementary and
10 secondary schools in other countries to facilitate lan-
11 guage and cultural learning and exchange.

12 “(10) Providing support for a language super-
13 visor to oversee and coordinate the progress of the
14 articulated foreign language program across grade
15 levels in the local education agency funded under
16 this subpart.

17 “(e) PROGRAM SPECIFIC REQUIREMENTS FOR JAV-
18 ITS GIFTED AND TALENTED GRANTS.—In addition to
19 meeting the requirements of subsection (a), an eligible en-
20 tity receiving a grant described in section 5431(1)(B)(v)
21 may use the grant to carry out the following activities:

22 “(1) Providing funds for challenging, high-level
23 course work, disseminated through technologies (in-
24 cluding distance learning), for individual students or
25 groups of students in schools and local educational

1 agencies that would not otherwise have the resources
2 to provide such course work.

3 “(2) Ensuring that assessments provide diag-
4 nostic information that informs instruction for high-
5 achieving students.

6 “(3) Carrying out training and professional de-
7 velopment for school personnel involved in the teach-
8 ing of high-achieving, educationally disadvantaged
9 students, such as instructional staff, principals,
10 counselors, and psychologists.

11 “(4) Conducting education and training for par-
12 ents of high-achieving, educationally disadvantaged
13 students to support educational excellence for such
14 students.

15 **“SEC. 5437. EVALUATION.**

16 “Each eligible entity receiving a grant under this sub-
17 part shall conduct an independent program-level evalua-
18 tion and submit preliminary results to the Secretary at
19 such a time and in such manner as the Secretary may
20 require in order to determine the eligible entity’s eligibility
21 to continue to receive funding under this subpart.

22 **“SEC. 5438. NATIONAL ACTIVITIES.**

23 “(a) IN GENERAL.—From the amounts reserved
24 under section 5431(1)(A), the Secretary shall carry out
25 the national activities described in subsection (b) directly

1 or by entering into contracts with an eligible educational
2 entity.

3 “(b) NATIONAL ACTIVITIES.—The national activities
4 that shall be carried out under this section are as follows:

5 “(1) Technical assistance.

6 “(2) Development of curricula.

7 “(3) Production, development, and dissemina-
8 tion of high-quality educational content (including
9 digital content) in academic content areas under this
10 subpart.

11 “(4) Research and collecting information on,
12 and identifying, effective programs and best prac-
13 tices and disseminating that information to States,
14 local educational agencies, institutions of higher edu-
15 cation, and other stakeholders.

16 **“SEC. 5439. PROFESSIONAL DEVELOPMENT ACTIVITIES.**

17 “(a) ELIGIBLE EDUCATIONAL ENTITY DEFINED.—

18 In this section, the term ‘eligible educational entity’ means
19 a national nonprofit educational entity with a proven track
20 record and demonstrated expertise in one or more of the
21 following areas as related to the activities described in sub-
22 section (b):

23 “(1) High-quality professional development pro-
24 grams, including writing programs for teachers
25 across disciplines and at all grade levels.

1 “(2) History education programs.

2 “(3) Civics and government education pro-
3 grams.

4 “(4) Economic and financial literacy education
5 programs.

6 “(5) Geography education programs.

7 “(6) Foreign Language education programs.

8 “(7) Arts education programs.

9 “(8) Gifted and talented programs.

10 “(9) Reading and book distribution programs
11 (including pediatric early literacy programs).

12 “(10) Educational and instructional video pro-
13 gramming (including early literacy programming)
14 for a public telecommunications entity.

15 “(b) PRIORITY.—In awarding a contract to an eligi-
16 ble educational entity under this section, the Secretary
17 shall give priority to an entity that provides support to
18 the eligible entities receiving a grant under this subpart
19 or eligible entities receiving a grant under the subpart 1
20 or 2 to develop instructional systems that provide—

21 “(1) a systematic and coherent combination of
22 instructional materials;

23 “(2) embedded formative and interim assess-
24 ments;

25 “(3) professional development;

1 “(4) information on student learning; and

2 “(5) academic interventions based on cognitive
3 science and content-area knowledge and are aligned
4 with college- and career-ready standards.

5 **“SEC. 5440. AUTHORIZATION OF APPROPRIATIONS.**

6 “There are authorized to be appropriated to carry out
7 this subpart \$150,000,000 for fiscal year 2014 and such
8 sums as may be necessary for each succeeding fiscal year.

9 “SUBPART 4—TRANSFORMING EDUCATION THROUGH
10 TECHNOLOGY GRANTS

11 **“SEC. 5441. PURPOSES.**

12 “The purposes of this subpart are to—

13 “(1) improve the achievement, academic
14 growth, and college-and-career readiness of students
15 who have developed the ability to think critically,
16 apply knowledge to solve complex problems, work
17 collaboratively, communicate effectively, be self-di-
18 rected, and be responsible digital citizens;

19 “(2) ensure all students have access to individ-
20 ualized, rigorous, and engaging digital learning expe-
21 riences;

22 “(3) ensure that educators have the knowledge
23 and skills to develop and implement digital learning
24 curriculum, use technology effectively in order to
25 personalize and strengthen instruction, and effec-

1 tively create, deliver, and utilize assessments to
2 measure student outcomes and support student suc-
3 cess;

4 “(4) ensure that administrators have the lead-
5 ership, management, knowledge, and skills to design,
6 develop, and implement a school or local educational
7 agency-wide digital age learning environment; and

8 “(5) improve the efficiency and productivity of
9 education through technology.

10 **“SEC. 5442. E-RATE RESTRICTION.**

11 “Funds awarded under this subpart may be used to
12 address the networking needs of a recipient of such funds
13 for which the recipient is eligible to receive support under
14 the E-rate program, except that such funds may not be
15 duplicative of support received by the recipient under the
16 E-rate program.

17 **“SEC. 5443. RULE OF CONSTRUCTION REGARDING PUR-**
18 **CHASING.**

19 “Nothing in this subpart shall be construed to permit
20 a recipient of funds under this subpart to purchase goods
21 or services using such funds without ensuring that the
22 purchase is free of any conflict of interest between such
23 recipient, or any partner of such recipient, and the person
24 or entity receiving such funds.

1 **“SEC. 5444. DEFINITIONS.**

2 “In this subpart:

3 “(1) DIGITAL LEARNING.—The term ‘digital
4 learning’ means any instructional practice that effec-
5 tively uses technology to strengthen a student’s
6 learning experience and encompasses a wide spec-
7 trum of tools and practices, including—

8 “(A) interactive learning resources that en-
9 gage students in academic content;

10 “(B) access to online databases and other
11 primary source documents;

12 “(C) the use of data to personalize learn-
13 ing and provide targeted supplementary instruc-
14 tion;

15 “(D) student collaboration with content ex-
16 perts and peers;

17 “(E) online and computer-based assess-
18 ments;

19 “(F) digital content, adaptive, and simula-
20 tion software or courseware,

21 “(G) online courses, online instruction, or
22 digital learning platforms;

23 “(H) mobile and wireless technologies for
24 learning in school and at home;

25 “(I) learning environments that allow for
26 rich collaboration and communication;

1 “(J) authentic audiences for learning in a
2 relevant, real world experience;

3 “(K) teacher participation in virtual pro-
4 fessional communities of practice; and

5 “(L) hybrid or blended learning, which oc-
6 curs under direct instructor supervision at a
7 school or other location away from home and,
8 at least in part, through online delivery of in-
9 struction with some element of student control
10 over time, place, path, or pace.

11 “(2) ELIGIBLE TECHNOLOGY.—The term ‘eligi-
12 ble technology’ means modern information, com-
13 puter, and communication technology hardware,
14 software, services, or tools, including computer or
15 mobile hardware devices and other computer and
16 communications hardware, software applications,
17 systems and platforms, and digital and online con-
18 tent, courseware, and online instruction and other
19 online services and supports, including technology
20 that is interoperable and is in accordance with prin-
21 ciples of universal design for learning, as described
22 in section 5429(b)(21).

23 “(3) STUDENTS WITH DISABILITIES.—The term
24 ‘students with disabilities’ means students with dis-
25 abilities as defined under the Individuals with Dis-

1 abilities Education Act and section 504 of the Reha-
2 bilitation Act of 1973.

3 “(4) STUDENT TECHNOLOGY LITERACY.—The
4 term ‘student technology literacy’ means student
5 knowledge and skills in using contemporary informa-
6 tion, communication, and learning technologies in a
7 manner necessary for successful employment, life-
8 long learning, and citizenship in the knowledge-
9 based, digital, and global 21st century, including, at
10 a minimum, the ability to—

11 “(A) effectively communicate and collabo-
12 rate;

13 “(B) analyze and solve problems;

14 “(C) access, evaluate, manage, and create
15 information and otherwise gain information lit-
16 eracy;

17 “(D) demonstrate creative thinking, con-
18 struct knowledge, and develop innovative prod-
19 ucts and processes; and

20 “(E) carry out the activities described in
21 subparagraphs (A) through (D) in a safe and
22 ethical manner.

23 “(5) TECHNOLOGY READINESS SURVEY.—The
24 term ‘technology readiness survey’ means a survey
25 completed by a local educational agency that pro-

1 vides standardized information comparable to the in-
2 formation collected through the technology readiness
3 survey administered under the Race to the Top As-
4 sessment program under section 14006 of division A
5 of the American Recovery and Reinvestment Act of
6 2009 (Public Law 111–5) on the quantity and types
7 of technology infrastructure and access available to
8 the students served by the local educational agency,
9 including computer devices, Internet connectivity,
10 operating systems, related network infrastructure,
11 data systems, and—

12 “(A) requiring—

13 “(i) an internal review of the degree
14 to which instruction, additional student
15 support, and professional development is
16 delivered in digital formats, media, and
17 platforms and is available to students and
18 educators at any time;

19 “(ii) an internal review of the ability
20 of educators to use assessments and other
21 student data to personalize and strengthen
22 instruction and identify professional devel-
23 opment needs and priorities; and

1 “(iii) any other information required
2 by the State educational agency serving
3 the local educational agency; and

4 “(B) may include an assessment of local
5 community needs to ensure students have ade-
6 quate on-line access and access to devices for
7 school-related work during out-of-school time.

8 **“SEC. 5445. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

9 “(a) IN GENERAL.—From the amounts appropriated
10 under section 5451, the Secretary shall award State
11 Grants for Technology Readiness and Access (in this title
12 referred to as ‘grants’) to State educational agencies to
13 strengthen State and local technological infrastructure
14 and professional development that supports digital learn-
15 ing through State activities under section 5447(c) and
16 local activities under section 5448(c).

17 “(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

18 “(1) RESERVATIONS.—From the amounts ap-
19 propriated under section 5451 for any fiscal year,
20 the Secretary shall reserve—

21 “(A) three-fourths of 1 percent for the
22 Secretary of Interior to provide assistance
23 under this title for schools operated or funded
24 by the Bureau of Indian Education; and

1 “(B) 1 percent to provide assistance under
2 this title to the outlying areas.

3 “(2) GRANTS.—From the amounts appro-
4 priated under section 106 for any fiscal year and re-
5 maining after the Secretary makes reservations
6 under paragraph (1), the Secretary shall make a
7 grant for the fiscal year to each State educational
8 agency with an approved application under section
9 5446 in an amount that bears the same relationship
10 to such remainder as the amount the State edu-
11 cational agency received under part A of title I of
12 the Elementary and Secondary Education Act of
13 1965 (20 U.S.C. 6311 et seq.) for such year bears
14 to the amount all State educational agencies with an
15 approved application under section 102 received
16 under such part (20 U.S.C. 6311 et seq.) for such
17 year.

18 “(c) MINIMUM.—The amount of a grant to a State
19 educational agency under subsection (b)(2) for a fiscal
20 year may not be less than one-half of 1 percent of the
21 total amount made available for grants to all State edu-
22 cational agencies under such subsection for such year.

23 “(d) REALLOTMENT OF UNUSED FUNDS.—If any
24 State educational agency does not apply for a grant under
25 subsection (b)(2) for a fiscal year, or does not use its en-

1 tire grant under subsection (b)(2) for such year, the Sec-
2 retary shall reallocate the amount of the State educational
3 agency's grant, or the unused portion of the grant, to the
4 remaining State educational agencies that use their entire
5 grant amounts under subsection (b)(2) for such year.

6 “(e) MATCHING FUNDS.—

7 “(1) IN GENERAL.—A State educational agency
8 that receives a grant under subsection (b)(2) shall
9 provide matching funds, from non-Federal sources,
10 in an amount equal to 20 percent of the amount of
11 grant funds provided to the State educational agency
12 to carry out the activities supported by the grant.
13 Such matching funds may be provided in cash or in-
14 kind, except that any such in-kind contributions
15 shall be provided for the purpose of supporting the
16 State educational agency's activities under section
17 104(c).

18 “(2) WAIVER.—The Secretary may waive the
19 matching requirement under paragraph (1) for a
20 State educational agency that demonstrates that
21 such requirement imposes an undue financial hard-
22 ship on the State educational agency.

23 **“SEC. 5446. STATE APPLICATIONS.**

24 “(a) APPLICATION.—To receive a grant under section
25 5445(b)(2), a State educational agency shall submit to the

1 Secretary an application at such time and in such manner
2 as the Secretary may require and containing the informa-
3 tion described in subsection (b).

4 “(b) CONTENTS.—Each application submitted under
5 subsection (a) shall include the following:

6 “(1) A description of how the State educational
7 agency will meet the following goals:

8 “(A) Use technology to ensure all students
9 achieve college-and-career readiness and tech-
10 nology literacy, including by providing high-
11 quality education opportunities to economically
12 or geographically isolated student populations.

13 “(B) Provide educators with the tools, de-
14 vices, content, and resources to—

15 “(i) significantly improve teaching
16 and learning, including support to increase
17 personalization for and engagement of stu-
18 dents in pursuit of college-and-career read-
19 iness and technology literacy; and

20 “(ii) develop and use assessments to
21 improve instruction, including instruction
22 consistent with the principles of universal
23 design for learning, as described in section
24 5429(b)(21), and instruction for students

1 with disabilities and English-language
2 learners.

3 “(C) Ensure administrators and school
4 leaders have the flexibility and capacity to de-
5 velop and manage systems to carry out activi-
6 ties described in subparagraphs (A) and (B),
7 and support administrators and school leaders
8 in utilizing technology to promote equity and
9 increase efficiency and productivity.

10 “(D) Enable local educational agencies to
11 build the technological capacity and infrastruc-
12 ture (including through local purchasing of eli-
13 gible technology), necessary for the full imple-
14 mentation of on-line assessments for all stu-
15 dents, (including students with disabilities and
16 English-language learners) and to—

17 “(i) ensure the interoperability of data
18 systems and eligible technology; and

19 “(ii) carry out subparagraphs (A)
20 through (C).

21 “(2) A description of the results of the tech-
22 nology readiness in the State as determined by local
23 educational agency responses to the technology read-
24 iness survey, including—

1 “(A) the status of the ability of each local
2 educational agency served by the State edu-
3 cational agency to meet the goals described in
4 section 104(b)(1);

5 “(B) an assurance that not less 90 percent
6 of the local educational agencies served by the
7 State educational agency have completed and
8 submitted the technology readiness survey to
9 the State educational agency; and

10 “(C) an assurance that the results of the
11 technology readiness survey for each such local
12 educational agency are made available to the
13 Secretary and the public through the Website of
14 the local educational agency.

15 “(3) A description of the plan for the State
16 educational agency to support each local educational
17 agency served by the State educational agency in
18 meeting the goals described in section 104(b)(1) not
19 later than 3 years after the local educational agency
20 completes the technology readiness survey by ad-
21 dressing the readiness gaps identified in such sur-
22 vey.

23 “(4) A description of the State’s process for the
24 adoption, acquisition, distribution, and use of con-
25 tent, how the State will ensure integrity of such

1 processes, and how such processes support the goals
2 under paragraph (1) or how a State will change
3 such processes to support such goals, and how the
4 State will ensure content quality.

5 “(5) A description of how the State educational
6 agency will ensure its data systems and eligible tech-
7 nology are interoperable.

8 “(6) An assurance that the State educational
9 agency will consider making content widely available
10 through open educational resources when making
11 purchasing decisions with funds received under this
12 title.

13 “(7) A description of the State’s student tech-
14 nology literacy standards and the technology stand-
15 ards for teachers and administrators, and an assur-
16 ance that the State’s student technology literacy
17 standards meet the requirements of section 7(8).

18 “(8) An assurance that subgrant awards under
19 section 104 will be carried out by the local edu-
20 cational agency staff with responsibility for leader-
21 ship, coordination, and implementation of instruc-
22 tional and other classroom technologies.

23 “(9) A description of how the State educational
24 agency will award subgrants to local educational
25 agencies under section 104.

1 “(10) A description of the process, activities,
2 and performance measures, that the State edu-
3 cational agency will use to evaluate the impact and
4 effectiveness of the grant and subgrants funds
5 awarded under this part across the State and in
6 each local educational agency.

7 “(11) A description of how the State edu-
8 cational agency will, in providing technical and other
9 assistance to local educational agencies, give priority
10 to the local educational agencies proposing to target
11 services to—

12 “(A) students in schools in need of im-
13 provement and persistently low-achieving
14 schools; and

15 “(B) schools with a high percentage of stu-
16 dents that are eligible for free or reduced price
17 lunch under the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1751 et seq.).

19 “(12) A description of how the State edu-
20 cational agency consulted with local educational
21 agencies in the development of the State educational
22 agency’s application under this subsection.

23 “(13) An assurance that the State educational
24 agency will provide matching funds as required
25 under section 101(e).

1 “(14) A description of how the State edu-
2 cational agency will ensure that funds received under
3 this title is not duplicative of support received under
4 the E-rate program.

5 “(15) An assurance that the State educational
6 agency, in making awards under section 5448, will
7 give priority to local educational agencies that—

8 “(A) propose to serve students in schools
9 in need of improvement and persistently low-
10 achieving schools; or

11 “(B) propose to serve schools with a high
12 percentage or number of students that are eligi-
13 ble for free or reduced price lunch under the
14 Richard B. Russell National School Lunch Act
15 (42 U.S.C. 1751 et seq.).

16 “(16) An assurance that the State educational
17 agency will protect the privacy and safety of stu-
18 dents and teachers, consistent with requirements of
19 section 444 of the General Education Provisions Act
20 (20 U.S.C. 1232g) (commonly known as the ‘Family
21 Educational Rights and Privacy Act of 1974’) and
22 section 2441(a) of the Elementary and Secondary
23 Education Act of 1965 (20 U.S.C. 6777(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 part, the State educational agency shall give priority to
8 local educational agencies proposing to target services
9 to—

10 “(1) students in schools in need of improvement
11 or persistently low-achieving 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 of the Elementary and Secondary Education Act
12 of 1965 (20 U.S.C. 6301 et seq.) for such year
13 bears to the amount received by all such local edu-
14 cational agencies under such part for such year, ex-
15 cept that no local educational agency may receive
16 less than \$5,000.

17 “(2) COMPETITIVE GRANTS TO LOCAL EDU-
18 CATIONAL AGENCIES.—If the amount of funds ap-
19 propriated under section 106 is less than
20 \$500,000,000 for any fiscal year, a State edu-
21 cational agency—

22 “(A) shall not award subgrants under
23 paragraph (1); and

24 “(B) shall—

1 “(i) award subgrants, on a competi-
2 tive basis, to local educational agencies
3 based on the quality of applications sub-
4 mitted under (b), including—

5 “(I) the level of technology readi-
6 ness as determined by the technology
7 readiness surveys completed by local
8 educational agencies submitting such
9 applications; and

10 “(II) the technology plans de-
11 scribed in subsection (b)(3) and how
12 the local educational agencies with
13 such plans will carry out the align-
14 ment and coordination described in
15 such subsection; and

16 “(ii) ensure that such subgrants are
17 of sufficient size and scope to carry out the
18 local activities described in subsection (c).

19 “(3) DEFINITION OF LOCAL EDUCATIONAL
20 AGENCY FOR CERTAIN FISCAL YEARS.—For pur-
21 poses of awarding subgrants under paragraph (2),
22 the term ‘local educational agency’ means—

23 “(A) a local educational agency;
24 “(B) an educational service agency; or

1 “(C) a local educational agency and an
2 educational service agency.

3 “(b) APPLICATION.—A local educational agency that
4 desires to receive a subgrant under subsection (a) shall
5 submit an application to the State at such time, in such
6 manner, and accompanied by such information as the
7 State educational agency may require, including—

8 “(1) a description of how the local educational
9 agency will—

10 “(A) carry out the goals described in sub-
11 paragraphs (A) through (C) of section
12 101(b)(1); and

13 “(B) enable schools served by the agency
14 to build the technological capacity and infra-
15 structure (including through local purchasing of
16 eligible technology), necessary for the full imple-
17 mentation of on-line assessments for all stu-
18 dents (including students with disabilities and
19 English-language learners) and to—

20 “(i) ensure the interoperability of data
21 systems and eligible technology; and

22 “(ii) carry out the goals described in
23 subparagraphs (A) through (C) of section
24 101(b)(1); and

1 “(C) align activities funded under this part
2 with school improvement plans, when applica-
3 ble, described under section 1116(b)(3);

4 “(2) a description of the results of the tech-
5 nology readiness survey completed by the local edu-
6 cational agency and a description of the plan for the
7 local educational agency to meet the goals described
8 in paragraph (1) within 3 years of completing the
9 survey;

10 “(3) a description of the local educational agen-
11 cy’s technology plan to carry out paragraphs (1) and
12 (3) and how the agency will align and coordinate the
13 activities under this section with other activities
14 across the local educational agency;

15 “(4) a description of the team of educators that
16 will coordinate and carry out the activities under
17 this section, including individuals with responsibility
18 and expertise in instructional technology, teachers
19 that specialize in supporting students with disabil-
20 ities and English-language learners, school leaders,
21 technology officers, and staff responsible for assess-
22 ments and data analysis;

23 “(5) a description of how the local educational
24 agency will evaluate teachers’ proficiency and

1 progress in implementing technology for teaching
2 and learning;

3 “(6) a description of how the local educational
4 agency will ensure that principals have the expertise
5 to evaluate teachers’ proficiency and progress in im-
6 plementing technology for teaching and learning and
7 the interoperability of data systems and eligible tech-
8 nology;

9 “(7) a description of the local educational agen-
10 cy’s procurement process and process for the cre-
11 ation, acquisition, distribution, and use of content,
12 how the local educational agency will ensure integ-
13 rity of such processes, and how such processes sup-
14 port the goals described in paragraph (1) or how a
15 local educational agency will change such processes
16 to support such goals, and how the local educational
17 agency will ensure content quality;

18 “(8) a description of how the local educational
19 agency will carry out activities under subsection (c);

20 “(9) a description of how the subgrant funds
21 received under subsection (a) will be coordinated
22 with and supported by other Federal, State, and
23 local funds to support activities under this title;

24 “(10) a description of how the local educational
25 agency will ensure that the subgrant received under

1 subsection (a) is not duplicative of support received
2 under the E-rate program; and

3 “(11) an assurance that the local educational
4 agency will protect the privacy and safety of stu-
5 dents and teachers, consistent with requirements
6 section 444 of the General Education Provisions Act
7 (20 U.S.C. 1232g) (commonly known as the ‘Family
8 Educational Rights and Privacy Act of 1974’) and
9 section 2441(a) of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C. 6777(a)).

11 “(c) USE OF FUNDS.—

12 “(1) TECHNOLOGY INFRASTRUCTURE.—Subject
13 to paragraph (3), a local educational agency receiv-
14 ing a subgrant under subsection (a) shall use not
15 less than 40 percent of such funds to support activi-
16 ties for the acquisition of eligible technology needed
17 to—

18 “(A) except for the activities described in
19 paragraph (2), carry out activities described in
20 the application submitted under subsection (b),
21 including purchasing devices, equipment, and
22 software applications, and improving
23 connectivity to and within schools; and

1 “(B) address readiness shortfalls identified
2 under the technology readiness survey com-
3 pleted by the local educational agency.

4 “(2) PROFESSIONAL DEVELOPMENT FOR DIG-
5 ITAL LEARNING.—Subject to paragraph (3), a local
6 educational agency receiving a subgrant under sub-
7 section (a)—

8 “(A) shall use not less than 35 percent of
9 such funds to carry out—

10 “(i) digital age professional develop-
11 ment opportunities for teachers, para-
12 professionals, library and media personnel,
13 specialized instructional support personnel,
14 technology coordinators, and administra-
15 tors in the effective use of modern infor-
16 mation and communication technology
17 tools and digital resources to deliver in-
18 struction, curriculum and school classroom
19 management, including for classroom
20 teachers to assess, support, and provide
21 engaging student learning opportunities,
22 including professional development that—

23 “(I) is ongoing, sustainable, and
24 scalable;

25 “(II) is participatory;

1 “(III) includes communication
2 and regular interactions with instruc-
3 tors, facilitators, and peers and is di-
4 rectly related to up-to-date teaching
5 methods in content areas;

6 “(IV) includes strategies and
7 tools for improving communication
8 with parents and family engagement;

9 “(V) may be built around active
10 professional learning communities or
11 online communities of practice or
12 other tools that increase collaboration
13 among teachers across schools, local
14 educational agencies, or States; and

15 “(VI) may contain on-demand
16 components, such as instructional vid-
17 eos, training documents, or learning
18 modules;

19 “(ii) ongoing professional development
20 in strategies, pedagogy, and assessment in
21 the core academic subjects that involve the
22 use of technology and curriculum redesign
23 as key components of supporting effective,
24 innovative teaching and learning, and im-
25 proving student achievement;

1 “(iii) ongoing professional develop-
2 ment in the use of educational technologies
3 to ensure every educator achieves and
4 maintains technology literacy, including
5 possessing and maintaining the knowledge
6 and skills to use technology—

7 “(I) across the curriculum for
8 student learning;

9 “(II) for real-time data analysis
10 and online or digital assessment to en-
11 able individualized instruction; and

12 “(III) to develop and maintain
13 student technology literacy;

14 “(iv) ongoing professional develop-
15 ment for school leaders to provide and pro-
16 mote leadership in the use of—

17 “(I) educational technology to en-
18 sure a digital-age learning environ-
19 ment, including the capacity to lead
20 the reform or redesign of curriculum,
21 instruction, assessment; and

22 “(II) data through the use of
23 technology in order to increase stu-
24 dent learning opportunity, student
25 technology literacy, student access to

1 technology, and student engagement
2 in learning; and

3 “(v) a review of the effectiveness of
4 the professional development and regular
5 intervals of learner feedback and data; and
6 “(B) may use such funds for—

7 “(i) the use of technology coaches to
8 work directly with teachers, including
9 through the preparation of teachers as
10 technology leaders or master teachers—

11 “(I) who are provided with the
12 means to serve as experts and to cre-
13 ate professional development opportu-
14 nities for other teachers in the effec-
15 tive use of technology; and

16 “(II) who may leverage tech-
17 nologies, such as distance learning
18 and online virtual educator-to-educa-
19 tor peer communities, as a means to
20 support ongoing, participatory profes-
21 sional growth around the integration
22 of effective educational technologies;

23 “(ii) innovative approaches to ongoing
24 professional development such as non-
25 standard achievement recognition strate-

1 gies, including digital badging,
2 gamification elements, use of learner-cre-
3 ated learning objects, integration of social
4 and professional networking tools, rating
5 and commenting on learning artifacts, and
6 personalization of professional develop-
7 ment; and

8 “(iii) any other activities required to
9 carry out the local educational agency’s
10 technology plan described in subsection
11 (b)(4).

12 “(3) MODIFICATION OF FUNDING ALLOCA-
13 TIONS.—A State educational agency may authorize a
14 local educational agency to modify the percentage of
15 the local educational agency’s subgrant funds re-
16 quired to carry out the activities described in para-
17 graphs (1) or (2) if the local educational agency
18 demonstrates that such modification will assist the
19 local educational agency in more effectively carrying
20 out such activities.

21 “(4) PURCHASING CONSORTIA.—Local edu-
22 cational agencies receiving subgrants under sub-
23 section (a) may—

24 “(A) form a local purchasing consortia
25 with other such local educational agencies to

1 carry out the activities described in this sub-
2 section, including purchasing eligible tech-
3 nology; and

4 “(B) use such funds for purchasing eligible
5 technology through a State purchasing con-
6 sortia under section 103(d).

7 **“SEC. 5449. REPORTING.**

8 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
9 educational agency receiving a subgrant under section 104
10 shall submit to the State educational agency that awarded
11 such subgrant an annual report the meets the require-
12 ments of subsection (c).

13 “(b) STATE EDUCATIONAL AGENCIES.—Each State
14 educational agency receiving a grant under section
15 101(b)(2) shall submit to the Secretary an annual report
16 that meets the requirements of subsection (c).

17 “(c) REPORT REQUIREMENTS.—A report submitted
18 under subsection (a) or (b) shall include, at a minimum,
19 a description of—

20 “(1) the status of the State education agency’s
21 plan described in section 102(b)(3) or local edu-
22 cation agency’s technology plan under section
23 104(b)(4), as applicable;

1 “(2) the categories of eligible technology ac-
2 quired and types of programs funded under this title
3 and how such technology is being used;

4 “(3) the professional development activities
5 funded under this title, including types of activities
6 and entities involved in providing such professional
7 development; and

8 “(4) information on the impact of the grant on
9 students and student outcomes, such as—

10 “(A) the number of and demographic in-
11 formation about students who are served under
12 this part;

13 “(B) student achievement, student growth,
14 and graduation rates of such students;

15 “(C) college-and-career readiness data
16 about such students, such as rates of credit ac-
17 cumulation, course taking and completion, and
18 college enrollment and persistence;

19 “(D) student attendance and participation
20 rates;

21 “(E) student engagement and discipline;

22 “(F) school climate and teacher working
23 conditions;

1 “(G) increases in inclusion of students
2 with disabilities and English-language learners;
3 and

4 “(H) such other information the Secretary
5 may require or other information State edu-
6 cational agencies or local educational agencies
7 served under this part propose to include, as
8 approved by the Secretary.

9 **“SEC. 5450 ESTABLISHMENT OF THE ADVANCED RESEARCH**
10 **PROJECT AGENCY-EDUCATION.**

11 “(a) PROGRAM ESTABLISHED.—From the amounts
12 appropriated under section 5451, the Secretary of Edu-
13 cation may reserve up to 5 percent to—

14 “(1) establish and carry out the Advanced Re-
15 search Projects Agency-Education (in this Act re-
16 ferred to as ‘ARPA-ED’) to—

17 “(A) identify and promote advances in
18 learning, fundamental and applied sciences, and
19 engineering that may be translated into new
20 learning technologies;

21 “(B) develop, test, and evaluate new learn-
22 ing technologies and related processes; and

23 “(C) accelerate transformational techno-
24 logical advances in education;

1 “(2) convene an advisory panel under sub-
2 section (d); and

3 “(3) carry out the evaluation and dissemination
4 requirements under subsection (e).

5 “(b) APPOINTMENTS.—

6 “(1) DIRECTOR.—ARPA–ED shall be under
7 the direction of the Director of ARPA–ED, who
8 shall be appointed by the Secretary.

9 “(2) QUALIFIED INDIVIDUALS.—The Secretary
10 shall appoint, for a term of not more than 4 years,
11 qualified individuals who represent scientific, engi-
12 neering, professional, and other personnel with ex-
13 pertise in carrying out the activities described in this
14 section to positions in ARPA–ED, at rates of com-
15 pensation determined by the Secretary, without re-
16 gard to the provisions of title 5, United States Code,
17 except that such rates of compensation shall not to
18 exceed the rate for level I of the Executive Schedule
19 under section 5312 of such title.

20 “(c) FUNCTIONS OF ARPA–ED.—Upon consultation
21 with the advisory panel convened under subsection (d), the
22 Secretary shall select public and private entities to carry
23 out the activities described in subsection (a)(1) by—

24 “(1) awarding such entities grants, contracts,
25 cooperative agreements, or cash prizes; or

1 “(2) entering into such other transactions with
2 such entities as the Secretary may prescribe in regu-
3 lations.

4 “(d) ADVISORY PANEL.—

5 “(1) IN GENERAL.—The Secretary shall con-
6 vene an advisory panel to advise and consult with
7 the Secretary, Director, and the qualified individuals
8 appointed under subsection (b)(2) on—

9 “(A) ensuring that the awards made and
10 transaction entered into under subsection (c)
11 are consistent with the purposes described in
12 subsection (a)(1); and

13 “(B) ensuring the relevance, accessibility,
14 and utility of such awards and transactions to
15 education practitioners.

16 “(2) APPOINTMENT OF MEMBERS.—The Sec-
17 retary shall appoint the following qualified individ-
18 uals to serve on the advisory panel:

19 “(A) Education practitioners.

20 “(B) Experts in technology.

21 “(C) Specialists in rapid gains in student
22 achievement and school turnaround.

23 “(D) Specialists in personalized learning.

24 “(E) Researchers, including at least one
25 representative from a comprehensive center es-

1 tablished under 203 of the Educational Tech-
2 nical Assistance Act of 2002 (20 U.S.C. 9602)
3 or the regional laboratories system established
4 under section 174 of the Education Sciences
5 Reform Act (20 U.S.C. 9564).

6 “(F) Other individuals with expertise who
7 will contribute to the overall rigor and quality
8 of ARPA–ED.

9 “(3) APPLICABILITY OF FACA.—The Federal
10 Advisory Committee Act (5 U.S.C. App.) shall not
11 apply to the panel convened under this subsection
12 and any appointee to such panel shall not be consid-
13 ered an ‘employee’ under section 2105 of title 5,
14 United States Code.

15 “(e) EVALUATION AND DISSEMINATION.—

16 “(1) EVALUATION.—The Secretary shall obtain
17 independent, periodic, and rigorous evaluation of—

18 “(A) the effectiveness of the processes
19 ARPA–Ed is using to achieve the purposes de-
20 scribed in subsection (a)(1);

21 “(B) the relevance, accessibility, and utility
22 of the awards made and transactions entered
23 into under subsection (c) to education practi-
24 tioners; and

1 “(C) the effectiveness of the projects car-
2 ried out through such awards and transactions,
3 using evidence standards developed in consulta-
4 tion with the Institute of Education Sciences,
5 and the suitability of such projects for further
6 investment or increased scale.

7 “(2) DISSEMINATION AND USE.—The Secretary
8 shall disseminate information to education practi-
9 tioners, including teachers, principals, and local and
10 State superintendents, on effective practices and
11 technologies developed under ARPA–ED, as appro-
12 priate, through—

13 “(A) the comprehensive centers established
14 under 203 of the Educational Technical Assist-
15 ance Act of 2002 (20 U.S.C. 9602);

16 “(B) the regional laboratories system es-
17 tablished under section 174 of the Education
18 Sciences Reform Act (20 U.S.C. 9564); and

19 “(C) such other means as the Secretary
20 determines to be appropriate.

21 “(f) ADMINISTRATIVE REQUIREMENTS.—Notwith-
22 standing section 437(d) of the General Education Provi-
23 sions Act (20 U.S.C. 1232(d)), the Secretary shall estab-
24 lish such processes as may be necessary for the Secretary
25 to manage and administer ARPA–ED, which are not con-

1 strained by other Department of Education-wide adminis-
2 trative requirements that may prevent ARPA–ED from
3 carrying out the purposes described in subsection (a)(1).

4 **“SEC. 5451. AUTHORIZATION.**

5 “There are authorized to be appropriated to carry out
6 this subpart \$500,000,000 for fiscal year 2014 and such
7 sums as may be necessary for each of the 4 succeeding
8 fiscal years.”.

9 (b) REPEAL.—Part B of title I (20 U.S.C. 6361 et
10 seq.) is repealed.

11 **Subtitle C—Family Engagement in**
12 **Education Programs**

13 **SEC. 521. FAMILY ENGAGEMENT IN EDUCATION PRO-**
14 **GRAMS.**

15 Title V of the Act (20 U.S.C. 5101 et seq.) is a
16 amended by adding at the end the following new part:

17 **“PART E—FAMILY ENGAGEMENT IN EDUCATION**
18 **PROGRAMS**

19 **“SEC. 5701. PURPOSES.**

20 “The purposes of this part are the following:

21 “(1) To provide financial support to organiza-
22 tions to provide technical assistance and training to
23 State and local educational agencies in the imple-
24 mentation and enhancement of systemic and effec-
25 tive family engagement policies, programs, and ac-

1 activities that lead to improvements in student devel-
2 opment and academic achievement.

3 “(2) To assist State educational agencies, local
4 educational agencies, community-based organiza-
5 tions, schools, and educators in strengthening part-
6 nerships among parents, teachers, school leaders, ad-
7 ministrators, and other school personnel in meeting
8 the educational needs of children and fostering
9 greater parental engagement.

10 “(3) To support State educational agencies,
11 local educational agencies, schools, educators, and
12 parents in developing and strengthening the relation-
13 ship between parents and their children’s school in
14 order to further the developmental progress of chil-
15 dren.

16 “(4) To coordinate activities funded under this
17 part with parent involvement initiatives funded
18 under section 1118 and other provisions of this Act.

19 “(5) To assist the Secretary, State educational
20 agencies, and local educational agencies in the co-
21 ordination and integration of Federal, State, and
22 local services and programs to engage families in
23 education.

1 **“SEC. 5702. GRANTS AUTHORIZED.**

2 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—

3 From the amount appropriated under section 4306, the
4 Secretary is authorized to award grants for each fiscal
5 year to statewide organizations (and consortia of such or-
6 ganizations and State educational agencies), to establish
7 Statewide Family Engagement Centers that provide com-
8 prehensive training and technical assistance to State edu-
9 cational agencies, local educational agencies, schools iden-
10 tified by State educational agencies and local educational
11 agencies, organizations that support family-school part-
12 nerships, and other organizations that carry out parent
13 education and family engagement in education programs.

14 “(b) MINIMUM AWARD.—In awarding grants under
15 this section, the Secretary shall, to the extent practicable,
16 ensure that a grant is awarded for a Statewide Family
17 Engagement Center in an amount not less than \$500,000.

18 **“SEC. 5703. APPLICATIONS.**

19 “(a) SUBMISSIONS.—Each statewide organization, or
20 a consortium of such an organization and a State edu-
21 cational agency, that desires a grant under this part shall
22 submit an application to the Secretary at such time, in
23 such manner, and including the information described in
24 subsection (b).

25 “(b) CONTENTS.—Each application submitted under
26 subsection (a) shall include, at a minimum, the following:

1 “(1) A description of the applicant’s approach
2 to family engagement in education.

3 “(2) A description of the support that the
4 Statewide Family Engagement Center that will be
5 operated by the applicant will have from the appli-
6 cant, including a letter from the applicant outlining
7 the commitment to work with the center.

8 “(3) A description of the applicant’s plan for
9 building a statewide infrastructure for family en-
10 gagement in education, that includes—

11 “(A) management and governance;

12 “(B) statewide leadership; and

13 “(C) systemic services for family engage-
14 ment in education.

15 “(4) A description of the applicant’s dem-
16 onstrated experience in providing training, informa-
17 tion, and support to State educational agencies, local
18 educational agencies, schools, educators, parents,
19 and organizations on family engagement in edu-
20 cation policies and practices that are effective for
21 parents (including low-income parents) and families,
22 English learners, minorities, parents of students
23 with disabilities, parents of homeless students, foster
24 parents and students, and parents of migratory stu-

1 dents, including evaluation results, reporting, or
2 other data exhibiting such demonstrated experience.

3 “(5) An assurance that the applicant will—

4 “(A) establish a special advisory com-
5 mittee, the membership of which includes—

6 “(i) parents, who shall constitute a
7 majority of the members of the special ad-
8 visory committee;

9 “(ii) representatives of education pro-
10 fessionals with expertise in improving serv-
11 ices for disadvantaged children;

12 “(iii) representatives of local elemen-
13 tary schools and secondary schools, includ-
14 ing students;

15 “(iv) representatives of the business
16 community; and

17 “(v) representatives of State edu-
18 cational agencies and local educational
19 agencies;

20 “(B) use not less than 65 percent of the
21 funds received under this part in each fiscal
22 year to serve local educational agencies, schools,
23 and community-based organizations that serve
24 high concentrations of disadvantaged students,
25 including English learners, minorities, parents

1 of students with disabilities, parents of home-
2 less students, foster parents and students, and
3 parents of migratory students;

4 “(C) operate a Statewide Family Engage-
5 ment Center of sufficient size, scope, and qual-
6 ity to ensure that the Center is adequate to
7 serve the State educational agency, local edu-
8 cational agencies, and community-based organi-
9 zations;

10 “(D) ensure that the Center will retain
11 staff with the requisite training and experience
12 to serve parents in the State;

13 “(E) serve urban, suburban, and rural
14 local educational agencies and schools;

15 “(F) work with—

16 “(i) other Statewide Family Engage-
17 ment Centers assisted under this part; and

18 “(ii) parent training and information
19 centers and community parent resource
20 centers assisted under sections 671 and
21 672 of the Individuals with Disabilities
22 Education Act;

23 “(G) use not less than 30 percent of the
24 funds received under this part for each fiscal

1 year to establish or expand technical assistance
2 for evidence-based parent education programs;

3 “(H) provide assistance to State edu-
4 cational agencies and local educational agencies
5 and community-based organizations that sup-
6 port family members in supporting student aca-
7 demic achievement;

8 “(I) work with State educational agencies,
9 local educational agencies, schools, educators,
10 and parents to determine parental needs and
11 the best means for delivery of services to ad-
12 dress such needs; and

13 “(J) conduct sufficient outreach to assist
14 parents, including parents who the applicant
15 may have a difficult time engaging with a
16 school or local educational agency.

17 **“SEC. 5704. USES OF FUNDS.**

18 “(a) IN GENERAL.—Grantees shall use grant funds
19 received under this part, based on the needs determined
20 under section 4303(b)(5)(I), to provide training and tech-
21 nical assistance to State educational agencies, local edu-
22 cational agencies, and organizations that support family-
23 school partnerships, and activities, services, and training
24 for local educational agencies, school leaders, educators,
25 and parents—

1 “(1) to assist parents in participating effectively
2 in their children’s education and to help their chil-
3 dren meet college and career ready standards, such
4 as assisting parents—

5 “(A) to engage in activities that will im-
6 prove student academic achievement, including
7 understanding how they can support learning in
8 the classroom with activities at home and in
9 afterschool and extracurricular programs;

10 “(B) to communicate effectively with their
11 children, teachers, school leaders, counselors,
12 administrators, and other school personnel;

13 “(C) to become active participants in the
14 development, implementation, and review of
15 school-parent compacts, family engagement in
16 education policies, and school planning and im-
17 provement;

18 “(D) to participate in the design and pro-
19 vision of assistance to students who are not
20 making academic progress;

21 “(E) to participate in State and local deci-
22 sionmaking;

23 “(F) to train other parents; and

24 “(G) to help the parents learn and use
25 technology applied in their children’s education;

1 “(2) to develop and implement, in partnership
2 with the State educational agency, statewide family
3 engagement in education policy and systemic initia-
4 tives that will provide for a continuum of services to
5 remove barriers for family engagement in education
6 and support school reform efforts; and

7 “(3) to develop, implement, and assess parental
8 involvement policies under sections 1112 and 1118.

9 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—
10 For each fiscal year after the first fiscal year for which
11 an organization or consortium receives assistance under
12 this section, the organization or consortium shall dem-
13 onstrate in the application that a portion of the services
14 provided by the organization or consortium is supported
15 through non-Federal contributions, which may be in cash
16 or in-kind.

17 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
18 reserve not more than 2 percent of the funds appropriated
19 under section 4306 to carry out this part to provide tech-
20 nical assistance, by grant or contract, for the establish-
21 ment, development, and coordination of Statewide Family
22 Engagement Centers.

23 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed to prohibit a Statewide Family En-
25 gagement Center from—

1 “(1) having its employees or agents meet with
2 a parent at a site that is not on school grounds; or

3 “(2) working with another agency that serves
4 children.

5 “(e) PARENTAL RIGHTS.—Notwithstanding any
6 other provision of this section—

7 “(1) no person (including a parent who edu-
8 cates a child at home, a public school parent, or a
9 private school parent) shall be required to partici-
10 pate in any program of parent education or develop-
11 mental screening under this section; and

12 “(2) no program or center assisted under this
13 section shall take any action that infringes in any
14 manner on the right of a parent to direct the edu-
15 cation of their children.

16 **“SEC. 5705. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

17 “The Secretary of the Interior, in consultation with
18 the Secretary of Education, shall establish, or enter into
19 contracts and cooperative agreements with local Indian or
20 Indian-serving nonprofit parent organizations to establish
21 and operate Family Engagement Centers.

22 **“SEC. 5706. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to carry out
24 this part \$30,000,000 for fiscal year 2014 and such sums
25 as may be necessary for subsequent fiscal years.”.

1 **TITLE VI—FLEXIBILITY AND**
2 **ACCOUNTABILITY**

3 **SEC. 601. FLEXIBILITY AND ACCOUNTABILITY.**

4 Title VI (20 U.S.C. 7301 et seq.) is amended in sec-
5 tions 6113(a) and 6234 by striking “fiscal year 2002” and
6 inserting “fiscal year 2014” each place it appears.

7 **TITLE VII—INDIAN, NATIVE HA-**
8 **WAIIAN, AND ALASKA NATIVE**
9 **EDUCATION**

10 **SEC. 701. IN GENERAL.**

11 Title VII (20 U.S.C. 7401 et seq.) is amended—

12 (1) by striking “Bureau of Indian Affairs” each
13 place it appears and inserting “Bureau of Indian
14 Education”;

15 (2) by striking “No Child Left Behind Act of
16 2001” each place it appears and insert “Student
17 Success Act”; and

18 (3) in sections 7152, 7205(c), and 7304(d)(1),
19 by striking “fiscal year 2002” each place it appears
20 and inserting “fiscal year 2014”.

21 **Subtitle A—Indian Education**

22 **SEC. 711. PURPOSE.**

23 Section 7102 (20 U.S.C. 7402) is amended to read
24 as follows:

1 **“SEC. 7102. PURPOSE.**

2 “It is the purpose of this part to support the efforts
3 of local educational agencies, Indian tribes and organiza-
4 tions, postsecondary institutions, and other entities—

5 “(1) to ensure the academic achievement of
6 American Indian and Alaska Native students by
7 meeting their unique cultural, language, and edu-
8 cational needs, consistent with section 1111(c);

9 “(2) to ensure that Indian and Alaska Native
10 students gain knowledge and understanding of Na-
11 tive communities, languages, tribal histories, tradi-
12 tions, and cultures; and

13 “(3) to ensure that principals, teachers, and
14 other staff who serve Indian and Alaska Native stu-
15 dents have the ability to provide culturally appro-
16 priate and effective instruction to such students.”.

17 **PART 1—FORMULA GRANTS TO LOCAL**
18 **EDUCATIONAL AGENCIES**

19 **SEC. 721. FORMULA GRANT PURPOSE.**

20 Section 7111 (20 U.S.C. 7421) is amended to read
21 as follows:

22 **“SEC. 7111. PURPOSE.**

23 “(a) PURPOSE.—It is the purpose of this subpart to
24 support the efforts of local educational agencies, Indian
25 tribes and organizations, postsecondary institutions, and
26 other entities to improve the academic achievement of

1 American Indian and Alaska Native students by meeting
2 their unique cultural, language, and educational needs.

3 “(b) PROGRAMS.—This subpart carries out the pur-
4 pose described in subsection (a) by authorizing programs
5 of direct assistance for—

6 “(1) meeting the unique educational and cul-
7 turally related academic needs of Indians and Alaska
8 Natives;

9 “(2) strengthening American Indian, Native
10 Hawaiian, and Alaska Native students’ knowledge of
11 their languages, history, traditions, and cultures;

12 “(3) the education of Indian children and
13 adults;

14 “(4) the training of Indian persons as educators
15 and counselors, and in other professions serving In-
16 dian people; and

17 “(5) research, evaluation, data collection, and
18 technical assistance.”.

19 **SEC. 722. GRANTS TO LOCAL EDUCATIONAL AGENCIES,**
20 **TRIBES, AND INDIAN ORGANIZATIONS.**

21 Section 7112 (20 U.S.C. 7422) is amended—

22 (1) in subsection (a), by striking “and Indian
23 tribes” and inserting “, Indian tribes, and Indian or-
24 ganizations”;

1 (2) in subsection (b)(2), by striking “a reserva-
2 tion” and inserting “an Indian reservation”; and

3 (3) by striking subsection (c) and inserting the
4 following:

5 “(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

6 “(1) IN GENERAL.—If a local educational agen-
7 cy that is otherwise eligible for a grant under this
8 subpart does not establish a committee under section
9 7114(c)(5) for such grant, an Indian tribe, an In-
10 dian organization, or a consortium of such entities,
11 that represents more than one-half of the eligible In-
12 dian children who are served by such local edu-
13 cational agency may apply for such grant.

14 “(2) UNAFFILIATED INDIAN TRIBES.—An In-
15 dian tribe that operates a school and is not affiliated
16 with either the local educational agency or the Bu-
17 reau of Indian Education shall be eligible to apply
18 for a grant under this subpart.

19 “(3) SPECIAL RULE.—

20 “(A) IN GENERAL.—The Secretary shall
21 treat each Indian tribe, Indian organization, or
22 consortium of such entities applying for a grant
23 pursuant to paragraph (1) or (2) as if such
24 tribe, Indian organization, or consortium were a

1 local educational agency for purposes of this
2 subpart.

3 “(B) EXCEPTIONS.—Notwithstanding sub-
4 paragraph (A), such Indian tribe, Indian orga-
5 nization, or consortium shall not be subject to
6 the requirements of subsections (b)(7) or (c)(5)
7 of section 7114 or section 7118(c) or 7119.

8 “(4) ASSURANCE TO SERVE ALL INDIAN CHIL-
9 DREN.—An Indian tribe, Indian organization, or
10 consortium of such entities that is eligible to apply
11 for a grant under paragraph (1) shall include, in the
12 application required under section 7114, an assur-
13 ance that the entity will use the grant funds to pro-
14 vide services to all Indian students served by the
15 local educational agency.

16 “(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

17 “(1) IN GENERAL.—If no local educational
18 agency pursuant to subsection (b), and no Indian
19 tribe, Indian organization, or consortium pursuant
20 to subsection (c), applies for a grant under this sub-
21 part, an Indian community-based organization serv-
22 ing the community of the local educational agency
23 may apply for such grant.

24 “(2) APPLICABILITY OF SPECIAL RULE.—The
25 Secretary shall apply the special rule in subsection

1 (c)(3) to a community-based organization applying
2 or receiving a grant under paragraph (1) in the
3 same manner as such rule applies to an Indian tribe,
4 Indian organization, or consortium.

5 “(3) DEFINITION OF INDIAN COMMUNITY-
6 BASED ORGANIZATION.—In this subsection, the term
7 ‘Indian community-based organization’ means any
8 organization that—

9 “(A) is composed primarily of Indian par-
10 ents and community members, tribal govern-
11 ment education officials, and tribal members
12 from a specific community;

13 “(B) assists in the social, cultural, and
14 educational development of Indians in such
15 community;

16 “(C) meets the unique cultural, language,
17 and academic needs of Indian students; and

18 “(D) demonstrates organizational capacity
19 to manage the grant.

20 “(e) CONSORTIA.—

21 “(1) IN GENERAL.—A local educational agency,
22 Indian tribe, or Indian organization that meets the
23 eligibility requirements under this section may form
24 a consortium with other eligible local educational
25 agencies, Indian tribes, or Indian organizations for

1 the purpose of obtaining grants and operating pro-
2 grams under this subpart.

3 “(2) REQUIREMENTS FOR LOCAL EDUCATIONAL
4 AGENCIES IN CONSORTIA.—In any case where 2 or
5 more local educational agencies that are eligible
6 under subsection (b) form or participate in a consor-
7 tium to obtain a grant, or operate a program, under
8 this subpart, each local educational agency partici-
9 pating in such a consortium shall—

10 “(A) provide, in the application submitted
11 under section 7114, an assurance that the eligi-
12 ble Indian children served by such local edu-
13 cational agency will receive the services of the
14 programs funded under this subpart; and

15 “(B) agree to be subject to all require-
16 ments, assurances, and obligations applicable to
17 a local educational agency receiving a grant
18 under this subpart.”.

19 **SEC. 723. AMOUNT OF GRANTS.**

20 Section 7113(b) (20 U.S.C. 7423(b)) is amended—

21 (1) in paragraph (1), by striking “\$3,000” and
22 inserting “\$10,000”;

23 (2) by striking paragraph (2) and redesignating
24 paragraph (3) as paragraph (2); and

1 (3) in paragraph (2), as so redesignated, by
2 striking “\$4,000” and inserting “\$15,000”.

3 **SEC. 724. APPLICATIONS.**

4 (a) IN GENERAL.—Section 7114 (20 U.S.C. 7424)
5 is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (2)—

8 (i) in subparagraph (A)—

9 (I) by striking “is consistent
10 with” and inserting “supports”; and

11 (II) by inserting “, tribal,” after
12 “State”; and

13 (ii) in subparagraph (B), by striking
14 “such goals” and all that follows through
15 the semicolon at the end and inserting
16 “such goals, to ensure such students meet
17 the same college and career ready State
18 academic achievement standards under sec-
19 tion 1111(b) for all children;”;

20 (B) in paragraph (5)—

21 (i) in subparagraph (A), by striking
22 “and” after the semicolon; and

23 (ii) by adding at the end the fol-
24 lowing:

1 “(C) the parents of Indian children, and
2 representatives of Indian tribes, on the com-
3 mittee described in subsection (c)(5) will par-
4 ticipate in the planning of the professional de-
5 velopment materials;”;

6 (C) in paragraph (6)—

7 (i) in subparagraph (B)—

8 (I) by adding at the end the fol-
9 lowing:

10 “(iii) the Indian tribes whose children
11 are served by the local educational agency;
12 and”; and

13 (ii) in subparagraph (C), by striking
14 the period at the end and inserting “;
15 and”; and

16 (D) by adding at the end the following:

17 “(7) describes—

18 “(A) the formal process the local edu-
19 cational agency used to collaborate with Indian
20 tribes located in the community in the develop-
21 ment of the comprehensive programs; and

22 “(B) the actions taken as a result of the
23 collaboration.”;

24 (2) in subsection (c)—

1 (A) in paragraph (2), by adding at the end
2 the following:

3 “(A) determine the extent to which such
4 activities address the unique cultural, language,
5 and educational needs of Indian students;”;

6 (B) in paragraph (3)(C), by inserting “rep-
7 resentatives of Indian tribes with reservations
8 located within 50 miles of any of the schools
9 that have Indian children in any such school,”
10 after “Indian children and teachers”;

11 (C) in paragraph (4)(A)—

12 (i) by redesignating clauses (ii) and
13 (iii) as clauses (iii) and (iv), respectively;
14 and

15 (ii) by inserting the following after
16 clause (i):

17 “(ii) representatives of Indian tribes
18 with reservations located within 50 miles of
19 any of the schools that have children in
20 any such school;”.

21 (D) in subparagraph (4)(B), by adding “or
22 representatives of Indian tribes described in
23 subparagraph (A)(ii)” after “children”; and

24 (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) in paragraph (11) by striking every-
16 thing after “children”; and

17 (2) in subsection (c) by adding at the end the
18 following:

19 “(3) the local educational agency identifies in
20 its application how the use of such funds in a
21 schoolwide program will produce benefits to the In-
22 dian students that would not be achieved if the
23 funds were not used in a schoolwide program.”.

1 **SEC. 726. STUDENT ELIGIBILITY FORMS.**

2 Section 7117(e) (20 U.S.C. 7427(e)) is amended to
3 read as follows:

4 “(e) DOCUMENTATION AND TYPES OF PROOF.—

5 “(1) TYPES OF PROOF.—For purposes of deter-
6 mining whether a child is eligible to be counted for
7 the purpose of computing the amount of a grant
8 award under section 7113, the membership of the
9 child, or any parent or grandparent of the child, in
10 a tribe or band of Indians (as so defined) may be
11 established by proof other than an enrollment num-
12 ber, notwithstanding the availability of an enroll-
13 ment number for a member of such tribe or band.
14 Nothing in subsection (b) shall be construed to re-
15 quire the furnishing of an enrollment number.

16 “(2) NO NEW OR DUPLICATE DETERMINA-
17 TIONS.—Once a child is determined to be an Indian
18 eligible to be counted for such grant award, the local
19 educational agency shall maintain a record of such
20 determination and shall not require a new or dupli-
21 cate determination to be made for such child for a
22 subsequent application for a grant under this sub-
23 part.

24 “(3) PREVIOUSLY FILED FORMS.—An Indian
25 student eligibility form that was on file as required
26 by this section on the day before the date of enact-

1 ment of the Student Success Act and that met the
2 requirements of this section, as this section was in
3 effect on the day before the date of enactment of
4 such Act, shall remain valid for such Indian stu-
5 dent.”.

6 **SEC. 727. TECHNICAL ASSISTANCE.**

7 Subpart 1 of part A of title VII is amended by adding
8 at the end the following new section:

9 **“SEC. 7120. TECHNICAL ASSISTANCE.**

10 “The Secretary shall, directly or through contract,
11 provide technical assistance to a local educational agency
12 upon request, in addition to any technical assistance avail-
13 able under section 1116 or available through the Institute
14 of Education Sciences, to support the services and activi-
15 ties described under this section, including for the—

16 “(1) development of applications under this sec-
17 tion;

18 “(2) improvement in the quality of implementa-
19 tion, content of activities, and evaluation of activities
20 supported under this subpart;

21 “(3) integration of activities under this title
22 with other educational activities established by the
23 local educational agency; and

24 “(4) coordination of activities under this title
25 with programs administered by each Federal agency

1 providing grants for the provision of educational and
2 related services.”.

3 **PART 2—SPECIAL PROGRAMS AND PROJECTS TO**
4 **IMPROVE EDUCATIONAL OPPORTUNITIES**
5 **FOR INDIAN CHILDREN**

6 **SEC. 731. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
7 **AND EDUCATION PROFESSIONALS.**

8 Section 7122 (20 U.S.C. 7442) is amended—

9 (1) in subsection (a), by striking paragraphs
10 (1) and (2) and inserting the following:

11 “(1) to increase the number of qualified and ef-
12 fective Indian teachers and administrators serving
13 Indian students;

14 “(2) to provide training to qualified Indian indi-
15 viduals to become teachers, administrators, social
16 workers, and other educators; and”;

17 (2) by striking subsection (e) and inserting the
18 following:

19 “(e) APPLICATION.—Each eligible entity desiring a
20 grant under this section shall submit an application to the
21 Secretary at such time, in such manner, and accompanied
22 by such information, as the Secretary may reasonably re-
23 quire. At a minimum, an application under this section
24 shall describe how the eligible entity will—

1 “(1) recruit qualified Indian individuals, such
2 as students who may not be of traditional college
3 age, to become teachers or principals;

4 “(2) use funds made available under the grant
5 to support the recruitment, preparation, and profes-
6 sional development of Indian teachers or principals
7 in local educational agencies that serve a high pro-
8 portion of Indian students; and

9 “(3) assist participants in meeting the require-
10 ments under subsection (h).”; and

11 (4) by striking subsection (g) and inserting the
12 following:

13 “(g) GRANT PERIOD.—The Secretary shall award
14 grants under this section for an initial period of not more
15 than 3 years, and may renew such grants for not more
16 than an additional 2 years if the Secretary finds that the
17 grantee is achieving the objectives of the grant.”.

18 **PART 3—NATIONAL ACTIVITIES**

19 **SEC. 741. NATIONAL ACTIVITIES.**

20 Section 7131(c)(2) (20 U.S.C. 7451(c)(2)) is amend-
21 ed by striking “Office of Indian Education Programs” and
22 inserting “Bureau of Indian Education”.

1 **SEC. 742. IMPROVEMENT OF ACADEMIC SUCCESS FOR STU-**
2 **DENTS THROUGH NATIVE AMERICAN LAN-**
3 **GUAGE.**

4 Subpart 3 of part A of title VII (20 U.S.C. 7451 et
5 seq.) is amended by striking sections 7132 through 7136
6 and inserting the following:

7 **“SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**
8 **STUDENTS THROUGH NATIVE AMERICAN**
9 **LANGUAGE.**

10 “(a) **PURPOSE.**—It is the purpose of this section to
11 improve educational opportunities and academic achieve-
12 ment of Indian and Alaska Native students through Na-
13 tive American language programs and to foster the acqui-
14 sition of Native American language.

15 “(b) **DEFINITION OF ELIGIBLE ENTITY.**—In this sec-
16 tion, the term ‘eligible entity’ means a State educational
17 agency, local educational agency, Indian tribe, Indian or-
18 ganization, federally supported elementary school or sec-
19 ondary school for Indian students, Indian institution (in-
20 cluding an Indian institution of higher education), or a
21 consortium of such entities.

22 “(c) **GRANTS AUTHORIZED.**—The Secretary shall
23 award grants to eligible entities to enable such entities to
24 carry out the following activities:

25 “(1) Native American language programs
26 that—

1 “(A) provide instruction through the use of
2 a Native American language for not less than
3 10 children for an average of not less than 500
4 hours per year per student;

5 “(B) provide for the involvement of par-
6 ents, caregivers, and families of students en-
7 rolled in the program;

8 “(C) utilize, and may include the develop-
9 ment of, instructional courses and materials for
10 learning Native American languages and for in-
11 struction through the use of Native American
12 languages;

13 “(D) provide support for professional de-
14 velopment activities; and

15 “(E) include a goal of all students achiev-
16 ing—

17 “(i) fluency in a Native American lan-
18 guage; and

19 “(ii) academic proficiency in mathe-
20 matics, English, reading or language arts,
21 and science.

22 “(2) Native American language restoration pro-
23 grams that—

24 “(A) provide instruction in not less than 1
25 Native American language;

1 “(B) provide support for professional de-
2 velopment activities for teachers of Native
3 American languages;

4 “(C) develop instructional materials for the
5 programs; and

6 “(D) include the goal of increasing pro-
7 ficiency and fluency in not less than 1 Native
8 American language.

9 “(d) APPLICATION.—

10 “(1) IN GENERAL.—An eligible entity that de-
11 sires to receive a grant under this section shall sub-
12 mit an application to the Secretary at such time, in
13 such manner, and accompanied by such information
14 as the Secretary may require.

15 “(2) CERTIFICATION.—An eligible entity that
16 submits an application for a grant to carry out the
17 activity specified in subsection (c)(1), shall include
18 in such application a certification that assures that
19 such entity has experience and a demonstrated
20 record of effectiveness in operating and admin-
21 istering a Native American language program or any
22 other educational program in which instruction is
23 conducted in a Native American language.

24 “(e) GRANT DURATION.—The Secretary shall award
25 grants under this section for an initial period of not more

1 than 3 years, and may renew such grants for not more
2 than an additional 2 years if the Secretary finds that the
3 grantee is achieving the objectives of the grant.

4 “(f) DEFINITION.—In this section, the term ‘average’
5 means the aggregate number of hours of instruction
6 through the use of a Native American language to all stu-
7 dents enrolled in a Native American language program
8 during a school year divided by the total number of stu-
9 dents enrolled in the program.

10 “(g) ADMINISTRATIVE COSTS.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), not more than 5 percent of the funds pro-
13 vided to a grantee under this section for any fiscal
14 year may be used for administrative purposes.

15 “(2) EXCEPTION.—An elementary school or
16 secondary school for Indian students that receives
17 funds from a recipient of a grant under subsection
18 (c) for any fiscal year may use not more than 10
19 percent of the funds for administrative purposes.

20 **“SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATION**
21 **AGENCY COLLABORATION.**

22 “The Secretary, in consultation with the Director of
23 the Bureau of Indian Education, shall conduct a study of
24 the relationship among State educational agencies, local

1 educational agencies, and other relevant State and local
2 agencies, and tribes or tribal representatives to—

3 “(1) identify examples of best practices in col-
4 laboration among those entities that result in the
5 provision of better services to Indian students; and

6 “(2) provide recommendations on—

7 “(A) State educational agency functions
8 that tribal educational agencies could perform;

9 “(B) areas and agency functions in which
10 greater State educational agency and tribal
11 education agency collaboration is needed; and

12 “(C) other steps to reducing barriers to
13 serving Indian students, especially such stu-
14 dents who are at risk of academic failure.”.

15 **Subtitle B—Native Hawaiian Edu-**
16 **cation; Alaska Native Education**

17 **SEC. 751. NATIVE HAWAIIAN EDUCATION AND ALASKA NA-**
18 **TIVE EDUCATION.**

19 Title VII (20 U.S.C. 7401 et seq.) is amended—

20 (1) in the heading of part B, by inserting “;
21 **ALASKA NATIVE EDUCATION**” after “**NATIVE**
22 **HAWAIIAN EDUCATION**”; and

23 (2) by inserting before section 7201 the fol-
24 lowing:

1 **“Subpart 1—Native Hawaiian Education”.**

2 **SEC. 752. FINDINGS.**

3 Section 7202 (20 U.S.C. 7512) is amended to read
4 as follows:

5 **“SEC. 7202. FINDINGS.**

6 “Congress finds the following:

7 “(1) Native Hawaiians are a distinct and
8 unique indigenous people with a historical continuity
9 to the original inhabitants of the Hawaiian archi-
10 pelago, whose society was organized as a nation and
11 internationally recognized as a nation by the United
12 States, and many other countries.

13 “(2) Native Hawaiians have a cultural, historic,
14 and land-based link to the indigenous people who ex-
15 ercised sovereignty over the Hawaiian Islands.

16 “(3) The political status of Native Hawaiians is
17 comparable to that of American Indians and Alaska
18 Natives.

19 “(4) The political relationship between the
20 United States and the Native Hawaiian people has
21 been recognized and reaffirmed by the United
22 States, as evidenced by the inclusion of Native Ha-
23 waiians in many Federal statutes, including—

24 “(A) the Native American Programs Act of
25 1974 (42 U.S.C. 2991 et seq.);

1 “(B) Public Law 95–341 (commonly
2 known as the ‘American Indian Religious Free-
3 dom Act’ (42 U.S.C. 1996));

4 “(C) the National Museum of the Amer-
5 ican Indian Act (20 U.S.C. 80q et seq.);

6 “(D) the Native American Graves Protec-
7 tion and Repatriation Act (25 U.S.C. 3001 et
8 seq.);

9 “(E) the National Historic Preservation
10 Act (16 U.S.C. 470 et seq.);

11 “(F) the Native American Languages Act
12 (25 U.S.C. 2901 et seq.);

13 “(G) the American Indian, Alaska Native,
14 and Native Hawaiian Culture and Art Develop-
15 ment Act (20 U.S.C. 4401 et seq.);

16 “(H) the Workforce Investment Act of
17 1998 (29 U.S.C. 2801 et seq.); and

18 “(I) the Older Americans Act of 1965 (42
19 U.S.C. 3001 et seq.).

20 “(5) Many Native Hawaiian students lag be-
21 hind other students in terms of—

22 “(A) school readiness factors;

23 “(B) scoring below national norms on edu-
24 cation achievement tests at all grade levels;

1 “(C) underrepresentation in the uppermost
2 achievement levels and in gifted and talented
3 programs;

4 “(D) overrepresentation among students
5 qualifying for special education programs;

6 “(E) underrepresentation in institutions of
7 higher education and among adults who have
8 completed 4 or more years of college.

9 “(6) The percentage of Native Hawaiian stu-
10 dents served by the State of Hawaii Department of
11 Education rose 30 percent from 1980 to 2008, and
12 there are and will continue to be geographically
13 rural, isolated areas with a high Native Hawaiian
14 population density.

15 “(7) The Native Hawaiian people are deter-
16 mined to preserve, develop, and transmit to future
17 generations their ancestral territory and their cul-
18 tural identity in accordance with their own spiritual
19 and traditional beliefs, customs, practices, language,
20 and social institutions.”.

21 **SEC. 753. PURPOSES.**

22 Section 7203 (20 U.S.C. 7513) is amended to read
23 as follows:

24 **“SEC. 7203. PURPOSES.**

25 “The purposes of this part are—

1 “(1) to develop, implement, assess, and evaluate
2 innovative educational programs to improve the aca-
3 demic achievement of Native Hawaiian students by
4 meeting their unique cultural and language needs in
5 order to help such students meet State academic
6 content and achievement standards as described in
7 section 1111(b);

8 “(2) to provide guidance to appropriate Fed-
9 eral, State, and local agencies to more effectively
10 and efficiently focus resources, including resources
11 made available under this part, on the development
12 and implementation of—

13 “(A) innovative educational programs for
14 Native Hawaiians;

15 “(B) rigorous and substantive Native Ha-
16 waiian language programs; and

17 “(C) Native Hawaiian culture-based edu-
18 cational programs; and

19 “(3) to create a system by which information
20 from programs funded under this part will be col-
21 lected, analyzed, evaluated, reported, and used in de-
22 cisionmaking activities regarding the types of grants
23 awarded under this part.”.

1 **SEC. 754. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

2 Section 7204 (20 U.S.C. 7514) is amended to read
3 as follows:

4 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL**
5 **GRANT.**

6 “(a) GRANT AUTHORIZED.—In order to carry out the
7 purposes of this part the Secretary shall award a grant
8 to an education council, as described under subsection (b).

9 “(b) EDUCATION COUNCIL.—

10 “(1) ELIGIBILITY.—To be eligible to receive the
11 grant under subsection (a), the council shall be an
12 education council (referred to in this section as the
13 ‘Education Council’) that meets the requirements of
14 this subsection.

15 “(2) COMPOSITION.—The Education Council
16 shall consist of 15 members of whom—

17 “(A) 1 shall be the President of the Uni-
18 versity of Hawaii (or a designee);

19 “(B) 1 shall be the Governor of the State
20 of Hawaii (or a designee);

21 “(C) 1 shall be the Superintendent of the
22 State of Hawaii Department of Education (or a
23 designee);

24 “(D) 1 shall be the chairperson of the Of-
25 fice of Hawaiian Affairs (or a designee);

1 “(E) 1 shall be the executive director of
2 Hawaii’s Charter School Network (or a des-
3 ignee);

4 “(F) 1 shall be the chief executive officer
5 of the Kamehameha Schools (or a designee);

6 “(G) 1 shall be the chairperson of the
7 Queen Liliuokalani Trust (or a designee);

8 “(H) 1 shall be a member, selected by the
9 other members of the Education Council, who
10 represents a private grant-making entity;

11 “(I) 1 shall be the Mayor of the County of
12 Hawaii (or a designee);

13 “(J) 1 shall be the Mayor of Maui County
14 (or a designee from the Island of Maui);

15 “(K) 1 shall be the Mayor of the County
16 of Kauai (or a designee);

17 “(L) 1 shall be appointed by the Mayor of
18 Maui County from the Island of either Molokai
19 or Lanai;

20 “(M) 1 shall be the Mayor of the City and
21 County of Honolulu (or a designee);

22 “(N) 1 shall be the chairperson of the Ha-
23 waiian Homes Commission (or a designee); and

1 “(O) 1 shall be the chairperson of the Ha-
2 waii Workforce Development Council (or a des-
3 ignee representing the private sector).

4 “(3) REQUIREMENTS.—Any designee serving on
5 the Education Council shall demonstrate, as deter-
6 mined by the individual who appointed such designee
7 with input from the Native Hawaiian community,
8 not less than 5 years of experience as a consumer
9 or provider of Native Hawaiian education or cultural
10 activities, with traditional cultural experience given
11 due consideration.

12 “(4) LIMITATION.—A member (including a des-
13 ignee), while serving on the Education Council, shall
14 not be a recipient of grant funds that are awarded
15 under this part.

16 “(5) TERM OF MEMBERS.—A member who is a
17 designee shall serve for a term of not more than 4
18 years.

19 “(6) CHAIR, VICE CHAIR.—

20 “(A) SELECTION.—The Education Council
21 shall select a Chair and a Vice Chair from
22 among the members of the Education Council.

23 “(B) TERM LIMITS.—The Chair and Vice
24 Chair shall each serve for a 2-year term.

1 “(7) ADMINISTRATIVE PROVISIONS RELATING
2 TO EDUCATION COUNCIL.—The Education Council
3 shall meet at the call of the Chair of the Council,
4 or upon request by a majority of the members of the
5 Education Council, but in any event not less often
6 than every 120 days.

7 “(8) NO COMPENSATION.—None of the funds
8 made available through the grant may be used to
9 provide compensation to any member of the Edu-
10 cation Council or member of a working group estab-
11 lished by the Education Council, for functions de-
12 scribed in this section.

13 “(c) USE OF FUNDS.—The Education Council shall
14 use funds made available through the grant to carry out
15 each of the following activities:

16 “(1) Providing advice about the coordination of,
17 and serving as a clearinghouse for, the educational
18 services and programs for Native Hawaiians.

19 “(2) Providing direction and guidance, such as
20 through the issuance of reports and recommenda-
21 tions, to appropriate Federal, State, and local agen-
22 cies in order to focus and improve the use of re-
23 sources relating to Native Hawaiian education.

1 “(3) provide technical assistance to Native Ha-
2 waiian organizations that are grantees or potential
3 grantees under this part;

4 “(4) assessing and evaluating the individual
5 and aggregate impact of grants and activities funded
6 under this part and how well they meet the needs of
7 Native Hawaiians, including information and data
8 about—

9 “(A) the effectiveness of such grantees in
10 meeting the educational priorities established by
11 the Education Council, as described in para-
12 graph (6)(D), using metrics related to these
13 priorities; and

14 “(B) the effectiveness of such grantees in
15 carrying out any of the activities described in
16 section 7205(c) that are related to the specific
17 goals and purposes of each grantee’s grant
18 project, using metrics related to these priorities;

19 “(5) assess and define the educational needs of
20 Native Hawaiians; and

21 “(6) may use funds to hire an executive director
22 to enable the Council to carry out the activities de-
23 scribed in this subsection.

24 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
25 TIONS.—The Education Council shall use funds made

1 available through the grant under subsection (a) to hold
2 not less than 1 community consultation each year on each
3 of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and
4 Kauai, at which—

5 “(1) not less than 3 members of the Education
6 Council shall be in attendance;

7 “(2) the Education Council shall gather com-
8 munity input regarding—

9 “(A) current grantees under this part, as
10 of the date of the consultation;

11 “(B) priorities and needs of Native Hawai-
12 ians; and

13 “(C) other Native Hawaiian education
14 issues; and

15 “(3) the Education Council shall report to the
16 community on the outcomes of the activities sup-
17 ported by grants awarded under this part.

18 “(f) REPORTS.—

19 “(1) ANNUAL EDUCATION COUNCIL REPORT.—

20 The Education Council shall use funds made avail-
21 able through the grant under this section to prepare
22 and submit to the Secretary, before the end of each
23 calendar year, annual reports that contain—

1 “(A) a description of the activities of the
2 Education Council during the preceding cal-
3 endar year;

4 “(B) recommendations of the Education
5 Council, if any, regarding priorities to be estab-
6 lished under section 7205(b);

7 “(C) significant barriers to achieving the
8 goals under this subpart;

9 “(D) a summary of each community con-
10 sultation session, as described in subsection (d);
11 and

12 “(E) recommendations to establish funding
13 priorities based on an assessment of—

14 “(i) the educational needs of Native
15 Hawaiians;

16 “(ii) programs and services currently
17 available to address such needs, including
18 the effectiveness of such programs in im-
19 proving educational performance of Native
20 Hawaiians; and

21 “(iii) priorities for funding in specific
22 geographic communities.

23 “(2) REPORT BY THE SECRETARY.—Not later
24 than 2 years after the date of enactment of the Stu-
25 dent Success Act, the Secretary shall prepare and

1 submit to the Committee on Indian Affairs of the
2 Senate and the authorizing committees a report
3 that—

4 “(A) summarizes the annual reports of the
5 Education Council;

6 “(B) describes the allocation and use of
7 funds under this subpart and the information
8 gathered since the first annual report submitted
9 by the Education Council to the Secretary
10 under this section; and

11 “(C) contains recommendations for
12 changes in Federal, State, and local policy to
13 advance the purposes of this subpart.

14 “(g) FUNDING.—For each fiscal year, the Secretary
15 shall use the amount described in section 7206(d)(2), to
16 make a payment under the grant. Funds made available
17 through the grant shall remain available until expended.”.

18 **SEC. 755. GRANT PROGRAM AUTHORIZED.**

19 Section 7205 (20 U.S.C. 7515 et seq.) is amended
20 to read as follows:

21 **“SEC. 7205. GRANT PROGRAM AUTHORIZED.**

22 “(a) GRANTS AND CONTRACTS.—In order to carry
23 out programs that meet the purposes of this part, the Sec-
24 retary is authorized to award grants to, or enter into con-
25 tracts with—

1 “(1) Native Hawaiian educational organiza-
2 tions;

3 “(2) Native Hawaiian community-based organi-
4 zations;

5 “(3) public and private nonprofit organizations,
6 agencies, and institutions with experience in devel-
7 oping or operating Native Hawaiian education and
8 workforce development programs or programs of in-
9 struction in the Native Hawaiian language;

10 “(4) charter schools; or

11 “(5) consortia of the organizations, agencies,
12 and institutions described in paragraphs (1) through
13 (4).

14 “(b) PRIORITY.—In awarding grants and entering
15 into contracts under this part, the Secretary shall give pri-
16 ority to—

17 “(1) programs that meet the educational pri-
18 ority recommendations of the Education Council, as
19 described under section 7204(d)(6)(E);

20 “(2) programs designed to improve the aca-
21 demic achievement of Native Hawaiian students by
22 meeting their unique cultural and language needs in
23 order to help such students meet State academic
24 content and achievement standards as described in
25 Section 1111(b) including the use of Native Hawai-

1 ian language and preservation or reclamation of Na-
2 tive Hawaiian culture-based educational practices;
3 and

4 “(3) programs in which a local educational
5 agency, institution of higher education, or a State
6 educational agency apply for a grant or contract as
7 part of a partnership or consortium with a nonprofit
8 entity serving underserved communities within the
9 Native Hawaiian population.

10 “(c) AUTHORIZED ACTIVITIES.—Activities provided
11 through programs carried out under this part may in-
12 clude—

13 “(1) the development and maintenance of a
14 statewide Native Hawaiian early education system to
15 provide a continuum of high-quality early learning
16 services for Native Hawaiian children;

17 “(2) the operation of family-based education
18 centers that provide such services as—

19 “(A) programs for Native Hawaiian par-
20 ents and students;

21 “(B) early education programs for Native
22 Hawaiians; and

23 “(C) research on, and development and as-
24 sessment of, family-based, early childhood, and
25 preschool programs for Native Hawaiians;

1 “(3) activities that enhance beginning reading
2 and literacy in either the Hawaiian or the English
3 language among Native Hawaiian students;

4 “(4) activities to meet the special needs of Na-
5 tive Hawaiian students with disabilities, including—

6 “(A) the identification of such students
7 and their needs;

8 “(B) the provision of support services to
9 the families of such students; and

10 “(C) other activities consistent with the re-
11 quirements of the Individuals with Disabilities
12 Education Act;

13 “(5) activities that address the special needs of
14 Native Hawaiian students who are gifted and tal-
15 ented, including—

16 “(A) educational, psychological, and devel-
17 opmental activities designed to assist in the
18 educational progress of such students; and

19 “(B) activities that involve the parents of
20 such students in a manner designed to assist in
21 the educational progress of such students;

22 “(6) the development of academic and voca-
23 tional curricula to address the needs of Native Ha-
24 waiian students, including curricular materials in
25 the Hawaiian language and mathematics and science

1 curricula that incorporate Native Hawaiian tradition
2 and culture;

3 “(7) professional development activities for edu-
4 cators, including—

5 “(A) the development of programs to pre-
6 pare prospective teachers to address the unique
7 needs of Native Hawaiian students within the
8 context of Native Hawaiian culture, language,
9 and traditions;

10 “(B) in-service programs to improve the
11 ability of teachers who teach in schools with
12 high concentrations of Native Hawaiian stu-
13 dents to meet the unique needs of such stu-
14 dents; and

15 “(C) the recruitment and preparation of
16 Native Hawaiians, and other individuals who
17 live in communities with a high concentration of
18 Native Hawaiians, to become teachers;

19 “(8) the operation of community-based learning
20 centers that address the needs of Native Hawaiian
21 students, parents, families, and communities
22 through the coordination of public and private pro-
23 grams and services, including—

24 “(A) early education programs;

1 “(B) before, after, and Summer school
2 programs, expanded learning time, or weekend
3 academies;

4 “(C) career and technical education pro-
5 grams; and

6 “(D) programs that recognize and support
7 the unique cultural and educational needs of
8 Native Hawaiian children, and incorporate ap-
9 propriately qualified Native Hawaiian elders
10 and seniors;

11 “(9) activities, including program co-location,
12 that ensure Native Hawaiian students graduate col-
13 lege and career ready including—

14 “(A) family literacy services;

15 “(B) counseling, guidance, and support
16 services for students; and

17 “(C) professional development activities de-
18 signed to help educators improve the college
19 and career readiness of Native Hawaiian stu-
20 dents;

21 “(10) research and data collection activities to
22 determine the educational status and needs of Na-
23 tive Hawaiian children and adults;

24 “(11) other research and evaluation activities
25 related to programs carried out under this part; and

1 “(12) other activities, consistent with the pur-
2 poses of this part, to meet the educational needs of
3 Native Hawaiian children and adults.

4 “(d) ADDITIONAL ACTIVITIES.—Notwithstanding
5 any other provision of this part, funds made available to
6 carry out this section as of the day before the date of en-
7 actment of the Student Success Act shall remain available
8 until expended. The Secretary may use such funds to sup-
9 port the following:

10 “(1) The repair and renovation of public
11 schools that serve high concentrations of Native Ha-
12 waiian students.

13 “(2) The perpetuation of, and expansion of ac-
14 cess to, Hawaiian culture and history, such as
15 through digital archives.

16 “(3) Informal education programs that promote
17 traditional Hawaiian knowledge, science, astronomy,
18 and the environment through State museums or
19 learning centers.

20 “(4) Public charter schools serving high con-
21 centrations of Native Hawaiian students.

22 “(e) ADMINISTRATIVE COSTS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), not more than 5 percent of funds pro-
25 vided to a recipient of a grant or contract under this

1 section for any fiscal year may be used for adminis-
2 trative purposes.

3 “(2) EXCEPTION.—The Secretary may waive
4 the requirement of paragraph (1) for a nonprofit en-
5 tity that receives funding under this section and
6 allow not more than 10 percent of funds provided to
7 such nonprofit entity under this section for any fis-
8 cal year to be used for administrative purposes.”.

9 **SEC. 756. ADMINISTRATIVE PROVISIONS; AUTHORIZATION**
10 **OF APPROPRIATIONS.**

11 Section 7206 (20 U.S.C. 7516) is amended to read
12 as follows:

13 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

14 “(a) APPLICATION REQUIRED.—No grant may be
15 made under this part, and no contract may be entered into
16 under this part, unless the entity seeking the grant or con-
17 tract submits an application to the Secretary at such time,
18 in such manner, and containing such information as the
19 Secretary may determine to be necessary to carry out the
20 provisions of this part.

21 “(b) DIRECT GRANT APPLICATIONS.—The Secretary
22 shall provide a copy of all direct grant applications to the
23 Education Council.

24 “(c) SUPPLEMENT NOT SUPPLANT.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), funds made available under this part
3 shall be used to supplement, and not supplant, any
4 State or local funds used to achieve the purposes of
5 this part.

6 “(2) EXCEPTION.—Paragraph (1) shall not
7 apply to any nonprofit entity or Native Hawaiian
8 community-based organization that receives a grant
9 or other funds under this part.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There are authorized to be
12 appropriated to carry out this section, and sections
13 7204 and 7205, such sums as may be necessary for
14 fiscal year 2014 and each of the 5 succeeding fiscal
15 years.

16 “(2) RESERVATION.—Of the funds appro-
17 priated under this subsection, the Secretary shall re-
18 serve, for each fiscal year after the date of enact-
19 ment of the Student Success Act not less than
20 \$500,000 for the grant to the Education Council
21 under section 7204.

22 “(3) AVAILABILITY.—Funds appropriated
23 under this subsection shall remain available until ex-
24 pended.”.

1 **SEC. 757. DEFINITIONS.**

2 Section 7207 (20 U.S.C. 7517) is amended—

3 (1) by redesignating paragraphs (1) through
4 (6) as paragraphs (2) through (7), respectively; and

5 (2) by inserting before paragraph (2) (as reded-
6 igned by paragraph (1)) the following:

7 “(1) **COMMUNITY CONSULTATION.**—The term
8 ‘community consultation’ means a public gath-
9 ering—

10 “(A) to discuss Native Hawaiian education
11 concerns; and

12 “(B) about which the public has been given
13 not less than 30 days notice.”.

14 **TITLE VIII—IMPACT AID**

15 **SEC. 801. PURPOSE.**

16 Section 8001 (20 U.S.C. 7701) is amended by strik-
17 ing “challenging State standards” and inserting “State
18 academic standards”.

19 **SEC. 802. PAYMENTS RELATING TO FEDERAL ACQUISITION**
20 **OF REAL PROPERTY.**

21 Section 8002 (20 U.S.C. 7702) is amended—

22 (1) in subsection (b)(1)(B), by striking “section
23 8014(a)” and inserting “section 3(d)(1)”; and

24 (2) by amending subsection (f) to read as fol-
25 lows:

1 “(f) SPECIAL RULE.—Beginning with fiscal year
2 2014, a local educational agency shall be deemed to meet
3 the requirements of subsection (a)(1)(C) if records to de-
4 termine eligibility under such subsection were destroyed
5 prior to fiscal year 2000 and the agency received funds
6 under subsection (b) in the previous year.”;

7 (3) by amending subsection (g) to read as fol-
8 lows:

9 “(g) FORMER DISTRICTS.—

10 “(1) CONSOLIDATIONS.—For fiscal year 2006
11 and each succeeding fiscal year, if a local edu-
12 cational agency described in paragraph (2) is formed
13 at any time after 1938 by the consolidation of two
14 or more former school districts, the local educational
15 agency may elect to have the Secretary determine its
16 eligibility and any amount for which the local edu-
17 cational agency is eligible under this section for such
18 fiscal year on the basis of one or more of those
19 former districts, as designated by the local edu-
20 cational agency.

21 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
22 CIES.—A local educational agency described in this
23 paragraph is—

24 “(A) any local educational agency that, for
25 fiscal year 1994 or any preceding fiscal year,

1 applied for, and was determined to be eligible
2 under section 2(e) of the Act of September 30,
3 1950 (Public Law 874, 81st Congress) as that
4 section was in effect for that fiscal year; or

5 “(B) a local educational agency formed by
6 the consolidation of 2 or more school districts,
7 at least one of which was eligible for assistance
8 under this section for the fiscal year preceding
9 the year of the consolidation, if—

10 “(i) for fiscal years 2006 through
11 2013, the local educational agency notifies
12 the Secretary not later than 30 days after
13 the date of enactment of the Student Suc-
14 cess Act of the designation described in
15 paragraph (1); and

16 “(ii) for fiscal year 2014, and each
17 subsequent fiscal year, the local edu-
18 cational agency includes the designation in
19 its application under section 8005 or any
20 timely amendment to such application.

21 “(3) AVAILABILITY OF FUNDS.—Notwith-
22 standing any other provision of law limiting the pe-
23 riod during which the Secretary may obligate funds
24 appropriated for any fiscal year after fiscal year
25 2005, the Secretary may obligate funds remaining

1 after final payments have been made for any of such
2 fiscal years to carry out this subsection.”;

3 (4) in subsection (h)—

4 (A) in paragraph (2)—

5 (i) in subparagraph (C)(ii), by strik-
6 ing “section 8014(a)” and inserting “sec-
7 tion 3(d)(1)”;

8 (ii) in subparagraph (D), by striking
9 “section 8014(a)” and inserting “section
10 3(d)(1)”;

11 (B) in paragraph (4), by striking “Impact
12 Aid Improvement Act of 2012” and inserting
13 “Student Success Act”;

14 (5) by repealing subsection (k);

15 (6) by redesignating subsection (l) as subsection
16 (k);

17 (7) by amending subsection (k) (as so redesign-
18 ated) by striking “(h)(4)(B)” and inserting
19 “(h)(2)”;

20 (8) by repealing subsection (m); and

21 (9) by redesignating subsection (n) as sub-
22 section (j).

1 **SEC. 803. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
2 **NECTED CHILDREN.**

3 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
4 (20 U.S.C. 7703(a)) is amended—

5 (1) in the matter preceding subparagraph (A)
6 of paragraph (1), by inserting after “schools of such
7 agency” the following: “(including those children en-
8 rolled in such agency as a result of the open enroll-
9 ment policy of the State in which the agency is lo-
10 cated, but not including children who are enrolled in
11 a distance education program at such agency and
12 who are not residing within the geographic bound-
13 aries of such agency)”; and

14 (2) in paragraph (5)(A), by striking “1984”
15 and all that follows through “situated” and inserting
16 “1984, or under lease of off-base property under
17 subchapter IV of chapter 169 of title 10, United
18 States Code, to be children described under para-
19 graph (1)(B) if the property described is within the
20 fenced security perimeter of the military facility or
21 attached to and under any type of force protection
22 agreement with the military installation upon which
23 such housing is situated.”

24 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
25 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
26 8003(b) (20 U.S.C. 7703(b)) is amended—

1 (1) by striking “section 8014(b)” each place it
2 appears and inserting “section 3(d)(2)”;

3 (2) in paragraph (1), by repealing subpara-
4 graph (E);

5 (3) in paragraph (2)—

6 (A) in subparagraph (A), by inserting at
7 the end the following:

8 “(iii) The Secretary shall—

9 “(I) deem each local educational
10 agency that received a basic support
11 payment under this paragraph for fis-
12 cal year 2009 as eligible to receive a
13 basic support payment under this
14 paragraph for each of fiscal years
15 2012, 2013, and 2014; and

16 “(II) make a payment to each
17 such local educational agency under
18 this paragraph for each of fiscal years
19 2012, 2013, and 2014.”; and

20 (B) in subparagraph (B)—

21 (i) by striking “CONTINUING” in the
22 heading;

23 (ii) by amending clause (i) to read as
24 follows:

1 “(i) IN GENERAL.—A heavily im-
2 pacted local educational agency is eligible
3 to receive a basic support payment under
4 subparagraph (A) with respect to a num-
5 ber of children determined under sub-
6 section (a)(1) if the agency—

7 “(I) is a local educational agen-
8 cy—

9 “(aa) whose boundaries are
10 the same as a Federal military
11 installation or an island property
12 designated by the Secretary of
13 the Interior to be property that is
14 held in trust by the Federal Gov-
15 ernment; and

16 “(bb) that has no taxing au-
17 thority;

18 “(II) is a local educational agen-
19 cy that—

20 “(aa) has an enrollment of
21 children described in subsection
22 (a)(1) that constitutes a percent-
23 age of the total student enroll-
24 ment of the agency that is not
25 less than 45 percent;

1 “(bb) has a per-pupil ex-
2 penditure that is less than—

3 “(AA) for an agency
4 that has a total student en-
5 rollment of 500 or more stu-
6 dents, 125 percent of the av-
7 erage per-pupil expenditure
8 of the State in which the
9 agency is located; or

10 “(BB) for any agency
11 that has a total student en-
12 rollment less than 500, 150
13 percent of the average per-
14 pupil expenditure of the
15 State in which the agency is
16 located or the average per-
17 pupil expenditure of 3 or
18 more comparable local edu-
19 cational agencies in the
20 State in which the agency is
21 located; and

22 “(cc) is an agency that—

23 “(AA) has a tax rate
24 for general fund purposes
25 that is not less than 95 per-

1 cent of the average tax rate
2 for general fund purposes of
3 comparable local educational
4 agencies in the State; or

5 “(BB) was eligible to
6 receive a payment under this
7 subsection for fiscal year
8 2013 and is located in a
9 State that by State law has
10 eliminated ad valorem tax as
11 a revenue for local edu-
12 cational agencies;

13 “(III) is a local educational agen-
14 cy that—

15 “(aa) has an enrollment of
16 children described in subsection
17 (a)(1) that constitutes a percent-
18 age of the total student enroll-
19 ment of the agency that is not
20 less than 20 percent;

21 “(bb) for the 3 fiscal years
22 preceding the fiscal year for
23 which the determination is made,
24 the average enrollment of chil-
25 dren who are not described in

1 subsection (a)(1) and who are eli-
2 gible for a free or reduced price
3 lunch under the Richard B. Rus-
4 sell National School Lunch Act
5 constitutes a percentage of the
6 total student enrollment of the
7 agency that is not less than 65
8 percent; and

9 “(cc) has a tax rate for gen-
10 eral fund purposes which is not
11 less than 125 percent of the aver-
12 age tax rate for general fund
13 purposes for comparable local
14 educational agencies in the State;

15 “(IV) is a local educational agen-
16 cy that has a total student enrollment
17 of not less than 25,000 students, of
18 which—

19 “(aa) not less than 50 per-
20 cent are children described in
21 subsection (a)(1); and

22 “(bb) not less than 5,500 of
23 such children are children de-
24 scribed in subparagraphs (A) and
25 (B) of subsection (a)(1); or

1 “(V) is a local educational agency
2 that—

3 “(aa) has an enrollment of
4 children described in subsection
5 (a)(1) including, for purposes of
6 determining eligibility, those chil-
7 dren described in subparagraphs
8 (F) and (G) of such subsection,
9 that is not less than 35 percent
10 of the total student enrollment of
11 the agency; and

12 “(bb) was eligible to receive
13 assistance under subparagraph
14 (A) for fiscal year 2001.”; and

15 (iii) in clause (ii)—

16 (I) by striking “A heavily” and
17 inserting the following:

18 “(I) IN GENERAL.—Subject to
19 subclause (II), a heavily”; and

20 (II) by adding at the end the fol-
21 lowing:

22 “(II) LOSS OF ELIGIBILITY DUE
23 TO FALLING BELOW 95 PERCENT OF
24 THE AVERAGE TAX RATE FOR GEN-
25 ERAL FUND PURPOSES.—In a case of

1 a heavily impacted local educational
2 agency that fails to meet the require-
3 ments of clause (i) for a fiscal year by
4 reason of having a tax rate for gen-
5 eral fund purposes that falls below 95
6 percent of the average tax rate for
7 general fund purposes of comparable
8 local educational agencies in the
9 State, subclause (I) shall be applied
10 as if ‘and the subsequent fiscal year’
11 were inserted before the period at the
12 end.”;

13 (C) by striking subparagraph (C);

14 (D) by redesignating subparagraphs (D)
15 through (H) as subparagraphs (C) through (G),
16 respectively;

17 (E) in subparagraph (C) (as so redesign-
18 nated)—

19 (i) in the heading, by striking “REG-
20 ULAR”;

21 (ii) by striking “Except as provided in
22 subparagraph (E)” and inserting “Except
23 as provided in subparagraph (D)”;

24 (iii) by amending subclause (I) of
25 clause (ii) to read as follows:

1 “(ii)(I)(aa) For a local educational agency
2 with respect to which 35 percent or more of the
3 total student enrollment of the schools of the
4 agency are children described in subparagraph
5 (D) or (E) (or a combination thereof) of sub-
6 section (a)(1), and that has an enrollment of
7 children described in subparagraphs (A), (B),
8 or (C) of such subsection equal to at least 10
9 percent of the agency’s total enrollment, the
10 Secretary shall calculate the weighted student
11 units of those children described in subpara-
12 graph (D) or (E) of such subsection by multi-
13 plying the number of such children by a factor
14 of 0.55.

15 “(bb) Notwithstanding subitem (aa), a
16 local educational agency that received a pay-
17 ment under this paragraph for fiscal year 2012
18 shall not be required to have an enrollment of
19 children described in subparagraphs (A), (B),
20 or (C) of subsection (a)(1) equal to at least 10
21 percent of the agency’s total enrollment.”; and

22 (iv) by amending subclause (III) of
23 clause (ii) by striking “(B)(i)(II)(aa)” and
24 inserting “subparagraph (B)(i)(I)”;

1 (F) in subparagraph (D)(i)(II) (as so re-
2 designated), by striking “6,000” and inserting
3 “5,500”;

4 (G) in subparagraph (E) (as so redesign-
5 nated)—

6 (i) by striking “Secretary” and all
7 that follows through “shall use” and in-
8 serting “Secretary shall use”;

9 (ii) by striking “; and” and inserting
10 a period; and

11 (iii) by striking clause (ii);

12 (H) in subparagraph (F) (as so redesign-
13 nated), by striking “subparagraph
14 (C)(i)(II)(bb)” and inserting “subparagraph
15 (B)(i)(II)(bb)(BB)”; and

16 (I) in subparagraph (G) (as so redesign-
17 nated)—

18 (i) in clause (i)—

19 (I) by striking “subparagraph
20 (B), (C), (D), or (E)” and inserting
21 “subparagraph (B), (C), or (D)”;

22 (II) by striking “by reason of”
23 and inserting “due to”;

24 (III) by inserting after “clause
25 (iii)” the following “, or as the direct

1 result of base realignment and closure
2 or modularization as determined by
3 the Secretary of Defense and force
4 structure change or force relocation”;
5 and

6 (IV) by inserting before the pe-
7 riod, the following: “or during such
8 time as activities associated with base
9 closure and realignment,
10 modularization, force structure
11 change, or force relocation are ongo-
12 ing”; and

13 (ii) in clause (ii), by striking “(D) or
14 (E)” each place it appears and inserting
15 “(C) or (D)”;

16 (4) in paragraph (3)—

17 (A) in subparagraph (B)—

18 (i) by amending clause (iii) to read as
19 follows:

20 “(iii) In the case of a local educational
21 agency providing a free public education to stu-
22 dents enrolled in kindergarten through grade
23 12, but which enrolls students described in sub-
24 paragraphs (A), (B), and (D) of subsection
25 (a)(1) only in grades 9 through 12, and which

1 received a final payment in fiscal year 2009 cal-
2 culated under this paragraph (as this para-
3 graph was in effect on the day before the date
4 of enactment of the Student Success Act) for
5 students in grades 9 through 12, the Secretary
6 shall, in calculating the agency's payment, con-
7 sider only that portion of such agency's total
8 enrollment of students in grades 9 through 12
9 when calculating the percentage under clause
10 (i)(I) and only that portion of the total current
11 expenditures attributed to the operation of
12 grades 9 through 12 in such agency when cal-
13 culating the percentage under clause (i)(II).";
14 and

15 (ii) by adding at the end the fol-
16 lowing:

17 "(v) In the case of a local educational
18 agency that is providing a program of distance
19 education to children not residing within the ge-
20 ographic boundaries of the agency, the Sec-
21 retary shall—

22 "(I) for purposes of the calculation
23 under clause (i)(I), disregard such children
24 from the total number of children in aver-

1 age daily attendance at the schools served
2 by such agency; and

3 “(II) for purposes of the calculation
4 under clause (i)(II), disregard any funds
5 received for such children from the total
6 current expenditures for such agency.”;

7 (B) in subparagraph (C), by striking “sub-
8 paragraph (D) or (E) of paragraph (2), as the
9 case may be” and inserting “paragraph
10 (2)(D)”;

11 (C) by amending subparagraph (D) to read
12 as follows:

13 “(D) RATABLE DISTRIBUTION.—For any
14 fiscal year described in subparagraph (A) for
15 which the sums available exceed the amount re-
16 quired to pay each local educational agency 100
17 percent of its threshold payment, the Secretary
18 shall distribute the excess sums to each eligible
19 local educational agency that has not received
20 its full amount computed under paragraph (1)
21 or (2) (as the case may be) by multiplying—

22 “(i) a percentage, the denominator of
23 which is the difference between the full
24 amount computed under paragraph (1) or
25 (2) (as the case may be) for all local edu-

1 cational agencies and the amount of the
2 threshold payment (as calculated under
3 subparagraphs (B) and (C)) of all local
4 educational agencies, and the numerator of
5 which is the aggregate of the excess sums,
6 by;

7 “(ii) the difference between the full
8 amount computed under paragraph (1) or
9 (2) (as the case may be) for the agency
10 and the amount of the threshold payment
11 as calculated under subparagraphs (B) and
12 (C) of the agency.”; and

13 (D) by inserting at the end the following
14 new subparagraphs:

15 “(E) INSUFFICIENT PAYMENTS.—For each
16 fiscal year described in subparagraph (A) for
17 which the sums appropriated under section
18 3(d)(2) are insufficient to pay each local edu-
19 cational agency all of the local educational
20 agency’s threshold payment described in sub-
21 paragraph (D), the Secretary shall ratably re-
22 duce the payment to each local educational
23 agency under this paragraph.

24 “(F) INCREASES.—If the sums appro-
25 priated under section 3(d)(2) are sufficient to

1 increase the threshold payment above the 100
2 percent threshold payment described in sub-
3 paragraph (D), then the Secretary shall in-
4 crease payments on the same basis as such pay-
5 ments were reduced, except no local educational
6 agency may receive a payment amount greater
7 than 100 percent of the maximum payment cal-
8 culated under this subsection.”; and

9 (5) in paragraph (4)—

10 (A) in subparagraph (A), by striking
11 “through (D)” and inserting “and (C)”; and

12 (B) in subparagraph (B), by striking “sub-
13 paragraph (D) or (E)” and inserting “subpara-
14 graph (C) or (D)”.

15 (c) PRIOR YEAR DATA.—Paragraph (2) of section
16 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
17 lows:

18 “(2) EXCEPTION.—Calculation of payments for
19 a local educational agency shall be based on data
20 from the fiscal year for which the agency is making
21 an application for payment if such agency—

22 “(A) is newly established by a State, for
23 the first year of operation of such agency only;

24 “(B) was eligible to receive a payment
25 under this section for the previous fiscal year

1 and has had an overall increase in enrollment
2 (as determined by the Secretary in consultation
3 with the Secretary of Defense, the Secretary of
4 the Interior, or the heads of other Federal
5 agencies)—

6 “(i) of not less than 10 percent, or
7 100 students, of children described in—

8 “(I) subparagraph (A), (B), (C),
9 or (D) of subsection (a)(1); or

10 “(II) subparagraph (F) and (G)
11 of subsection (a)(1), but only to the
12 extent such children are civilian de-
13 pendents of employees of the Depart-
14 ment of Defense or the Department of
15 the Interior; and

16 “(ii) that is the direct result of closure
17 or realignment of military installations
18 under the base closure process or the relo-
19 cation of members of the Armed Forces
20 and civilian employees of the Department
21 of Defense as part of the force structure
22 changes or movements of units or per-
23 sonnel between military installations or be-
24 cause of actions initiated by the Secretary

1 of the Interior or the head of another Fed-
2 eral agency; or

3 “(C) was eligible to receive a payment
4 under this section for the previous fiscal year
5 and has had an increase in enrollment (as de-
6 termined by the Secretary)—

7 “(i) of not less than 10 percent of
8 children described in subsection (a)(1) or
9 not less than 100 of such children; and

10 “(ii) that is the direct result of the
11 closure of a local educational agency that
12 received a payment under subsection (b)(1)
13 or (b)(2) in the previous fiscal year.”.

14 (d) CHILDREN WITH DISABILITIES.—Section
15 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
16 “section 8014(c)” and inserting “section 3(d)(3)”.

17 (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.
18 7703(e)) is amended—

19 (1) by amending paragraph (1) to read as fol-
20 lows:

21 “(1) IN GENERAL.—Subject to paragraph (2),
22 the total amount the Secretary shall pay a local edu-
23 cational agency under subsection (b)—

24 “(A) for fiscal year 2014, shall not be less
25 than 90 percent of the total amount that the

1 local educational agency received under sub-
2 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
3 year 2013;

4 “(B) for fiscal year 2015, shall not be less
5 than 85 percent of the total amount that the
6 local educational agency received under sub-
7 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
8 year 2013; and

9 “(C) for fiscal year 2016, shall not be less
10 than 80 percent of the total amount that the
11 local educational agency received under sub-
12 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
13 year 2013.”; and

14 (2) by amending paragraph (2) to read as fol-
15 lows:

16 “(2) MAXIMUM AMOUNT.—The total amount
17 provided to a local educational agency under sub-
18 paragraph (A), (B), or C of paragraph (1) for a fis-
19 cal year shall not exceed the maximum basic support
20 payment amount for such agency determined under
21 paragraph (1) or (2) of subsection (b), as the case
22 may be, for such fiscal year.”.

23 (f) MAINTENANCE OF EFFORT.—Section 8003 (20
24 U.S.C. 7703) is amended by striking subsection (g).

1 **SEC. 804. POLICIES AND PROCEDURES RELATING TO CHIL-**
2 **DREN RESIDING ON INDIAN LANDS.**

3 Section 8004(e)(9) is amended by striking “Bureau
4 of Indian Affairs” and inserting “Bureau of Indian Edu-
5 cation”.

6 **SEC. 805. APPLICATION FOR PAYMENTS UNDER SECTIONS**
7 **8002 AND 8003.**

8 Section 8005(b) (20 U.S.C. 7705(b)) is amended in
9 the matter preceding paragraph (1) by striking “and shall
10 contain such information,”.

11 **SEC. 806. CONSTRUCTION.**

12 Section 8007 (20 U.S.C. 7707) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “section
15 8014(e)” and inserting “section 3(d)(4)”;

16 (B) in paragraph (2), by adding at the end
17 the following:

18 “(C) The agency is eligible under section
19 4003(b)(2) or is receiving basic support pay-
20 ments under circumstances described in section
21 4003(b)(2)(B)(ii).”; and

22 (C) in paragraph (3), by striking “section
23 8014(e)” each place it appears and inserting
24 “section 3(d)(4)”;

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “section
2 8014(e)” and inserting “section 3(d)(4)”;

3 (B) in paragraph (3)—

4 (i) in subparagraph (C)(i)(I), by add-
5 ing at the end the following:

6 “(cc) At least 10 percent of the
7 property in the agency is exempt from
8 State and local taxation under Fed-
9 eral law.”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(F) LIMITATIONS ON ELIGIBILITY RE-
13 QUIREMENTS.—The Secretary shall not limit
14 eligibility—

15 “(i) under subparagraph (C)(i)(I)(aa),
16 to those local educational agencies in which
17 the number of children determined under
18 section 8003(a)(1)(C) for each such agency
19 for the preceding school year constituted
20 more than 40 percent of the total student
21 enrollment in the schools of each such
22 agency during the preceding school year;
23 and

24 “(ii) under subparagraph (C)(i)(I)(cc),
25 to those local educational agencies in which

1 more than 10 percent of the property in
2 each such agency is exempt from State and
3 local taxation under Federal law.”;

4 (C) in paragraph (6)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “in such manner,
7 and accompanied by such information”
8 and inserting “and in such manner”; and

9 (ii) by striking subparagraph (F); and
10 (D) by striking paragraph (7).

11 **SEC. 807. FACILITIES.**

12 Section 8008 (20 U.S.C. 7708) is amended in sub-
13 section (a), by striking “section 8014(f)” and inserting
14 “section 3(d)(5)”.

15 **SEC. 808. STATE CONSIDERATION OF PAYMENTS PRO-**
16 **VIDING STATE AID.**

17 Section 8009 (20 U.S.C. 7709) is amended—

18 (1) in subsection (c)(1)(B), by striking “and
19 contain the information”; and

20 (2) in subsection (d)(2)—

21 (A) by striking “A State” and inserting
22 the following:

23 “(A) IN GENERAL.—A State”; and

24 (B) by adding at the end of the following:

1 “(B) STATES THAT ARE NOT EQUALIZED
2 STATES.—A State that has not been approved
3 as an equalized State under subsection (b) shall
4 not consider funds received under section 8002
5 or section 8003 of this title in any State for-
6 mula or place a limit or direct the use of such
7 funds.”.

8 **SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
9 **VIEW.**

10 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
11 striking “or under the Act” and all the follows through
12 “1994)”.

13 **SEC. 810. DEFINITIONS.**

14 Section 8013 (20 U.S.C. 7713) is amended—

15 (1) in paragraph (1), by striking “and Marine
16 Corps” and inserting “Marine Corps, and Coast
17 Guard”;

18 (2) in paragraph (4), by striking “and title VI”;

19 (3) in paragraph (5)(A)(iii)—

20 (A) in subclause (II), by striking “Stewart
21 B. McKinney Homeless Assistance Act” and in-
22 serting “McKinney-Vento Homeless Assistance
23 Act (42 U.S.C. 11411)”;

24 (B) in subclause (III), by inserting before
25 the semicolon, “(25 U.S.C. 4101 et seq.)”;

1 (4) in paragraph (8)(A), by striking “and
2 verified by” and inserting “, and verified by,”; and

3 (5) in paragraph (9)(B), by inserting a comma
4 before “on a case-by-case basis”.

5 **SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 8014 (20 U.S.C. 7801) is amended—

7 (1) by striking “2000” each place it appears
8 and inserting “2014”;

9 (2) by striking “2001” and inserting “2015”;
10 and

11 (3) by striking “2002” and inserting “2016”.

12 **SEC. 812. CONFORMING AMENDMENTS.**

13 Subsection (c) of the Impact Aid Improvement Act
14 of 2012 (20 U.S.C. 6301 note; Public Law 112-239; 126
15 Stat. 1748) is amended—

16 (1) (1) by striking paragraphs (1) and (4); and

17 (2) (2) by redesignating paragraphs (2) and
18 (3), as paragraphs (1) and (2), respectively.

19 **TITLE IX—GENERAL**
20 **PROVISIONS**

21 **SEC. 900. GENERAL AMENDMENTS.**

22 (a) GENERAL PROHIBITION.—Section 9527(a) (20
23 U.S.C. 7907(a)) is amended by inserting “specific instruc-
24 tional content, academic standards or assessments,” after
25 “school’s curriculum,”.

1 (b) RULE OF CONSTRUCTION.—Section 9534 (20
2 U.S.C. 7914) is amended by adding at the end the fol-
3 lowing:

4 “(c) RULE OF CONSTRUCTION.—Any public or pri-
5 vate entity that receives funds allocated under this Act
6 including from a State educational agency or local edu-
7 cational agency shall be considered a program under sub-
8 section (a) and be subject to the requirements of sub-
9 section (a) in carrying out programs or activities funded
10 under this Act.”.

11 **Subtitle A—Protecting Students** 12 **From Sexual and Violent Predators**

13 **SEC. 901. BACKGROUND CHECKS.**

14 Subpart 2 of part E of title IX of the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C. 7901
16 et seq.) is amended by adding at the end the following:

17 **“SEC. 9537. BACKGROUND CHECKS.**

18 “(a) BACKGROUND CHECKS.—To ensure a safe
19 learning environment, each State educational agency that
20 receives funds under this Act shall have in effect policies
21 and procedures that—

22 “(1) require that criminal background checks
23 be conducted for each school employee that in-
24 clude—

1 “(A) a search of the State criminal reg-
2 istry or repository in the State in which the
3 school employee resides and each State in which
4 the school employee previously resided;

5 “(B) a search of State-based child abuse
6 and neglect registries and databases in the
7 State in which the school employee resides and
8 each State in which the school employee pre-
9 viously resided;

10 “(C) a Federal Bureau of Investigation
11 fingerprint check using the Integrated Auto-
12 mated Fingerprint Identification System; and

13 “(D) a search of the National Sex Of-
14 fender Registry established under section 19 of
15 the Adam Walsh Child Protection and Safety
16 Act of 2006 (42 U.S.C. 16919);

17 “(2) prohibit the employment of an individual
18 as a school employee if such individual—

19 “(A) refuses to consent to a criminal back-
20 ground check under paragraph (1);

21 “(B) makes a false statement in connec-
22 tion with such criminal background check;

23 “(C) has been convicted of a felony con-
24 sisting of—

25 “(i) homicide;

1 “(ii) child abuse or neglect;

2 “(iii) a crime against children, includ-
3 ing child pornography;

4 “(iv) spousal abuse;

5 “(v) a crime involving rape or sexual
6 assault;

7 “(vi) kidnapping;

8 “(vii) arson; or

9 “(viii) physical assault, battery, or a
10 drug-related offense, committed within 5
11 years of the completion of such individual’s
12 criminal background check under para-
13 graph (1); or

14 “(D) has been convicted of any other crime
15 that is a violent or sexual crime against a
16 minor;

17 “(3) require that a local educational agency or
18 State educational agency that receives information
19 from a criminal background check conducted para-
20 graph (1) that an individual who has applied for em-
21 ployment as a school employee with such agency is
22 a sexual predator, report to local law enforcement
23 that such individual has so applied;

24 “(4) require that criminal background checks
25 conducted under paragraph (1) be periodically re-

1 peated or updated in accordance with State law or
2 local educational policy, but not less than once every
3 5 years;

4 “(5) require that each school employee who has
5 had a criminal background check under paragraph
6 (1) be provided with a copy of the background
7 check; and

8 “(6) provide for a timely process by which a
9 school employee may appeal, but which does not per-
10 mit the school employee to be employed as a school
11 employee during such appeal, the results of a crimi-
12 nal background check conducted under paragraph
13 (1) to—

14 “(A) challenge the accuracy or complete-
15 ness of the information produced by such back-
16 ground check; and

17 “(B) seek appropriate relief for any final
18 employment decision based on materially inac-
19 curate or incomplete information produced by
20 such background check.

21 “(b) INVENTORY AUTHORIZED.—A State educational
22 agency may maintain an inventory of all the information
23 from criminal background checks conducted under sub-
24 section (a)(1) on school employees in the State.

25 “(c) DEFINITIONS.—In this section:

1 “(1) SCHOOL EMPLOYEE.—The term ‘school
2 employee’ means—

3 “(A) an employee of, or a person seeking
4 employment with, a local educational agency or
5 State educational agency, and who has a job
6 duty that results in access to students; or

7 “(B) an employee of, or a person seeking
8 employment with, a for-profit or nonprofit enti-
9 ty, or local public agency, that has a contract
10 or agreement to provide services with a school,
11 local educational agency, or State educational
12 agency, and whose job duty—

13 “(i) is to provide such services; and

14 “(ii) results in access to students.

15 “(2) SEXUAL PREDATOR.—The term ‘sexual
16 predator’ means a person 18 years of age or older
17 who has been convicted of, or pled guilty to, a sexual
18 offense against a minor.”.

19 **SEC. 902. CONFORMING AMENDMENT.**

20 Section 2 of the Elementary and Secondary Edu-
21 cation Act of 1965 is amended by adding after the item
22 relating to section 9536 the following:

“Sec. 9537. Background checks.”.

1 **Subtitle B—Evaluation Authority**

2 **SEC. 911. EVALUATION AUTHORITY.**

3 Title IX (20 U.S.C. 7801 et seq.) is further amended
4 by amending part F to read as follows:

5 **“PART F—EVALUATION AUTHORITY**

6 **“SEC. 9911. EVALUATION AUTHORITY.**

7 “(a) RESERVATION OF FUNDS.—The Secretary shall
8 reserve not less than 1 percent but not more than 3 per-
9 cent of the amount appropriated to carry out each categor-
10 ical program and demonstration project authorized under
11 this Act. The reserved amounts shall be used by the Sec-
12 retary, acting through the Director of the Institute of
13 Education Sciences, to—

14 “(1) conduct—

15 “(A) comprehensive, high-quality evalua-
16 tions of the program or project that—

17 “(i) provide information to inform pol-
18 icy-making and to support continuous pro-
19 gram improvement; and

20 “(ii) use methods appropriate for the
21 questions being asked; and

22 “(B) impact evaluations that, where prac-
23 tical and appropriate, use rigorous methodolo-
24 gies, such as experimental or quasi-experi-
25 mental designs or randomized control trials,

1 that permit the strongest possible causal infer-
2 ences;

3 “(2) provide technical assistance to grant re-
4 cipients on—

5 “(A) the conduct of the evaluation activi-
6 ties that the grantees carry out under this Act;
7 and

8 “(B) the collection and reporting of per-
9 formance data relating to the program or
10 project and using that data to determine pro-
11 gram effectiveness and make any required im-
12 provements;

13 “(3) evaluate the aggregate short-term and
14 long-term effects and cost efficiencies across Federal
15 programs assisted or authorized under this Act and
16 related Federal preschool, elementary, and secondary
17 programs under any other Federal law;

18 “(4) increase the usefulness of evaluations of
19 grant recipients in order to ensure the continuous
20 progress of the program or project by improving the
21 quality, timeliness, efficiency, dissemination, and use
22 of information relating to performance under the
23 program or project and building the evidence base
24 for what projects effectively meet the goals of the
25 program in question; and

1 “(5) identify and disseminate research and best
2 practices related to the programs and projects au-
3 thorized under this Act to build the evidence base
4 for the programs and projects that most effectively
5 meet the goals of this Act.

6 “(b) EVALUATION PLAN.—The Secretary shall annu-
7 ally develop and submit to Congress a plan that—

8 “(1) describes the specific evaluation activities
9 and their timelines that the Secretary intends to
10 carry out under this part for that year; and

11 “(2) results from evaluation activities carried
12 out under this part.

13 “(c) OTHER EVALUATION ACTIVITIES.—If, under
14 any other provision of this Act, funds are authorized to
15 be reserved or used for evaluation activities with respect
16 to a program or demonstration project, the Secretary may
17 reserve additional funds under this part, if the amount
18 reserved is less than 1 percent of program funding. In that
19 case, the Secretary may reserve not less than 1 percent
20 but not more than 3 percent of funding for program eval-
21 uation.

22 “(d) SPECIAL RULE REGARDING ALLOCATION FOR
23 IMPACT EVALUATIONS.—The Secretary shall use not less
24 than 30 percent of the funds reserved under this section
25 for each of the fiscal years 2014 through 2019, in the ag-

1 gregate for each year, for impact evaluations that meet
2 the requirements of subsection (a)(1).”.

3 **Subtitle C—Keeping All Students**
4 **Safe**

5 **SEC. 911. KEEPING ALL STUDENTS SAFE.**

6 Title IX (20 U.S.C. 7801 et seq.) is further amended
7 by adding at the end the following:

8 **“PART G—KEEPING ALL STUDENTS SAFE**

9 **“SEC. 9701. DEFINITIONS.**

10 “In this part:

11 “(1) **CHEMICAL RESTRAINT.**—The term ‘chem-
12 ical restraint’ means a drug or medication used on
13 a student to control behavior or restrict freedom of
14 movement that is not—

15 “(A) prescribed by a licensed physician, or
16 other qualified health professional acting under
17 the scope of the professional’s authority under
18 State law, for the standard treatment of a stu-
19 dent’s medical or psychiatric condition; and

20 “(B) administered as prescribed by the li-
21 censed physician or other qualified health pro-
22 fessional acting under the scope of the profes-
23 sional’s authority under State law.

24 “(2) **MECHANICAL RESTRAINT.**—The term ‘me-
25 chanical restraint’ has the meaning given the term

1 in section 595(d)(1) of the Public Health Service
2 Act (42 U.S.C. 290jj(d)(1)), except that the mean-
3 ing shall be applied by substituting ‘student’s’ for
4 ‘resident’s’.

5 “(3) PHYSICAL ESCORT.—The term ‘physical
6 escort’ has the meaning given the term in section
7 595(d)(2) of the Public Health Service Act (42
8 U.S.C. 290jj(d)(2)), except that the meaning shall
9 be applied by substituting ‘student’ for ‘resident’.

10 “(4) PHYSICAL RESTRAINT.—The term ‘phys-
11 ical restraint’ has the meaning given the term in sec-
12 tion 595(d)(3) of the Public Health Service Act (42
13 U.S.C. 290jj(d)(3)).

14 “(5) POSITIVE BEHAVIOR SUPPORTS.—The
15 term ‘positive behavior supports’ means a systematic
16 approach to embed evidence-based practices and
17 data-driven decisionmaking to improve school cli-
18 mate and culture, including a range of systemic and
19 individualized strategies to reinforce desired behav-
20 iors and diminish reoccurrence of problem behaviors,
21 in order to achieve improved academic and social
22 outcomes and increase learning for all students, in-
23 cluding students with the most complex and inten-
24 sive behavioral needs.

1 “(6) PROTECTION AND ADVOCACY SYSTEM.—

2 The term ‘protection and advocacy system’ means a
3 protection and advocacy system established under
4 section 143 of the Developmental Disabilities Assist-
5 ance and Bill of Rights Act of 2000 (42 U.S.C.
6 15043).

7 “(7) SCHOOL.—The term ‘school’ means an en-
8 tity—

9 “(A) that—

10 “(i) is a public or private—

11 “(I) day or residential elementary
12 school or secondary school; or

13 “(II) early childhood, elementary
14 school, or secondary school program
15 that is under the jurisdiction of a
16 school, local educational agency, edu-
17 cational service agency, or other edu-
18 cational institution or program; and

19 “(ii) receives, or serves students who
20 receive, support in any form from any pro-
21 gram supported, in whole or in part, with
22 funds appropriated under the Student Suc-
23 cess Act; or

24 “(B) that is a school funded or operated
25 by the Department of the Interior.

1 “(8) SCHOOL PERSONNEL.—The term ‘school
2 personnel’ has the meaning—

3 “(A) given the term in section 4151(10);
4 and

5 “(B) given the term ‘school resource offi-
6 cer’ in section 4151(11).

7 “(9) SECLUSION.—The term ‘seclusion’ has the
8 meaning given the term in section 595(d)(4) of the
9 Public Health Service Act (42 U.S.C. 290jj(d)(4)).

10 “(10) STATE-APPROVED CRISIS INTERVENTION
11 TRAINING PROGRAM.—The term ‘State-approved cri-
12 sis intervention training program’ means a training
13 program approved by a State and the Secretary
14 that, at a minimum, provides—

15 “(A) training in evidence-based techniques
16 shown to be effective in the prevention of phys-
17 ical restraint and seclusion;

18 “(B) training in evidence-based techniques
19 shown to be effective in keeping both school
20 personnel and students safe when imposing
21 physical restraint or seclusion;

22 “(C) evidence-based skills training related
23 to positive behavior supports, safe physical es-
24 cort, conflict prevention, understanding ante-

1 cedents, de-escalation, and conflict manage-
2 ment;

3 “(D) training in first aid and
4 cardiopulmonary resuscitation;

5 “(E) information describing State policies
6 and procedures that meet the minimum stand-
7 ards established by regulations promulgated
8 pursuant to section 9702(a); and

9 “(F) certification for school personnel in
10 the techniques and skills described in subpara-
11 graphs (A) through (D), which shall be required
12 to be renewed on a periodic basis.

13 “(11) STUDENT.—The term ‘student’ means a
14 student enrolled in a school defined in paragraph
15 (7), except that in the case of a student enrolled in
16 a private school or private program, such term
17 means a student who receives support in any form
18 from any program supported, in whole or in part,
19 with funds appropriated under the Student Success
20 Act.

21 “(12) TIME OUT.—The term ‘time out’ has the
22 meaning given the term in section 595(d)(5) of the
23 Public Health Service Act (42 U.S.C. 290jj(d)(5)),
24 except that the meaning shall be applied by sub-
25 stituting ‘student’ for ‘resident’.

1 **“SEC. 9702. MINIMUM STANDARDS; RULE OF CONSTRUC-**
2 **TION.**

3 “(a) MINIMUM STANDARDS.—Not later than 180
4 days after the date of the enactment of the Student Suc-
5 cess Act, to ensure a safe learning environment and pro-
6 tect each student from physical or mental abuse, aversive
7 behavioral interventions that compromise student health
8 and safety, or any physical restraint or seclusion imposed
9 solely for purposes of discipline or convenience or in a
10 manner otherwise inconsistent with this part, the Sec-
11 retary shall promulgate regulations establishing the fol-
12 lowing minimum standards:

13 “(1) School personnel shall be prohibited from
14 imposing on any student the following:

15 “(A) Mechanical restraints.

16 “(B) Chemical restraints.

17 “(C) Physical restraint or physical escort
18 that restricts breathing.

19 “(D) Aversive behavioral interventions that
20 compromise health and safety.

21 “(2) School personnel shall be prohibited from
22 imposing physical restraint or seclusion on a student
23 unless—

24 “(A) the student’s behavior poses an immi-
25 nent danger of physical injury to the student,
26 school personnel, or others;

1 “(B) less restrictive interventions would be
2 ineffective in stopping such imminent danger of
3 physical injury;

4 “(C) such physical restraint or seclusion is
5 imposed by school personnel who—

6 “(i) continuously monitor the student
7 face-to-face; or

8 “(ii) if school personnel safety is sig-
9 nificantly compromised by such face-to-face
10 monitoring, are in continuous direct visual
11 contact with the student;

12 “(D) such physical restraint or seclusion is
13 imposed by—

14 “(i) school personnel trained and cer-
15 tified by a State-approved crisis interven-
16 tion training program (as defined in sec-
17 tion 9701(16)); or

18 “(ii) other school personnel in the
19 case of a rare and clearly unavoidable
20 emergency circumstance when school per-
21 sonnel trained and certified as described in
22 clause (i) are not immediately available
23 due to the unforeseeable nature of the
24 emergency circumstance; and

1 “(E) such physical restraint or seclusion
2 ends immediately upon the cessation of the con-
3 ditions described in subparagraphs (A) and (B).

4 “(3) States, in consultation with local edu-
5 cational agencies and private school officials, shall
6 ensure that a sufficient number of personnel are
7 trained and certified by a State-approved crisis
8 intervention training program (as defined in section
9 9701(16)) to meet the needs of the specific student
10 population in each school.

11 “(4) The use of physical restraint or seclusion
12 as a planned intervention shall not be written into
13 a student’s education plan, individual safety plan,
14 behavioral plan, or individualized education program
15 (as defined in section 602 of the Individuals with
16 Disabilities Education Act (20 U.S.C. 1401)). Local
17 educational agencies or schools may establish poli-
18 cies and procedures for use of physical restraint or
19 seclusion in school safety or crisis plans, provided
20 that such school plans are not specific to any indi-
21 vidual student.

22 “(5) Schools shall establish procedures to be
23 followed after each incident involving the imposition
24 of physical restraint or seclusion upon a student, in-
25 cluding—

1 “(A) procedures to provide to the parent of
2 the student, with respect to each such inci-
3 dent—

4 “(i) an immediate verbal or electronic
5 communication on the same day as the in-
6 cident; and

7 “(ii) written notification within 24
8 hours of the incident; and

9 “(B) any other procedures the Secretary
10 determines appropriate.

11 “(b) SECRETARY OF THE INTERIOR.—The Secretary
12 of the Interior shall ensure that schools operated or fund-
13 ed by the Department of the Interior comply with the reg-
14 ulations promulgated by the Secretary under subsection
15 (a).

16 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to authorize the Secretary to pro-
18 mulgate regulations prohibiting the use of—

19 “(1) time out (as defined in section 9701(20));

20 “(2) devices implemented by trained school per-
21 sonnel, or utilized by a student, for the specific and
22 approved therapeutic or safety purposes for which
23 such devices were designed and, if applicable, pre-
24 scribed, including—

25 “(A) restraints for medical immobilization;

1 “(B) adaptive devices or mechanical sup-
2 ports used to achieve proper body position, bal-
3 ance, or alignment to allow greater freedom of
4 mobility than would be possible without the use
5 of such devices or mechanical supports; or

6 “(C) vehicle safety restraints when used as
7 intended during the transport of a student in a
8 moving vehicle; or

9 “(3) handcuffs by school resource officers (as
10 such term is defined in section 4151(11) of the Ele-
11 mentary and Secondary Education Act of 1965 (20
12 U.S.C. 7161(11)))—

13 “(A) in the—

14 “(i) case when a student’s behavior
15 poses an imminent danger of physical in-
16 jury to the student, school personnel, or
17 others; or

18 “(ii) lawful exercise of law enforce-
19 ment duties; and

20 “(B) less restrictive interventions would be
21 ineffective.

22 **“SEC. 9703. STATE PLAN AND REPORT REQUIREMENTS AND**
23 **ENFORCEMENT.**

24 “(a) STATE PLAN.—Not later than 2 years after the
25 Secretary promulgates regulations pursuant to section

1 9702(a), and each year thereafter, each State educational
2 agency shall submit to the Secretary a State plan that pro-
3 vides—

4 “(1) assurances to the Secretary that the State
5 has in effect—

6 “(A) State policies and procedures that
7 meet the minimum standards, including the
8 standards with respect to State-approved crisis
9 intervention training programs, established by
10 regulations promulgated pursuant to section
11 9702(a); and

12 “(B) a State mechanism to effectively
13 monitor and enforce the minimum standards;

14 “(2) a description of the State policies and pro-
15 cedures, including a description of the State-ap-
16 proved crisis intervention training programs in such
17 State; and

18 “(3) a description of the State plans to ensure
19 school personnel and parents, including private
20 school personnel and parents, are aware of the State
21 policies and procedures.

22 “(b) REPORTING.—

23 “(1) REPORTING REQUIREMENTS.—Not later
24 than 2 years after the date the Secretary promul-
25 gates regulations pursuant to section 9702(a), and

1 each year thereafter, each State educational agency
2 shall (in compliance with the requirements of section
3 444 of the General Education Provisions Act (com-
4 monly known as the ‘Family Educational Rights and
5 Privacy Act of 1974’) (20 U.S.C. 1232g)) prepare
6 and submit to the Secretary, and make available to
7 the public, a report that includes the information de-
8 scribed in paragraph (2), with respect to each local
9 educational agency, and each school not under the
10 jurisdiction of a local educational agency, located in
11 the same State as such State educational agency.

12 “(2) INFORMATION REQUIREMENTS.—

13 “(A) GENERAL INFORMATION REQUIRE-
14 MENTS.—The report described in paragraph (1)
15 shall include information on—

16 “(i) the total number of incidents in
17 the preceding full-academic year in which
18 physical restraint was imposed upon a stu-
19 dent; and

20 “(ii) the total number of incidents in
21 the preceding full-academic year in which
22 seclusion was imposed upon a student.

23 “(B) DISAGGREGATION.—

24 “(i) GENERAL DISAGGREGATION RE-
25 QUIREMENTS.—The information described

1 in subparagraph (A) shall be disaggregated
2 by—

3 “(I) the total number of incidents
4 in which physical restraint or seclu-
5 sion was imposed upon a student—

6 “(aa) that resulted in injury;

7 “(bb) that resulted in death;

8 and

9 “(cc) in which the school
10 personnel imposing physical re-
11 straint or seclusion were not
12 trained and certified as described
13 in section 9702(a)(2)(D)(i); and

14 “(II) the demographic character-
15 istics of all students upon whom phys-
16 ical restraint or seclusion was im-
17 posed, including—

18 “(aa) the categories identi-
19 fied in section 1111(h)(1)(C)(i)
20 of the Elementary and Secondary
21 Education Act of 1965 (20
22 U.S.C. 6311(h)(1)(C)(i));

23 “(bb) age; and

24 “(cc) disability status (which
25 has the meaning given the term

1 ‘individual with a disability’ in
2 section 7(20) of the Rehabilita-
3 tion Act of 1973 (29 U.S.C.
4 705(20)).

5 “(ii) UNDUPLICATED COUNT; EXCEP-
6 TION.—The disaggregation required under
7 clause (i) shall—

8 “(I) be carried out in a manner
9 to ensure an unduplicated count of
10 the—

11 “(aa) total number of inci-
12 dents in the preceding full-aca-
13 demic year in which physical re-
14 straint was imposed upon a stu-
15 dent; and

16 “(bb) total number of inci-
17 dents in the preceding full-aca-
18 demic year in which seclusion
19 was imposed upon a student; and

20 “(II) not be required in a case in
21 which the number of students in a
22 category would reveal personally iden-
23 tifiable information about an indi-
24 vidual student.

25 “(c) ENFORCEMENT.—

1 “(1) IN GENERAL.—

2 “(A) USE OF REMEDIES.—If a State edu-
3 cational agency fails to comply with subsection
4 (a) or (b), the Secretary shall—

5 “(i) withhold, in whole or in part, fur-
6 ther payments under an applicable pro-
7 gram (as such term is defined in section
8 400(c) of the General Education Provi-
9 sions Act (20 U.S.C. 1221)) in accordance
10 with section 455 of such Act (20 U.S.C.
11 1234d);

12 “(ii) require a State educational agen-
13 cy to submit, and implement, within 1 year
14 of such failure to comply, a corrective plan
15 of action, which may include redirection of
16 funds received under an applicable pro-
17 gram; or

18 “(iii) issue a complaint to compel
19 compliance of the State educational agency
20 through a cease and desist order, in the
21 same manner the Secretary is authorized
22 to take such action under section 456 of
23 the General Education Provisions Act (20
24 U.S.C. 1234e).

1 “(B) CESSATION OF WITHHOLDING OF
2 FUNDS.—Whenever the Secretary determines
3 (whether by certification or other appropriate
4 evidence) that a State educational agency who
5 is subject to the withholding of payments under
6 subparagraph (A)(i) has cured the failure pro-
7 viding the basis for the withholding of pay-
8 ments, the Secretary shall cease the withholding
9 of payments with respect to the State edu-
10 cational agency under such subparagraph.

11 “(2) RULE OF CONSTRUCTION.—Nothing in
12 this subsection shall be construed to limit the Sec-
13 retary’s authority under the General Education Pro-
14 visions Act (20 U.S.C. 1221 et seq.).

15 **“SEC. 9704. GRANT AUTHORITY.**

16 “(a) IN GENERAL.—From the amount appropriated
17 under section 922, the Secretary may award grants to
18 State educational agencies to assist the agencies in—

19 “(1) establishing, implementing, and enforcing
20 the policies and procedures to meet the minimum
21 standards established by regulations promulgated by
22 the Secretary pursuant to section 9702(a);

23 “(2) improving State and local capacity to col-
24 lect and analyze data related to physical restraint
25 and seclusion; and

1 “(3) improving school climate and culture by
2 implementing school-wide positive behavior support
3 approaches.

4 “(b) DURATION OF GRANT.—A grant under this sec-
5 tion shall be awarded to a State educational agency for
6 a 3-year period.

7 “(c) APPLICATION.—Each State educational agency
8 desiring a grant under this section shall submit an appli-
9 cation to the Secretary at such time, in such manner, and
10 accompanied by such information as the Secretary may
11 require, including information on how the State edu-
12 cational agency will target resources to schools and local
13 educational agencies in need of assistance related to pre-
14 venting and reducing physical restraint and seclusion.

15 “(d) AUTHORITY TO MAKE SUBGRANTS.—

16 “(1) IN GENERAL.—A State educational agency
17 receiving a grant under this section may use such
18 grant funds to award subgrants, on a competitive
19 basis, to local educational agencies.

20 “(2) APPLICATION.—A local educational agency
21 desiring to receive a subgrant under this section
22 shall submit an application to the applicable State
23 educational agency at such time, in such manner,
24 and containing such information as the State edu-
25 cational agency may require.

1 “(e) PRIVATE SCHOOL PARTICIPATION.—

2 “(1) IN GENERAL.—A local educational agency
3 receiving subgrant funds under this section shall,
4 after timely and meaningful consultation with appro-
5 priate private school officials, ensure that private
6 school personnel can participate, on an equitable
7 basis, in activities supported by grant or subgrant
8 funds.

9 “(2) PUBLIC CONTROL OF FUNDS.—The control
10 of funds provided under this section, and title to ma-
11 terials, equipment, and property purchased with
12 such funds, shall be in a public agency, and a public
13 agency shall administer such funds, materials, equip-
14 ment, and property.

15 “(f) REQUIRED ACTIVITIES.—A State educational
16 agency receiving a grant, or a local educational agency re-
17 ceiving a subgrant, under this section shall use such grant
18 or subgrant funds to carry out the following:

19 “(1) Researching, developing, implementing,
20 and evaluating strategies, policies, and procedures to
21 prevent and reduce physical restraint and seclusion
22 in schools, consistent with the minimum standards
23 established by regulations promulgated by the Sec-
24 retary pursuant to section 9702(a).

1 “(2) Providing professional development, train-
2 ing, and certification for school personnel to meet
3 such standards.

4 “(3) Carrying out the reporting requirements
5 under section 9703(b) and analyzing the information
6 included in a report prepared under such section to
7 identify student, school personnel, and school needs
8 related to use of physical restraint and seclusion.

9 “(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In ad-
10 dition to the required activities described in subsection (f),
11 a State educational agency receiving a grant, or a local
12 educational agency receiving a subgrant, under this sec-
13 tion may use such grant or subgrant funds for one or more
14 of the following:

15 “(1) Developing and implementing high-quality
16 professional development and training programs to
17 implement evidence-based systematic approaches to
18 school-wide positive behavior supports, including im-
19 proving coaching, facilitation, and training capacity
20 for administrators, teachers, specialized instructional
21 support personnel, and other staff.

22 “(2) Providing technical assistance to develop
23 and implement evidence-based systematic approaches
24 to school-wide positive behavior supports, including
25 technical assistance for data-driven decisionmaking

1 related to behavioral supports and interventions in
2 the classroom.

3 “(3) Researching, evaluating, and disseminating
4 high-quality evidence-based programs and activities
5 that implement school-wide positive behavior sup-
6 ports with fidelity.

7 “(4) Supporting other local positive behavior
8 support implementation activities consistent with
9 this subsection.

10 “(h) EVALUATION AND REPORT.—Each State edu-
11 cational agency receiving a grant under this section shall,
12 at the end of the 3-year grant period for such grant—

13 “(1) evaluate the State’s progress toward the
14 prevention and reduction of physical restraint and
15 seclusion in the schools located in the State, con-
16 sistent with the minimum standards established by
17 regulations promulgated by the Secretary pursuant
18 to section 9702(a); and

19 “(2) submit to the Secretary a report on such
20 progress.

21 “(i) DEPARTMENT OF THE INTERIOR.—From the
22 amount appropriated under section 9708, the Secretary
23 may allocate funds to the Secretary of the Interior for ac-
24 tivities under this section with respect to schools operated

1 or funded by the Department of the Interior, under such
2 terms as the Secretary of Education may prescribe.

3 **“SEC. 9705. NATIONAL ASSESSMENT.**

4 “(a) NATIONAL ASSESSMENT.—The Secretary shall
5 carry out a national assessment to determine the effective-
6 ness of this part, which shall include—

7 “(1) analyzing data related to physical restraint
8 and seclusion incidents;

9 “(2) analyzing the effectiveness of Federal,
10 State, and local efforts to prevent and reduce the
11 number of physical restraint and seclusion incidents
12 in schools;

13 “(3) identifying the types of programs and serv-
14 ices that have demonstrated the greatest effective-
15 ness in preventing and reducing the number of phys-
16 ical restraint and seclusion incidents in schools; and

17 “(4) identifying evidence-based personnel train-
18 ing models with demonstrated success in preventing
19 and reducing the number of physical restraint and
20 seclusion incidents in schools, including models that
21 emphasize positive behavior supports and de-esca-
22 lation techniques over physical intervention.

23 “(b) REPORT.—The Secretary shall submit to the
24 Committee on Education and the Workforce of the House

1 of Representatives and the Committee on Health, Edu-
2 cation, Labor, and Pensions of the Senate—

3 “(1) not later than 3 years after the date of en-
4 actment of the Student Success Act, an interim re-
5 port that summarizes the preliminary findings of the
6 assessment described in subsection (a); and

7 “(2) not later than 5 years after the date of the
8 enactment of the Student Success Act, a final report
9 of the findings of the assessment.

10 **“SEC. 9706. PROTECTION AND ADVOCACY SYSTEMS.**

11 “Protection and Advocacy Systems shall have the au-
12 thority provided under section 143 of the Developmental
13 Disabilities Assistance and Bill of Rights Act of 2000 (42
14 U.S.C. 15043) to investigate, monitor, and enforce protec-
15 tions provided for students under this part.

16 **“SEC. 9707. LIMITATION OF AUTHORITY.**

17 “(a) IN GENERAL.—Nothing in this part shall be
18 construed to restrict or limit, or allow the Secretary to
19 restrict or limit, any other rights or remedies otherwise
20 available to students or parents under Federal or State
21 law or regulation.

22 “(b) APPLICABILITY.—

23 “(1) PRIVATE SCHOOLS.—Nothing in this part
24 shall be construed to affect any private school that
25 does not receive, or does not serve students who re-

1 ceive, support in any form from any program sup-
2 ported, in whole or in part, with funds appropriated
3 to the Department of Education.

4 “(2) HOME SCHOOLS.—Nothing in this part
5 shall be construed to—

6 “(A) affect a home school, whether or not
7 a home school is treated as a private school or
8 home school under State law; or

9 “(B) consider parents who are schooling a
10 child at home as school personnel.

11 **“SEC. 9708. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated such sums
13 as may be necessary to carry out this part for fiscal year
14 2014 and each of the 4 succeeding fiscal years.

15 **“SEC. 9709. PRESUMPTION OF CONGRESS RELATING TO**
16 **COMPETITIVE PROCEDURES.**

17 “(a) PRESUMPTION.—It is the presumption of Con-
18 gress that grants awarded under this part will be awarded
19 using competitive procedures based on merit.

20 “(b) REPORT TO CONGRESS.—If grants are awarded
21 under this part using procedures other than competitive
22 procedures, the Secretary shall submit to Congress a re-
23 port explaining why competitive procedures were not
24 used.”.

1 **Subtitle D—Protecting Student**
2 **Athletes From Concussions**

3 **SEC. 931. PROTECTING STUDENT ATHLETES FROM CON-**
4 **CUSSIONS.**

5 Title IX (20 U.S.C. 7801 et seq.) is further amended
6 by adding at the end the following:

7 **“PART H—PROTECTING STUDENT ATHLETES**
8 **FROM CONCUSSIONS**

9 **“SEC. 9801. MINIMUM STATE REQUIREMENTS.**

10 “Beginning with fiscal year 2014, in order to be eligi-
11 ble to receive funds for such year or a subsequent fiscal
12 year under the Elementary and Secondary Education Act
13 of 1965 (20 U.S.C. 6301 et seq.) each State educational
14 agency shall issue regulations establishing the following
15 minimum requirements in order to protect student aca-
16 demic achievement from the impact of concussions:

17 “(1) LOCAL EDUCATIONAL AGENCY CONCUS-
18 SION SAFETY AND MANAGEMENT PLAN.—Each local
19 educational agency in the State, in consultation with
20 members of the community in which such agency is
21 located, shall develop and implement a standard plan
22 for concussion safety and management that in-
23 cludes—

1 “(A) the education of students, parents,
2 and school personnel about concussions, such
3 as—

4 “(i) the training and certification of
5 school personnel, including coaches, ath-
6 letic trainers, and school nurses, on con-
7 cussion safety and management; and

8 “(ii) using and maintaining standard-
9 ized release forms, treatment plans, obser-
10 vation, monitoring and reporting forms,
11 recordkeeping forms, and post-injury fact
12 sheets;

13 “(B) supports for students recovering from
14 a concussion, such as—

15 “(i) guiding such student in resuming
16 participation in athletic activity and aca-
17 demic activities with the help of a multi-
18 disciplinary team, which may include—

19 “(I) a health care professional,
20 the parents of such student, a school
21 nurse, or other relevant school per-
22 sonnel; and

23 “(II) an individual who is as-
24 signed by a public school to oversee

1 and manage the recovery of such stu-
2 dent;

3 “(ii) providing appropriate academic
4 accommodations; and

5 “(iii) referring students whose symp-
6 toms of concussion reemerge or persist
7 upon the reintroduction of cognitive and
8 physical demands for evaluation of the eli-
9 gibility of such students for services under
10 the Individual with Disabilities Education
11 Act (20 U.S.C. 1400 et seq.) and the Re-
12 habilitation Act of 1973 (29 U.S.C. 701
13 note et seq.); and

14 “(C) best practices designed to ensure,
15 with respect to concussions, the uniformity of
16 safety standards, treatment, and management,
17 such as—

18 “(i) disseminating information on con-
19 cussion management safety and manage-
20 ment to the public; and

21 “(ii) applying uniform standards for
22 concussion safety and management to all
23 students enrolled in public schools.

24 “(2) POSTING OF INFORMATION ON CONCUS-
25 SIONS.—Each public elementary school and each

1 secondary school shall post on school grounds, in a
2 manner that is visible to students and school per-
3 sonnel, and make publicly available on the school
4 website, information on concussions that—

5 “(A) is based on peer-reviewed scientific
6 evidence (such as information made available by
7 the Centers for Disease Control and Preven-
8 tion);

9 “(B) shall include—

10 “(i) the risks posed by sustaining a
11 concussion;

12 “(ii) the actions a student should take
13 in response to sustaining a concussion, in-
14 cluding the notification of school personnel;
15 and

16 “(iii) the signs and symptoms of a
17 concussion; and

18 “(C) may include—

19 “(i) the definition of a concussion;

20 “(ii) the means available to the stu-
21 dent to reduce the incidence or recurrence
22 of a concussion; and

23 “(iii) the effects of a concussion on
24 academic learning and performance.

1 “(3) RESPONSE TO CONCUSSION.—If any school
2 personnel, including coaches and athletic trainers, of
3 a public school suspects that a student has sustained
4 a concussion during a school-sponsored athletic ac-
5 tivity—

6 “(A) the student shall be—

7 “(i) immediately removed from par-
8 ticipation in such activity; and

9 “(ii) prohibited from returning to par-
10 ticipate in school-sponsored athletic activi-
11 ties—

12 “(I) on the day such student sus-
13 tained a concussion; and

14 “(II) until such student submits
15 a written release from a health care
16 professional stating that the student
17 is capable of resuming participation in
18 school-sponsored athletic activities;
19 and

20 “(B) such personnel shall report to the
21 parent or guardian of such student—

22 “(i) the date, time, and extent of the
23 injury suffered by such student; and

24 “(ii) any actions taken to treat such
25 student.

1 “(4) RETURN TO ATHLETICS AND ACA-
2 DEMICS.—Before a student who has sustained a con-
3 cussion in a school-sponsored athletic activity re-
4 sumes participation in school-sponsored athletic ac-
5 tivities or academic activities, the school shall receive
6 a written release from a health care professional,
7 that—

8 “(A) states that the student is capable of
9 resuming participation in such activities; and

10 “(B) may require the student to follow a
11 plan designed to aid the student in recovering
12 and resuming participation in such activities in
13 a manner that—

14 “(i) is coordinated, as appropriate,
15 with periods of cognitive and physical rest
16 while symptoms of a concussion persist;
17 and

18 “(ii) reintroduces cognitive and phys-
19 ical demands on such student on a pro-
20 gressive basis only as such increases in ex-
21 ertion do not cause the reemergence or
22 worsening of symptoms of a concussion.

23 **“SEC. 9802. REPORT TO SECRETARY OF EDUCATION.**

24 “Not later than 6 months after promulgating regula-
25 tions pursuant to section 9801 in order to be eligible to

1 receive funds under the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6301 et seq.), each State
3 educational agency shall submit to the Secretary of Edu-
4 cation a report that contains—

5 “(1) a description of the State regulations pro-
6 mulgated pursuant to section 9801; and

7 “(2) an assurance that the State has imple-
8 mented such regulations.

9 **“SEC. 9803. RULE OF CONSTRUCTION.**

10 “Nothing in this subtitle shall be construed to alter
11 or supersede State law with respect to education standards
12 or procedures or civil liability.

13 **“SEC. 9804. DEFINITIONS.**

14 “In this subtitle:

15 “(1) **CONCUSSION.**—The term ‘concussion’
16 means a type of traumatic brain injury that—

17 “(A) is caused by a blow, jolt, or motion
18 to the head or body that causes the brain to
19 move rapidly in the skull;

20 “(B) disrupts normal brain functioning
21 and alters the mental state of the individual,
22 causing the individual to experience—

23 “(i) any period of observed or self-re-
24 ported —

1 “(I) transient confusion, dis-
2 orientation, or impaired consciousness;

3 “(II) dysfunction of memory
4 around the time of injury; and

5 “(III) loss of consciousness last-
6 ing less than 30 minutes;

7 “(ii) any one of four types of symp-
8 toms of a headache, including—

9 “(I) physical symptoms, such as
10 headache, fatigue, or dizziness;

11 “(II) cognitive symptoms, such
12 as memory disturbance or slowed
13 thinking;

14 “(III) emotional symptoms, such
15 as irritability or sadness; and

16 “(IV) difficulty sleeping; and

17 “(C) can occur—

18 “(i) with or without the loss of con-
19 sciousness; and

20 “(ii) during participation in any orga-
21 nized sport or recreational activity.

22 “(2) HEALTH CARE PROFESSIONAL.—The term
23 ‘health care professional’ means a physician, nurse,
24 certified athletic trainer, physical therapist,

1 neuropsychologist or other qualified individual
2 who—

3 “(A) is a registered, licensed, certified, or
4 otherwise statutorily recognized by the State to
5 provide medical treatment;

6 “(B) is experienced in the diagnosis and
7 management of traumatic brain injury among a
8 pediatric population; and

9 “(C) may be a volunteer.

10 “(3) LOCAL EDUCATIONAL AGENCY; STATE
11 EDUCATIONAL AGENCY.—The terms ‘local edu-
12 cational agency’ and ‘State educational agency’ have
13 the meanings given such terms in section 9101 of
14 the Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 7801).

16 “(4) SCHOOL PERSONNEL.—The term ‘school
17 personnel’ has the meaning given such term in sec-
18 tion 4151 of the Elementary and Secondary Edu-
19 cation Act of 1965 (20 U.S.C. 7161).

20 “(5) 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 Ac (42 U.S.C. 11421 et seq.) is amended
14 to read as follows:

15 **“Subtitle B—Education for**
16 **Homeless Children and Youths**

17 **“SEC. 721. STATEMENT OF POLICY.**

18 “The following is the policy of Congress:

19 “(1) Each State educational agency shall en-
20 sure that each homeless child and youth has access
21 to the same free, appropriate public education, in-
22 cluding a public preschool education, as provided to
23 other children and youth.

24 “(2) In any State where compulsory residency
25 requirements or other requirements of laws, regula-

1 tions, practices, or policies may act as a barrier to
2 the identification, enrollment, attendance, or success
3 in school of homeless children and youth, the State
4 shall review and revise such laws, regulations, prac-
5 tices, or policies to ensure that homeless children
6 and youth are afforded the same free appropriate
7 public education as is provided to other children and
8 youth.

9 “(3) Homelessness is not a sufficient reason to
10 separate students from the mainstream school envi-
11 ronment.

12 “(4) Homeless children and youth shall have
13 access to the education and other services that such
14 children and youth need to ensure that such children
15 and youth have an opportunity to meet the same col-
16 lege and career ready State student academic
17 achievement standards to which all students are
18 held.

19 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
20 **THE EDUCATION OF HOMELESS CHILDREN**
21 **AND YOUTHS.**

22 “(a) GENERAL AUTHORITY.—The Secretary is au-
23 thorized to make grants to States from allotments made
24 under subsection (c) and in accordance with this section

1 to enable such States to carry out the activities described
2 in subsections (d) through (g).

3 “(b) APPLICATION.—In order for a State to be eligi-
4 ble to receive a grant under this section, the State edu-
5 cational agency, in consultation with other relevant State
6 agencies, shall submit an application to the Secretary at
7 such time, in such manner, and containing or accompanied
8 by such information as the Secretary may reasonably re-
9 quire.

10 “(c) ALLOCATION AND RESERVATIONS.—

11 “(1) ALLOCATION.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (C), the Secretary is authorized to allot
14 to each State an amount that bears the same
15 ratio to the amount appropriated for such year
16 under section 727 that remains after the Sec-
17 retary reserves funds under paragraph (2) and
18 uses funds to carry out section 724(d) and (h),
19 as the amount allocated under section 1122 of
20 the Elementary and Secondary Education Act
21 of 1965 (20 U.S.C. 6332) to the State for that
22 year bears to the total amount allocated under
23 section 1122 of such Act to all States for that
24 year, except as provided in subparagraph (B)—

1 “(B) MINIMUM ALLOTMENTS.—No State
2 shall receive for a fiscal year less under this
3 paragraph than the greater of—

4 “(i) \$300,000; or

5 “(ii) an amount that bears the same
6 ratio to the amount appropriated for such
7 year under section 727 that remains after
8 the Secretary reserves funds under para-
9 graph (2) and uses funds to carry out sec-
10 tion 724 (d) and (h), as the amount the
11 State received under this paragraph for the
12 preceding fiscal year bears to the total
13 amount received by all States under this
14 paragraph for the preceding fiscal year.

15 “(C) REDUCTION FOR INSUFFICIENT
16 FUNDS.—If there are insufficient funds in a fis-
17 cal year to allot to each State the minimum
18 amount under subparagraph (B), the Secretary
19 shall ratably reduce the allotments to all States
20 based on the proportionate share that each
21 State received under this subsection for the pre-
22 ceding fiscal year.

23 “(2) RESERVATIONS.—

24 “(A) STUDENTS IN TERRITORIES.—The
25 Secretary is authorized to reserve 0.1 percent of

1 the amount appropriated for each fiscal year
2 under section 727 to be allocated by the Sec-
3 retary among the United States Virgin Islands,
4 Guam, American Samoa, and the Common-
5 wealth of the Northern Mariana Islands, ac-
6 cording to their respective need for assistance
7 under this title, as determined by the Secretary.
8 Funds allocated under this subparagraph shall
9 be used for programs that are consistent with
10 the purposes of the programs described in this
11 subtitle.

12 “(B) INDIAN STUDENTS.—

13 “(i) TRANSFER.—The Secretary shall
14 transfer 1 percent of the amount appro-
15 priated for each fiscal year under section
16 727 to the Department of the Interior for
17 programs that are for Indian students
18 served by schools funded by the Secretary
19 of the Interior, as determined under the
20 Indian Self-Determination and Education
21 Assistance Act (25 U.S.C. 450 et seq.),
22 and that are consistent with the purposes
23 of the programs described in this title.

24 “(ii) AGREEMENT.—The Secretary of
25 Education and the Secretary of the Inte-

1 rior shall enter into an agreement, con-
2 sistent with the requirements of this title,
3 for the distribution and use of the funds
4 described in clause (i) under terms that
5 the Secretary of Education determines best
6 meet the purposes of the programs de-
7 scribed in this title. Such agreement shall
8 set forth the plans of the Secretary of the
9 Interior for the use of the funds trans-
10 ferred, including appropriate goals, objec-
11 tives, and milestones for that use.

12 “(d) STATE ACTIVITIES.—Grant funds from a grant
13 made to a State under this section shall be used for the
14 following:

15 “(1) To provide activities for and services to
16 improve the identification of homeless children and
17 youth and enable such children and youth to enroll
18 in, attend, and succeed in school, including in early
19 childhood education programs.

20 “(2) To establish or designate an Office of the
21 Coordinator for Education of Homeless Children and
22 Youth in the State educational agency in accordance
23 with subsection (f) that has sufficient knowledge,
24 authority, and time to carry out the duties described
25 in this title.

1 “(3) To prepare and carry out the State plan
2 described in subsection (g).

3 “(4) To develop and implement professional de-
4 velopment activities for liaisons designated under
5 subsection (g)(1)(J)(ii), other local educational agen-
6 cy school personnel, and community agencies to im-
7 prove their—

8 “(A) identification of homeless children
9 and youth; and

10 “(B) awareness of, and capacity to respond
11 to, specific needs in the education of homeless
12 children and youth.

13 “(e) STATE AND LOCAL SUBGRANTS.—

14 “(1) MINIMUM DISBURSEMENTS BY STATES.—
15 From the grant funds made available each year to
16 a State under subsection (a) to carry out this title,
17 the State educational agency shall distribute not less
18 than 75 percent by making subgrants under section
19 723 to local educational agencies for the purposes of
20 carrying out section 723.

21 “(2) USE BY STATE EDUCATIONAL AGENCY.—
22 A State educational agency may use any grant funds
23 remaining after making subgrants under section 723
24 to conduct activities under subsection (f) directly or
25 through making grants or entering into contracts.

1 “(3) PROHIBITION ON SEGREGATING HOMELESS
2 STUDENTS.—In providing a free public education to
3 a homeless child or youth, no State receiving funds
4 under this title shall segregate such child or youth
5 in a separate school, or in a separate program within
6 a school, based on such child’s or youth’s status as
7 homeless.

8 “(A) EXCEPTION.—Notwithstanding para-
9 graph (3), paragraphs (1)(J)(i) and (3) of sub-
10 section (g), section 723(a)(2), and any other
11 provision of this title relating to the placement
12 of homeless children or youths in schools, a
13 State that has a separate school for homeless
14 children or youths that was operated and in re-
15 ceipt of funds under this title in fiscal year
16 2013 in a covered county shall be eligible to re-
17 ceive funds under this title for programs carried
18 out in such school.

19 “(B) DEFINITION.—For purposes of this
20 paragraph, the term ‘covered county’ means
21 San Diego County, California.

22 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
23 NATOR.—The Coordinator for Education of Homeless
24 Children and Youth established in each State shall—

1 “(1) gather and make publicly available reliable,
2 valid, and comprehensive information on

3 “(A) the nature and extent of the problems
4 homeless children and youth have in gaining ac-
5 cess to public preschool programs, and to public
6 elementary schools and secondary schools;

7 “(B) the difficulties in identifying the spe-
8 cial needs and barriers to participation and
9 achievement of such children and youth;

10 “(C) any progress made by the State edu-
11 cational agency and local educational agencies
12 in the State in addressing such problems and
13 difficulties; and

14 “(D) the success of the programs under
15 this title in identifying homeless children and
16 youth and allowing homeless children and youth
17 to enroll in, attend, and succeed in school; and

18 “(2) develop and carry out the State plan de-
19 scribed in subsection (g);

20 “(3) collect data for and transmit to the Sec-
21 retary, at such time and in such manner as the Sec-
22 retary may require, reports containing such informa-
23 tion as the Secretary determines is necessary to as-
24 sess the educational needs of homeless children and

1 youth within the State including data requested pur-
2 suant to section 724(h);

3 “(4) improve the provision of comprehensive
4 education and related support services to homeless
5 children and youth and their families, and to mini-
6 mize educational disruption, through coordination of
7 activities and collaboration with—

8 “(A) educators, including teachers, admin-
9 istrators, specialized instructional support per-
10 sonnel, and child development and preschool
11 program personnel;

12 “(B) providers of services to homeless chil-
13 dren and youth and homeless families, public
14 and private child welfare and social service
15 agencies, law enforcement agencies, juvenile and
16 family courts, agencies providing mental health
17 services, domestic violence agencies, child care
18 providers, runaway and homeless youth centers,
19 and providers of services and programs funded
20 under the Runaway and Homeless Youth Act
21 (42 U.S.C. 5701 et seq.);

22 “(C) providers of emergency, transitional,
23 and permanent housing to homeless children
24 and youth, and their families, including public
25 housing agencies, shelter operators, operators of

1 transitional housing facilities, and providers of
2 transitional living programs for homeless youth;

3 “(D) local educational agency liaisons des-
4 igned under subsection (g)(1)(J)(ii) for home-
5 less children and youths; and

6 “(E) community organizations and groups
7 representing homeless children and youth and
8 their families; and

9 “(5) provide professional development and tech-
10 nical assistance to and conduct monitoring of local
11 educational agencies, in coordination with local edu-
12 cational agency liaisons designated under subsection
13 (g)(1)(J)(ii), to ensure that local educational agen-
14 cies comply with the requirements of paragraphs (3)
15 through (8) of subsection (g), and subsection (e)(3);
16 and

17 “(g) STATE PLAN.—

18 “(1) IN GENERAL.—Each State shall submit to
19 the Secretary and implement a plan to provide for
20 the education of homeless children and youth within
21 the State. Such plan shall include the following:

22 “(A) A description of how such children
23 and youth are (or will be) given the opportunity

1 “(i) to meet the same challenging
2 State academic achievement standards all
3 students are expected to meet; and

4 “(ii) to become college and career
5 ready.

6 “(B) A description of the procedures the
7 State educational agency will use, in coordina-
8 tion with local educational agencies, to identify
9 such children and youths in the State and to
10 assess their needs.

11 “(C) A description of procedures for the
12 prompt resolution of disputes arising under this
13 title, which shall—

14 “(i) be developed in coordination and
15 collaboration with the liaisons designated
16 under subparagraph (J)(ii);

17 “(ii) be readily available and provided
18 in a written format and, to the extent
19 practicable, in a manner and form under-
20 standable to the parents and guardians of
21 homeless children and youth;

22 “(iii) take into account the edu-
23 cational best interest of the homeless child
24 or youth, or unaccompanied youth, in-
25 volved; and

1 “(iv) ensure that parents and guard-
2 ians of homeless children and youth, and
3 unaccompanied youth, who have exhausted
4 the procedures available under this para-
5 graph are able to appeal to the State edu-
6 cational agency, and are enrolled in school
7 pursuant to paragraph (4)(C) and receive
8 transportation pursuant to subparagraph
9 (J)(iii) pending final resolution of the dis-
10 pute.

11 “(D) A description of programs for school
12 personnel (including the liaisons, principals, at-
13 tendance officers, teachers, enrollment per-
14 sonnel, and specialized instructional support
15 personnel) to increase the awareness of such
16 personnel of the specific needs of homeless ado-
17 lescents, including runaway and homeless
18 youth.

19 “(E) A description of procedures that en-
20 sure that homeless children and youth are able
21 to participate in Federal, State, or local nutri-
22 tion programs.

23 “(F) A description of procedures that en-
24 sure that—

1 “(i) homeless children have access to
2 public preschool programs, administered by
3 the State educational agency or local edu-
4 cational agency, including through the poli-
5 cies and practices required under para-
6 graph (3);

7 “(ii) homeless youths and youth sepa-
8 rated from the public schools, are identi-
9 fied and accorded equal access to appro-
10 prie and available secondary education
11 and support services, including receiving
12 appropriate credit for full or partial
13 coursework satisfactorily completed while
14 attending a prior school, and for work
15 completed after their enrollment in a new
16 school, consistent with State graduation re-
17 quirements and accreditation standards;
18 and

19 “(iii) homeless children and youth
20 who meet the relevant eligibility criteria
21 are able to participate in Federal, State, or
22 local educational programs, such as

23 “(I) innovative school models, in-
24 cluding charter schools, magnet
25 schools, and blended learning schools;

1 “(II) expanded learning time and
2 out-of-school time programs, including
3 before- and after-school programs and
4 summer schools;

5 “(III) middle and secondary
6 school enrichment programs, including
7 career and technical education, ad-
8 vanced placement, international baccalaureate, and dual enrollment courses;

9 “(IV) online learning opportunities, including virtual schools; and

10 “(V) relevant workforce investment programs.

11 “(G) Strategies to address problems identified in the reports provided to the Secretary under subsection (f)(3).

12 “(H) Strategies to address other problems with respect to the education of homeless children and youth, including enrollment problems related to—

13 “(i) immunization and other required health records and screenings;

14 “(ii) residency requirements;

15 “(iii) lack of birth certificates, school records, or other documentation;

1 “(iv) guardianship issues; or

2 “(v) uniform or dress code require-
3 ments.

4 “(I) A demonstration that the State edu-
5 cational agency and local educational agencies
6 and schools in the State have developed, and
7 shall review and revise, their policies and prac-
8 tices to remove barriers to the identification,
9 enrollment, attendance, retention, and success
10 of homeless children and youth in schools, in-
11 cluding early childhood education programs, in
12 the State.

13 “(J) Assurances that the following will be
14 carried out—

15 “(i) the State educational agency and
16 local educational agencies in the State will
17 adopt policies and practices to ensure that
18 homeless children and youth are not stig-
19 matized or segregated on the basis of their
20 status as homeless;

21 “(ii) local educational agencies will
22 designate an appropriate staff person as
23 the local educational agency liaison for
24 homeless children and youth, who shall
25 have sufficient training and time to carry

1 out the duties described in paragraph
2 (7)(A), and who may also be a coordinator
3 for other Federal programs.

4 “(iii) the State and local educational
5 agencies in the State will adopt policies
6 and practices to ensure that transportation
7 is provided at the request of the parent or
8 guardian involved (or in the case of an un-
9 accompanied youth, the liaison), to and
10 from the school of origin for as long as the
11 student has the right to attend the school
12 of origin as determined in paragraph
13 (4)(A), in accordance with the following,
14 where applicable:

15 “(I) If the child or youth con-
16 tinues to live in the area served by the
17 local educational agency for the school
18 of origin, the child’s or youth’s trans-
19 portation to and from the school of
20 origin shall be provided or arranged
21 by the local educational agency for the
22 school of origin.

23 “(II) If the child’s or youth’s liv-
24 ing arrangements in the area served
25 by the local educational agency of ori-

1 gin terminate and the child or youth,
2 though continuing the child's or
3 youth's education in the school of ori-
4 gin, begins living in an area served by
5 another local educational agency, the
6 local educational agency of origin and
7 the local educational agency for the
8 area in which the child or youth is liv-
9 ing shall agree upon a method to ap-
10 portion the responsibility and cost for
11 providing transportation to and from
12 the school of origin. If the local edu-
13 cational agencies are unable to agree
14 upon such method, the responsibility
15 and costs for transportation shall be
16 shared equally between the agencies.

17 “(iv) The State educational agency
18 and local educational agencies will adopt
19 policies and practices to promote school
20 success for homeless children and youth,
21 including access to full participation in
22 academic and extracurricular activities that
23 are made available to non-homeless stu-
24 dents.

25 “(2) COMPLIANCE.—

1 “(A) IN GENERAL.—Each plan adopted
2 under this subsection shall also describe how
3 the State will ensure that local educational
4 agencies in the State will comply with the re-
5 quirements of paragraphs (3) through (8).

6 “(B) COORDINATION.—Such plan shall in-
7 dicate what technical assistance the State will
8 furnish to local educational agencies and how
9 compliance efforts will be coordinated with the
10 local educational agency liaisons designated
11 under paragraph (1)(J)(ii).

12 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
13 MENTS.—

14 “(A) IN GENERAL.—The local educational
15 agency serving each child or youth to be as-
16 sisted under this title shall, according to the
17 child’s or youth’s best interest—

18 “(i) continue the child’s or youth’s
19 education in the school of origin for the
20 duration of homelessness—

21 “(I) in any case in which the
22 child or youth becomes a homeless
23 child or youth between academic years
24 or during an academic year; or

1 “(II) for the remainder of the
2 academic year, if the child or youth
3 becomes permanently housed during
4 an academic year; or

5 “(ii) enroll the child or youth in any
6 public school that nonhomeless students
7 who live in the attendance area in which
8 the child or youth is actually living are eli-
9 gible to attend.

10 “(B) BEST INTEREST.—In determining the
11 best interest of the child or youth under sub-
12 paragraph (A), the local educational agency
13 shall—

14 “(i) presume that keeping a homeless
15 child or youth in the school of origin is in
16 the child’s or youth’s best interest, except
17 when doing so is contrary to the wishes of
18 the child’s or youth’s parent or guardian;

19 “(ii) consider student-centered factors
20 related to the child’s or youth’s best inter-
21 est, including factors related to the impact
22 of mobility on achievement, education,
23 health, and safety of homeless children and
24 youth, giving priority to the wishes of the
25 homeless child’s or youth’s parent or

1 guardian or the unaccompanied youth in-
2 volved;

3 “(iii) if, after conducting the best in-
4 terest determination described in clause
5 (ii), the local educational agency deter-
6 mines that it is not in the child’s or
7 youth’s best interest to attend the school
8 or origin or the school requested by the
9 parent, guardian, or unaccompanied youth,
10 provide, in coordination with the local edu-
11 cation agency liaison, the homeless child’s
12 or youth’s parent or guardian or the unac-
13 companied youth, with a written expla-
14 nation in a manner or form understandable
15 to such parent, guardian, or youth, to the
16 extent practicable, including a statement
17 regarding the right to appeal under sub-
18 paragraph (E);

19 “(iv) in the case of an unaccompanied
20 youth, ensure that the homeless liaison
21 designated under paragraph (1)(J)(ii) as-
22 sists in placement or enrollment decisions
23 under this subparagraph, gives priority to
24 the views of such unaccompanied youth,
25 and provides notice to such youth of the

1 right to appeal under subparagraph (E);

2 and

3 “(v) provide transportation pursuant
4 to paragraphs (1)(J)(iii) and (5).

5 “(C) ENROLLMENT.—

6 “(i) ENROLLMENT.—The school se-
7 lected in accordance with this paragraph
8 shall immediately enroll the homeless child
9 or youth, even if the child or youth—

10 “(I) is unable to produce records
11 traditionally required for enrollment,
12 including previous academic records,
13 health records, proof of residency or
14 guardianship, or other documentation;

15 “(II) has unpaid fines or fees
16 from prior schools or is unable to pay
17 fees in the school selected; or

18 “(III) has missed application or
19 enrollment deadlines during any pe-
20 riod of homelessness.

21 “(ii) CONTACTING SCHOOL LAST AT-
22 TENDED.—The enrolling school shall im-
23 mediately contact the school last attended
24 by the child or youth to obtain relevant
25 academic and other records.

1 “(iii) RELEVANT HEALTH RECORDS.—

2 If the child or youth needs to obtain immu-
3 nizations or other required health records,
4 the enrolling school shall immediately en-
5 roll the child or youth and immediately
6 refer the parent or guardian of the child or
7 youth, or the unaccompanied youth, to the
8 local educational agency liaison designated
9 under paragraph (1)(J)(ii), who shall as-
10 sist in obtaining necessary immunizations
11 or screenings or other required health
12 records, in accordance with subparagraph
13 (D).

14 “(iv) NO LIABILITY.—Whenever the
15 school selected enrolls an unaccompanied
16 youth in accordance with this paragraph,
17 no liability shall be imposed upon the
18 school by reason of enrolling the youth
19 without parent or guardian consent.

20 “(D) RECORDS.—Any record ordinarily
21 kept by the school, including immunization or
22 medical records, academic records, birth certifi-
23 cates, guardianship records, and evaluations for
24 special services or programs, regarding each
25 homeless child or youth shall be maintained—

1 “(i) so that the records involved are
2 available when a child or youth enters a
3 new school or school district, even if the
4 child or youth owes fees or fines or did not
5 withdraw from the previous school in con-
6 formance with local withdrawal procedures;
7 and

8 “(ii) in a manner consistent with sec-
9 tion 444 of the General Education Provi-
10 sions Act (20 U.S.C. 1232g).

11 “(E) DISPUTES.—If a dispute arises over
12 eligibility, enrollment, school selection or service
13 in a public school or public preschool, or any
14 other issue relating to services under this
15 title—

16 “(i) in the case of a dispute relating
17 to eligibility for enrollment or school selec-
18 tion, the child or youth shall be imme-
19 diately enrolled in the school in which en-
20 rollment is sought, pending final resolution
21 of the dispute including all available ap-
22 peals;

23 “(ii) the parent or guardian of the
24 child or youth shall be provided with a
25 written explanation of the school’s decision

1 regarding eligibility for enrollment, school
2 selection, or services, made by the school
3 or the local educational agency, which shall
4 include information about the right to ap-
5 peal the decision;

6 “(iii) the child, youth, parent, or
7 guardian shall be referred to the local edu-
8 cational agency liaison designated under
9 paragraph (1)(J)(ii), who shall carry out
10 the dispute resolution process as described
11 in paragraph (1)(C) as expeditiously as
12 possible after receiving notice of such dis-
13 pute; and

14 “(iv) in the case of an unaccompanied
15 youth, the liaison shall ensure that the
16 youth is immediately enrolled in the school
17 in which the youth seeks enrollment, pend-
18 ing resolution of such dispute.

19 “(F) PLACEMENT CHOICE.—The choice re-
20 garding placement shall be made regardless of
21 whether the child or youth involved lives with
22 the homeless parents or has been temporarily
23 placed elsewhere.

24 “(G) SCHOOL OF ORIGIN DEFINED.—

1 “(i) IN GENERAL.—In this paragraph,
2 the term ‘school of origin’ means the
3 school that the child or youth attended
4 when permanently housed or the school in
5 which the child or youth was last enrolled.

6 “(ii) RECEIVING SCHOOL.—When a
7 child or youth completes the final grade
8 level served by the school of origin, as de-
9 scribed in clause (i), the term ‘school of or-
10 igin’ shall include the designated receiving
11 school at the next grade level for the feeder
12 school that the child or youth attended.

13 “(H) CONTACT INFORMATION.—Nothing
14 in this title shall prohibit a local educational
15 agency from requiring a parent or guardian of
16 a homeless child to submit contact information.

17 “(I) PRIVACY.—Information about a home-
18 less child’s or youth’s living situation shall be
19 treated as a student education record under
20 section 444 of the General Education Provi-
21 sions Act (20 U.S.C. 1232g) and shall not be
22 released to housing providers, employers, law
23 enforcement personnel, or other persons or
24 agencies not authorized to have such informa-
25 tion under section 99.31 of title 34, Code of

1 Federal Regulations, paying particular atten-
2 tion to preventing disruption of the living situa-
3 tion of the child or youth and to supporting the
4 safety of such children and youth who are sur-
5 vivors of domestic violence and unaccompanied
6 youth.

7 “(J) ACADEMIC ACHIEVEMENT.—The
8 school selected in accordance with this para-
9 graph shall ensure that homeless children and
10 youth have opportunities to meet the same col-
11 lege and career ready State student academic
12 achievement standards to which other students
13 are held, including implementing the policies
14 and practices required by paragraph (1)(J)(iv).

15 “(4) COMPARABLE SERVICES.—In addition to
16 receiving services provided for homeless children and
17 youth under this title or other Federal, State, or
18 local laws, regulations, policies, or practices, each
19 homeless child or youth to be assisted under this
20 title shall be provided services comparable to services
21 offered to other students in the school selected under
22 paragraph (4), including the following:

23 “(A) Transportation services.

24 “(B) Educational services for which the
25 child or youth meets the eligibility criteria, such

1 as services provided under title I of the Elemen-
2 tary and Secondary Education Act of 1965 (20
3 U.S.C. 6301 et seq.), similar State or local pro-
4 grams, charter schools, magnet schools, edu-
5 cational programs for children with disabilities,
6 and educational programs for students with
7 limited English proficiency.

8 “(C) Programs in vocational and technical
9 education.

10 “(D) Programs for gifted and talented stu-
11 dents.

12 “(E) School nutrition programs.

13 “(F) Health and counseling services, as
14 appropriate.

15 “(5) COORDINATION.—

16 “(A) IN GENERAL.—Each local educational
17 agency shall coordinate—

18 “(i) the provision of services under
19 this title with the services of local social
20 services agencies and other agencies or en-
21 tities providing services to homeless chil-
22 dren and youth and their families, includ-
23 ing services and programs funded under
24 the Runaway and Homeless Youth Act (42
25 U.S.C. 5701 et seq.); and

1 “(ii) transportation, transfer of school
2 records, and other interdistrict activities,
3 with other local educational agencies.

4 “(B) HOUSING ASSISTANCE.—Each State
5 educational agency and local educational agency
6 that receives assistance under this title shall co-
7 ordinate, if applicable, with State and local
8 housing agencies responsible for developing the
9 comprehensive housing affordability strategy
10 described in section 105 of the Cranston-Gon-
11 zalez National Affordable Housing Act (42
12 U.S.C. 12705) to minimize educational disrup-
13 tion for children and youth who become home-
14 less.

15 “(C) COORDINATION PURPOSE.—The co-
16 ordination required under subparagraphs (A)
17 and (B) shall be designed to—

18 “(i) ensure that all homeless children
19 and youth are identified within a reason-
20 able time frame;

21 “(ii) ensure that all homeless children
22 and youth have access to and are in rea-
23 sonable proximity to available education
24 and related support services; and

1 “(iii) raise the awareness of school
2 personnel and service providers of the ef-
3 fects of short-term stays in a shelter and
4 other challenges associated with homeless-
5 ness.

6 “(D) HOMELESS CHILDREN AND YOUTHS
7 WITH DISABILITIES.—For children and youth
8 who are to be assisted both under this title, and
9 under the Individuals with Disabilities Edu-
10 cation Act (20 U.S.C. 1400 et seq.) or section
11 504 of the Rehabilitation Act of 1973 (29
12 U.S.C. 794), each local educational agency shall
13 coordinate the provision of services under this
14 title with the provision of programs for children
15 with disabilities served by such local educational
16 agency and other involved local educational
17 agencies.

18 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

19 “(A) DUTIES.—Each local educational
20 agency liaison for homeless children and youth,
21 designated under paragraph (1)(J)(ii), shall en-
22 sure that—

23 “(i) all homeless children and youths
24 are identified by school personnel and

1 through coordination activities with other
2 entities and agencies;

3 “(ii) homeless children and youth are
4 enrolled in, and have a full and equal op-
5 portunity to succeed in, schools of that
6 local educational agency;

7 “(iii) homeless families, children, and
8 youth have access to educational services
9 for which such families, children, and
10 youth are eligible, including services
11 through Head Start, Early Head Start,
12 early intervention, and Even Start pro-
13 grams, and preschool programs;

14 “(iv) homeless families, and homeless
15 children and youth, receive referrals to
16 health care services, dental services, mental
17 health and substance abuse services, hous-
18 ing services, and other appropriate serv-
19 ices;

20 “(v) homeless children and youth are
21 certified as eligible for free meals offered
22 under the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1751 et seq.)
24 and the Child Nutrition Act of 1966 (42

1 U.S.C. 1771 et seq.), without further ap-
2 plication;

3 “(vi) the parents or guardians of
4 homeless children and youth are informed
5 of the educational and related opportuni-
6 ties available to their children, including
7 early learning opportunities, and are pro-
8 vided with meaningful opportunities to par-
9 ticipate in the education of their children;

10 “(vii) public notice of the educational
11 rights of homeless children and youth is in-
12 corporated into documents related to resi-
13 dency requirements or enrollment, provided
14 upon school enrollment and withdrawal,
15 posted on the local educational agency’s
16 website, and disseminated in locations fre-
17 quented by parents and guardians of
18 homeless children and youth and unaccom-
19 panied youth, including schools, shelters,
20 public libraries, and soup kitchens in a
21 manner and form understandable to par-
22 ents and guardians of homeless children
23 and youth and unaccompanied youth;

24 “(viii) disputes are resolved in accord-
25 ance with paragraph (3)(E);

1 “(ix) the parent or guardian of a
2 homeless child or youth, or any unaccom-
3 panied youth, is fully informed of all trans-
4 portation services, including transportation
5 to the school of origin, as described in
6 paragraph (1)(J)(iii), and is assisted in ac-
7 cessing transportation to the school that is
8 selected under paragraph (4)(A).

9 “(x) school personnel are adequately
10 prepared to implement this title and re-
11 ceive professional development, resource
12 materials, technical assistance, and other
13 support; and

14 “(xi) unaccompanied youth—

15 “(I) are enrolled in school;

16 “(II) have opportunities to meet
17 the same college and career ready
18 State student academic achievement
19 standards to which other students are
20 held, including through implementa-
21 tion of the policies and practices re-
22 quired by subparagraphs (F)(ii) and
23 (J)(iv) of paragraph (1); and

24 “(III) are informed of their sta-
25 tus as independent students under

1 section 480 of the Higher Education
2 Act of 1965 (20 U.S.C. 1087vv), in-
3 cluding through school counselors that
4 have received professional develop-
5 ment about unaccompanied youth,
6 and receive verification of such status
7 for purposes of the Free Application
8 for Federal Student Aid described in
9 section 483 of such Act (20 U.S.C.
10 1090).

11 “(B) NOTICE.—State coordinators ap-
12 pointed under subsection (d)(2) and local edu-
13 cational agencies shall inform school personnel,
14 service providers, and advocates working with
15 homeless families and homeless children and
16 youth of the contact information and duties of
17 the local educational agency liaisons, including
18 publishing an annually updated list of the liai-
19 sons working in the State on the State edu-
20 cational agency’s website.

21 “(C) LOCAL AND STATE COORDINATION.—
22 the local educational agency liaisons shall, as a
23 part of their duties, coordinate and collaborate
24 with State coordinators and community and
25 school personnel responsible for the provision of

1 education and related support services to home-
2 less children and youth. Such coordination shall
3 include collecting and providing to the State
4 Coordinator the reliable, valid, and comprehen-
5 sive data needed to meet the requirements of
6 paragraphs (1) and (3) of subsection (f).

7 “(D) PROFESSIONAL DEVELOPMENT.—The
8 local educational agency liaisons shall partici-
9 pate in the professional development and other
10 technical assistance activities provided by the
11 State Coordinator pursuant to subsection (f)(5).

12 “(h) EMERGENCY DISASTER GRANTS.—

13 “(1) IN GENERAL.—The Secretary shall make
14 emergency disaster grants to eligible local edu-
15 cational agencies and eligible States described in
16 paragraph (2), in order to increase the capacity for
17 such local educational agencies and States to re-
18 spond to major disasters.

19 “(2) ELIGIBILITY; APPLICATION.—

20 “(A) ELIGIBILITY.—

21 “(i) LOCAL EDUCATIONAL AGENCY
22 ELIGIBILITY.—A local educational agency
23 shall be eligible to receive an emergency
24 disaster grant under this subsection, based
25 on demonstrated need, if such local edu-

1 cational agency’s enrollment of homeless
2 children and youth has increased as a re-
3 sult of a hurricane, flood, or other natural
4 disaster for which the President declared a
5 major disaster under title IV of the Robert
6 T. Stafford Disaster Relief and Emergency
7 Assistance Act (42 U.S.C. 5170 et seq.).

8 “(ii) STATE ELIGIBILITY.—A State,
9 through the Office of the Coordinator for
10 Education of Homeless Children and
11 Youths in the State educational agency,
12 shall be eligible to receive an emergency
13 disaster grant under this subsection if
14 there are 1 or more eligible local edu-
15 cational agencies, as described in clause
16 (i), located within the State.

17 “(B) APPLICATION.—In order for an eligi-
18 ble State or an eligible local educational agency
19 to receive a grant under this subsection, the
20 State educational agency, in consultation with
21 other relevant State agencies, or local edu-
22 cational agency shall submit an application to
23 the Secretary at such time, in such manner,
24 and containing or accompanied by such infor-

1 mation as the Secretary may reasonably re-
2 quire.

3 “(3) DISTRIBUTION OF GRANTS.—The Sec-
4 retary shall distribute emergency disaster grant
5 funds—

6 “(A) based on demonstrated need, to State
7 educational agencies or local educational agen-
8 cies for local educational agencies whose enroll-
9 ment of homeless children and youths has in-
10 creased as a result of a hurricane, flood, or
11 other natural disaster for which the President
12 has declared a major disaster under title IV of
13 the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act (42 U.S.C. 5170 et
15 seq.);

16 “(B) expeditiously, and in no case later
17 than 75 days after such funds are appropriated
18 to the Secretary; and

19 “(C) in a manner that enables local edu-
20 cational agencies to use such funds for the im-
21 mediate needs of disaster response and ongoing
22 disaster recovery.

23 “(4) AMOUNT OF GRANTS.—The Secretary shall
24 distribute grants under this subsection in amounts
25 determined by the Secretary and related to the in-

1 crease in enrollment of homeless children and youths
2 as a result of such major disaster.

3 “(5) USES OF FUNDS.—A local educational
4 agency or State educational agency that receives an
5 emergency disaster grant under this subsection shall
6 use the grant funds to carry out the activities de-
7 scribed in section 723(d).

8 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
9 **THE EDUCATION OF HOMELESS CHILDREN**
10 **AND YOUTH.**

11 “(a) GENERAL AUTHORITY.—

12 “(1) IN GENERAL.—The State educational
13 agency shall, in accordance with section 722(e), and
14 from amounts made available to such agency under
15 section 727, make subgrants to local educational
16 agencies for the purpose of facilitating the identifica-
17 tion, enrollment, attendance, and success in school
18 of homeless children and youth.

19 “(2) SERVICES.—

20 “(A) IN GENERAL.—Services under para-
21 graph (1)—

22 “(i) may be provided through pro-
23 grams on school grounds or at other facili-
24 ties; and

1 “(ii) shall, to the maximum extent
2 practicable, be provided through existing
3 programs and mechanisms that integrate
4 homeless children and youth with non-
5 homeless children and youth.

6 “(B) SERVICES ON SCHOOL GROUNDS.—If
7 services under paragraph (1) are provided to
8 homeless children and youth on school grounds,
9 the schools involved may use funds under this
10 subtitle to provide the same services to other
11 children and youth who are determined by the
12 local educational agency serving the school to be
13 at risk of failing in, or dropping out of, school.

14 “(3) REQUIREMENT.—Services provided under
15 this section shall not replace the regular academic
16 program and shall be designed to expand upon or
17 improve services provided as part of the school’s reg-
18 ular academic program.

19 “(4) DURATION OF GRANTS.—Subgrants under
20 this section shall be for terms not to exceed 3 years.

21 “(b) APPLICATION.—A local educational agency that
22 desires to receive a subgrant under this section shall sub-
23 mit an application to the State educational agency at such
24 time, in such manner, and containing or accompanied by
25 such information as the State educational agency may rea-

1 sonably require. Such application shall include the fol-
2 lowing:

3 “(1) An assessment of the educational and re-
4 lated needs of homeless children and youth in the
5 area served by such agency (which may be under-
6 taken as part of a needs assessment for other dis-
7 advantaged group).

8 “(2) A description of the services and programs
9 for which assistance is sought to address the needs
10 identified in paragraph (1).

11 “(3) An assurance that the local educational
12 agency’s combined fiscal effort per student, or the
13 aggregate expenditures of that agency and the State
14 with respect to the provision of free public education
15 by such agency for the fiscal year preceding the fis-
16 cal year for which the subgrant determination is
17 made, was not less than 90 percent of such com-
18 bined fiscal effort or aggregate expenditures for the
19 second fiscal year preceding the fiscal year for which
20 the determination is made.

21 “(4) An assurance that the applicant complies
22 with, or will use requested funds to comply with,
23 paragraphs (3) through (7) of section 722(g).

24 “(5) A description of policies and procedures
25 that the agency will implement to ensure that activi-

1 ties carried out by the agency will not isolate or stig-
2 matize homeless children and youth.

3 “(6) An assurance that the local educational
4 agency will collect and promptly provide data re-
5 quested by the State Coordinator pursuant to para-
6 graphs (1) and (3) of section 722(f).

7 “(7) An assurance that the local educational
8 agency has removed the policies and practices that
9 have created barriers to the identification, enroll-
10 ment, attendance, retention, and success in school of
11 all homeless children and youth.

12 “(c) AWARDS.—

13 “(1) IN GENERAL.—The State educational
14 agency shall, in accordance with the requirements of
15 this subtitle and from amounts made available to it
16 under section 722(a), make subgrants on a competi-
17 tive basis to local educational agencies that submit
18 applications under subsection (b). Such subgrants
19 shall be awarded on the basis of the need of such
20 agencies under this subtitle and the quality of the
21 applications submitted.

22 “(2) NEED.—

23 “(A) IN GENERAL.—In determining need
24 under paragraph (1), the State educational
25 agency may consider the number of homeless

1 children and youth enrolled in preschool, ele-
2 mentary schools, and secondary schools within
3 the area served by the local educational agency,
4 and shall consider the needs of such children
5 and youth and the ability of the local edu-
6 cational agency to meet such needs.

7 “(B) OTHER CONSIDERATIONS.—The
8 State educational agency may also consider the
9 following:

10 “(i) The extent to which the proposed
11 use of funds will facilitate the identifica-
12 tion, enrollment, retention, and educational
13 success of homeless 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 “(ii) The extent to which the applica-
19 tion reflects coordination with other local
20 and State agencies that serve homeless
21 children and youth.

22 “(iii) The extent to which the appli-
23 cant exhibits in the application and in cur-
24 rent practice (as of the date of submission

1 of the application) a commitment to edu-
2 cation for all homeless children and youth.

3 “(iv) Such other criteria as the State
4 agency determines to be appropriate.

5 “(3) QUALITY.—In determining the quality of
6 applications under paragraph (1), the State edu-
7 cational agency shall consider the following:

8 “(A) The applicant’s needs assessment
9 under subsection (b)(1) and the likelihood that
10 the program presented in the application will
11 meet such needs.

12 “(B) The types, intensity, and coordination
13 of the services to be provided under the pro-
14 gram.

15 “(C) The extent to which the applicant will
16 promote meaningful involvement of parents or
17 guardians of homeless children or youth in the
18 education of their children.

19 “(D) The extent to which homeless chil-
20 dren and youths will be integrated into the reg-
21 ular education program involved.

22 “(E) The quality of the applicant’s evalua-
23 tion plan for the program.

24 “(F) The extent to which services provided
25 under this subtitle will be coordinated with

1 other services available to homeless children
2 and youth and their families, including housing
3 and social services and services provided under
4 the Individuals with Disabilities Education Act
5 (20 U.S.C. 1400 et seq.), title I of the Elemen-
6 tary and Secondary Education Act of 1965 (20
7 U.S.C. 6301 et seq.), and similar State and
8 local programs.

9 “(G) The extent to which the local edu-
10 cational agency will use the subgrant to lever-
11 age resources, including by maximizing funding
12 for the position of the liaison described in sec-
13 tion 722(g)(1)(J)(ii) and the provision of trans-
14 portation.

15 “(H) The local educational agency’s use of
16 funds to serve homeless children and youth
17 under section 1113(c)(3) of the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C.
19 6313(c)(3)).

20 “(I) The extent to which the applicant’s
21 program meets such other measures as the
22 State educational agency considers to be indic-
23 ative of a high-quality program, including the
24 extent to which the local educational agency will

1 provide services to unaccompanied youth and
2 preschool-aged children.

3 “(J) The extent to which the application
4 describes how the applicant will meet the re-
5 quirements of section 722(g)(4).

6 “(d) AUTHORIZED ACTIVITIES.—A local educational
7 agency may use funds awarded under this section for ac-
8 tivities that carry out the purpose of this subtitle, includ-
9 ing the following:

10 “(1) The provision of tutoring, supplemental in-
11 struction, and enriched educational services that are
12 linked to the achievement of the same college and
13 career ready State academic content standards and
14 college and career ready State student academic
15 achievement standards the State establishes for
16 other children and youths.

17 “(2) The provision of expedited evaluations of
18 the strengths, needs, and eligibility of homeless chil-
19 dren and youth, including needs and eligibility for
20 programs and services (including educational pro-
21 grams for gifted and talented students, children with
22 disabilities, and students with limited English pro-
23 ficiency, charter school programs, magnet school
24 programs, programs in career and technical edu-
25 cation, and school nutrition programs).

1 “(3) Professional development and other activi-
2 ties for educators and specialized instructional sup-
3 port personnel that are designed to heighten the un-
4 derstanding and sensitivity of such educators and
5 personnel to the needs of homeless children and
6 youth, the rights of such children and youth under
7 this subtitle, and the specific educational needs of
8 runaway and homeless youth.

9 “(4) The provision of referral services to home-
10 less children and youths for medical, dental, mental,
11 and other health services.

12 “(5) The provision of assistance to defray the
13 excess cost of transportation under paragraphs
14 (1)(J)(iii) and (5)(A) of section 722(g) not otherwise
15 provided through Federal, State, or local funding.

16 “(6) The provision of developmentally appro-
17 priate early childhood education programs, not oth-
18 erwise provided through Federal, State, or local
19 funding.

20 “(7) The provision of services and assistance to
21 attract, engage, and retain homeless children and
22 youth, particularly homeless children and youth who
23 are not enrolled in school, in public school programs
24 and services provided to nonhomeless children and
25 youths.

1 “(8) The provision for homeless children and
2 youths of before- and after-school, mentoring, and
3 summer programs in which a teacher or other quali-
4 fied individual provides tutoring, homework assist-
5 ance, and supervision of educational activities.

6 “(9) If necessary, the payment of fees and
7 other costs associated with tracking, obtaining, and
8 transferring records necessary to facilitate the ap-
9 propriate placement of homeless children and youths
10 in school, including birth certificates, immunization
11 or medical records, academic records, guardianship
12 records, and evaluations for special programs or
13 services.

14 “(10) The provision of education and training
15 to the parents of homeless children and youths about
16 the rights of, and resources available to, such chil-
17 dren and youth, and other activities designed to in-
18 crease the meaningful involvement of families of
19 homeless children or youth in the education of their
20 children.

21 “(11) The development of coordination of ac-
22 tivities between schools and agencies providing serv-
23 ices to homeless children and youths, as described in
24 section 722(g)(6).

1 “(12) The provision of pupil services (including
2 counseling) and referrals for such services.

3 “(13) Activities to address the particular needs
4 of homeless children and youth that may arise from
5 domestic violence and parental mental health or sub-
6 stance abuse problems.

7 “(14) The adaptation of space and purchase of
8 supplies for any nonschool facilities made available
9 under subsection (a)(2) to provide services under
10 this subsection.

11 “(15) The provision of school supplies, includ-
12 ing those supplies to be distributed at shelters or
13 temporary housing facilities, or other appropriate lo-
14 cations.

15 “(16) The provision of assistance to defray the
16 cost of the position of liaison designated pursuant to
17 section 722(g)(1)(J)(ii), not otherwise provided
18 through Federal, State, or local funding.

19 “(17) The provision of other extraordinary or
20 emergency assistance needed to enable homeless chil-
21 dren and youth to enroll, attend, and succeed in
22 school, including in early childhood education pro-
23 grams.

1 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

2 “(a) REVIEW OF STATE PLANS.—In reviewing the
3 State plan submitted by a State educational agency under
4 section 722(g), the Secretary shall use a peer review pro-
5 cess and shall evaluate whether State laws, policies, and
6 practices described in such plan adequately address the
7 problems of all homeless children and youth relating to
8 access to education and placement as described in such
9 plan.

10 “(b) TECHNICAL ASSISTANCE.—The Secretary
11 shall—

12 “(1) provide support and technical assistance to
13 a State educational agencies to assist such agencies
14 in carrying out their responsibilities under this sub-
15 title; and

16 “(2) establish or designate a Federal Office of
17 the Coordinator for Education of Homeless Children
18 and Youths that has sufficient capacity, resources,
19 and support to carry out the responsibilities de-
20 scribed in this subtitle.

21 “(c) NOTICE.—

22 “(1) IN GENERAL.—The Secretary shall, before
23 the next school year that begins after the date of en-
24 actment of the Student Success Act, develop and
25 disseminate a public notice of the educational rights
26 of homeless children and youth. The notice shall in-

1 clude information regarding the definition of home-
2 less children and youth in section 726.

3 “(2) DISSEMINATION.—The Secretary shall dis-
4 seminate the notice nationally. The Secretary also
5 shall disseminate such notice to heads of other De-
6 partment of Education offices, including those re-
7 sponsible for special education programs, higher
8 education, and programs under parts A, B, C, D, G,
9 and H of title I, title III, title IV, and part B of title
10 V of the Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391
12 et seq., 6421 et seq., 6531 et seq., 6551 et seq.,
13 6801 et seq., 7102 et seq., and 7221 et seq.). The
14 Secretary shall also disseminate such notice to heads
15 of other Federal agencies, and grant recipients and
16 other entities carrying out federally funded pro-
17 grams, including Head Start programs, grant recipi-
18 ents under the Health Care for the Homeless pro-
19 gram of the Health Resources and Services Adminis-
20 tration of the Department of Health and Human
21 Services, grant recipients under the Emergency
22 Food and Shelter National Board Program of the
23 Federal Emergency Management Agency, grant re-
24 cipients under the Runaway and Homeless Youth
25 Act (42 U.S.C. 5701 et seq.), grant recipients under

1 the John H. Chafee Foster Care Independence pro-
2 gram, grant recipients under homeless assistance
3 programs administered by the Department of Hous-
4 ing and Urban Development, and recipients of Fed-
5 eral funding for programs carried out by the Admin-
6 istration on Children, Youth and Families of the De-
7 partment of Health and Human Services.

8 “(d) EVALUATION AND DISSEMINATION.—The Sec-
9 retary shall conduct evaluation, dissemination, and tech-
10 nical assistance activities of programs designed to meet
11 the educational needs of homeless preschool, elementary
12 school, and secondary school students, and may use funds
13 appropriated under section 727 to conduct such activities.

14 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
15 retary shall require applications for grants under section
16 722 to be submitted to the Secretary not later than the
17 expiration of the 120-day period beginning on the date
18 that funds are available for purposes of making such
19 grants and shall make such grants not later than the expi-
20 ration of the 180-day period beginning on such date.

21 “(f) DETERMINATION BY SECRETARY.—The Sec-
22 retary, based on the information received from the States
23 and information gathered by the Secretary under sub-
24 section (h), shall determine the extent to which State edu-
25 cational agencies are ensuring that each homeless child

1 and homeless youth has access to a free appropriate public
2 education, as described in section 721(1). The Secretary
3 shall provide support and technical assistance to State
4 educational agencies in areas in which barriers to a free
5 appropriate public education persist.

6 “(g) PUBLICATION.—The Secretary shall develop,
7 issue, and publish in the Federal Register, not later than
8 90 days after the date of enactment of the Student Suc-
9 cess Act, a summary of the changes enacted by that Act
10 and related strategies, which summary shall include—

11 “(1) strategies by which a State can assist local
12 educational agencies to implement the provisions
13 amended by the Act;

14 “(2) strategies by which a State can review and
15 revise State policies and procedures that may
16 present barriers to the identification, enrollment, at-
17 tendance, and success of homeless children and
18 youth in school; and

19 “(3) strategies by which entities carrying out
20 preschool programs can implement requirements of
21 section 722(g)(3).

22 “(h) INFORMATION.—

23 “(1) IN GENERAL.—From funds appropriated
24 under section 727, the Secretary shall, directly or
25 through grants, contracts, or cooperative agree-

1 ments, periodically, but not less frequently than
2 every two years, collect and disseminate publicly
3 data and information regarding—

4 “(A) the number and location of homeless
5 children and youth;

6 “(B) the education and related support
7 services such children and youth receive;

8 “(C) the extent to which the needs of
9 homeless children and youth are being met;

10 “(D) the academic progress being made by
11 homeless children and youth, including the per-
12 cent or number of homeless children and youth
13 participating in State assessments; and

14 “(E) such other data and information as
15 the Secretary determines to be necessary and
16 relevant to carry out this subtitle.

17 “(2) COORDINATION.—The Secretary shall co-
18 ordinate such collection and dissemination with
19 other agencies and entities that receive assistance
20 and administer programs under this subtitle.

21 “(i) REPORT.—Not later than 4 years after the date
22 of enactment of the Student Success Act, the Secretary
23 shall prepare and submit to the President and the Com-
24 mittee on Education and the Workforce of the House of
25 Representatives and the Committee on Health, Education,

1 Labor, and Pensions of the Senate a report on the status
2 of education of homeless children and youths, which shall
3 include information on—

4 “(1) the education of homeless children and
5 youth; and

6 “(2) the actions of the Secretary and the effec-
7 tiveness of the programs supported under this sub-
8 title.

9 **“SEC. 725. RULE OF CONSTRUCTION.**

10 “Nothing in this subtitle shall be construed to dimin-
11 ish the rights of parents or guardians of homeless children
12 or youth, or unaccompanied youth, otherwise provided
13 under State law, policy, or practice, including laws or poli-
14 cies that authorize the best interest determination in sec-
15 tion 722(g)(3) to be made solely by the parent, guardian,
16 or youth involved.

17 **“SEC. 726. DEFINITIONS.**

18 “In this subtitle:

19 “(1) ENROLL; ENROLLMENT.—The terms ‘en-
20 roll’ and ‘enrollment’ include attending classes and
21 participating fully in school activities.

22 “(2) HOMELESS CHILDREN AND YOUTH.—The
23 term ‘homeless children and youth’—

1 “(A) means individuals who lack a fixed,
2 regular, and adequate nighttime residence
3 (within the meaning of section 103(a)(1)); and
4 “(B) includes—
5 “(i) children and youth who—
6 “(I) are sharing the housing of
7 other persons due to loss of housing,
8 economic hardship, or a similar rea-
9 son;
10 “(II) are living in motels, hotels,
11 trailer parks, or camping grounds due
12 to the lack of alternative adequate ac-
13 commodations;
14 “(III) are living in emergency or
15 transitional shelters;
16 “(IV) are awaiting foster care
17 placement; and
18 “(V) are abandoned in hospitals;
19 “(ii) children and youth who have a
20 primary nighttime residence that is a pub-
21 lic or private place not designed for or or-
22 dinarily used as a regular sleeping accom-
23 modation for human beings (within the
24 meaning of section 103(a)(2)(C));

1 “(iii) children and youth who are liv-
2 ing in cars, parks, public spaces, aban-
3 doned buildings, substandard housing, bus
4 or train stations, or similar settings; and

5 “(iv) migratory children (as such term
6 is defined in section 1312 of the Elemen-
7 tary and Secondary Education Act of
8 1965) who qualify as homeless for the pur-
9 poses of this subtitle because the children
10 are living in circumstances described in
11 clauses (i) through (iii).

12 “(3) LOCAL EDUCATIONAL AGENCY; STATE
13 EDUCATIONAL AGENCY.—The terms ‘local edu-
14 cational agency’ and ‘State educational agency’ have
15 the meanings given such terms in section 9101 of
16 the Elementary and Secondary Education Act of
17 1965 (20 U.S.C. 7801).

18 “(4) SECRETARY.—The term ‘Secretary’ means
19 the Secretary of Education.

20 “(5) STATE.—The term ‘State’ means each of
21 the 50 States, the District of Columbia, and the
22 Commonwealth of Puerto Rico.

23 “(6) UNACCOMPANIED YOUTH.—The term ‘un-
24 accompanied youth’ means a homeless child or youth

1 not in the physical custody of a parent or legal
2 guardian.

3 **“SEC. 727. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) IN GENERAL.—For the purpose of carrying out
5 this subtitle, other than section 725, there are authorized
6 to be appropriated to the Secretary \$100,000,000 for fis-
7 cal year 2014 and such sums as may be necessary for each
8 of fiscal years 2015 through 2020.

9 “(b) EMERGENCY DISASTER GRANTS.—In addition
10 to sums authorized under subsection (a), there are author-
11 ized to be appropriated to the Secretary to carry out sub-
12 section (h) such additional sums as may be necessary.”.

